HOUSE OF ASSEMBLY

Tuesday, February 3, 1976

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

ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Aboriginal Lands Trust Act Amendment,
Acts Interpretation Act Amendment,
Adelaide Festival Theatre Act Amendment,
Administration and Probate Act Amendment,
Architects Act Amendment,
Coast Protection Act Amendment,
Community Welfare Act Amendment,
Family Relationships,
Fisheries Act Amendment,
Guardianship of Infants Act Amendment,
Industrial Conciliation and Arbitration Act Amendment (Moratorium),
Lottery and Gaming Act Amendment,
Monarto Development Commission (Additional Powers),
Municipal Tramways Trust Act Amendment,
National Trust of South Australia Act Amendment,
Prisons Act Amendment,
Public Finance Act Amendment,
Public Service Act Amendment,
South Australian Railways Commissioner's Act Amendment,
Sex Discrimination,
Statute Law Revision (Hospitals),
Surveyors,
Wrongs Act Amendment.

CONSTITUTION ACT AMENDMENT BILL (COMMISSION)

The SPEAKER: The Governor informs the House of Assembly that Royal assent was proclaimed regarding the Bill on January 22, 1976.

DEATH OF FORMER MEMBERS

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

That this House express its regret at the recent deaths of Mr. J. R. Ferguson, former member for Yorke Peninsula and Goyder, and Mr. A. C. Hogben, former member for Sturt, in the House of Assembly, and place on record its appreciation of their meritorious service to this State and that, as a mark of respect to the memory of the deceased, the sitting of the House be suspended until the ringing of the bells.

Mr. J. R. Ferguson was well known to most members of this House. He was member for Yorke Peninsula from 1963 until 1970 and member for Goyder from 1970 until 1973, and a member of the Land Settlement Committee from 1965 until 1973. He was a kindly and religious man, very well regarded in his district, and a friend to every member of this House. Not a member of the House did not pay the greatest of respect to Mr. Ferguson, to his attachment to his principles and beliefs, and to the kindliness he showed to all who knew him and dealt with him.

Mr. Hogben was a member of this House from 1933 to 1938, before any of us came here. He was a prominent South Australian citizen, a valued member of the South Australian Housing Trust Board from 1940 to 1966, and a member of the board of the Savings Bank of South Australia (a politician who was appointed to that board) from 1938 to 1965.

Dr. TONKIN (Leader of the Opposition): I support the Premier's motion and remarks. As the Premier has said, it was not the privilege of many existing members to have known Mr. Hogben well; nevertheless, he was a most valued member of our society and, indeed, has been termed by some people as being the founder of the South Australian Housing Trust. He was a trustee of the Co-operative Building Society and Cowells Limited. He gave valuable service as a justice of the peace and was a past President of the Adelaide Benevolent and Strangers Friendly Society. Generally, he was a man of whom the State could be proud and who gave the State good service.

As the Premier has said, Jim Ferguson first represented the seat of Yorke Peninsula and then the seat of Goyder. When I first came into the House, I saw that he looked after new members particularly well and frequently put them on the right track. He lost no time in introducing new members to the extra-curricula skills that are necessary on the first floor. He showed a faith and belief in religion and in principles that was exemplified by his service to the Methodist Church as a lay preacher. He was proud of Yorke Peninsula and Weetulta. He was proud of the land and of being a farmer. He was a man whom it was a great honour and privilege to know. He loved gardening and showed his flowers with great pride. Many people here saw the fruits of his labours as the flowers he brought down from week to week adorned the dining-room and other rooms of Parliament House.

The relatives of Mr. Hogben and the family and relatives of Jim Ferguson, to whom we extend our deepest sympathy, can be sure that the memory of these gentlemen will live on in the hearts and minds of their friends.

Mr. BOUNDY (Goyder): Personally and on behalf of the Liberal Movement, I, too, add my tribute, especially to Mr. Jim Ferguson whom I knew for many years as a family friend. I also pay a tribute to Mr. Hogben who, my Leader tells me, was of material assistance to him in the early days of his Parliamentary career. As the Premier and the Leader of the Opposition have said, Mr. Ferguson's principles were held in high regard and were evident in everything he did. I ask that these expressions of sympathy and of high regard for both members be extended to their families.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.10 *to* 2.18 *p.m.]*

PETITION: BURNSIDE PRIMARY SCHOOL

Mr. DEAN BROWN presented a petition signed by 60 residents of the city of Burnside praying that the House urge the Government to consider zoning areas to restrict the number of children eligible to attend the Burnside Primary School.

Petition received.

PETITION: NAIRNE POLICE STATION

Mr. WOTTON presented a petition signed by 101 residents of Nairne praying that the House urge the Government to reinstate the staff of the Nairne Police Station.

Petition received.

PETITION: INVERBRACKIE VILLAGE

Mr. WOTTON presented a petition signed by 72 residents of Inverbrackie praying that the House urge the Government to reduce the speed limit on the Nairne Road in the area of Inverbrackie village to 60 kilometres an hour.

Petition received.

PETITION: SUCCESSION DUTIES

Dr. TONKIN presented a petition signed by 203 residents of South Australia praying that the House support the abolition of succession duties on that part of an estate passing to a surviving spouse.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following written answers to questions be distributed and printed in *Hansard.*

RAILWAY BRIDGES

Mr. MILLHOUSE (on notice):

1. Who designed and laid down the specifications for the bridge carrying the standard gauge railway over Crystal Brook Creek?

2. Were the specifications the same for all the bridges carrying this railway?

3. Had a cost-benefit analysis been made, and what were the considerations arising from it, before specifications for this bridge were laid down?

4. What meteorological, flooding, and other factors were allowed for in these specifications, and what data was used to establish such factors?

5. What authorities and records were used to compile such data?

6. Why were the footings for this bridge placed at 1 metre depth below minimum stream-bed level?

7. Was the scouring potential of the creek bed taken into consideration?

8. What is the likelihood of other bridges carrying this railway being similarly damaged?

9. What inspections of these bridges are carried out to check the safety of trains passing over them?

10. Is the Minister satisfied that sufficient precautions are being taken to protect the safety of passengers using this railway?

11. Is the replacement bridge over Crystal Brook Creek to be built to the same specifications as the old bridge and, if not, why not?

12. Are any other bridges carrying this railway to be strengthened or replaced?

13. Will monitoring devices be placed on these bridges?

The Hon. G. T. VIRGO: Following the failure of the two bridges, one at Crystal Brook on October 24 and the other at Winnininnie on December 12, 1975, I requested the Chairman, State Transport Authority, to arrange for a consultant to conduct an independent inquiry into the alleged bridge defects on the Port Pirie to Broken Hill standard gauge railway line. The terms of reference were as follows:

1. To establish the causes of the bridge failures experienced to date on the Port Pirie to Broken Hill standard gauge railway.
2. To consider the design of the bridges on this railway in relation to the established causes of failure, having regard to bridge design practice at the time, the history of the then existing narrow gauge railway and other relevant matters. To determine whether the design of the bridges was appropriate at the time the designs were prepared, and to indicate any variations of the design considered to have been preferable at that time, or required now in the light of subsequent events.
3. To consider and comment upon any construction procedures and site decisions relevant to the failures experienced to date.
4. To indicate the means, if any, by which failures experienced to date could have been anticipated and any preventive action that would have been desirable and justified.
5. To recommend any action now considered desirable and justified to ensure safe operation of this railway in so far as bridges are concerned.
6. To undertake such further investigations and to make such further recommendations as may be required as a result of information revealed by the investigations indicated above.

Arrangements were made for an eminent consulting engineer in private practice, who had many years of experience in railway bridge design and construction in Australia and overseas, to undertake the inquiry and it was anticipated that the inquiry would take five weeks to complete. On January 22, 1976, I received a telex communication from Mr. C. W. Freeland, First Assistant Secretary, Land Transport Policy Division, Department of Transport, Canberra, informing me that the Federal Minister of Transport (Mr. P. Nixon) had asked the Australian National Railways Commission to carry out the investigation and report to him. In these circumstances, I consider it would be improper for me to supply the information requested. I recently wrote to the honourable member informing him of the above.

FILM CORPORATION

Mr. EVANS (on notice):

1. How much has been earned towards the cost of producing and promoting the film *Sunday Too Far Away?*

2. Has a promotion fee been paid for this film and, if so, to whom and how much?

3. What was the total cost of this film, including all overhead costs and promotion and market costs?

4. What success has been achieved in marketing *Sunday Too Far A way* overseas?

5. How many South Australians, who were residing in South Australia immediately before 1972, hold senior positions with the South Australian Film Corporation?

6. Based on acceptable accounting standards, what are the actual overheads of the corporation expressed as a percentage of film production cost, and are these costs kept to a minimum?

7. How much time is spent on corporation business by the corporation's (business) producers in view of their full-time salaries?

8. Is the producer of feature films with the corporation on contract from the United States of America and, if so, how much time has he spent on other than corporation business?

9. What are the names and positions of corporation personnel who have made journeys outside South Australia at the expense of the corporation; what was the cost of these journeys and what areas were visited?

10. How much of the corporation's commercial borrowings is being channelled into film productions, and what proportion is being spent on overheads?

11. How much money was spent on promotion and reviews for the film *Sunday Too Far Away?*

12. What is the accumulated loss of the corporation's nine-screen project?

13. How much is it costing a month to maintain the corporation studio at Norwood, and what income has been received from it?

14. What is the cost of bringing film crew members from Eastern States compared to employing South Australians?

15. Has any film, produced by the corporation shown a profit over and above total cost?

16. What are the forecasted losses of the corporation over this and the next financial year, respectively?

17. How many resignations have occurred from staff of the corporation and how many employees have been requested to resign, respectively, and what are the names of the persons involved in these resignations?

18. How many senior staff in the corporation have held senior positions in a profitable commercial organisation, and what are the details of their previous appointment?

19. What prospects has the corporation of repaying its interest-bearing loans, which have been guaranteed by the Treasurer?

20. Will the Premier have an investigation carried out by management consultants in an endeavour to establish a sound business base for the corporation?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Actual income in respect of *Sunday Too Far Away* received by the corporation to December 24, 1975, was $192 171, representing film hire and advances against overseas sales. Australian gross film hire, before deduction of commercial distributors' costs and fees, was $279 967 to the end of November, of which $85 498 was earned in Adelaide.

2. *(a)* A promotion fee of $3 000 was paid to a publicist in Paris to assist in the promotion of the film at the 1975 Cannes Film Festival. This figure was lower than the fees charged by some other publicists in London and elsewhere. His assistance in promoting *Sunday Too Far Away* in Cannes was so valuable that he has been approached by several other Australian producers to promote their pictures at the next Cannes Film Festival.

(b) A fee of $642 was paid to a Sydney public relations company which carried out all publicity work over a period of seven weeks with national magazines. It also handled press conferences at the time of screening of *Sunday Too Far Away* at the Sydney Film Festival, and subsequent premieres of the film to the media in Melbourne and Sydney. As a result, colour spreads and/or feature articles appeared in *Women's Weekly, Women's Day, Cleo, Cosmopolitan, Pol, Dolly,* and *Vogue.*

3. *Sunday Too Far Away:* Total cost of production including overheads, $380 631; net cost of promotion and marketing (subject to final notification and adjustment with overseas distributors) is estimated at $32 500.

4. The overseas distribution of *Sunday Too Far Away* has been remarkable, especially considering the film is uncompromising in its Australian authenticity. This is an aspect which has contributed to its considerable success in Australia, and likewise inhibited its potential in some overseas markets. For example, the major American distributors have not to date decided to take the film, because the accents make it unintelligible to general American audiences. However, in every case, when screened for American distributors, they have been complimentary about the production standards and values. On the strength of the quality of *Sunday Too Far Away* interest is already being expressed by overseas distributors in *Picnic At Hanging Rock,* which of course was adjudged by the corporation to have greater international marketing potential. A contract for *Sunday Too Far Away* with Columbia-Warner has been signed for a West End and subsequent provincial release in the United Kingdom. The film has been sold for "up front" money to Germany, and distribution deals have been signed for France and Switzerland; the contract for release in New Zealand through Twentieth-Century-Fox is now being arranged, and deals are being negotiated with Canadian, Dutch, Hungarian, and Polish distributors with correspondence being conducted for sales to Russia.

The film has pre-sold to the channel 7 television network in Australia, and we are now negotiating with Swedish and Dutch television networks. It is pleasing to note that, since *Sunday's* success at the Cannes Film Festival, it has now become one of the most sought-after films on the world film festival circuit; it has been rated as one of the world's 10 top films of the year in the 1976 International Film Guide. Its most recent success was in winning a Silver Plaque at the Chicago Film Festival, and it has been invited to the Los Angeles Film Festival to be held in March 1976.

5. Eight people in senior technical, supervisory, or management posts were resident in South Australia immediately before 1972. Five other former residents of South Australia are employed by the corporation in senior positions. It needs to be recognised that the corporation operates as a commercially based organisation. All of its production and marketing activities are funded from borrowed moneys, which the corporation must repay from its income. To do this it necessarily selects its staff, and particularly those in senior positions, on the basis of the best people available. Whenever possible the corporation recruits people resident in South Australia but, if suitably experienced people are not available within this State, the corporation selects a suitable person from another State or overseas.

6. For sponsored Government films the corporation applies a mark-up on the commercial producer's contract price of 33⅓ per cent for 35 mm productions and 50 per cent for 16 mm productions. This mark-up is intended to recover the corporation's supervisory costs for an executive producer, and for other overhead costs such as a proportion of management, administrative, rental, telephone, postage, and other miscellaneous expenses. The corporation also acts as its own completion guarantor, giving the sponsor a guarantee of satisfactory completion of its production. At this stage of film industry development in South Australia, use of local companies and personnel has frequently involved the corporation in having scripts re-written several times and in cancellation of production contracts, because of unsatisfactory performance, necessitating completion of such films at the corporation's expense. It is impossible to generalise satisfactorily on overheads in relation to production costs. The relationship between overheads and costs varies with each film according to its complexity and to the relative competence and experience of the local companies and personnel used. In practice, these rates of mark-up for sponsored films often do not recover total actual costs.

For feature films and television productions undertaken by the corporation from its own borrowed funds, the corporation's overheads are included in the budget for each such production. Several major productions have been undertaken with investment from the Australian Film Commission (and its predecessor, the Australian Film Development Corporation) and from commercial distributors, and more recently from commercial television networks. That the corporation has been able to satisfy the strict cost criteria applied by these other co-investors is sufficient evidence that it is able to produce a high quality product and keep its overheads on competitive terms with other commercial producers.

7. This question could be taken as an insulting and baseless inference that the corporation's producers do not devote their full working time to the duties for which they are paid. Senior members of the corporation's staff do undertake additional responsibilities in serving on boards and councils dealing with film industry matters. That these

hard-worked people make time to serve in these other capacities is a credit to themselves and to the corporation, and gives additional recognition of their competence and of the respect in which the corporation is held in this State and elsewhere in Australia. Corporation staff perform these additional functions for outside bodies with the prior knowledge and approval of the corporation which recovers all expenses where appropriate. Some corporation staff also provides assistance and advice to various bodies on a voluntary unpaid basis, giving of their time as a personal contribution to the development of the industry. Senior corporation staff receive no payment at all for overtime duty regularly performed on corporation business.

8. The reply to question 7 also applies to this question.

9. It would be a long and pointless exercise for the corporation to present a detailed list of every journey undertaken by its staff. The corporation maintains strict control over all its expenditures, including travel. Indeed, some of the corporation's business is undertaken during visits made by senior staff attending meetings of bodies in other States where their travel and accommodation expenses are met by those bodies.

10. The honourable member should read the corporation's Annual Report for 1974-75 and the attached financial statements tabled in the Parliament on November 5, 1975.

11. As stated in the reply to question 3, about $32 500 net was spent on the promotion of *Sunday Too Far Away,* including almost $20 000 for the production of 35 mm trailers and a 16 mm 25-minute documentary on the making of the film entitled *The Making of Sunday.* This documentary has been shown on television in every capital city of Australia and many of the smaller centres to promote *Sunday Too Far Away.* Nothing was spent on "reviews", whatever that means. If this is meant to hint at professional critics having been bribed or influenced by some improper means, the honourable member may care to take this up directly with the many respected critics in Australia and abroad who have praised the film so highly.

12. The accumulated loss to date for the super circle cinema nine-screen project is $67 865, which includes the cost of production of the film *A Motion and a Spirit.* The first design for the cinema structure has proven to be less easily assembled and transported than the designers had thought possible. The corporation's staff has now designed and built a lighter wooden structure which is proving to be much more economical to operate. This is in regular use and was taken to Adelaide Week in Penang where it was enthusiastically received by capacity crowds. This experimental project has not yet proven itself to be commercially viable, but it has attracted audiences of scores of thousands over the last two and a half years and has done much to promote tourism in this State.

13. The average monthly cost of running, administering, equipping and staffing the corporation's studio at Norwood is $11 320. Revenue has averaged $7 489 a month for the six months to December 31, 1975, but this is expected to rise as more feature production is undertaken at the studio. Estimated revenue for the 12 months to June 30, 1976, is $108 000. It should be obvious that without a studio and essential facilities to produce feature films, such productions as *Picnic At Hanging Rock* would be produced elsewhere in Australia, thus denying experience and employment opportunities to South Australians. No commercial producer in South Australia has the resources to establish and maintain such facilities and without them feature film production could not be developed here.

14. Obviously it costs more to bring freelance production personnel from other States than to employ them locally. Air fares and accommodation expenses are the principal cause of these higher costs. It should be clear enough, however, that skilled film makers having experience and ability across the full range of production needs, are not resident in South Australia as yet. Because of the success of the corporation in bringing skilled people and employment opportunities to this State, local film makers are gaining experience and so the number of people needed from interstate is diminishing.

15. It is necessary to distinguish between films produced by the corporation from its borrowed funds, which necessarily are aimed at making a profit, and sponsored films produced to meet a specific objective of the sponsor and not simply to make profit through commercial distribution. In respect to the corporation's own productions, these have not had sufficient time to reach a profit level. For example, *Sunday Too Far Away* was given commercial cinema release on June 16, 1975, and *Picnic At Hanging Rock* on August 8, 1975. In the short time these two productions have been in commercial release they have achieved outstanding results; *Sunday Too Far Away* has good prospects of making a profit and *Picnic At Hanging Rock* will have repaid its investment and be in a profit-making position when distribution revenue for January, 1976, has been received. Because of the corporation's vigorous and effective marketing activities, sponsored films that were not aimed at producing a profit have nevertheless been sold to Australian cinemas and national and commercial television and several have been sold overseas. This is in contrast with much sponsored production from other sources which is given away simply to gain public exposure.

16. The projected deficit of the corporation for 1975-76 is $238 000 on a substantially increased turnover compared to 1974-75. This projection is subject to factors outside the direct control of the corporation; for example, the capacity of Australian television channels to buy local product at prices needed to cover production costs, and the results obtained by commercial distributors and exhibitors in promoting corporation films for commercial cinema release. Increasing costs of labour, materials, and services also will have a strong bearing upon the final trading result. Because of these difficulties in accurately forecasting cost increases and marketing prospects it is impossible to predict accurately what the trading result is likely to be in 1976-77. It will possibly be of the same order, however, as that forecast for 1975-76.

17. To answer this question would involve an unwarranted intrusion into the private affairs of people formerly employed by the corporation.

18. As on previous occasions when the honourable member has asked such questions, I refuse to bring into public debate the individual qualifications of the competent and hard working people employed by the corporation. As Minister responsible for the corporation, I expect these people to be judged by the results they achieve. As the results of the corporation's efforts in its short three years existence have earned the admiration of people well qualified to judge, both in Australia and abroad, it is a pity that the honourable member does not use the same objective criteria.

19. As I have stated previously, my Government requires the corporation to work towards becoming self-funding within its first 10 years of operation. Despite the difficulties that the film and television production industries throughout Australia are faced with, the corporation is making good progress toward achieving this objective.

20. Of its own volition the corporation has obtained proposals from several management consultants with the

objective of reviewing its organisation, staffing and business systems. The corporation is well aware of the need to make such review from time to time and is anxious to do so. This matter is still under consideration.

In summing up it would seem that some of the honourable member's questions are based upon such information as that given him in a letter he read in the House on November 5. Naturally, he did not disclose the name of his informant but did reveal that the writer was a former employee of the corporation. I would suggest to the honourable member that he consider carefully the motives and reliability of such a person before placing any confidence in distorted information conveyed to him by one who is obviously disgruntled and spiteful. This might well save a good deal of embarrassment for the honourable member and his Party.

I would also suggest to the honourable member that he consider calling a cease-fire in his sustained one-man war against the corporation. The South Australian Film Corporation Act properly holds the corporation publicly accountable for its activities, and specifically requires that it report annually through its Minister to the Parliament, supported by audited financial statements certified by the Auditor-General. Neither the Act nor my Government (and, I would hope, the other more objective members of the Opposition) expect, however, that the corporation should be hampered in its commercially orientated activities by constant badgering from the honourable member. This repeated sniping, based largely on the prompting of failed film makers and spiteful rejects, does nothing to help the morale of corporation staff working extremely well and hard to accomplish what no-one else has ever done in Australia, much less South Australia. If the honourable member's ambition is to tear down what the corporation has built so far, then the Parliament and the people of South Australia should be aware of this.

Meanwhile I would remind the Opposition that the South Australian Film Corporation is not a Government department, that it is commercially based, and that it cannot become commercially viable if required to spend excessive amounts of time, money, and energy on defending its every action from the persistent and petty sniping of the honourable member and his shabby collection of mean-minded informers. I invite the Leader of the Opposition in this House and his shadow Minister for Cultural Affairs in the Legislative Council to visit the corporation and see for themselves what is actually being achieved. By this means perhaps the Opposition may come to realise what damage is being done to their own standing in the film industry and the community generally by the unremitting and ill-natured nagging of their colleague.

REFUSE DISPOSAL

Mr. DEAN BROWN (on notice):

1. How many rubbish or refuse tips are there within the metropolitan area?

2. Where are these tips located and what type of refuse does each tip accept, and at what fee?

3. Is the Government planning new methods of refuse disposal and, if so, what systems are being considered?

4. Will any new disposal system adopt recycling of certain materials?

5. If the new disposal system includes incineration, will the heat generated be used for a useful purpose?

6. As much refuse is used as filling, has consideration been given to the construction of a pulveriser?

The Hon. D. W. SIMMONS: The replies are as follows:

1. There are 33 refuse depots in the Adelaide Metropolitan Planning Area.

2. There are 27 council and six privately operated depots. Of these, the following nine sites have no restrictions on the type of waste accepted:

Adelaide City Council dump at Wingfield.
Enfield council dump at Yatala.
Gawler council dump.
Marion council dump at Marino Rocks.
Munno Para council dump at Smithfield (except car bodies).
Noarlunga council dump at Lonsdale.
Salisbury council dump at St. Kilda.
Tea Tree Gully council dump.
Willunga council dump at Maslin Beach.

Ten council sites are used for the disposal of garbage and domestic wastes only:

East Torrens municipal destructor—Highbury.
Mitcham at Lynton (plus restricted hard refuse).
Mitcham at Eden Hills.
Port Adelaide and Unley at Garden Island.
West Torrens at West Beach.
Woodville at Beverley and Findon.
Prospect at Gepps Cross.
Meadows.
East Torrens at Ashton.

Seven council sites accept domestic and council-collected hard refuse:

Burnside.
Hindmarsh.
Mitcham at Fullarton.
Thebarton.
Unley at Glen Osmond.
Walkerville.
West Torrens at Camden.

One council site accepts garden refuse only: Burnside at Chambers Gully.

The six privately operated waste disposal sites accept all classes of domestic, commercial and industrial wastes.

They are:

Wingfield—W. J. Paull Holdings Pty. Ltd.
Dry Creek—Roy Amer & Company.
Garden Island—Waste Management Services.
Globe Park—Globe Refuse Disposal Proprietary Limited.
St. Kilda—United Carrying Services.
Heathfield—F. S. Evans and Sons Proprietary Limited.

Some councils accept ratepayers' wastes at their sites without cost. Tn other cases, a small charge is made depending on the quantity and class of waste received. Generally, 30c to 60c for a car load and about $1 a trailer load is an average charge. The cost of disposing of industrial and commercial wastes can vary considerably according to the nature of the waste. The cost varies from $1 to $10 a tonne. A general indication of charges can be illustrated by those charged by Noarlunga council, which body will accept all classes of waste at its depot. The advertised charges are:

Compacted truck loads	$35 a load
Loose truck loads	$10 a load
Tandem truck loads	$15 a load
Motor bodies	$12 a body

3. New methods of refuse disposal are not being planned at present, although various methods of waste disposal used in other States and overseas are constantly being evaluated. It is likely that sanitary landfill will be the main method of disposal in the metropolitan area for at least the next three to five years.

4. Yes, to the greatest practicable extent. The matter of reuse of material is already constantly under review,

and is encouraged. At present, a considerable quantity of ferrous and non-ferrous metals, paper, glass, rags, jute and organic materials is being recycled.

5. Yes. The establishment of any major incinerator facility would involve the use of any heat so generated if at all possible.

6. Methods of volume reduction of wastes, including the use of pulverisers, shredders and compaction units, are under consideration even by some councils and private waste disposal contractors. Small pulverisers and compaction units are already used in some institutions and industries.

COINS

Mr. DEAN BROWN (on notice):

1. Will the Government make available photocopies of the lists and descriptions by Spinks Limited of the 194 gold coins sold by Spinks Limited, London, on behalf of the Art Gallery of South Australia during 1973-74 and, if not, why not?

2. What was a precise description of the 194 coins sold, and what were the dates on each of the coins?

3. What were the terms of the resolution carried by the board of the Art Gallery concerning the sale of these coins, and what other statements are recorded in the minutes of meetings of the board concerning this sale?

The Hon. D. A. DUNSTAN: The replies are as follows:

1. Photocopies of the lists and descriptions of the 194 coins sold by Spink & Son Limited, during 1973-74 are attached as appendix 1.

2. A list of the coins sold showing dates, condition etc., is attached as appendix 2.

3. As a statutory authority the Art Gallery Board is not prepared to open its minutes in detail, but provides the following resume of decisions made in relation to the coin collection.

At its meeting of April 30, 1973, the Art Gallery Board resolved to rationalise its Numismatic Collection by the sale of certain parts and by the retention of sections comprising coins of Greek and Roman antiquity and of Australia, Asia and South East Asia, which it would endeavour to improve and consolidate. It was agreed that the coins should be sold on commission by Spink & Son Limited, that the proceeds should be shown in a special trust account and that the Auditor-General should be consulted regarding the method of sale and accounting. At subsequent meetings, the board was advised of the Auditor-General's approval which together with the board's original Minutes was seen by the responsible Minister (then the Minister of Education) who was informed that a press release was to be issued. (This was sent out on Wednesday, June 20, 1973.)

APPENDIX 1

THE ART GALLERY OF SOUTH AUSTRALIA
North Terrace, Adelaide, 5000, Australia
August, 1973

	Selling Price £	Credit £
75 James VI Scottish Unite	25	25
66 George III guinea 1791 mounted	20	16
20 5000 reis 1869 mounted	15	
7 10 marks 1873 & 1888	15	
29 Jubilee 1897 medal	20	
16 & 9 Italy 20 lire and 10 marks 1873	25	
117 Group of misc. gold	30	684
30 1887 large medal	350	
31 1897 large medal	210	
32 1902 large medal	190	
110 George VI proof sovereign	175	140
91 Tonga Koula, half & quarter (Mod. coin)	135	108
14 Italy 20 lire 1882	14.50	11.60
15 Italy 20 lire 1848 Venice	403.75	
78 ZAR Pond 1898	47.50	
8 Germany 10 marks 1898 proof	66.50	
11 Italy 100 lire 1912		
12 Italy 50 lire 1911		
18 Italy 50 lire 1912	2 000	
24 Italy 20 lire 1912		
25 Italy 10 lire 1912		
86 U.S.A. $10, 1914	36	
87 U.S.A. $5, 1836	90	
49 U.S.A. $1, 1856	36	
49 U.S.A. 1849	45	
68 James I Unite	102.60	
69 James I Half Unite	93.60	
118 One piece Cologun	120	
70 Edward IV Half Noble	120	
50 U.S.A. fractional	20	
61 Anne 5 guineas 1714	330	
21 Portugal 6400 reis 1731	234	
53 Bolivia 1855 half escudo	38	
72 Henry VII Angel	120	
45 France 20 francs 1807	40	
70 Edward HI Half noble	50	
74 Henry VI Salut d'or	222	
43 Denmark 20, Kroner 1873	32	
38 Hungary 100 Croner 1908	208	
63 Anne One guinea 1714	42	
78 ZAR Pond 1896	32	
90 Sweden 10 Kroner 1883	36	
106 George III sovereign 1820	22	
107 William IV 1832	32	
64 George HI One Guinea 1775	32	

APPENDIX 1—*continued*

	Selling Price £	Credit £
106 George III Sovereign 1820	28	
106 George III Sovereign 1830	48	
112 George III Half sovereign 1817	24	
7 Germany 10 Marks 1888	20	
106 George IV 1821 sovereign	24	
106 George IV 1829 sovereign	32	
50 2 fractional	32	
83 Germany 20 marks 1873	20	
17 Hamburg 20 marks 1899	16	
101 Henry VI Salut d'or	216	
80 U.S.A. $20 1862	88	
53 France 5 francs 1854	46	
51 France 5 francs 1855	30	
118 Fennig, struck in AR	58	
19 Italy 5 lire 1863	28	
5 G.E.A. 1916 Tabora 15 rupees	120	
10 Germany 5 marks 1878	60	
10 Germany 5 marks 1877	48	
56 George VI 1937 proof 5 pounds	440	
56 George VI 1937 proof 2 pounds	180	
9 Germany 10 marks 1888	22	
57 Edward VII 1902 5 pounds	344	
58 Edward VII 1902 2 pounds	150	
64 George III 1 guinea	36	
81 U.S.A. $10 1852	300	
84 William IV proof 2 mohurs restrike	74	
62 George II 2 guineas 1738	261	
59 Victoria 5 pounds 1893	356	
112 George IV 1825 ½ sovereign	28.50	
77 U.S.A. $50	700	
118 Prussia quarter ducat	76	
118 Saxony Weimar quarter ducat	24	
76 lames I crown	47.50	
64 George III 1 guinea 1798	95	
65 George III ½ guinea 1798	27	
66 George 111 ⅓ guinea 1808	38	
67 George III ¼ guinea 1762	38	
67 George I ¼ guinea 1718	38	
1 Edward IV ½ Ryal	209	
118 Sixteen ducat Transylvania	47.50	
49 U.S.A. $1 1855	160	
56 George VI 1937 ½ sovereign	70	
3 Edward VII small coronation medal	48	
79 U.S.A. $10 1903 0	38	
65 George III ½ guinea 1789	24	
73 Henry VII ½ Angel	126	
Total	9 586.45	7 669.15
13 Netherlands 10 guilders	26	20.80
4 Monaco 100 francs 1904	135	108
	£10 945.65	£8 782.55

APPENDIX 1—ART GALLERY OF SOUTH AUSTRALIA

Coins Sold Since List Sent in August, 1973

		Credit £
23	Yemen Ryal	
78	4 Kruger ponds	401.40
60	Victoria two pounds 1893	
2	Charles II coronation medal	176
47	Louis XVIII 20 francs 1815	28
6	Germany 20 marks	44
93	Swedish 5 kroners 1899	
115	Denmark 12 marks 1759	128
102	Liege 1484-505 St. Lambert John of Hoorn	116
39	Hungary 4 ducats (pierced) 1856	40
27	Hungary ducat 1848	30
37	Russia platinum 3 roubles	109
40	Chile 8 escudos 1818	48
41	France 40 francs 1806	50
92	Egypt 100 piastres 1916	32
71	Edward IV quarter Ryal	55
76	Henry VIII half sovereign, Charles II guinea, 1676, third guineas 1797, 1810	80
42	James I thistle crown	25
112	Half sovereigns 1837, 1885, 1911 ..	65
66	Third guinea 1804	25
108	Sovereigns 1843, 1893	75
109	Sovereigns 1911, 1962	72
111	Edward VII sovereign and half sovereign 1902	70
extra	Belgium Flanders, Philip the Handsome florin	90
44	Belgium 20 francs 1870	25
48	Denmark 10 kroners	25
46	France 20 francs 1828A	30
22	Russia 10 roubles 1901	20
52	Czechoslovakia ducats 1930 (2)	34
45	France, 20 francs, 1854A, 1857A, 1859BB	45
46	20 francs 1865BB	15
47	20 francs 1889A, 1906	32
51	5 francs 1860A, 1862A, 1864BB, 1866A	20
6, 100	Germany Prussia 20 marks 1888 (3) . .	50
117	Hamburg 2 ducats 1808, ducats (2) 1867, 1872 9 gold coins of the world	167.87
105	Holy Roman Empire Ferdinand III, medallic klippe 1650	52
83	Netherlands, ducat 1758	42
119	Netherland East Indies ducat 1832 . .	40
90	Sweden Oscar II 20 kroner 1878	95
117	Turkey Mahmud II 2 sequins, Turkish minor denominations (5)	30
55	Habib Bank Ltd., guinea	15
89	U.S.A. 5 dollars 1911, 1913, 2½ dollars 1908	62
50	California ¼ dollars (2)	10
116	Boston Numismatic Society medallion 1950	20
82	Z.A.R. half Pond 1892	40
78	Pond 1895	42
78	Pond 1897, half ponds 1894, 1897	50
82	Half pond 1895, 1896	30
113	Blank pond	96

APPENDIX 2—THE ART GALLERY OF SOUTH AUSTRALIA

List of coins sold on commission by Spink & Son Ltd., showing dates and condition, etc.

Edward IV half Ryal	
Charles II coronation medal	wt. 10.36 grammes
Edward VII small coronation medal	E.F. wt. 17.21 grammes
Monaco 100 francs 1904	
German East Africa Tabora 15 rupees	
Germany 20 Marks (1) 1888	(Berlin)
Germany 20 Marks (1) 1898	(Berlin)
Germany 10 Marks 1873	(mounted)
Germany 10 Marks 1888 (2)	(Berlin)
Germany 10 Marks 1898, proof	
Germany 10 Marks 1873	
Germany 5 Marks 1877	(Berlin)
Germany 10 Marks 1888	(Berlin)
Germany 5 Marks 1878	(Berlin)
Italy 100 Lire 1912	E.F.
Italy 50 Lire 1911	E.F.
Netherlands 10 guilders 1897	
Italy 20 Lire 1882	
Italy 20 Lire 1848 Venice	F.
Sardinia 20 Lire 1853	
Germany 20 Marks 1899	(Hamburg)
Italy 50 Lire 1912	E.F.
Italy 5 Lire 1863	
Portugal 5 000 Reis 1869	Mounted
Portugal 400 Reis 1731	
Russia 10 roubles 1901	
Yemen Ryal	
Italy 20 Lire 1912	E.F.
Italy 10 Lire 1912	E.F.
Hungary Ducat 1848	
Victoria small Jubilee medal 1887	wt. 13.96 grammes
Victoria large Jubilee medal 1887	E.F. wt. 91.06 grammes
Victoria large Jubilee medal 1897	E.F. wt. 95.56 grammes
Edward VII large medal 1902	wt. 91.88 grammes
Russia platinum 3 roubles 1837	V.F.
Hungary 100 kroner 1908	E.F.
Hungary 4 ducats 1856	Holed
Chile 8 escudos 1818	
France 40 francs 1806	(A)
England James I thistle crown	
Denmark 20 Kroner 1873	
Belgium 20 francs 1870	
France 20 francs 1807	(A)
France 20 francs 1854	(A)
France 20 francs 1859	(BB)
France 20 francs 1828	(A)
France 20 francs 1857	(A)
France 20 francs 1865	(BB)

APPENDIX 2—*continued*

France 20 francs 1815	(W)
France 20 francs 1889	(A)
France 20 francs 1906	
Denmark 10 Kroner 1898	
U.S. dollars 1849	Philadelphia
U.S. dollars 1855	
U.S. dollars 1856	Philadelphia
U.S.A. fractional (5)	California
France 5 francs 1855	(A)
France 5 francs 1860	(A)
France 5 francs 1862	(A)
France 5 francs 1864	(BB)
France 5 francs 1866	(A)
Czechoslovakia 1930 (2) Ducats	
Miscellaneous—	
Bolivia half escudo 1855	
France 5 francs 1854	(A)
One other	
Habib Bank Ltd., guinea India	A bullion "Tola"
England 1937 £5, £2 and half sov	E.F.
Edward VII 1902 £5	E.F.
Edward VII 1902 £2	E.F.
Victoria £5 1893	V.F.
Victoria £2 1893	
Anne five guineas 17J4	Damaged. Poor condition.
George II two guineas 1738	F.
Charles II guinea 1676	
Anne guinea 1714	Mediocre
George III guineas 1775	
George IIIguineas 1776	
George III guineas 1791	Mounted
George III guineas 1798	
George III half guineas 1789	
George III half guineas 1798	
George III third guineas 1797	Mounted
George III third guineas 1804	
George III third guineas 1808	
George III third guineas 1810	Mounted
George I quarter guinea 1718	
George III quarter guinea 1762	
James I Unite	
James I half Unite	
Edward III half Noble	
Edward IV Ryal	
Edward IV quarter Ryal	
Henry VII Angel	About F.
Henry VII half Angel	
Henry VI Salute d'or	Only F.
James VI Unite	Poor. Buckled and holed.
Henry VIII half sovereign	Damaged
James I crown	Fair
U.S.A. $50 1852 Moffat-Humbert	Worn and "sweated".
Kruger ponds 1895	
Kruger ponds 1896	
Kruger ponds 1897	
Kruger ponds 1898	V.F.
Kruger ponds 1900	
U.S.A. $10 1903	
U.S.A. $20 1862	
U.S.A. $10 1852	
Kruger half ponds 1892	
Kruger half ponds 1894	
Kruger half ponds 1895	
Kruger half ponds 1896	
Kruger half ponds 1897	
Germany 20 Marks 1873	(Berlin)
William IV proof 2 mohurs	(restrike)
U.S.A. $10 1914	
U.S.A. $5 1836	
Holland ducat 1758	
U.S.A. $5 1911, 1913	
U.S.A. $2½ 1908	
Sweden 20 Kroner 1878	
Sweden 10 Kroner 1883	
Tonga Koula half and quarter 1962	
Egypt 100 piastres 1916	
Swedish 5 Kroners 1899	
German 20 Marks 1888 (gilt)	
German 20 Marks another 1888	
Henry VI Salute d'or	Only F.
Two silver gilt ducats Liege 1484-1505	St. Lambert John of Hoorn
Holy Roman Empire	
Ferdinand III medallic klippe 1650	Holed
George III sovereigns 1820	
George III sovereigns 1820	

APPENDIX 2—*continued*

George IV sovereigns 1830	
George IV sovereigns 1821	
George IV sovereigns 1829	
William IV sovereign gilt 1832	
Victoria sovereign 1843	(London)
Victoria, sovereign 1893	(London)
George V sovereian 1911	(London)
Elizabeth II sovereign 1962	(London)
George VI sovereign 1937	
Edward VII sovereign 1902	
Half sovereigns 1817	
Half sovereigns 1825	
Half sovereigns 1837	
Half sovereigns 1885	
Half sovereigns 1911	
South African blank pond	
Half sovereign 1902	
Denmark 1759 12 Marks	
Boston Numismatic medal 1950	
Group of miscellaneous gold coins including: —	
Hamburg 2 ducats 1808, ducats (2) 1867, 1872	Damaged and mounted
Nine gold coins of world	
Turkey Mahmud II 2 sequins	
Turkey minor denominations (5)	
Ducat Cologne	
Fennig struck in AR	
Prussia quarter ducat	
Saxony Weimar quarter ducat	
Transylvania ducat 1778	
Holland ducat 1832	

POSTAL COSTS

Mr. MILLHOUSE (on notice): What action, if any, has been taken to reduce postal costs to the Government, and what savings are expected as a result?

The Hon. D. A. DUNSTAN: The report of the Mailing Services Working Party was submitted to Cabinet in October, 1975, and the recommendations therein are now being implemented. Current action includes:

the introduction of more efficient handling practices of mail in departments, where necessary;

reduction in the number of receipts and acknowledgements conveyed by post; and

pre-sorting of mail for bulk postage concessions.

It is expected that an annual saving in excess of $200 000 will be achieved. Greatest savings will occur in the pre-sorting of mail.

WOMEN'S HOUSING

Mr. MILLHOUSE (on notice): What is the policy of the Housing Trust regarding the allocation of houses to women accommodated at the women's shelter, Ovingham, and how many applications from such women have been granted?

The Hon. HUGH HUDSON: The policy of the South Australian Housing Trust in regard to applications for rental accommodation from women accommodated at the women's shelters in no way differs from that of any other single parent family applicant; that is, each application is dealt with in its turn, but if circumstances are such then priority housing is considered. So far, the Housing Trust has not been able to satisfy any of the applications received from the residents of the Ovingham shelter, but they will receive every consideration in their turn as suitable housing becomes available. Because the Housing Trust realises the problems facing women in this type of situation, it has modified one of its larger special rental houses in Prospect and has leased these premises as a shelter to the group who were operating at Ovingham. At January 21, 1976, the Housing Trust had received seven applications from women accommodated in the women's shelter at Ovingham. Extensive investigations have been carried out on the applications and various alternative solutions are being considered. Some of them are very similar to the many one parent family applications that are coming in from people in similar circumstances but who are renting accommodation privately. At this stage the trust has not been able to provide any assistance for the particular seven cases. Of them, two have been considered for assistance by the Aboriginal Metropolitan Housing Management Committee and have been approved for suitable accommodation in turn. It may be that the most help that could be given would be to assist the women concerned to find alternative accommodation in the private sector until such time as they can be granted public housing.

MOTOR VEHICLE REGISTRATION

Mr. MILLHOUSE (on notice):

1. Is it the practice of the Motor Registration Division of the Transport Department to post out separately each certificate of registration of a motor vehicle?

2. Has consideration been given to posting in one envelope all such certificates in the name of the same person and if so—

(a) will this be done; and

(b) what saving in postage costs would thereby be made?

3. If such postings are not to be made, why not?

The Hon. G. T. VIRGO: The replies are as follows:

1. No.
2. Not applicable.
3. See No. 1 above.

WORKMEN'S COMPENSATION

Mr. MILLHOUSE (on notice):

1. Does the Government intend to introduce legislation to reduce payments of compensation made pursuant to the Workmen's Compensation Act and, if so—

(a) when;

(b) what reductions are to be proposed; and

(c) for what reasons?

2. If no such legislation is to be introduced, why not?

The Hon. J. D. WRIGHT: The replies are as follows:

1. Yes.

(a) this session;

(b) the exclusion of overtime from the computation of average weekly earnings;

(c) to ensure that overtime is not included in workmen's compensation weekly payments.

2. Not applicable.

NATIONAL PARKS

Mr. RODDA (on notice):

1. How many parcels of land in the South-East have been proclaimed as national parks to December 1, 1975, and what is the total of the proclaimed areas?

No.	Name	Hundred	Sections	Area (ha)
1.				
National Parks:				
N5	Coorong	Glyde	17, 59, 60	6 013
		Santo	6, 43, 52	
N6	Canunda	Rivoli Bay	317, 378, 379, 396	8 950
		Mayurra	157	
		Benara	386	
Conservation Parks:				
3	Fairview	Woolumbool	93, 98	1 089
11	Mt. Rescue	Archibald	7, 8, 9, 10	28 385
		Makin	3, 4	
16	Penguin Island	Rivoli Bay	374	4.552
		Penguin Island		
19	Messent	Messent	1	12 213
		Colebatch	1	
21	Big Heath	Spence	17-20, 169	2 351
25	Cal ectasia	Short	157	13.79
26	Desert Camp	Marcoliat	87, 105	49.06
27	Guichen Bay	Waterhouse	360, 361	76.2
28	Jip Jip	Peacock	86	141.6
32	Mt. Boothby	Colebatch	3	4 045
36	Beachport	Lake George	5, 31, 32, 40, 58, 67, 418	627.6
44	Piccaninnie Ponds	Caroline	598, 692	382.7
46	Martins Washpool	Messent	14	563.7
		Santo	19	
55	Gum Lagoon	Wells	9, 30	4 000
		Petherick		
57	Penola	Monbulla	255, 256	226.2
59	Glen Roy	Comaun	276, 279, 479	540.8
61	Gower	Hindmarsh	517	39.5
70	Kelvin Powrie	Archibald	34	17.66
		Stirling	475	
71	Padthaway	Parsons	136	984.3
80	Dingley Dell	MacDonnell	Pt. 138	5.827
82	Naracoorte Caves	Jessie	466	93.47
		Joanna	392, 395, 396, 397, 398	
83	Tantanoola Caves	Hindmarsh	213	13.9
122	Belt Hill	Rivoli Bay	339	9.801
126	Hacks Lagoon	Robertson	249	193.3
127	Grass Tree	Hynam	451	15.9
128	Mt. Scott	Murrabinna	71	1 237.53
130	Nene Valley	Kongorong	388-391, 604-606,620	373.2
131	Reedy Creek	Fox	288	81.6
		Kennion	227	
		Smith	154	
136	Furner	Kennion	245	285.5
137	Baneham	Geegee la	4	738.3
142	Little Dip	Waterhouse	191, 553, 545, 547	1 956
Game Reserves:				
G2	Bool Lagoon	Robertson	223, 224, 356	2 689.58
G3	Coorong	Santo	Complex	6 840
G6	Bucks Lake	Kongorong	618	137.5
Recreation Parks:				
Nil				
2 National Parks 31 Conservation parks 3 Game reserves Nil Recreation parks		Total area		84 821.38 ha

2. In addition to the above, the following areas have been proclaimed since December 1, 1975:—

No.	Name	Hundred	Sections	Area (ha)
National Parks:				
N5	Coorong	Baker	590	19 483.8
		Bonney	373	
		Glyde	17, 31, 59, 60, 74-77	
		Santo	6, 43, 52, 55, 56	
		Neville	32, 53, 56, 79, 80	
Conservation Parks:				
143	Mullinger Swamp	Binnum	681	13.66

It is intended to proclaim some additions to existing conservation parks although no finality has been reached at this time.

2. Is it intended to proclaim further areas for this purpose?

3. Are plans in hand to declare some of the areas game reserves, and, if not, why not?

The Hon. D. W. SIMMONS: The replies are as follows:

3. There are no plans to declare any of the above parks as game reserves, as they are not suitable for this purpose.

COUNTRY HOSPITALS

In reply to Mr. VANDEPEER (November 13):

The Hon. D. A. DUNSTAN: The hospitals at Kingston and Millicent were both listed in the Loan Estimates for 1975-76, together with other projects. Regrettably, since these Estimates were prepared, building costs have escalated. This has produced the need to delay Government support for non-government hospital building projects, except to those now under construction. Nevertheless, the Board of Management of Kingston Soldiers Memorial Hospital Incorporated has been informed that some building upgrading may be undertaken under the provisions of the Medibank agreement with the cost being shared by the State and Australian Governments.

COURIER SERVICE

In reply to Mr. WOTTON (November 4):

The Hon. D. J. HOPGOOD: An investigation into the Education Department's courier service is at present being undertaken to determine the possibility of extending the service to other schools and providing a more frequent service to schools at present being served. It is expected that a report will be available within the next few weeks. I shall be pleased to advise the honourable member of any decision that is made.

MINISTERIAL STATEMENT: FURTHER EDUCATION BILL

The Hon. D. J. HOPGOOD (Minister of Education): I seek leave to make a statement.

Leave granted.

The Hon. D. J. HOPGOOD: The introduction earlier this session of a Bill for a Further Education Department occasioned some debate in the House concerning the post-secondary area, and in particular the interface between the Further Education Department and the colleges of advanced education. Specifically, it was suggested that the Bill should be amended to define more closely the area in which the department should properly operate.

With the knowledge that certain other amendments were essential to the Bill anyway, I adjourned it in Committee to give me an opportunity over the Christmas period to consult with various people in the field. As a result of that consultation, I have urged on my colleagues, and they have agreed, that the various problems that have been aired concerning the post-secondary area, by which I mean not only the Further Education Department and the colleges but also the universities and other non-government institutions operating in what is sometimes called the adult education area, cannot be resolved merely by amendments to the Bill before the House.

These problems have been recognised by other Governments in Australia. The former Minister for Education in the Australian Government (Hon. K. Beazley, M.H.R.) introduced in the last Australian Parliament a Bill to set up a Tertiary Education Commission that would have oversight of the university and advanced education areas. The new Government's attitude to this initiative has yet to be defined and we will, of course, be watching that development closely. The Western Australian and Tasmanian Governments have recently initiated inquiries into post-secondary education. The report of the Western Australian inquiry chaired by Professor Partridge is now to hand. Members will be aware from this morning's press that the Tasmanian inquiry is due to report on or before February 29 of this year.

The South Australian Government now intends to investigate the post-secondary area to determine what structural alterations to institutions, and what amendments, not only to what will shortly become the Further Education Act, but also to all other Statutes in the field, may be necessary to ensure proper future co-ordination and the most effective use of resources. The exact nature of this investigation has not yet been clarified, but I would expect that, in view of the work which has already been done at the Commonwealth level and in other States, it need not be a major undertaking and the results would be available to the Government before the end of this calendar year. The investigation would study all current reports into the problem (including those I have already mentioned) and would, of course, consult representatives of all those institutions likely to be affected.

Any immediate amendments to the legislation before the House would therefore be prejudging the outcome of that investigation, and it is the Government's decision that they therefore not be proceeded with. Some minor amendments are to be moved, but they do not affect the area of investigation that I have outlined above.

NO-CONFIDENCE MOTION: HOUSING TRUST CHAIRMAN

Dr. TONKIN (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move the following motion:

> That, because of their maladministration of the State, this House no longer has confidence in the Premier and Government of South Australia, and calls on them forthwith to resign.

The SPEAKER: Is the motion seconded?

Mr. GUNN: Yes.

Motion carried.

Dr. TONKIN: I move:

That, because of their maladministration of the State, this House no longer has confidence in the Premier and Government of South Australia, and calls on them forthwith to resign.

This is a most grave and serious matter that affects the entire credibility of the Premier and the Government of South Australia, and I have little taste for the task before me this afternoon. On May 1, 1975, the Premier appointed Mr. Max Leon Liberman as a member of the board of the South Australian Housing Trust and, only 2½months later, appointed him Chairman on July 24, 1975. The Opposition submits that this was a most injudicious and improper appointment on the part of the Premier, which he made and insisted on making against all advice and which was certainly not in the best interests of the State.

The Chairman of the State's housing authority, a semi-governmental body vitally concerned in the purchase and development of large tracts of land, must be a man of proven impartiality, and an administrator or executive without business connections in the private sector of either real estate, the building and contracting industry, or in the manufacture of building materials. The appointment of the previous Chairman, Mr. R. L. Roberts, was entirely in keeping with this principle, since although he was an architect he had no direct financial interest in building or real estate development. Such impartiality was apparently not considered in the appointment of Mr. Liberman to the trust last year.

It is not necessarily suggested that Mr. Liberman has taken any business advantage of his high office, or that he will intentionally use the position improperly, but the Premier should never have put him in a position where it could appear that he could have done so. The public expects the Premier, and the State Government, to exercise

a responsible care and discretion in making appointments of this kind, and the Opposition has a clear duty, which it is now exercising, to examine any such action on the part of the Premier, particularly where it becomes apparent that no such discretion has been exercised.

This present action by the Opposition has come about as a result of queries raised by members of the public, who have come forward and provided certain information to the Opposition. Many people have expressed grave concern at the appointment. The Premier's action and motives in making this appointment must be questioned, if the integrity and reputation of the Housing Trust and of the Government are to be maintained. Mr. Liberman has wide and diverse business interests, some of which will be outlined.

Mr. Liberman came to South Australia from Egypt in 1948 and, once settled, entered into real estate business. Many people will no doubt remember him as the Manager of Reid Murray Developments in South Australia. Perhaps fewer people know of his involvement with Modern Tract Development, a company which acquired large areas of land from Reid Murray Developments at very favourable prices just after the tragic Reid Murray crash of 1962, a crash which affected so many South Australians.

Mr. Liberman, in association with another director of R.M.D. in South Australia, formed Realty Development Corporation (R.D.C.) in South Australia. There was a close association between the directors of Reid Murray and Modern Tract, and the firm of R.D.C., and with such a start the company did well. In 1969, Mr. Liberman moved out of South Australia, and was then a director of R.D.C. Holdings in Sydney, one of the positions he has not seen fit to relinquish. He was still resident in Sydney, even after his appointment to the Housing Trust.

The particular Sydney circle of which Mr. Liberman became a part is dominated by Sir John Marks. Sir John had put the weight of his Development Finance Corporation (D.F.C.) behind R.D.C. in the early days. Sir John and his associates control a vast business empire that includes being a leading national supplier of building materials and products associated with the building trade. For example, companies of which Sir John is a director include F. & T. Industries and Dickson Primer (Consolidated), companies which together have about 7 300 employees, over 40 factories across Australia and about 27 subsidiary companies. Collectively, these two companies are manufacturers and marketers of residential and architectural builders' hardware, light hardware, wallboards, clay bricks and blocks, roof, floor and wall tiles, pipes, aluminium and timber windows, doors and screens, glass and glazing, P.V.C. coated fabrics, moulded housewares and kitchen ware, electrical gear, etc.

The Premier is well aware of Sir John's close association with Mr. Liberman, and of their mutual interests. The Opposition cannot accept the propriety of the action that the Premier has taken in appointing Mr. Liberman, a close associate of Sir John Marks, as Chairman of the biggest single wholesale consumer of building materials in the history of the State. I refer, of course, to the South Australian Housing Trust. Any doubts about whether Mr. Liberman has renounced his ties with the Marks organisation are quickly resolved. He is still on the board of West Lakes Limited, Development Property Finance Limited, and R.D.C. Holdings Limited, all companies in the Marks network.

The Marks organisation has a firm foothold in South Australia, in West Lakes. Of the six present directors, four are or have been recently associated with Marks firms. These are Messrs. Alledyce, Curtis, Liberman and Sir John Marks. Not least of them is Mr. Liberman, who apparently feels that there is no conflict of interest between his position as Chairman of the South Australian Housing Trust and as a director of West Lakes. Mr. Liberman remains on the board of West Lakes Limited.

The operations of West Lakes and the Housing Trust are interwoven, as the trust builds houses at West Lakes. The trust has purchased a large area of land at West Lakes, and is building houses thereon. This vast regional development at West Lakes has been granted a number of privileges that South Australian builders and business men claim are not enjoyed by other South Australian interests. There can be no doubt that the introduction by this Government of the contentious legislation which effectively inhibited the development of the Myer Queenstown shopping centre had no deleterious effect on the development of West Lakes.

While the Premier has been busy extolling the virtues of South. Australia's new showpiece, West Lakes, Mr. Liberman has been busy dealing in land in this area; in fact, one of the largest buyers of land in the West Lakes seafront area has been a company in which Mr. Liberman has an interest. The company, Charles Norton Proprietary Limited, should be well known to the Premier, as he bought a block of land from this Liberman Company in 1967 at South Lakes, Goolwa, on which land the R.D.C. organisation, we understand, built a beach house for the Premier.

Members interjecting:

The SPEAKER: Order!

Dr. TONKIN: It may save members opposite considerable embarrassment by way of their interjections if I point out to them that I have with me all the documents and copies of documents that substantiate everything I say.

Dealing in land is not in itself necessarily a practice to be queried. However, when land changes hands more than once in a very short time, when large profits are involved, and when the same person has an interest in each of the companies involved, then it is not improper to raise the matter and seek some explanation.

Take, for example, the situation in Cormorant Court at West Lakes. The six blocks in this street were all bought by the same company, J. J. McDonnell Investments Proprietary Limited, transfers being executed oh February 7, 1974. I am sure the directors of West Lakes Limited cannot have known that one of Mr. Liberman's companies have a one-third interest in J. J. McDonnell investments through a wholly owned private company, Carolita Investments Proprietary Limited. This land was bought from West Lakes Limited, of which company Mr. Liberman is also a director. The price of four of these six lots, namely Nos. 1, 2, 17 and 18, was $89 200. One day later, on February 8, 1974, these four lots were transferred from J. J. McDonnell Investments to Mr. Liberman's company, Charles Norton Proprietary Limited, for $112 000. On September 25, 1974, these four blocks were disposed of for a total sum of $200 000 to Harvey Adams Proprietary Limited, a subsidiary of R.D.C. Holdings Limited, a public company with over 500 shareholders, of which Mr. Liberman is also a director.

Similar transactions have taken place in adjoining blocks. These land deals, I stress, are not ancient history: they occurred in 1974 and early 1975. Whilst we know that the Premier initiated the West Lakes deal in 1967-68 with Mr. Marks (as he then was) and with Mr. Liberman, who was involved in the drafting of the indenture at that time, the Marks-Liberman-Dunstan association has taken a recent twist in the State's involvement with Penang.

Austral-Asia Developments Proprietary Limited was registered. on February 27, 1975. This joint venture, promoted by the Premier, has as its participants the S.A. Government 40 per cent, two Malaysian instrumentalities with a total of 40 per cent, and Development Property Finance Limited, 20 per cent. Mr. Liberman is also a director of Austral-Asia Developments, although in what capacity I am not quite certain.

Development Property Finance Limited is a subsidiary company of Development Holdings Limited of which Sir John Marks is Chairman of Directors. Mr. Liberman is a director of Development Property Finance Limited. The Manager and chief executive officer of Austral-Asia Developments is a man well known to Mr. Liberman. Mr. Liberman joined him in a business venture in Sydney in 1974, known as Good Elf Fresh Fruit Juices, and earlier he was Mr. Liberman's sales manager in Reid Murray Developments, and, later, in R.D.C. He is presently still resident in Sydney.

Just what plans the Housing Trust has for modular housing in South Australia is not known, but I am informed that at least 10 modular houses have been built by the trust in the Gawler area, using the Panelex system. Just exactly how the Housing Trust is tied up with the Penang venture, and the proposed export of modular buildings or componentry or expertise to Penang, is not clear.

It is, however, a matter of record that D.P.F. set up a new company, using the name Panelex, in South Australia in February of last year, namely, D.P.F. Modular Systems, and that Mr. Liberman holds, or held, subscriber shares. Further shares are also owned through D.P.F., F. & T. and R.D.C., which three interests hold nearly 250 000 shares. The company uses the name Panelex for its modular housing, and the business name Panelex was registered, also in February of last year, as owned by D.P.F. (S.A.) Proprietary Limited. The objects of the company include modular timber manufacture, and its registration was lodged at the Companies Office by a former legal partner of the Premier who is also a director of D.P.F. (S.A.) Proprietary Limited.

The complexity of Mr. Liberman's involvement with the building industry generally, and the closeness and conflicting nature of his business interests with the interests of the Housing Trust make his appointment subject to considerable question and, at the very least, must be considered a most unwise action by the Premier and the Government.

The fault lies entirely with the Premier. It is well known that he pursued his decision to make this appointment despite the strongest advice given him by his advisers that he should not do so. There was, apparently, no shaking him in his determination that Mr. Liberman must be appointed to the position. The record of the South Australian Housing Trust throughout the Playford era was admirable and was the envy of all the other States.

A General Manager for whom I have the greatest admiration was appointed, and he was totally independent of outside interests, holding a position comparable to that of a senior public servant. The Premier is, or should be, well aware of the need to retain this scrupulous independence; indeed, he has replaced two members of the State Planning Authority because of what he terms "real estate interests". Yet, he persisted in appointing Mr. Liberman as Chairman of the Housing Trust. There is no evidence or suggestion that Mr. Liberman has used his office as Chairman improperly; indeed, in 1975 he resigned as a director of several companies. However, in certain cases, the new director appointed has been closely associated in business with Mr. Liberman. His business activities and long associations with, real estate, going back to Reid Murray before his departure for Sydney, are not our primary concern. That the Premier has insisted on appointing him, in spite of his conflict of interests, causes grave concern.

We believe that the South Australian public demands that the Chairman of the Housing Trust must not only be but must also clearly appear to be absolutely impartial and independent. Mr. Liberman remains a director of West Lakes, and the Premier knows it, yet he insists on his appointment. Mr. Liberman maintains close financial links with the building materials industry, and the Premier knows it. Yet, for some as yet unexplained reason, he insists on his appointment.

As Chairman of the Housing Trust, Mr. Liberman presides over a board that considers contracts for Panelex houses conceived when he and others set up Panelex and Modular Systems last year. Yet, the Premier insists on his appointment. The trust employs contractors and subcontractors while its Chairman is on the board of R.D.C. Holdings Limited, which controls eight subsidiary companies including Realty Development Corporation (S.A.) Proprietary Limited and Harvey Adams Proprietary Limited. Yet this was the Premier's appointment. Clearly, this appointment totally contravenes the spirit if not the actual letter of the law as expressed in section 9 of the South Australian Housing Trust Act, which provides:

> No person shall be or continue to be Chairman or a member of the trust if he has any interest, direct or indirect, in any contract made by the trust: Provided that a person shall not be disqualified from holding office as Chairman or a member of the trust by reason only of the fact that he is a member of a company which is interested in any contract made by the trust if that company has 32 members or more.

The position is not made any clearer by the multiplicity of companies with which Mr. Liberman is involved, either directly or indirectly. Regardless of this, his position as Chairman is untenable. The Premier has also contravened the Act by appointing some members of the Housing Trust (as outlined in the Premier's reply to a Question on Notice on September 30, 1975, *Hansard* page 911) for far fewer than the statutory four years required by section 7 of the Act.

Every effort has been made to exclude the names of other people concerned in the matters that have been referred to, but it has been impossible to omit reference to Sir John Marks, who has, through his financial interests, been closely involved with Max Liberman and, through his financial contacts, with the Premier. The Opposition takes no pleasure in ventilating matters such as these when they relate to a person appointed by the Premier to a high and influential position in the administration of South. Australia, but it has done so as a matter of public duly. Frankly, reciting these facts disgusts me. Further, the Opposition will continue to scrutinise most carefully other appointments made by the Premier. The entire situation surrounding the Housing Trust and the other matters discussed is far from clear, and it is subject to grave concern. In fact, it could well merit the attention of a Royal Commission. Certainly, by his appointment of Mr. Liberman as Chairman, the Premier has been guilty of much more than just poor judgment: he has been guilty of the gravest impropriety. Whatever action he now takes cannot absolve him from this blame. In these circumstances, he and his Government should resign.

The Hon. D. A. DUNSTAN (Premier and Treasurer): What happens in this House never ceases to surprise me, and the Leader certainly did that this afternoon. I did not credit him with the kind of speech and motive that

he has evidenced this afternoon. I intend to deal with the allegations which he has seen fit to make and which, if he had had any regard for Parliamentary proprieties and the proprieties of the Public Service of this State, he would not have made. His attack on me and the Government is on the basis of the appointment of Mr. Liberman as Chairman of the Housing Trust. That is the gravamen of his case. In his statement to the House, the Leader says that he does not allege that any impropriety has been committed by Mr. Liberman as Chairman of the trust, but he believes that, because of Mr. Liberman's business interests, there is some conflict of interest between his appointment to the trust and his holding of some other business interests.

The Leader did not disclose the times at which Mr. Liberman held those business interests. He also had a side swipe at me on the grounds of my previous business transactions with Mr. Liberman, with Mr. Liberman's involvement with Realty Development Corporation and, before that, with Reid Murray Developments, and said that T had purchased some land at Goolwa from a company owned by Mr. Liberman and had local contractors build a house on it—at my own expense, I might say. He did not say that I purchased the land and built the house at a higher cost (and I took care to do so) than any other comparable property sold or built at Goolwa at that time.

The Hon. J. D. Corcoran: And you showed your documents to your Cabinet colleagues at the time. I remember seeing the mortgage documents.

The Hon. D. A. DUNSTAN: Of course I did. However, that did not stop the Leader from making that sort of disgraceful innuendo about there being something improper in the transaction I pursued at Goolwa. Let us go back and deal with the shabby case prepared by the Leader. Mr. Liberman came to South Australia after the war as a migrant and worked for the South Australian Electricity Trust. He was an engineer. He left the trust to set up a building company, for which my partner and I, and my law firm at the time, were solicitors. That was my first meeting with Mr. Liberman. His company, Williamson Industries Limited, succeeded in building houses at a lower price and of a better standard than were then being built for sale by the Housing Trust, a fact that was widely acknowledged in South Australia. His company was then bought out by Reid Murray, and he became the Managing Director of Reid Murray Developments. It was the one major successful enterprise left to the Reid Murray group at the time of the crash of that group, and, when the Reid Murray directors started to raid their subsidiary companies, Mr. Liberman came to me and my partner (although we were no longer acting for the company) and mortgaged the whole of the land held by Reid Murray Developments to us as trustees for the building creditors of Reid Murray Developments in order to make sure there could be no interference with that company or its undertakings to its business associates. That mortgage was released only after the advice of Mr. Zelling, Q.C. (as he then was) to us that we could properly release it on the sale by the liquidators of Reid Murray to Realty Development Corporation.

That was the one profitable part of the enterprise, and it had been protected by Mr. Liberman. It was a. very successful venture, which was then taken over by Realty Development Corporation, a company in which not only Development Finance Corporation but also the Australian Mutual Provident Society, a company which has business interests closely associated with some members of the Liberal Party in South Australia, were closely involved.

The Hon. G. T. Virgo: A member of the Upper House, too.

The Hon. D. A. DUNSTAN: Yes. Sir Arthur Rymill would well have known of this transaction and development. Mr. Liberman was then Managing Director of Realty Development Corporation until he left South Australia to go to Sydney as Development Director for Development Finance Corporation, and he also operated a separate consulting firm. He had several business interests. Before leaving South Australia, he suggested the basis on which we could eventually proceed with the West Lakes development. It was he who approached me, as Premier at that time, to show how it could conceivably be done. This scheme, which was subsequently ratified by Parliament, had been the subject of an investigation by a Select Committee of this House when Mr. Hall was Premier. Admittedly, Mr. Hall altered the indenture to some extent.

Mr. Millhouse: Very substantially, I think you'll find.

The Hon. D. A. DUNSTAN: Frankly, I consider he altered it for the worst and left out some protections to the Government that had previously existed in it. I have cited those to the House and they are recorded in *Hansard.*

Mr. Millhouse: There were many improvements made to it as well.

The Hon. D. A. DUNSTAN: The honourable member may contend that, and I can understand why he would wish to do so, because he was a Minister in that Government. Nevertheless, I was a member of the Select Committee, after the hearings of which the West Lakes indenture proceeded. It was a proper indenture, and West Lakes has been, and will continue to be, of great benefit to this Stale. Mr. Liberman was thereafter in Sydney. His main business interests were in other States: he had some here, but they were not great. Nevertheless, in my experience he was an extremely good administrator and an effective entrepreneur, with a wide knowledge of the building industry. I was aware that we needed much work done in the trust's entrepreneurial capacity, and I discussed with my Ministers the possibility of our getting someone in an entrepreneurial capacity as Chairman of the trust.

Mr. Liberman had hold me that he was retiring from most of his business interests; he had always shown great interest in South Australia and its development, and he wanted to come and do a job for South Australia. We thought that his was an extremely good appointment to make to the trust, as he had all those abilities and background. Before he was appointed to the trust we asked him for a list of his total business interests, and suggested that he should account to the Government for those business interests and dispose of any that would conflict in any way with the chairmanship of the trust. He did so. He provided us with a list of the business interests he had disposed of and those he had retained with an account of their nature, so that we could be satisfied that there would be no conflict in what he did. The Leader has suggested that somehow or other his being a director of West Lakes is in conflict with his being Chairman of the trust. The purchase of land for the trust in the West Lakes area preceded Mr. Liberman's appointment to the trust by some years, and there has been no transaction between West Lakes Limited and the trust that has produced a conflict of interest with Mr. Liberman's chairmanship of the trust: there is no conflict of interest whatever.

West Lakes has a Housing Trust area of development which is an extremely good development and which is one

of the most modern and up-to-date medium density developments anywhere in the world, but there has been no transaction between West Lakes Limited and the Housing Trust in relation to that matter. The development of the trust area on the Radburn plan was a trust plan, and it was undertaken before Mr. Liberman became a director. Even so, no transaction was involved. The Leader of the Opposition has said that subsidiaries of Development Finance Corporation hold building materials interests in South Australia. So there are. The Hallett brickworks is a subsidiary of Development Finance Corporation and an associated company, but Mr. Liberman is not a director and is not involved with it. Apparently, the Leader is unaware that the Housing Trust contracts with outside building contractors who buy in their building materials. One would think that, as Leader of the Opposition, he would know that.

The Hon. J. D. Corcoran: But he didn't want to say it, because it didn't suit his argument.

The Hon. D. A. DUNSTAN: The Leader glosses over the fact that the trust is not the purchaser of building materials of this kind, as it contracts—

Mr. Nankivell: It could be.

The Hon. D. A. DUNSTAN: Perhaps the honourable member will produce a contract, if he can, because it would be the first thing in this debate that had produced any sort of fact on which the wretched innuendoes and shabby treatment the Leader has given to this House could be justified. There has been nothing in this whole virago that the Leader of the Opposition has produced that is a fact on which he could base a single innuendo he has made. As a by-product of his tirade, the Leader suggested that there were some transactions by Mr. Liberman's companies in relation to an appreciation of land values in the West Lakes area as between companies. I do not know what allegation the Leader is making. There is no suggestion that it was a transaction with the Housing Trust. Is the Leader suggesting that there has been some company fraud involving Mr. Liberman? If he is, would he make the allegation specifically? I assure him that it will be investigated by the Attorney-General. However, it has nothing to do with Mr. Liberman's position as Chairman of the trust. There was no relationship between these transactions and the Housing Trust. If the Leader is saying that there has been some company fraud or impropriety, let him make a specific allegation, and we will follow it up for him all right. This was just an added little bit. He sought a touch of verisimilitude in an otherwise unconvincing narrative. The Leader complains about Panelex, which is a company in which the South Australian Government has an interest in Penang. We opened a factory in Penang which is being run by Panelex Limited in conjunction with the Austral-Asia International Developments and in which the major shareholders are the Malaysian Government, the Penang Government and ourselves. It will open the way to our providing componentry from industry generally in South Australia to a great housing development indeed.

Before Mr. Liberman became Chairman of the Housing Trust, the trust bought 10 of these houses from Panelex in Sydney in order to test them out in South Australia. How was that a conflict of interest between Mr. Liberman and his later position? The Leader said nothing else. All he could do was make general allegations of financial association and repeat his words about impropriety. Mr. Liberman has been a successful provider of housing in South Australia. He has been an outstanding entrepreneur. He has (mostly) disposed of his major business interests, and came here to this job in South Australia for peanuts.

Mr. Rodda: Why?

The Hon. D. A. DUNSTAN: Because he is not being paid anything much as Chairman of the Housing Trust to do a job for the people of this State, which he is doing because he believed in what was happening in South Australia. He has given excellent service to this State. I know that the Leader does not like people giving service to South Australia, because since he has become Leader of the Opposition he has done a different job from that done by his predecessor. He has established himself as the most regular knocker of this State the State has ever seen. When anything is said about a development in this State the Leader always knocks it. He does not even want us to get our normal amount of money. Many people in the last few weeks have said to me, "You must be awfully pleased with the Leader of the Opposition. He is doing a ruddy good job for you all the time, because you cannot open a newspaper without seeing Tonkin there with his foot in his mouth." This afternoon he opened his mouth wider and put his foot further in. I hope the Leader will take a careful look at this kind of behaviour in future and will give the same consideration that this Parliament has normally given to those people who have properly served South Australia in the past and will continue to do so.

Mr. Liberman is a good servant of South Australia; his is a good appointment. I make no apology on my own behalf or that of my Ministers who concurred in his appointment to this position; it is a proper one and a good one. We believe in the work Mr. Liberman is doing. I assure the Leader that people in the Housing Trust appreciate very well the work Mr. Liberman is doing as its Chairman.

Mr. GOLDSWORTHY (Kavel): The Premier has skirted around the statements made by the Leader and has sought to make this House believe that the appointment of Mr. Liberman was in the interests of South Australia and South Australians. I believe when the public has a look at the facts put before Parliament this afternoon by the Leader of the Opposition and at the statements made by the Premier it will not have much trouble in making up its mind about whether or not Mr. Liberman's appointment was wise. The Premier would have us believe that Mr. Liberman has taken on this job of Chairman of the Housing Trust at a modest remuneration because he loves South Australia.

Mr. Becker: That is why he lives in Sydney.

Mr. GOLDSWORTHY: The Premier would have us believe that Mr. Liberman, with all his business interests, is doing the job because the Premier prevailed on him to take it and because he loves South Australia and South Australians. About the only statement the Premier has made with which we could agree is that Mr. Liberman is certainly a successful entrepreneur. If the Premier took time to examine in detail what the Leader of the Opposition said this afternoon I believe he could come to no other conclusion than that the Government acted unwisely, to put the best construction on this appointment, in appointing Mr. Liberman to this important position. The Housing Trust is one of the most important Government instrumentalities in the provision of housing in this State. We have only to look at the Auditor-General's Report to see just how much of South Australia's funds are tied up in this operation: they are enormous. From the Auditor-General's Report we can see that the balance sheet of

the trust as at June 30, 1975, shows more than $381 000 000 is tied up in housing.

I believe several points among the many made by the Leader of the Opposition will cause grave concern to the public. I should have thought that Mr. Liberman's former association with Reid Murray would be most disturbing. The Premier attempted to whitewash Mr. Liberman's involvement in a company that took over at a favourable price a property formerly held by Reid Murray. This will raise doubts in the minds of the public. A personal friend of mine lost his life's savings in the crash of that company, with which Mr. Liberman was closely associated. Many other people also lost their life's savings. The Opposition and many members of the public have had grave doubts about this appointment from the beginning. There has never been any question about the absolute integrity and honesty of purpose of the former Chairman of the Housing Trust. I am led to believe he was invited to step aside in favour of Mr. Liberman and, as a result of pressure from the Government, he resigned. He gave 40 hours a week to the job, and he had no real or apparent conflict between his former occupation and his duty as Chairman of the Housing Trust. The Housing Trust has suffered through the depredations of the former Commonwealth Government (the worst Administration this country has ever known) as have all other housing instrumentalities and home builders, and the Housing Trust went through a difficult period. The Auditor-General's Report refers to that. One of the reasons is that the trust has a welfare function, and the Government would not permit it to increase rents. Nevertheless, there has never been any hint of impropriety or lack of dedication or integrity on the part of the former Chairman, who was pushed aside so that Mr. Liberman could be appointed.] understand that three members of the trust were appointed recently without any consultation. The Premier, I suggest, has skirted around the facts that have been brought to light this afternoon by the Leader. He said that the Government had required of Mr. Liberman that he divest himself of any business interests that might appear to be in conflict with his role as the trust's Chairman, and that here was a man who would give up his business interests and do this job as the trust's Chairman for a pittance, relinquishing his business connections.

Either the Government has been deceived or has simply been doing window dressing; it has been culpably negligent in appointing Mr. Liberman. Earlier this session the Leader asked the Minister in charge of housing certain questions about the wisdom of Mr. Liberman's appointment. The following is the text of a Question on Notice asked on October 7, 1975, also by the Leader (page 1092 of *Hansard):*

1. Were applications for the position of Chairman of the Housing. Trust called for publicly and, if so, what form did the advertisements take?
2.If applications were not called, how many people were invited to consider taking the position and on what basis was the decision to extend each invitation made?
3. Were any other persons invited to consider the position and, if so, who were they?
4. Where is the normal place of residence of the present Chairman of the Housing Trust . . .
5. What experience has the Chairman had to qualify him for his present position?

The following fairly curt answer was delivered from the hand of the Minister:

The replies are as follows:
1. No.

That means that no applications were called. The replies continue:

2. The same process was followed as under Liberal Governments.

That is nonsense, because, as I have pointed out, there was no conflict of interest whatever in the appointment of the former Chairman, whereas there is an obvious conflict of interest in the present appointment. The other matter which I believe may not be a major consideration to the Government but which is certainly important to the public is that Mr. Liberman was at the time of his appointment (and still is, as far as I know) resident in Sydney. The Government is saying that it must get a man from Sydney to come here and manage the trust's affairs for a pittance because he loves South Australia. What nonsense!

Probably the most damaging evidence of conflict of interest is the wheeling and dealing that has been outlined by the Leader in connection with the transfer of land at Cormorant Court, West Lakes. We all know that the trust has about 40 hectares of land at West Lakes, and we know the background of West Lakes. All the Premier said this afternoon was that Mr. Liberman was one of the people who drew up the original indenture; all he was saying was that Mr. Liberman was in on the ground floor. We should have a look at the wheeling and dealing that went on involving three companies in which Mr. Liberman had an interest and at the profits that accrued from those transactions. Regarding appreciation of land values, in one transaction the value escalated from $89 000 to $112 000 in a day. If the Premier does not believe that that requires some explanation and investigation, he must believe that the people are far more gullible than I believe they are. What is happening behind the scenes in relation to Government appointments? In this case, we believe that the Government has been guilty of the gravest impropriety. For this reason, the motion requires the support of the House, and I have much pleasure in supporting it.

The Hon. HUGH HUDSON (Minister of Planning): When the Leader of the Opposition replaced the former Leader, I was asked my opinion of the change. I said al that lime (and I have said it subsequently), "He will present an argument a little bit better than did the former Leader, but I believe that he is basically lazy, will not work as hard as the previous Leader, and will rely on slipshod argument and ill-prepared cases."

Members interjecting:

Mr. Becker: Get out of the gutter.

The Hon. HUGH HUDSON: The member for Hanson is the member of the gutter party. He was a shadow Minister, but he no longer is. He has improved a little since then. I have made my comments to several people, and I hold to those remarks. I believe that the Leader of the Opposition has demonstrated that failing this afternoon. He has strung together a series of associations, some of which do not apply at present to Mr Liberman, and then, by a process of innuendo, he has implied that something crook has been going on. However, no evidence relating to anything that has happened since Mr. Liberman has been Chairman of the trust has been presented, and only little evidence of anything else.

Secondly, it is necessary to point out other instances of business people who work for this Government in various statutory positions and who have complicated business interests. I can think of one individual who has a whole set of associations, some of which could in certain circumstances be held to be in conflict with the job of work he carries out for the Government. In my experience of that instance, whenever any potential conflict is slated, the person concerned disqualifies himself from taking any part

in any decision. There are other people in this category, and the member for Torrens could well work out to whom I am referring or the kind of person to whom I am referring. It would be damaging if any honourable member got up under Parliamentary privilege in the House and strung together a whole series of associations and said, "There is a conflict between what this man is doing now and his previous or current business interests. The Government is crook, and should resign."

The good name of that business man would be besmirched; he would have almost no come-back. Members of the media can print freely what the Leader has said this afternoon, and there need be no concern about any libel action. Not only is what the Leader has said privileged, but the press and television reports of what he has said are also privileged, and a person so besmirched by the innuendo of the Leader of the Opposition, without any hard facts of malpractice to go on, has no come-back.

If the Leader has hard facts, he should supply them. As Minister in charge of housing, the only evidence I can give relates to the General Manager (Mr. Ramsay) coming to see me a short time ago to inform me that, at the Chairman's request, the trust had decided to purchase certain land from a company with which Mr. Liberman had been associated but with which he had no association now. Mr. Ramsay (and I am sure the Leader would support his reputation and would not try to besmirch it) assured me that the recommendation to the trust board to purchase this land was made by him and his officers, without the knowledge of the board. When the matter was raised at the board meeting, Mr. Liberman said, "I must disqualify myself from this decision, as I was previously associated with the company that owned that land. I am no longer associated, but I was previously associated."

The trust board, with Mr. Liberman disqualifying himself from taking any part in the decision, voted to purchase the land on the recommendation that Mr. Ramsay had made. Mr. Liberman then requested that, before the purchase was finalised, Mr. Ramsay should inform the Minister and the Premier of the set of circumstances surrounding the proposed purchase, and that the purchase should be finalised only if the Minister and the Premier concurred; hence Mr. Ramsay's meeting with me at the request of Mr. Liberman. I. informed the Premier of the situation, I said that I was quite satisfied that the matter was entirely above board, that the purchase had been suggested only on the recommendation of the trust officers and of Mr. Ramsay, and that Mr. Liberman had taken appropriate action, even though he was no longer associated with that company.

That is the evidence I have about Mr. Liberman. That is the kind of man I would expect him to be, from the discussions I have had with him as Chairman of the South Australian Housing Trust. I am asked to listen to the kind of cheap and lazy innuendo put up by the Leader of the Opposition and to condemn that man. I did not meet Mr. Liberman until he became Chairman of the South Australian Housing Trust, and I am basing my judgment of him entirely on my experience as the Minister responsible, as Minister of Planning, for the Housing Trust.

Mr. Arnold: But you were not at the time?

The Hon. HUGH HUDSON: I was not at the time of his appointment to the board. That is correct. I did not meet Mr. Liberman until after I became Minister. In the discussions I have had with him, Mr. Liberman has shown a concern for this State and a concern to get an effective operation from the South Australian Housing Trust that deserves applause, not condemnation. Unfortunately, Opposition members simply cannot understand how anyone would be willing to do some community service without a huge financial reward. The Deputy Leader of the Opposition, out of the nasty mind that he has, suggests that Mr. Liberman is resident in Sydney. I think the Leader said the same thing. Mr. Liberman now spends about half his time in Adelaide. He has a flat in Adelaide now and he is planning gradually, when he retires from active business altogether, to spend all his time in Adelaide. He regards Adelaide as his home, and wishes to retire here. The Leader may laugh, but that is a disgraceful thing to do.

The Leader says now, and his behaviour and his antics in this House indicate, that if an attack is made on someone under Parliamentary privilege that is the end of that man; no-one can say anything about that man that can possibly be accepted; it can lead only to horse laughs. That is a disgrace. The Leader wants to set himself up as judge and jury, and as the hangman as well. That is not good enough. I judge people on what I know of them, and I am reporting to this House what I know of Mr. Liberman in my dealings with him and in my dealings with the General Manager of the Housing Trust, who also reports to me on housing matters.

Dr. Eastick: What did you know of him when you concurred in his appointment?

The SPEAKER: Order! This is not Question Time.

The Hon. HUGH HUDSON: I knew of him what the Premier recommended about him and the Premier's opinion of him. I am a man who trusts the Premier of this State and who believes that, in many respects, his judgment is excellent. I am prepared on most things, unless I have evidence to the contrary, to accept his judgment. I say that as one who, as my colleagues will verify, is prepared to disagree with anyone, the Premier included. My colleagues will assert that. To be completely honest and frank about it, I say that the Premier's judgment of people is, in 99 cases out of 100, a judgment that I find accurate. If he makes a judgment about a person, and if I have no other evidence to go on, I am likely to accept it. That is the way in which one tends to work among colleagues, particularly in circumstances where one does not expect to be dealing with the innuendo of gutter politics day in and day out.

If we realise that we will have to put up with this all the time, we will speedily find a situation in which no-one of any substance is likely to accept a job with the South Australian Government because he will say that he will be taken before the House of Assembly and his name besmirched in a way which prevents him from replying or from obtaining any legal redress. The Leader said that he could not say anything about what Mr. Liberman had done as Chairman of the Housing Trust; he could not give any evidence. It was merely implication and innuendo, with a great string of associations with various companies, and the implication that it was all crook and that this man was crook.

The Leader has done something in this House this afternoon that I would not have believed he would do: he has damaged the reputation of a private citizen in a way that does not give that private citizen a comeback, and without proper evidence or consideration of the situation. There are other instances of people associated with this Government and also associated with the same Party as the Leader about whom one could put together the same sort of string of associations. To do that would be to damage their reputations in such a way that the persons concerned would have no comeback. That is what is wrong. If one is to undertake such tactics, one cannot have a 50 per cent hunch that something might be wrong. One cannot do such

a thing as a fishing expedition. If one is to use Parliamentary privilege to damage an outside individual, I believe the ethics of the Parliamentary situation require that one must be 100 per cent (or 110 per cent) certain of what one is saying. Nothing the Leader has said this afternoon is anything like that. All he was saying was that this man has had associations with various companies. He said that one company went broke, although the Premier explained that the subsidiary with which Mr. Liberman was associated was the successful one and was rescued by legal action.

Mr. Nankivell: Or smart dealing—

The Hon. HUGH HUDSON: The member for Mallee, of whom I have had a high opinion, as I did of the Leader, is doing the same kind of thing. He is saying that this man cannot win. Is it because he is a migrant? Is it because he is not a member of the Adelaide Club? His reputation has been damaged this afternoon. How can he win on that one?

Mr. Becker: You've done him more harm than anyone else.

The Hon. HUGH HUDSON: Now, with his peculiar logic, the member for Hanson will say we have done this man harm because we appointed him.

Mr. Becker: No, because you've raised it.

The Hon. HUGH HUDSON: Mr. Speaker, we ought to be protected from the lunatic fringe of the Liberal Party. That is all I can say to the member for Hanson.

Members interjecting:

The SPEAKER: Order! There are far too many interjections. I will not tolerate interjections of this nature. The honourable Minister of Mines and Energy.

The Hon. HUGH HUDSON: We then have the West Lakes argument. It is suggested that, because the Housing Trust owns land at West Lakes, Mr. Liberman's position as Chairman of the Housing Trust and Director of West Lakes is in conflict. The Premier explained that the land purchase by the Housing Trust at West Lakes was arranged years ago, at the time of the indenture, which was in 1968 or 1969. Once that land is purchased by the Housing Trust it is no longer subject to West Lakes: how it is developed is up to the Housing Trust. Virtually all of the decisions made about how that land was to be developed and what sort of housing was to be built on it were made prior to Mr. Liberman's becoming Chairman of the South Australian Housing Trust.

What association is any member of the Opposition able to make that shows a current conflict of interest, or a conflict of interest that has existed since Mr. Liberman has been Chairman? That land was allocated to the Housing Trust at the time the indenture was presented to Parliament under the Hall Government and was agreed to unanimously by this House.

Mr. Mathwin: Let's talk about the Queenstown shopping centre!

The Hon. HUGH HUDSON: The lunatic fringe is becoming such a large part of the Liberal Party that it is almost a full head of hair. I was appalled at the horse laughter of the member for Mount Gambier at the information given by the Premier that Mr. Liberman was prepared to spend half his time in Adelaide associated with work for the Housing Trust.

Mr. Allison: No laughter at all; what I said was, "Why"?

The Hon. HUGH HUDSON: An attitude of disbelief was expressed by the honourable member for Mount Gambier that any person would spend half of his time working for a Government for a very small return when he was capable of earning much more. The implication in the honourable member's approach was that therefore there had to be something crook, something sinister.

I throw that back to the honourable member for Mount Gambier. There are people in this world who have generous instincts. There are many such people in our community. Not every person in the community is out after a fast buck. There are people in the community who have made money and who wish to return something to the community from which they have made money, who wish to give something back. There is nothing wrong with that kind of attitude. That kind of attitude does exist and, rather than its being sneered at where it does exist, it ought to be applauded and accepted at its face value. Unless one has clear-cut evidence to suggest that there is something sinister, one should not have the reaction that was expressed by the member for Mount Gambier.

We have put up with an appalling exhibition from the Leader and Deputy Leader this afternoon. They have attempted to damage and smear a person's reputation by innuendo. There was no concrete evidence of anything that has occurred since Mr. Liberman became Chairman. The only evidence we have is that which. I have given the House this afternoon concerning the circumstances surrounding the trust's purchase of certain land, in relation to which Mr. Ramsay assured me that it was on his recommendation and made clear that Mr. Liberman disqualified himself from the situation and required the Minister and the Premier to be informed of the circumstances and to agree to the purchase before the board finally ratified it.

Mr. Dean Brown: It is still against the Act.

The Hon. HUGH HUDSON: That is not against the Act. The member for Davenport is a disgrace. I made quite clear that this was a purchase of land from the company with which Mr. Liberman was previously associated but had no current association, and that is not contrary to the Act.

Mr. Dean Brown: But—

The Hon. HUGH HUDSON: As far as Mr. Brown and his peculiar—

The SPEAKER: Order! The Minister must refer to the honourable member for Davenport as "the honourable member".

The Hon. HUGH HUDSON: If, in his opinion, it is contrary to the Act, nothing will shake that opinion, because, if he can end up in Bedlam by starting with a false assumption, that is where he will end up. We have not had a substantial argument this afternoon: we have had innuendo; we have had an attack on the Government based on that innuendo; and we have had a man's reputation damaged and besmirched by an Opposition that is led by someone who has not done his homework and is basically lazy about these matters. I oppose the motion.

Mr. MILLHOUSE (Mitcham): I have listened most intently to this debate, the subject matter of which came, so far as I was concerned, completely out of the blue. I did not know until a few minutes beforehand that the Liberal Party proposed to move a motion of no confidence in the Government, although I expected that action of some description would be taken by it today. As the Leader has been speaking, as the Premier has replied, and as others have spoken, I have tried to evaluate what has been said to decide which way I should go on this motion. Even in your short time in this House, Mr. Speaker, you will know that it is quite unusual for

a person to come into the Chamber not knowing at the beginning of a debate how he is likely to vote at the end of that debate, yet that is the position I am in today. I have had to try to judge what has been said by the Leader of the Opposition and to measure it against my ideas of fair play and justice, particularly in the light of the fact that the Liberal Party is hanging a motion of no confidence on what it has said about Mr. Liberman's appointment as Chairman of the Housing Trust.

I admit that I like nothing better than to give this Government a kick in the guts when I believe it deserves it (and it often does), and there were a number of matters on which I believe the Liberal Party could have concentrated this afternoon which would have deserved the censure that that Party is attempting with this motion. Having heard what has been said, I doubt that the Government deserves a motion of no confidence on this matter. I say that with great regret, because, as I say, I like to give the Government a kick as often and as hard as I can when it deserves it. Furthermore, it is not my wish that my colleague and I should vote in a way that is opposite to that of the Liberal Party. Although this happens, heaven knows, from time to time, I try to minimise the number of times it happens and never like doing it. However, I must do it unless I consider that the Labor Party is justified in the stand it is taking.

Mr. Keneally: But you don't know how your colleagues are going to vote on this occasion, do you?

Mr. MILLHOUSE: We will see about that. Members have had about 1½ hours to discuss the matter, four members having got up to speak before me. Let us look at what has been said this afternoon about this matter. The Leader has been kind enough to let me have a copy of his speech so that I can quote precisely what he said when speaking to the motion. The first quotation to which I draw attention is at the top of page 2, as follows:

> It is not necessarily suggested that Mr. Liberman has taken any business advantage of his high office, nor that he will intentionally use the position improperly, but the Premier should never have put him in a position where it could appear that he could have done so.

So, the Leader was at pains to say, early in his speech, that he was not necessarily suggesting any business advantage being taken by Mr. Liberman. He then went on in the body of his speech to make a number of assertions about Mr. Liberman's past business activities, which, I should have thought, had it not been for his disavowal to which I have referred, were pointing to some business advantage having been taken. At the top of page 4 of his speech, the Leader continued:

> The Opposition cannot accept the propriety of the action that the Premier has taken in appointing Mr. Liberman, a close associate of Sir John Marks, as Chairman of the biggest single wholesale consumer of building materials in the history of the State.

The Leader continued (page 5 of his speech) as follows:

> While the Premier has been busy extolling the virtues of South Australia's new show-piece, West Lakes, Mr. Liberman has been busy dealing in land in this area; in fact, one of the largest buyers of land in the West Lakes seafront area has been a company in which Mr. Liberman has an interest.

The Leader went on at some length about that. At page 8, towards the end of his speech, the Leader said:

> There is no evidence or suggestion that Mr. Liberman has used his office as Chairman improperly and, indeed, in 1975 he resigned as a director from several companies.

So, while, as has been said by the Premier and the Minister, there is much innuendo in the Leader's speech, the Leader said in terms twice in his speech that he was not suggesting impropriety on the part of Mr. Liberman. If he is not suggesting impropriety now on the part of Mr. Liberman, the only proper time at which there would have been any justification for a motion such as this would have been when Mr. Liberman was appointed to his position, because apparently in the Leader's own mind and in the minds of the members of his Party there has been no impropriety since then in what Mr. Liberman has done.

Mr. Liberman has been Chairman of the Housing Trust for some time. The Leader referred to a question that I asked on September 30, 1975, about the membership of the Housing Trust. He did not say that it was my question, although he referred to it. On that day I asked:

1. Who are the members of the Housing Trust and when was each appointed?
2. When does the term of each expire?
3. Is it proposed to reappoint any of the present members and, if so, which ones?
4. If it not proposed to reappoint any of the present members, why not?
5. By whom are present members, if not to be reappointed, to be replaced and why?

The answer that I got commenced as follows (and I do not need to go far in this):

> The members of the trust are:
> Mr. M. L. Liberman—appointed May, 1975, reappointed July 24, 1975, as Chairman, term expiring October 24, 1975.

So, it was known in this House at the end of September, even if it had been missed as early as May 1, that Mr. Liberman, with all his past business associations, was the Chairman of the Housing Trust. That would have been the appropriate time to move a motion such as this, if the only complaint is that Mr. Liberman is Chairman of the trust, and, in the words of the Leader himself this afternoon, that is the only specific complaint, because no impropriety is suggested in anything he has done since then. However, nothing was done. I did not follow it up; nor did the Liberal Party.

Since then, Mr. Liberman has been reappointed. The member for Goyder checked on this during the course of the debate. Mr. Liberman was reappointed Chairman on October 30, and his appointment lasts for another fortnight only, until February 18. What happens after that is, of course, a matter for the Government. Those are the facts, and to me that is a fatal objection to supporting the Leader's motion. I must say that, when the Leader finished his speech, I wondered whether he had made out a case at all: whether, as we say in the courts, there was even a case to answer. If there were (and I very much doubt it, for the reasons I have given), the Premier, I must say frankly, did himself more harm than good by what he said.

In one matter at least, he tried to gild the lily in relation to the original indenture. As the member for Torrens knows, the least that is said about the original West Lakes indenture, the better. The story, as I remember it (and he will correct me if I am wrong) is this: in 1968, the Dunstan Government knew that it was likely to lose office as soon as this House met. For some time, and before the present Premier was Premier (that is, when he was still the Attorney-General), there were negotiations over West Lakes. The original indenture was taken over to Sydney personally by the hand of Mr. Ken Tomkinson on Maundy Thursday, (the day before Easter), 1968, to be signed in Sydney. That was done with the greatest of haste, so that when this House met and the Government met its fate on the following Tuesday the indenture would have been signed, in the hope that nothing would be done about it.

However, something was done about it. It was agreed between the Hall Government and the company that the indenture would be renegotiated. It was renegotiated, it came before this House, and it was scrutinised by a Select Committee and confirmed. Let not the Premier suggest that that first indenture was a good one or that it was completed with propriety—

Mr. Coumbe: Or that he was lily white.

Mr. MILLHOUSE: Yes. Let him not suggest any of those things. That indenture was completed in the greatest of haste by a Government that knew that it had only a few more days to remain in office. With his reference to that, the Premier did himself no good at all amongst those who know the facts.

Apart from that, I have nothing more to say about his speech. The only other point I mention (I mention it because it was mentioned by the Leader of the Opposition and, I think, by the Premier) is the Myer Queenstown thing. That was a disgraceful episode. The Government succeeded in defeating the Myer Queenstown project, and I have no doubt that the whole thing was done to help West Lakes. I think that was done unworthily. The methods used were quite despicable, and they included the introduction of legislation in this House by the former Attorney-General, now Mr. Justice King.

However, those points are not relevant to this motion. As I have said, if the motion had been moved at the time of the original appointment of Mr. Liberman, the situation might have been different, but that was not done. Unless there is some proven impropriety in the conduct of Mr. Liberman, I do not believe that it is appropriate now, nearly 12 months (certainly nine months) after his original appointment, to censure the Government.

Let us consider some other aspects of the matter. What about the other members of the Housing Trust? Do they count for nothing? The Leader has not mentioned them in his speech this afternoon, yet the Chairman is not the be all and end all of the trust. There are six other members. There is Hugh Stretton, the former professor. I cannot think whether he is Dr. Stretton or Mr. Stretton, but he is a well-respected man of integrity and is the Deputy Chairman. There is Mr. Murray Glastonbury, who is known as one of the most respected men in the trade union movement. There is Mr. lack McConnell, who is an architect. I do not know Mrs. Etherington at all, but Mr. Peter Wells is a chartered accountant who was appointed, as I remember, when I was a member of the Government, and there is Mr. Cedric Pugh. Those people must count for something in the Housing Trust. It is not as though Mr. Liberman had been put in a position of having supreme, absolute and sole control of the trust by any means.

To vote for this motion, in my view (and I hope I am not taking too taxed a view of it: this is a political arena), would be tantamount to condemning Mr. Liberman of some impropriety, when in fact none had been suggested. I do not know Mr. Liberman: I have never met him. I have heard about him and have heard of his reputation, and so on, but I am certainly not prepared to condemn him as I believe I would be doing if I voted for this motion on the basis of what has been adduced today. The Leader of the Opposition may say more in his reply to the debate or at some other time but, on what he has said, which is all I have to go on, I could not possibly condemn Mr. Liberman as I would have to do if I were to support this motion. Accordingly, I oppose it.

Dr. TONKIN (Leader of the Opposition): I must say that the responses to the motion and the material introduced in this House this afternoon have, in every respect but one, been predictable. The Premier (and I agree with the member for Mitcham here) did himself no good in his reply. He talked about business interests and the times when various interests were held, and he gave a history of the individual involved and of the Reid Murray fiasco (indeed, tragedy). What it all amounted to, however, was that the Premier said nothing. Indeed, he was quite brazen in his defence.

He totally ignored the allegations that have been made, and I repeat that those allegations are substantiated quite clearly by copies of documents regarding transfers, company records, and lists of directors and shareholders, going back not only through the direct companies with which Mr. Liberman is associated but also through the network of companies with which Mr. Liberman has been associated, company after company and trust after trust.

The Premier then referred to me as a regular knocker of the State, and that is about what we would expect, because there was not much left for him to defend and he had to resort to personal abuse. I will knock this State if I must, but I will knock it only in respect of the miserable mess that the Labor Government has made of it. It is not the Liberal Party that is to blame for pointing out the difficulties and deficiencies in this State at present: it is for the Government to justify the state of South Australia. 1 will do my duty, as will every other member of this Opposition, in bringing to the public eye the deficiencies that exist.

The Minister of Mines and Energy also said precisely nothing. He spent most of his lime talking about innuendo and Parliamentary privilege, saying that one should not come into this place and talk about an individual, presenting facts about an individual, unless he was absolutely certain of his facts. The Minister did not give me credit for having made certain of the facts I have been talking about this afternoon, and neither did the member for Mitcham.

The member for Mitcham said that, if any objection was to be taken, it should have been taken at the time of the original appointment, which was in May last year. The honourable member knows full well, or should know, that these matters that come forward are extremely difficult to unravel. They are hidden in company records and transactions, and I was not prepared to come into this House and make these statements until I was absolutely sure they were based on fact. The honourable member might have been prepared to do that, but I was not.

That is the reason that he has given for being lukewarm about this proposal (indeed, I think probably opposing it) and it does him little credit. He, as a former Attorney-General, should know how difficult it is for lay people, not company investigators in the Attorney-General's Department, to get to the bottom of this tangled web, and we have got to the bottom of it as far as this instance goes. Indeed, I suspect that it goes much deeper and that there is much more involved, but we have gone as far as we can now and have taken the first opportunity to ventilate this matter, and we are sure of it.

Mr. Coumbe: We wouldn’t have had the chance if the Premier had closed the House for eight months.

Dr. TONKIN: If the Premier had had his way and closed the House for eight months, we would not have been introducing this matter until June. It is a serious matter that affects the credibility of the Premier and of the Government, and for the Minister in charge of housing to say that, when he became Minister, he did not know the man who was Chairman of the Housing Trust and that he

relied on the Premier's opinion when this man was appointed completely justifies what we have been saying. It was interesting to hear the Minister talking about the gentleman retiring from active business, saying that he will come here when he retires from active business. I doubt very much that he will ever retire from active business, but I will accept that the Minister may have been misled by his Premier; it is possible. He says that he agrees with the Premier most of the time; that may be so. He may have been misled, but that is no reason why the responsibility for this appointment devolves either from him as a member of the Government or from the Premier himself.

There has been some innuendo, but there have been far more facts. I repeat that we do not say that there has been any impropriety after the appointment of Mr. Liberman to the Chairmanship of the Housing Trust, but certainly there has been evidence of impropriety before that appointment and, because of that, I do not think he should have been appointed. This is the point that the Minister and the Premier have carefully skirted around and so, to some extent, has the member for Mitcham. He has shied off it.

Mr. Millhouse: I have not skirted around anything.

Dr. TONKIN: We are not suggesting that impropriety, but it is inevitable that suitability for an appointment of this nature must be judged on past performance, and it is quite clear from past performance that conflict of interest has never ever concerned Mr. Liberman in certain other activities that he has indulged in. I cannot understand the member for Mitcham, who continually supports the Opposition's case and then says "Yes, but" all the time. It almost seems that he is opposing our case because he does not know whether he must or not. The Liberal Party has followed up this appointment very carefully.

[now ask the indulgence of the House to refer to *Jobson's Year Book* 1975-76, which gives clear statements relating to R.D.C. Holdings Limited. I refer to an extract from the companies return giving particulars in the register of directors, managers and secretaries; it is for 1973. and it is document No. 20998. I refer to a copy from the latest edition of *Jobson's Year Book* on Development Finance Corporation Limited. I also refer to page 200 of *Jobson's Year Book* for 1975-76, relating to F. and T. Industries Limited. On page 106 of *Jobson's Year Book* for 1975-76, reference is made to Dickson Primer (Consolidated) Limited. I suggest that honourable members should search the Companies Office for other details that they need.

1 refer to documents relating to Charles Norton Proprietary Limited: a certified copy of the Directors of Charles Norton Proprietary Limited includes Max Leon Liberman. I refer to certificate of title, volume 3391, folio 36, relating to the purchase of land from Charles Norton Proprietary Limited by the Premier. I might say that I make no innuendo about the building. All these things are documented. I refer to a return under the Companies Act in relation to J. J. McDonnell Investments Proprietary Limited that shows Carolita Investments Proprietary Limited holding a one-third interest.

I refer to Carolita Investments Proprietary Limited, which is owned by Carolita Trusts Proprietary Limited and Mrs. Liberman, and in which Mr. Liberman has an interest through Carolita Trusts. All of these matters, particularly the matters in relation to the transfer of land, which the Premier is pleased to call capital appreciation over one day, are also clearly set out in certificate of title, volume 4008, folio 447; certificate of title 4008, folio 448; certificate of title 4008, folio 443; and certificate of title, volume 4008, folio 444.

If members wish to do so, I suggest that they check these facts for themselves. The facts cannot be refuted: they are there in black and white. It is clear that Mr. Liberman had interests in all three of those companies and acted most improperly in doing what he did. For that reason, those facts should have been taken into consideration before he was appointed Chairman of the Housing Trust. It has taken the Liberal Party a considerable time, and it has needed the co-operation of many concerened. people in the community before we could piece this story together. I would have been very pleased to present it at the first opportunity in May or June of last year if it had been possible, but it was not possible. We have taken the first chance we had of bringing this to the notice of the House, and I stand by my motion.

The House divided on the motion:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Noes (25)—Messrs. Abbott, Boundy, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Corcoran, Duncan, Dunstan (teller), Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, Langley, McRae, Millhouse, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Majority of 4 for the Noes.

Motion thus negatived.

GOVERNORS' PENSIONS BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to provide for the payment of pensions to certain former Governors of the State, to the spouses of certain deceased Governors, and former Governors, and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill he now read a second time.

It creates machinery by which, in appropriate circumstances, a pension may be payable to His Excellency the Governor and his successors in office. It also provides means for the payment of pensions to the spouses of Governors of the State who die in office or who die after retirement.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 sets out the definitions used for the purposes of the measure. As a consequence of the definitions used, the measure has no application to any of His Excellency's predecessors in office. Clause 3 provides for orders to be made by the Treasurer providing for pensions for life for former Governors, spouses of deceased former Governors and spouses of Governors who die in office.

Clause 4 sets out the maximum pension that may be paid under an order, the maximum being half the salary for the time being payable to the former Governor to whom the pension is granted immediately before he retired. Maximum pensions for spouses are fixed at three-quarters of this amount. However, subclause (2) of this clause provides for "indexation" of pensions granted. Subclause (3) of this clause empowers the Treasurer to pay regard to other pensions and retiring allowances applicable in determining the amount of pension under an order. Clause

5 is a machinery provision. Clause 6 is a formal appropriation clause.

Mr. ARNOLD secured the adjournment of the debate.

BUILDING SOCIETIES ACT AMENDMENT BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the Building Societies Act, 1976. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill be now read a second time.

It is designed to enable building societies to act as agents of the Aboriginal Loans Commission. The commission is established under the law of the Commonwealth, and its object is to enable Aboriginal persons to obtain housing loans on advantageous terms. An agreement has been reached between the commission and South Australian building societies under which the societies will act as agents for the commission in granting and servicing loans to Aborigines. This Bill is designed to ensure that building societies have the necessary legal competence to carry out the terms of this agreement.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides that the amendment will be retrospective to the date of the commencement of the Building Societies Act. This amendment is desirable because certain building societies have already granted loans in pursuance of an arrangement with the commission. Clause 3 empowers a building society to act as an agent of the commission.

Mr. BECKER secured the adjournment of the debate.

PUBLIC AUTHORITIES (INDUSTRIAL DEMOCRACY) BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to amend the law relating to certain public authorities so as to facilitate the appointment of representatives of two employees of those authorities to those authorities and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill he now read a second time.

This measure is, as its long title suggests, introduced to ensure that there will be no formal legal impediment to the carrying out by the Government of its announced policy of promoting industrial democracy in relation to public authorities. There are general principles of law, which may be subject to express statutory enactment, that a person in a fiduciary position must not profit from his position of trust, nor must he put himself in a position where his interest and duty conflict. With the law in its present state, these two principles act against the formal lawfulness of an employee of a public authority, as defined, being appointed the body responsible for the management of the affairs of that authority.

In the legislation of this State there are, of course, examples of specific provision being made to permit the appointment of employees as members of the governing bodies of public authorities. Such a provision that comes readily to mind is section 6(2) (c) of the South Australian Theatre Company Act, 1972. This Bill is intended to deal with the legal impediments in a manner that is both general and specific. Its generality is derived from the fact that it is capable of encompassing most, if not all, public authorities in the State. However, its application to any particular public authority is touched off only by a specific proclamation made after examination of the situation of that public authority and its suitability for the application of the measure.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 sets out the definitions used for the purposes of the measure, and I would draw members' attention to them. The definition of "member" recognises the fact that some public authorities have a management body which is separate and distinct from the body itself, and the term "member" in relation to a public authority has been extended to include "membership" of that management body. Clause 3 provides for the application of the measure to particular public authorities. Clause 4 is the meat and substance of the measure, and at subclause (1) disposes of the formal legal barrier to employees becoming members of proclaimed public authorities and, at subclause (2), deals with two specific matters, that is, remuneration of members of public authorities and questions of "interest".

Mr. DEAN BROWN secured the adjournment of the debate.

WATER RESOURCES BILL

The Hon. J. D. CORCORAN (Minister of Works) obtained leave and introduced a Bill for an Act to provide for the assessment, conservation, and development of the water resources of the State, the control and management, and utilisation and quality, and for other purposes. Read a first time.

The Hon. J. D. CORCORAN: I move:

That this Bill Be now read a second time.

The development and management of South Australia's water resources, and hence its supplies, is one of the greatest social issues facing the State. The quantity and quality of our water resources is probably the most important and generally least appreciated asset we have. It hardly needs stating that South Australia is the driest State in the world's most arid continent. Our State possesses less than 2 per cent of the total water resources of Australia, while accounting for 12½ per cent of Australia's land mass and more than 9 per cent of its total population. This gives some indication of the problems facing the Government in conserving, developing and managing our water resources.

Increasingly the pressures of exploitation are giving rise to instances where damage to the resource, or hardship to communities and individuals, will result if sound management and conservation policies are not properly carried out. At the same time, increasing industrial, agricultural and urban development are giving rise to problems of waste disposal, which, especially when accompanied by diminishing quantities of water in streams and underground, result in increasing dangers of deterioration in water quality. The existence of these pressures, felt in our State to a degree not paralleled anywhere else in Australia, and the necessity of taking positive management initiatives to overcome them, underline the importance of this measure to the State.

The purpose of this Bill, therefore, is to enable the water resources of the State to be conserved, developed and managed in the manner that is most beneficial to the people of the State with provision for enlisting their involvement to the greatest degree in the planning and management process.

This measure is the legislative expression of the South Australian Government's water resources management policy, which was announced just over two years ago. It will make possible the achievement of the fundamental

principles of this policy by first, providing a framework for consolidating the responsibility and authority for the conservation and management of water resources under the one Ministry and hence preventing the fragmentation that has proved disastrous elsewhere in Australia; secondly, promoting greater opportunity to incorporate water resources planning and management within the framework of comprehensive economic, environmental and social policy at the local, regional and State levels; thirdly, providing a basis for multi-objective planning and management, in which not only the objective of economic efficiency is taken into account but also the objectives of environmental quality, regional economic development, and social well-being; fourthly, providing a basis for multi-purpose planning and management of the State's water resources. In the past the main thrust of Government policy and activity has been directed towards the provision of water for domestic and industrial use and for irrigation purposes. It is now recognised that there are many other purposes of water use that interest and affect the community: the enjoyment of water in recreational pursuits, and the preservation of flora and fauna, to name but two.

Fifthly, recognising the interdependence of surface and underground water, and of quality and quantity, which entails the adoption of a consistent and unified approach to each of these aspects of water resources; and lastly, providing means whereby the planning and management efforts, already upgraded in tempo to meet the unique problems encountered in this State, can take the initiative. Only thereby can the water resources of the State be enhanced, especially in quality. In contrast, if this measure were not enacted, water resources management would inevitably become a matter of attempting to remedy damage after it has been done, and of alleviating hardship after its worst effects have been suffered.

Many aspects of this policy were expressed in a statement of water resources policy that was adopted last year by all States and the Australian Government. The relevant objectives of this policy are as follows:

(1) The provision of adequate waler supplies of appropriate quality to meet urban and rural domestic needs, as well as those of viable primary and secondary industries.

(2) The conservation, development and management of water resources so that other purposes such as flood control, recreation needs and wildlife conservation are also achieved.

(3) The more intensive prevention of harmful pollution and the maintenance of high standards of water quality.

(4) The development of effective waste water treatment facilities in conjunction with water supply systems and the encouragement of recycling and re-use of water where appropriate.

(5) The adoption of water pricing policies which enable water needs to be met at a fair and reasonable price, but which provide an incentive to all water users to avoid wasteful or environmentally harmful practices and which encourage the efficient allocation of resources.

(6) The maintenance of adequate, undisturbed aquatic environments as reference areas and the preservation of appropriate wetlands for the benefit of native wildlife.

(7) The implementation of a programme of public education aimed at ensuring the proper understanding of the factors affecting the development and use of water resources and a sense of responsibility in these matters.

(8) The involvement of the public in the planning of water enterprises.

The principles on which this Bill have been based are therefore in accordance with the most modern developments in water resources management that have been evolving recently at the national level, and indeed internationally. Furthermore, in its treatment of all aspects of water resources as a unified whole, it is believed to be the most advanced legislation in this field in the world.

At the same time, it remains a purely South Australian Bill, designed to meet the unique and various needs of all regions of this State. Until now, legislation related to water resources management has been provided by a number of separate acts in the fields of surface waters, underground waters and water quality. The present situation is fragmented and inadequate from the legislative viewpoint, and as a result it is fraught with administrative difficulties. Completely new and consolidated legislation is required in these three fields, and in addition new ground must be covered.

In the surface waters area, management is currently exercised using the Control of Waters Act, 1919-1975. This Act is somewhat archaic in its wording and structure, and in practice has proved to be applicable only to the management of diversions from the Murray River, which indeed require management since the resources of the river have a definite limit. There is a need for completely new legislation in the surface waters field, a need which is fulfilled by this Bill. The management of underground waters is effected through the Underground Waters Preservation Act, 1969-1975. This Act provides for a rather wider range of controls than the surface waters legislation because by their nature underground water resources are much more liable to permanent damage or destruction by ignorant or self-interested mismanagement. Its very necessary powers are exercisable only in defined areas which at present are the Northern Adelaide Plains and parts of the South-East and Eyre Peninsula.

It is worth noting that, in the Northern Adelaide Plains, underground water is being extracted three times faster than it is being replenished. In this Bill opportunity is taken to upgrade technically the provisions for underground waters management, and to transform the management approach into one that is consistent with the approach used in respect of surface waters. Among other things, provision is made for the protection of aquifers throughout the State from faulty or inappropriate well construction. To date, only certain limited aspects of water quality have been provided for in existing legislation. Only the Health Act and the Waterworks Act contain effective provisions, and these are limited to water for human consumption and, in the latter case, are confined to strictly limited areas.

This Bill provides for the control of the discharge of wastes into waters throughout the whole State, and in respect of all beneficial uses of water. The method provided for exercising the necessary controls is relatively simple, and differs somewhat from the methods commonly used in other States and countries which in some respects have proved to be unsatisfactory. Some have adopted the method of classification of waters by type of use, and provide penalties for those who cause the quality of receiving waters to exceed the limits laid down. This approach is proving unenforceable. The approach in this Bill is first, to prohibit the discharge of wastes into waters where such action would result in the impairment of water quality, and, secondly, to provide for the Minister, by order, to authorise the discharge of wastes into waters only

in strict accordance with the terms of the order, thus enabling a positive approach to water quality enhancement to be taken. The Bill also contains powers to take action to mitigate the resulting pollution caused by an emergency or accidental happening.

New ground is broken by the Bill in three further areas. First, the establishment of a South Australian Water Resources Council and Regional Advisory Committees. This provides a formal mechanism for public involvement *in the* management process. Secondly, the establishment of an appeal tribunal which will provide the individual with an additional opportunity to have his or her case examined by an independent body and, thirdly, the provision of powers to construct works necessary for the purposes of the Act, such as those required for water quality mitigation, and further provisions to facilitate efficiency in administration.

I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be fixed by proclamation. Clause 3 deals with the arrangement of the Act. Clause 4 repeals the Act specified in the schedule. The definitions needed in. the Bill are covered in clause 5 and the attention of members is particularly drawn to the definition of "waste". Clause 6 vests the control of and the right to the use of all waters in the State in the Crown, subject to the provisions of this Bill. Clause 7 provides that the Crown is to be bound by the Bill. Clause 8, most importantly, provides that the River Murray Waters Agreement is not to be affected by this measure.

Clause 9 establishes the South Australian Water Resources Council and provides for its constitution. It is intended that the members of the council will be drawn from a number of fields concerned with water in this State, and to this end it has been expressly provided that members shall be nominated by the Local Government Association, the Chamber of Commerce and Industry, United Farmers and Graziers and the conservation body prescribed by the Minister. Provision is also made for the appointment of a person experienced in irrigated horticulture and viticulture and six persons having professional qualifications in engineering, a geo-science, agriculture, environment or conservation, public health and Crown lands administration. The chairman of the council is to be appointed by the Minister.

Clause 10 covers the terms and conditions subject to which members of the council are appointed. The appointments are for a term not exceeding four years and are subject to the standard provisions as regards dismissal and vacancies in office. Clause 11 is a standard clause providing for procedure at meetings. Clause 12 allows for the appointment of a secretary to the council under the Public Service Act. Clause 13 provides for the payment of allowances and expenses to members of the council who are not public servants. Members of the council who are public servants are to be entitled to receive travelling allowances and out of pocket expenses. Clause 14 deals with the powers and functions of the council. Generally, the role of the council is to advise the Minister on any matters arising from the Bill or its administration and, in particular, on matters of policy. This clause also provides that the council is to have regard to factors such as the equitable distribution of water, the social well-being of people and the preservation of the amenities, nature, features and general character of a locality.

Clause 15 is a standard clause protecting members of the council from liability while acting as such and validating acts of the council carried out during some defect in its membership. Clause 16 provides for the establishment by the Minister of advisory committees. The powers and functions of such committees are to be as prescribed but will be flexible enough to ensure that there is an appropriate high level of regional involvement. Clause 17 establishes the Water Resources Appeal Tribunal, to consist of the chairman, who will be a legal practitioner of seven years standing, two standing members, one of whom will be qualified in engineering and one in science, and at least one other member drawn from a panel to be established by the Governor. No-one who is a member of Parliament, a member of the council, a member of an advisory committee, or a member of the Well Drillers' Examination Committee is qualified to be on the tribunal.

Clause 18 gives the Governor power to establish the panel required for the tribunal and provides for the representation on the panel of certain interests:—primary production, well drilling, industry, and public health. Clause 19 is a standard clause prescribing the conditions of office of the chairman and members of the tribunal. In this case, the term of office is three years, with the possibility of rc-appointment. Clause 20 disqualifies a member of the tribunal from sitting at the hearing of an appeal if he has any proprietary, financial or personal interest in the result. Clause 21 provides that a decision of the majority of members shall be a decision of the tribunal and in the event of an equal division, the decision in which the chairman concurs is to be the decision of the tribunal. This clause also provides that the chairman will decide any questions of evidence or law or procedure.

Clause 22 is a standard clause protecting members of the tribunal from liability while acting as such. Clause 23 entitles members of the tribunal to allowances and expenses as determined by the Governor. Clause 24 provides for the appointment of a registrar of the tribunal. Clause 25 begins the third part of the Bill, relating to surface waters and gives the Governor power to declare any watercourse to be a proclaimed watercourse.

Clause 26 prohibits any person from diverting or taking any water from a proclaimed watercourse without authority. Penalties for this offence range from $100 to $3 000. Because of the difficulty of proof of such an offence, an evidentiary provision has been included in this clause so that proof of the existence on any land of a channel or means of taking water shall be *prima facie* evidence that water was taken. Clause 27 clarifies the position with regard to the general law and declares that no right to take water from a proclaimed watercourse may be acquired otherwise than by virtue of this or any other Act.

Clause 28 grants to the owner of land through which a proclaimed watercourse passes the right to take water for domestic purposes and for providing drinking water for grazing stock on that land. Clause 29 provides for the grant of annual licences to use water, subject to such terms and conditions as are specified in the licence. Clause 30 is a transitional provision enabling licences granted under the Control of Waters Act to be continued in existence until they expire.

Clause 31 makes it an offence for a person to fail to comply with a. term or condition of his licence, with a penalty not exceeding $1 000. Clause 32 gives the Minister power, in the case where he is satisfied that the holder of a licence has contravened or failed to comply with a condition of that licence, to serve on the licence holder an order which revokes or suspends for the period stated

in the order the licence, or which amends or varies the terms and conditions of the licence.

Clause 33 is a provision which operates when there is, or is expected to be, a shortage in the availability of water. It gives the Minister power to restrict by notice the supply of water to licence holders. It will be an offence to take water in contravention of such a notice, with a penalty of $5 000 and a daily default penalty of $1 000. Clause 34 provides that a person who is convicted of an offence against clause 33 shall be deemed to have contravened a term of the licence and thus may be subject to the operation of clause 32 (that is, the revocation, suspension or variation of his licence).

Clause 35 is again for operation in times of actual or expected water shortage and gives the Governor powers to dispense with, suspend or vary any other Act, by-law, rule or regulation, for a maximum term of six months, to ensure equitable distribution of the available water. Clause 36 prevents any person from obstructing or interfering with a proclaimed watercourse unless authorised. Penalties provided vary from $500 to $5 000.

Clause 37 is a provision enabling an authorised officer to require an owner of land to remove any obstruction or interference in relation to the bed or banks of a proclaimed watercourse, which flows through or which is contiguous to his land. There is a penalty of not more than $100 a day for failing or refusing to comply with such a requirement. Clause 38 prohibits the carrying out of any works which would affect a proclaimed watercourse without authority and prescribes a penalty of $2 000. Clause 39 provides for the grant of permits for works, and allows for the variation by the Minister of the terms and conditions of such permits.

Clause 40 makes it an offence, carrying a penalty of $1 000, to contravene or fail to comply with any term or condition of a permit. This clause also gives the Minister power to revoke a permit on the holder of that permit being convicted of an offence under this clause. Clause 41 begins the part of the Bill dealing with underground waters. This clause allows the Governor to declare any region of the State to be a proclaimed region. Clause 42 prohibits any unauthorised drawing of water from wells in a proclaimed region. Penalties are provided ranging from $100 to $3 000. An evidentiary provision provides that proof of the existence of a means of withdrawing water shall be *prima facie* evidence of withdrawal.

Clause 43 gives the Minister power to grant annual licences to withdraw water subject to such terms and conditions as are specified in the licence. Clause 44 states that it is an offence to contravene or fail to comply with a term or condition of a licence and provides a penalty of $1 000. Clause 45 allows the Minister, in the case of a contravention of a term of a licence, to serve upon the licence-holder an order revoking or suspending that licence, or varying any terms or conditions of that licence.

Clause 46 allows the Governor to declare that specific provisions of this Bill shall not apply to wells in a particular class. Clause 47 gives the Minister power to require such information in relation to any wells in an area as he specifies in a notice published in the *Government Gazette,* and provides a penalty of $500 for failing to comply with a notice. Clause 48 prohibits the carrying out of any major work on a well without authorisation. This applies to drilling, constructing, deepening or plugging wells, to work on the casing or lining of wells, and to the deepening of or other work on wells which are either fully or partly exempt from the provisions of the Bill if that deepening or work would cause those provisions to apply to that well. For this offence, penalties of $100 to $3 000 are provided. However, if the work carried out was urgently required to prevent pollution or deterioration of the waters of the well and it was not practicable to apply for a permit, provided that the work was carried out in accordance with any regulations relating to work carried out in such an instance and the Minister was informed immediately on the work being carried out, the person carrying out the work shall have a defence to a charge laid under this clause.

Clause 49 provides for the grant of well construction permits and for the variation of any of their terms and conditions. Clause 50 is a transitional provision allowing permits granted under the Underground Waters Preservation Act to continue in existence until their expiry. Clause 51 makes it an offence carrying a penalty of $1 000 to contravene or fail to comply with a condition of a permit. In this clause the Minister is given power to revoke the permit if the holder of that permit is convicted of an offence under this clause.

Clause 52 is similar to clause 48. This clause relates to the change of use of a well, and provides that it shall be an offence to allow a change in the use of a well without the consent of the Minister. It is also an offence to contravene or fail to comply with a condition of a consent. This clause carries penalties between $500 and $3 000. Clause 53 gives the Minister power, where he considers it necessary to prevent pollution, deterioration, wastage or inequitable distribution of water, to serve on the owner of land on which a well is situated an order requiring that person to take the action specified in the order.

Clause 54 makes it an offence to contravene or fail to comply with a provision of a well order. The offence carries a penalty of $2 000 with a default penalty of $200. Clause 55, importantly, allows the Minister, if an order has not been complied with within a period specified in the order or a reasonable period, to take the necessary action to ensure compliance with the order and to recover the cost of that action from the person on whom the order was served. Clause 56 makes it an offence for the owner of land on which a well is situated to allow the well to fall into disrepair. There is a penalty of $200 and a default penalty of $100. Clause 57 prevents any person from drilling or otherwise carrying out major work on a well unless he is the holder of an appropriate well driller's licence or is working under the direct supervision of the holder of such a licence. This clause is expressed to apply to officers of the Crown as well as private persons. The penalty provided is $1 000. Clause 58 provides for the granting of well drillers' licences of prescribed types.

Clause 59 is a transitional provision allowing licences granted under the Underground Waters Preservation Act to continue in existence under this Bill. Clause 60 establishes the Well Drillers' Examination Committee with such members, appointed by the Minister, and such powers and functions as shall be prescribed. Clause 61 is the first clause of the part of the Bill dealing with water quality. It states that no person shall, unless authorised by or under this or any other Act, cause, suffer or permit any wastes to come into contact, directly or indirectly, with waters, and prescribes a penalty of $10 000 with a default penalty of $1 000. This clause is not to come into operation until proclaimed in order to give those concerned with disposal of waste time for arrangements to be made.

Clause 62 deals with water quality orders. The Minister may, by order, authorise a person to dispose, disperse or discharge specified waste into waters, but only in strict accordance with the terms of the order. Such

orders have a maximum life of five years. Clause 63 is applicable to situations which are considered by the Minister to warrant urgent action. The Minister may, by notice addressed to a person, require that person to discharge waste into any waters, or to place it on any land, or prohibit that person from discharging waste into any waters or from placing it on any land. A person acting in accordance with such a notice shall not be guilty of an offence against this Bill, but a person who contravenes the notice is subject to a penalty not exceeding $10 000. If it is considered necessary, the Minister may take such action as is required to prevent or minimise water pollution, and may recover the costs of that action from the person responsible for the pollution.

Clause 64 deals with the situations in which an appeal to the tribunal will lie. An appeal lies against the refusal to grant any licence or permit against any order and against the imposition of any term or condition subject to which a licence or permit is granted or to which an order is made. Other than the specific instances listed, no appeal lies. Appeals must be instituted in the prescribed manner and form, and at the hearing of an appeal, the tribunal may uphold or quash the decision appealed against. It has no power to vary a. decision. Clause 65 prescribes certain of the procedures for appeals to be heard before the tribunal. It is a standard clause covering such matters as notice to persons involved and who may appear before the tribunal. The tribunal, for flexibility, is not to be bound by the rules of evidence and is to be concerned more with the substance of matters arising before it than with technicalities.

Clause 66 gives the tribunal power to require the attendance of any person, to require the production of any books or documents, to require a person to make oath or affirmation that he will answer questions, to require a person to answer any question and to enter upon any land or premises. Penalties are provided for failure to comply with a requirement of the tribunal and for misbehaviour before the tribunal. It is, however, also provided, that a person may refuse to answer a question if the answer would tend to incriminate him or to produce any books or documents if their contents would tend to incriminate him. Clause 67 provides that the institution of an appeal will not suspend or affect the operation of the decision or direction which is the subject of the appeal.

Clause 68 provides that the tribunal shall give reasons in writing for any decision. Clause 69 gives the Minister power to acquire land subject to the provisions of the Land Acquisition Act. Clause 70 gives the Minister power to construct works which are necessary for the purposes of this Act. Clause 71 is a power of delegation given to the Minister. A delegation under this clause may be revoked at will and does not prevent the exercise of any power by the Minister. Clause 72 gives the Minister power to appoint authorised officers for the purposes of this Bill.

Clause 73 deals with the powers of authorised officers under this Bill, and provides that it shall be an offence, with a penalty of $500 to obstruct an authorised officer, or a person assisting him, in the carrying out of his duties under this Act, or to refuse to answer any question put by an authorised officer. The fact that an answer may tend to incriminate a person is no excuse for refusing to answer a question, but that answer may not be used in evidence in any proceedings other than under this Bill. Clause 74 provides that no liability will attach to authorised officers in the carrying out of their duties as such. Clause 75 makes it an offence to make any false or misleading statement in supplying any information under this Act, and provides a penalty of $500.

Clause 76 is an evidentiary clause applying to certain allegations in complaints for offences under this Bill. Clause 77 is a standard clause explaining what is meant by the term "default penalty" in this Bill. Clause 78 allows for proceedings for offences under the Act to be disposed of summarily, and provides that the Minister's consent is necessary for the commencement of proceedings. Clause 79 is the power to make regulations necessary for the purposes of this Bill. The schedule repeals the Control of Waters Act and the Underground Waters Preservation Act.

Mr. ARNOLD secured the adjournment of the debate.

OIL REFINERY (HUNDRED OF NOARLUNGA) INDENTURE ACT AMENDMENT BILL

The Hon. HUGH HUDSON (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to amend the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1967. Read a first time.

The Hon. HUGH HUDSON: I move:

That this Bill be now read a second time.

This short Bill is intended to give effect to an arrangement entered into between the Government and Petroleum Refineries (Australia) Proprietary Limited being the company that is the successor in title to Standard Vacuum Refinery Company (Australia) Proprietary Limited, a party to an indenture ratified and approved by the principal Act, the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1967. Section 5 of the principal Act fixed a sum of $20 000 as being a sum payable annually from July 1, 1960, by the company in discharge of all liability "for general, particular, special or separate rates in respect of the refinery site and the refinery".

Since that time the general increase in property value in the area of the Noarlunga council, together with the declining value, in recent times, of money has rendered manifestly inadequate an annual payment of this order. As a result a new rating formula has been agreed with the company. This formula is inserted in the principal Act by clause 2, the only operative clause of the Bill. Briefly, this formula commences with a base of $35 000 which will rise or fall dependent on "average rate assessments" by the council in future years, the average assessment in relation to a financial year being arrived at by dividing the total of the amount payable by way of general rates declared in that year by the number of ratable properties in the prescribed area in respect of which they were so declared. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 amends section 5 of the principal Act in the manner indicated to provide for future movements from a base of $35 000 in the liability of the company. In this clause the "prescribed area" is defined as being a selection of three areas within the area of the Noarlunga council. It is intended that this selection should give a fair reflection of movements in "average rates" in the council area. The amendment proposed in subclause (6) is in anticipation of legislation that will in due course be introduced to cover the liability for rates of the land proposed to be "excised" in this subclause. Since this measure is, in the terms of the relevant Joint Standing Orders, a "hybrid Bill" it will, in due course, be referred to a Select Committee of this House.

Mr. DEAN BROWN secured the adjournment of the debate.

BUILDING ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Building Act, 1970-1971. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

It is designed to prevent the recurrence of a disastrous fire in a building, such as that which occurred last year in the People's Palace, so far as this may be achieved by regulation under the principal Act, the Building Act, 1970-1971, of the fire-safety of buildings or structures. The Bill follows upon the report of a panel of the Building Advisory Committee appointed by the Minister in May of last year.

The most significant aspect of the Bill is that it will empower an expert committee to require the owners of buildings that conform to the legal building requirements in force when the buildings were erected to carry out such building work as will ensure that the fire-safety of the buildings is adequate by present standards. At present the principal Act has no such operation in relation to old buildings that are deemed to conform to the principal Act if they conform to the legal building requirements that were in force when the buildings were erected. The Government is aware that such updating of the fire-safety of old buildings will, in some cases, involve considerable expense, but the recent disasters here and in Sydney illustrate the need for such action.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 3 of the principal Act, which sets out the arrangement of the Act. Clause 4 amends the interpretation section of the principal Act. Clause 5 amends section 7 of the principal Act. This amendment will enable regulations to apply to old buildings if express provision is made to that effect. Clauses 6, 7 and 8 make drafting amendments only.

Clause 9 empowers the Minister to assign a classification to an old building. Classification of such buildings is regarded as the necessary first step before a determination can be made of the adequacy of the fire-safety of such buildings. Clause 10 makes a drafting amendment only. Clauses 11 and 12 increase the penalties relating to structurally dangerous buildings so that they correspond to the penalties proposed in relation to the fire-safety of buildings. Clause 13 inserts a new Part VA in the principal Act dealing with the fire-safety of buildings and structures. New section 39a establishes a committee for each local government area comprised of a nominee of the Minister, the chief officer of the Fire Brigades or his nominee, and the building surveyor for the area.

New section 39b regulates the proceedings of such committees. New section 39c relates to the validity of certain acts of the committees. New section 39d is designed to prevent conflicts of interest of members of a committee. New section 39e empowers the members of a committee to enter and inspect a building for the purpose of determining whether the fire-safety of the building is adequate. New section 39f empowers a committee to serve notice on the owner of a building setting out the building work or other measures it considers necessary to ensure that the fire-safety of the building is adequate. Provision is made for a period of two months for consultation and representations relating to the building work necessary to achieve adequate fire-safety.

At the end of that period the committee may require specified building work to be carried out within a specified period, and a penalty is provided for failure to comply with such requirements. It is intended that the building work required by a committee is to be subject to the usual council approval. New section 39g provides for an appeal to referees against the requirements of a committee. New section 39h empowers a court of summary jurisdiction to order the cessation, or a restriction, of the use of a building that has inadequate fire-safety. New section 39i provides that provisions of the new Part apply to old buildings. New section 39j provides that a committee is to give notice to the responsible Minister of any building of the Crown with inadequate fire-safety.

Clauses 14 and 15 make consequential amendments only. Clause 16 makes drafting amendments only. Clause 17 provides legal protection for persons acting in good faith pursuant to the Act and a penalty for obstruction of such persons. Clause 18 empowers the charging of a fee for the issue of a licence to encroach on a public place and the imposition of penalties for breach of by-laws. Clause 19 amends the regulation-making section of the principal Act, section 61, by empowering the making of regulations relating to the fire-safety of buildings and the keeping of records relating to buildings and their fire-safety.

Mr. GOLDSWORTHY secured the adjournment of the debate.

FIRE BRIGADES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Fire Brigades Act, 1936-1974. Read a first time.

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Mr. Mathwin: No!

The SPEAKER: Leave is refused.

The Hon. G. T. VIRGO: The Opposition is mixed up horribly, as I had asked its spokesman beforehand and was told that I would not be required to read the explanation. The Opposition should get its wires straight. This short Bills deals with two disparate matters. First, complementary to the amendments proposed to the Building Act, 1970-1971, relating to the fire-safety of buildings, it extends the powers of the fire brigades relating to the prevention of fires and the regulation of fire-safety. Secondly, the Bill provides the Fire Brigades Board with a borrowing power of the same kind as that usually provided to statutory corporations.

Clause 1 is formal. Clause 2 repeals sections 26, 27, and 27a of the principal Act, which provide elaborate borrowing powers to the Fire Brigades Board, and inserts a new section empowering the board to borrow from the Treasurer or, with the consent of the Treasurer, from any other person, in which case the liability is guaranteed by the Treasurer. Clause 3 amends section 48 of the principal Act by extending the power of officers of the Fire Brigades to police fire-safety. Clause 4 amends section 77 of the principal Act empowering the making of regulations relating to fire-safety and increasing the penalty for breach of a regulation.

Mr. COUMBE secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (FRANCHISE)

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1975. Read a first time.

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

That this Bill be now read a second time.

It is designed to provide for universal adult franchise in local government elections and polls. A Bill, previously introduced for this purpose in 1970, unfortunately was defeated in the Legislative Council. The present Government has always regarded the implementation of genuinely democratic principles in all spheres of government as a responsibility of primary importance to the people of this State. Since the introduction of the previous Bill in 1970, significant advances have been made by the Government in carrying out its policy. A democratic franchise and electoral system has been achieved for both the Legislative Council and the House of Assembly.

The creation of a democratically based system of local government is a logical and necessary extension of the Government's policy. There are two salient differences between the present Bill and the previous Bill. First, the Bill contains no provision for compulsory voting at local government elections. Secondly, ratepayers (including bodies corporate) are given the right to vote in each ward in which they hold ratable property. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1, 2 and 3 are formal. Clause 4 inserts definitions of "elector" and "Electoral Commissioner". These definitions are required for the purpose of subsequent provisions of the Bill. Clauses 5 and 6 make consequential amendments. Clause 7 repeals and re-enacts section 25, which deals with the constitution of a new area. The re-enactment is merely consequential upon the fact that voting rights are to be exercised in future by "electors" rather than by "ratepayers". Clauses 8 to 16 make similar consequential amendments to other provisions of the principal Act relating to the constitution, amalgamation, severance, or dissolution of local government areas. Clause 17 provides for the election of members of a council from amongst the electors for the council area. Clauses 18 to 21 make consequential amendments.

Clause 22 sets out the criteria for enrolment of the electors for a council area. A person is entitled to enrolment as an elector if he is enrolled as an elector for the House of Assembly in respect of an address within the area, or if he is a ratepayer in respect of ratable property within the area. An elector is to be enrolled in a ward if he is resident in the ward, or if he holds ratable property situated in the ward. A body corporate is to be enrolled under the name of a nominated agent. New section 89 provides for the Electoral Commissioner to supply the council with up-to-date lists of electors drawn from the State electoral roll.

Clauses 23 to 27 make consequential amendments. Clause 28 sets out the voting rights of an elector: he may vote both in respect of the area generally (for the election of a mayor or alderman) and also in each ward in which he is resident or holds ratable property. Clauses 29 and 30 make consequential amendments, and clause 31 modernises section 124 of the principal Act. Clauses 32 to 66 make consequential amendments and clauses 68 to 79 make corresponding amendments to the provisions of the principal Act dealing with meetings and polls held by a council. Clauses 80 to 99 make consequential amendments.

Mr. RUSSACK secured the adjournment of the debate.

POLICE PENSIONS ACT AMENDMENT BILL

The Hon. R. G. PAYNE (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Police Pensions Act, 1971-1973. Read a first time.

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

That this Bill he now read a second time.

It provides for improved pensions and other benefits for members of the Police Force of the State and their spouses and children, and revises the pension scheme under the principal Act, the Police Pensions Act, 1971-1973, so that it corresponds to the scheme for public servants under the Superannuation Act, 1974. The pension for a member who joined the force after the commencement of the principal Act upon his retirement from the force at the age of 60 years, or upon his invalidity, is to be one-half of his final annual salary reduced by the proportion by which his service is or would have been less than 30 years. In addition to this the member will be entitled to be paid a lump sum of one and one-half of his final annual salary reduced in the same way.

This benefit continues the present practice of paying lump sums automatically, and corresponds to the benefit obtained under the Superannuation Act, 1974, where the right of commutation of the pension is exercised under that Act. The corresponding benefit for members who joined the force before the commencement of the principal Act is the same, but is reduced by a factor depending upon their age as at the commencement of the principal Act. The amount of the benefit for the spouse of a member is two-thirds of the amount of that member's benefit, as is the case under the Superannuation Act, 1974. The benefits for children of members also are to be the same as those provided by the Superannuation Act, 1974.

Whereas, at present, pensions are only payable to the widows of members of the Police Force, under the scheme provided by the Bill both widows and widowers of members are to be entitled to pensions. The principal Act, at present, provides for automatic cost of living adjustments of the benefits payable periodically under the scheme and this provision is, of course, continued by the Bill. Any departures of the scheme provided for by this Bill from the scheme under the Superannuation Act, 1974, generally continue an existing benefit or practice that meets with the approval of the police, as expressed by their representatives. As was the case with the new scheme under the Superannuation Act, 1974, a large number of the provisions and the more complex provisions of the Bill relate to the transition from the old scheme to the new scheme. In accordance with a commitment of the Government to the police, the new benefits largely will have effect as from January 1, 1975. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 4 of the principal Act, which sets out the arrangement of the Act. Clause 4 amends the definition section of the principal Act, section 5. The definition of "eligible child", which determines those persons who are to be entitled to a child's allowance, is wider than the existing provision, in that students are to be entitled to the allowance until they attain 25 years of age rather than,

as at present, 21 years of age. The definition of "final annual salary", which determines the amount upon which benefits under the scheme are to be based, corresponds to the provision in the Superannuation Act, 1974. Clause 5 amends section 8 of the principal Act. These are drafting and consequential amendments.

Clauses 6 and 7 also make consequential amendments. Clause 8 amends section 12 of the principal Act by providing a new basis for determining the amount of the contribution payable by a member who joined the force after the commencement of the principal Act. The amount of the contribution will be between 5 per cent and 6 per cent of the member's fortnightly salary, depending upon his age when he joined the force. The present rate of such contribution is fixed at 5¾ per cent of such member's fortnightly salary. Clause 9 substitutes two new sections for sections 13 to 17 of the principal Act. New sections 13 and 15 provide for the benefits for members who joined the force after the commencement of the principal Act upon their retirement at the age of 60 years or upon invalidity. The amount of these benefits has already been outlined.

Clause 10 repeals section 18 of the principal Act, which sets out a definition of a "transferred contributor"—that is, a contributor who joined the force before the commencement of the principal Act. This definition is being inserted in the general definition section. Clause 11 amends section 20 of the principal Act by providing a new basis for determining the amount of the contributions payable by a transferred contributor. This basis differs from that provided for new contributors only in that the percentage of the transferred contributor's fortnightly salary depends upon his age not when he joined the force but as at the commencement of the principal Act. Clause 12 repeals sections 21 to 25 of the principal Act and inserts new sections 21 and 22, which provide for the benefits for transferred contributors upon their retirement or invalidity.

Clause 13 repeals Part V of the principal Act and substitutes a new Part setting out the pensions and allowances for spouses and children of members of the Police Force. New sections 25 to 27 fix the benefits for spouses of deceased pensioners as opposed to deceased contributors, the benefits for the latter being set out in new sections 23 and 24. In the case of the spouse of a deceased pensioner who became entitled to his pension under the repealed Acts, new section 25 provides that the benefit remains the same as that presently provided by the principal Act. New section 26 provides that spouses of deceased pensioners who become entitled to their pensions after the commencement of the principal Act but before the commencement of this amending measure shall be entitled to pensions equal to two-thirds of the pensions received by those deceased pensioners, but not to the payment of a lump sum. New section 27 provides that spouses of deceased pensioners who become entitled to their pensions after the commencement of this amending measure shall be entitled to pensions and lump sums equal to two-thirds of those received by the deceased pensioners. New section 28 recommences the payment of a former widow's pension if the widow is again widowed. The new scheme does not stop spouses' pensions upon remarriage, as is presently the case. New section 29 sets out the amount of children's allowances, which are fixed upon the same basis as those under the Superannuation Act, 1974, the amount varying according to the number of the children of the member and whether or not the children are orphans.

Clause 14 repeals sections 30 to 33 of the principal Act and inserts new sections relating to the amounts of pensions. New section 30 provides an increase of one-sixth of 1 per cent in the amount of pensions for each complete month of service that a contributor serves after attaining the age of 60 years. New section 31 continues existing pensions and spouses' pensions. New section 32 provides that the new level of benefits largely is to have effect as from January 1, 1975. Clause 15 amends section 34 of the principal Act, the cost of living adjustment section, by supplementing the amount of any adjustment by 1⅓. Clause 16 substitutes new provisions for sections 36 and 37 of the principal Act. New section 36 provides a new basis for fixing the reduction in benefits for members who retire before attaining the age of 60 years. New section 37 continues certain options relating to the amount of pensions and spouses' pensions. The first option provided would enable members and spouses to forgo the lump sum benefit and obtain pensions increased by one-third. The second option provided would enable members to obtain a higher pension until they attained the age of 65 years and a lower pension thereafter, thereby qualifying them for the old age pension.

Clause 17 makes drafting amendments only. Clause 18 makes a consequential amendment. Clause 19 also makes consequential amendments. Clause 20 repeals sections 43 and 44 of the principal Act and inserts a new section 43 fixing the payment to members who leave the force by resignation. Clause 21 makes a consequential amendment. Clause 22 repeals section 47 of the principal Act and inserts a new section providing for the amount to be refunded where no further benefits are payable in relation to a deceased member of the force. A new section 47a is also inserted by this clause and this section provides for the substitution of a person who is the putative spouse of a member within the meaning of the Family Relationships Act, 1975, for the lawful spouse. Clauses 23 to 28 make consequential amendments only. Clause 29 inserts the necessary new schedules in the principal Act.

Dr. TONKIN secured the adjournment of the debate.

LICENSING ACT AMENDMENT BILL

The Hon. PETER DUNCAN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967-1975. Read a first time.

The Hon. PETER DUNCAN: I move:

That this Bill be now read a second time.

It is designed to close a loophole in the provisions of the Licensing Act which provide for the assessment of licence fees. The Act fixes the fee for most kinds of liquor licence as a percentage of the gross amount paid or payable by the licensee for the purchase of liquor during the 12 months ended on the last day of June preceding the date of the application for the grant or renewal of the licence. These provisions are open to exploitation in the following manner. A person takes over a hotel that carries on a modest business and therefore attracts a low licence fee; he proceeds to make enormous sales of liquor at a well advertised discount during the ensuing period of 12 months; he then abandons the licence in order to avoid meeting what would otherwise be a dramatically higher renewal fee. He can then, of course, proceed to other licensed premises where the process is repeated. This stratagem not only results in a substantial loss of revenue to the State but also creates gross inequities between licensees. The honest liquor merchant is placed at a severe disadvantage while the fly-by-night operator reaps substantial profits at the expense of the revenue of the State and his fellow licensees. The present Bill is designed to overcome this deficiency in the licensing law and, because the Government believes

that it has a duty to remedy inequities that have already occurred, the unusual step of including in the Bill a clause making its operation retrospective has been taken.

Clause 1 is formal. Clause 2 makes the Bill retrospective to September 28, 1967. This is the day on which the principal Act came into operation. Clause 3 makes a consequential amendment. Clause 4 extends the period within which a reassessment of a licence fee may be sought from 12 months to three years from the date of grant or renewal. A provision is included enabling the superintendent, in seeking recovery of moneys from a body corporate, to "pierce the corporate veil" and recover from directors and shareholders where steps are taken to dissolve or impoverish the company in order to defeat the object of the proceedings.

Clause 5 is the major substantive provision. It provides, in effect, that, where a. major change in the nature of the business conducted in pursuance of a licence takes place through removal of a licence, a structural change to licensed premises, or the adoption or cessation of a prescribed trading practice, the court in assessing the licence fee may treat the application for renewal of the licence as if it were an application for a new licence. The court then need not look at the actual turnover during the relevant antecedent period, but may calculate the licence fee on the assumption that business of the kind actually conducted during the licence period had been conducted during the relevant antecedent period. A saving provision is included in case the new provisions should be held to be invalid as imposing an excise contrary to the provisions of the Commonwealth Constitution.

Mr. GOLDSWORTHY secured the adjournment of the debate.

LONG SERVICE LEAVE (CASUAL EMPLOYMENT) BILL

The Hon. J. D. WRIGHT (Minister of Labour and Industry) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received.

The Hon. J. D. WRIGHT: I move:

That the report be noted.

I think it is useful to traverse some of the background to the Government's decision to bring in a Bill to provide long service leave for building workers and other casuals covered by an award, before speaking directly to the report of your Select Committee.

Before the 1973 State elections, the Premier promised a scheme of long service benefits for casual and building workers, covered by an award, based on the aggregation of service in industry. This form of leave was proposed because the Government knew that there were, and still are, many thousands of workers in South Australia who, through no fault of their own (and, in many instances, quite against their intentions) cannot accrue long service leave under the present Long Service Leave Act, which, as all honourable members will know, provides long service leave only to those workers who are able to remain with the one employer for a period sufficiently long to qualify under the present legislation. It has been found that in many industries workers cannot accrue long service leave, no matter how long, they remain in the industry. Therefore, in pursuing its policy of improving the conditions of employment of all workers in South Australia the Labor Government set up a tripartite committee to advise it on the financial and administrative requirements necessary to implement Labor Party policy in the important area of long service leave for casual workers. After many months of work (and I again pay tribute to the work of that committee), it produced a report which, among other things, recommended an enabling Bill with provision for regulations to be made after appropriate investigation by the Committee and the taking of appropriate evidence to provide long service leave for various workers who do not at the moment enjoy that privilege. The first set of regulations was to apply to workers in the building and construction industry.

Following the debate that ensued after the Bill had been introduced, a representative Select Committee was appointed by this House to examine the Bill. I here pay a tribute to the co-operative manner in which all members of the Select Committee set about the task. I refer of course to the honourable members for Playford, Florey, Spence, Mitcham, Torrens, and Davenport. The committee met on 12 occasions and called before it 20 witnesses. I publicly thank all those persons who came to the committee to give evidence. All in their particular ways assisted the committee in its deliberations and, I am sure, made its task the less onerous because of the generous time and effort each gave to the task.

Your committee took account of similar schemes operating in New South Wales and in Tasmania as well as the scheme that has been approved to operate in Victoria but as yet has not been proclaimed. Several witnesses indicated that in their opinion (and in the case of the Public Actuary, by his own examination of the scheme) that the New South Wales scheme had much that would be difficult to operate in the South Australian scene. Others believed that the Tasmanian scheme had much to commend it and, in fact, I inform the House that the Bill originally proposed by the Government was based on the Tasmanian scheme and took note of the problems encountered by that State since its legislation has been in force.

The committee considered it appropriate to invite (through the Tasmanian Minister of Labour and Industry) a representative from the Tasmanian Labour and Industry Department to attend before it and give evidence on the problems and difficulties as well as the successes enjoyed by the Tasmanian scheme. Mr. Geoff Urquhart, who duly appeared before the committee, was able to assist it materially in its deliberations. I here pay tribute to Mr. Urquhart's willing assistance and the clear and unambiguous way in which he presented his evidence.

During the course of the Select Committee's work it became evident that whilst, in general, the employer representatives and those representing employee organisations appearing before the committee agreed in the main with the principles in the Bill, some aspects of the Bill caused concern. Although I think it can fairly be said that some of this concern was due to an incomplete understanding of the intention of some clauses of the Bill, however, there remain some matters that the committee believes need amendment to make the Bill more workable and more acceptable to those whom it will affect, employees and employers. With this end in view, the committee spent much time in looking for ways and means to ensure that, when the machinery envisaged in the Bill is put into operation, it works with the least possible administrative problems and costs to the Government, to the employers and to the unions.

The Government considered that the most appropriate way in which this whole matter should be approached was through an enabling Bill, and, as members will recall, that was the form of the Bill I introduced to this House. Although it does not resile from that position, the Government believes that, in the light of the evidence presented

to the Select Committee, a case has been made for this Bill to be specific to the building industry. This means that those casual workers not in the building industry will now have to wait possibly a longer time before their rights to long service leave are enshrined in legislation. I intend that the Cabinet committee, which reported to the Government and on whose report this Bill is based, continue to meet under the chairmanship of the Deputy Secretary for Labour and Industry, Mr. M. C. Johnson, and with representation from appropriate employer and employee organisations, to consider ways and means of extending long service leave to other casual industries. However, it will be necessary, if the Select Committee's report is adopted by this House, to introduce individual Bills for each of the industries to be covered.

Another matter that caused some concern was the length of consecutive absence from the industry before a worker lost the credits he was building up towards his long service leave entitlement. The committee finally unanimously agreed that a period of 18 months consecutive absence from industry was fair and reasonable for the building industry during those years when a. worker was accumulating a service entitlement, that is, from the date of commencing to accrue credits until the end of the seventh year of accrual, which is the earliest time that pro rata long service leave can become due. This does not necessarily mean (and I do not want it to be taken by anyone that it does) that succeeding Bills for other industries will contain a clause specifying that period of absence: that will be entirely a matter for the committee to recommend (and the Government to accept) in the light of the circumstances of each industry.

Another matter was the size of the Long Service Leave (Casual Employment) Board. It was believed by some that the board, as proposed in the Bill, was not large enough and that additional representation from the employer side would be appropriate. I think it fair to say that, as the board is to have the control, management and investment of the fund, it therefore need not be large. The committee, however, accepts the view put forward that, as well as the Chamber of Commerce and Industry, the South Australian Employers Federation has a. part to play, and it agrees that the size of the board should be increased from three to five, with two representatives being selected by the Trades and Labor Council, one each from the Chamber of Commerce and Industry and the South Australian Employers Federation, and the Chairman being appointed on the recommendation of the Minister.

Considerable discussion took place on the appropriate contribution rate to be paid by employers to the fund. Various opinions were passed by various witnesses but none of them could do more than say that in his view the rate should be such and such. This is understandable, because as yet there is no yardstick or criteria on which to base a truly authoritative opinion. It was the same problem that faced the Cabinet committee, and the Select Committee, therefore agreed that the figure recommended by that committee, namely, 21 per cent of the total wages paid, is an appropriate figure with which to commence the scheme so far as future contributions from employers are concerned and that 21 per cent should be the fixed percentage payable by employers for contributions for past service.

As with all matters of this nature, there will undoubtedly be instances where it is not absolutely certain that an industry or a worker comes within the ambit of the Bill. As an example of this, the committee is concerned that such occupations as rigger, dogman, scaffolder and the like be included in the scheme. It appears that they are covered by the general definition of "builders' labourer" under the building and construction workers (State) award, but it is imperative that there be an avenue to determine precisely this type of question should it be in dispute. It was therefore considered that, where disputes of this nature occurred, they should be heard by an industrial magistrate, from whose decisions lie the usual rights of appeal, and we have so recommended.

Two other matters that the committee deliberated on were, first, the monthly return as envisaged by clause 26 of the Bill. The obvious interpretation of this clause (and certainly the intention of those who will be involved in administering the scheme) is that the monthly return will be only of moneys to be paid into the fund and will not contain any details concerning individual workers. This is in line with the committee's desire that the administrative burden to employers and the administrative costs of the fund be as low as possible. The annual return will show the worker's service entitlement and provide necessary checks for the computer records.

The other matter is the question of the penalty provided in clause 42. In view of the safeguards inherent in that clause, the committee agrees that the penalty in the Bill should be reduced to $500. There is a high degree of unanimity amongst members of the Select Committee. The report recommends that the Bill be passed with certain amendments. I therefore commend it to the House.

Mr. DEAN BROWN secured the adjournment of the debate.

FURTHER EDUCATION BILL

In Committee.

(Continued from November 13. Page 1973.)

Clauses 2 and 3 passed.

Clause 4—"Interpretation."

Mr. MILLHOUSE: I move:

Page 2, after line 14—Insert definitions as follows:
"primary school" means a school established for the purpose of providing primary education:
"secondary school" means a school established for the purpose of providing secondary education:

The amendment to clause 4 is part of a scheme, the other part of which is an amendment to clause 5, and I intend to move a separate amendment to clause 5 covering another aspect of the matter. I will assume that the decision on this amendment will determine the attitude of the Committee to the amendment to clause 5. The purpose of my amendment is to take out of the legislation the control by the Minister, which he will have if the Bill remains as it is, over (among other things) coaching colleges. The rest of it is merely a drafting amendment. I am not sure whether the Minister made clear in his speech that one of the objects he has in mind is to be able to control the activities of coaching colleges. Power Coaching College has been put to me as an example. It may be that a case could be made out for closing these institutions or for otherwise controlling their activities but, unless we know what we are doing, I do not think we should do it. I have moved this amendment, which would take away the power to exercise control over coaching colleges, to see what the Minister has to say.

It has been suggested to me that some activities of the Power college (and there may be other coaching colleges for all I know) are unsatisfactory and undesirable and should be changed. If we are to do that, I think Parliament should know and should be able to debate the matter, and it is only fair to the organisations concerned that

they should know what is going on and what power Parliament is giving them.

With the other part of the amendment to be contained in clause 5, apart from primary schools and secondary schools, which are not to be covered, I would take out of the Bill power to the Minister regarding the instruction or training in the nature of coaching provided by any person or institution for students enrolled at any primary or secondary school. That is the gravamen of the amendment. I have moved it to give the Minister an opportunity to justify the inclusion of this power. He should have to justify it. Power and other coaching colleges should have an opportunity to make representations if they consider that they will be unjustly treated or that the Minister should not have this power.

The Hon. D. J. HOPGOOD (Minister of Education): I have had various approaches on this matter since the Bill was introduced. The position arises largely from the necessarily broad drafting required in clause 5. It would be an extremely difficult drafting procedure to define exactly the boundaries of the legislation and the power which Parliament will confer on me under it. In clause 5 we have nominated certain obvious areas that would not be subject to my control. That leaves still a fairly broad area capable of being controlled under this legislation, and the Government intends, using Part V of the legislation, to exempt various institutions from the operation of the Act. It seems that this is the most streamlined way in which to approach the matter.

Mr. Millhouse: That leaves all the power with you.

The Hon. D. J. HOPGOOD: That is true, but the alternative seems to be an extremely complicated Act. For example, we could have made clear that we are exempting Sunday schools from control by the Minister. We intend to do that by way of regulation. It could be made clear that we are exempting theological colleges. We intend to do that, too, by way of regulation.

Mr. Coumbe: Business colleges?

The Hon. D. J. HOPGOOD: Not necessarily. For example, it is the intention that any bodies such as that which are actually set up by Statute would be exempt by way of regulation and that employers engaged primarily in the training of their employees would be exempt, but the whole concept of a business college would be fairly difficult to define. T am not prepared to give away the power I might want to exercise to control institutions if there appear to be reasons why they should be controlled or licensed under the Act. I draw the attention of the Committee to Part V, which sets out the provisions under which some of these institutions would be licensed. That is the intention of the Government: in the legislation certain self-evident areas are laid down, while certain other areas will be specifically exempted by way of regulations. There are other areas which, on further examination, we may want to exempt by way of regulation, but it would not be my intention that, by amendment to the Bill, they should be absolutely exempt.

Mr. MILLHOUSE: The Minister did not even start to give an explanation regarding coaching colleges. That confirms my suspicion that he wants the power to do them harm and does not want to tell Parliament about it. Why did he not mention it when invited by me to do so? The other aspect of the drafting in the Bill (and he certainly confirmed this) is that it is completely open-ended, giving him absolute power over all sorts of institutions and organisations and then making, in clause 5, four exceptions. It leaves everything else with him. I believe that that is, except for a Government which wants power and which does not want to be hampered by limitations of power, an entirely undesirable way of drafting legislation.

It is clear that the Minister does not agree with me. It is exactly what he wants so that he or his successors, on the advice of the Director, and so on, will be able to do what they wish. I do not like that anyway, but I am not willing to abandon this amendment unless the power that the Minister seeks over coaching colleges is justified. So far he has avoided saying anything about those organisations, yet I believe he will be aiming at them as soon as the measure is passed. I ask the Minister again to deal with that reason I have given for moving the amendment.

The Hon. D. J. HOPGOOD: I am interested that the motive that should be imputed to me in seeking to maintain the present wording of the Bill is that I am seeking to harm these institutions. It seems to me that there are good and proper reasons why the Government should have power in certain circumstances to have control over those who set themselves up to educate others. It is in a sense a consumer protection measure to have some of these institutions subject to inspection by a properly constituted body, and the Further Education Department set up under this measure would be the appropriate Government body to have that oversight. The extent of the oversight can be determined by administrative procedures as we settle into the Act and the administration of it.

Some of these institutions are by no means strangers to the Further Education Department, and in the past there have been many contacts in this field. I do not expect any radical departure from the situation that has applied in the past, but I believe that the Government would be remiss in its duty if it gave away the opportunity to control what the public as a whole regards as undesirable practices, if those undesirable practices showed up. I am not personally aware that that situation exists at present, but it could exist in future.

The Committee divided on the amendment:

Ayes (3)—Messrs. Blacker, Boundy, and Millhouse (teller).

Noes (39)—Messrs. Abbott, Allen, Allison, Arnold, Becker, Broomhill, Dean Brown, Max Brown, Chapman, Connelly, Corcoran, Coumbe, Duncan, Eastick, Goldsworthy, Groth, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, Mathwin, McRae, Nankivell, Olson, Payne, Rodda, Russack, Simmons, Slater, Tonkin, Vandepeer, Venning, Virgo, Wardle, Wells, Whitten, Wotton, and Wright.

Majority of 36 for the Noes.

Amendment thus negatived; clause passed.

Clause 5—"Application of Act."

Mr. MILLHOUSE: I move:

Page 2, after line 25—Insert paragraphs as follows:

(ca) instruction or training provided by any university college or any other institution established for the purpose of instructing or training students enrolled at any university or college of advanced education established by Statute;

(cb) instruction or training provided by any theological college or by any other institution established for the purpose of instructing or training ministers of religion, members of a religious order, or persons who desire to become ministers of religion or members of a religious order;

(cc) instruction or training provided by the Workers' Educational Association of South Australia Incorporated;.

There is no point in my proceeding with my other amendment to clause 5. Had the Minister been willing to justify his opposition to my earlier amendment, I would not have gone on with it, but he did not even bother to do that. The scheme of this Bill is to give absolute

power to the Minister and then to make deletions from the Minister's area of power by cutting out, as we have done in clause 5, instruction or training provided at any Government school, instruction or training in primary or secondary education provided at a non-government school attended on a full-time basis, instruction or training provided by any university or college of advanced education, and what we call pre-school instruction or training. The Bill cuts out these areas but leaves everything else within the Minister's power. I do not believe that that is correct, nor do I believe that Parliament, which should have the responsibility for saying what the Government's powers should be in any piece of legislation, should simply accept the Minister's say-so that he will make exemptions by regulation, which he can do later. In the first place, we do not know that he will do it, although I accept the personal word of this man.

Further, we do not know for how long the present Minister will stay in the job, and we do not know what other Ministers may do in the future. They may not be (indeed, it is almost certain that they will not be) of the same political complexion as the present Minister. So, it is always a bad thing for Parliament to give a lot of power and to trust the Government not to use it, whether the Government says it will not use it or not. I have tried to think of the most obvious cases where that power should not be and could not possibly need to be used and to include those further exceptions in the Bill. What I have included in the amendment is instruction or training provided by any university college. The exception in clause 5 at present does not cover university colleges: it covers only universities. Proposed new paragraph *(ca)* provides:

(ca) instruction or training provided by any university college or any other institution established for the purpose of instructing or training students enrolled at any university or college of advanced education established by statute;

I can talk only of the university colleges; at those, extra tuition in the form of tutorials is given in nearly every subject to the men and women living at the college. I do not believe that the present Government intends to control university colleges but, unless we make clear in this Bill that they are not to be controlled, this Bill will give the power to control university colleges and their councils at some time in the future. I believe that that is utterly undesirable, and I have therefore cut them out. The purpose of proposed new paragraph *(cb)* is to ensure that the present Government or a future Government does not try to control theological colleges. I know that many of the heads of churches and so on are quite anxious about this matter; they have picked up this point. I think it is an inadvertence but, as the Bill stands at present, it would be possible for the Government to control theological colleges. I do not believe that that is desirable or wanted, and I therefore do not believe that the power should be given.

Later, I thought of the Workers Educational Association, an organisation that appeals as much at least to Government members as it does to Opposition members. Why the devil should the W.E.A. be controlled by the Further Education Department? Yet, unless we cut it out, the power will be there to control that association, and I do not believe the power ought to be there. The Minister himself mentioned Sunday schools. We could probably go on and on thinking of organisations that will fall within his power if he wants to exercise it, unless Parliament cuts them out. I do not like this form of drafting, but we are stuck with it. I do not intend to try to alter it wholesale. We should take the most obvious types of institution over which there should not be control and over which control is not wanted and cut them out now in the same way as the Bill will do from the beginning with primary and secondary schools, universities and pre-schools. I am moving the amendment to ensure that we do not include university colleges, theological colleges, and the W.E.A.

The Hon. D. J. HOPGOOD: I have already indicated to the Committee that the Government intends to exempt these sorts of institution by regulation from the operation of the legislation. That regulation will come into force on the same day as the legislation is proclaimed. So, in fact, those exemptions will operate from the time this Act operates. I wonder why the member for Mitcham ended his list where he did. I agree that there must be some sort of limit on where the powers should operate, as formally set out in the Bill, even though I have indicated to honourable members that the Government would then divest itself of these powers by way of regulation. The member for Mitcham said that Sunday schools could have been included in the list. Why specifically enumerate theological colleges in the Statute and yet not Sunday schools? The Government believes that what it is doing is the tidiest way from a drafting viewpoint. By setting out the broad areas and then committing ourselves to regulation (and we will have to do that, anyway, even if we accept the amendment), there will still be a job of regulation to do. Proceeding as the Government recommends is the tidiest way of dealing with the matter. We have committed ourselves to a regulation of the type I have outlined, and I urge the Committee to resist the amendment.

Mr. GOLDSWORTHY: I support the amendment. My only reservation relates to the words "or any other institution" in proposed new paragraph *(ca)*. It is all very well for the Minister to say that there is a long list of things that it is intended will be exempted by regulation. The fact is that the Bill sets out specific exemptions in clause 5. The member for Mitcham has enunciated some important areas that should come up for exemption. A gentleman concerned with one of the religious denominations contacted me by telephone today and said that he was concerned at the effect of the Bill. He said that there should be a clear separation of church and State and that this separation should be more properly enunciated in the Bill than by some regulation of which we have no knowledge. I have listened carefully to the Minister's reply to the member for Mitcham. He has delineated some areas equally as important as some of the specific exclusions in clause 5. I cannot see why the Government objects to the amendment. The member for Mallee agrees with me that the words "or any other institution" may be wider than we would wish. I support the amendment.

Mr. MILLHOUSE: It is a very bad practice indeed for Parliament to give a Government more power than it needs. Even if there is no intention now of abusing that power, once it is given it cannot be taken back except by amendment. If there is no amendment, a future Government could abuse the power. I therefore stand by my amendment and hope that it will be supported.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Mathwin, Millhouse (teller), Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Groth, Harrison, Hopgood (teller), Hudson, Jennings, Keneally, McRae, Olson,

Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Evans and Gunn. Noes—Mrs. Byrne and Mr. Dunstan.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes.

Amendment thus negatived; clause passed.

Clauses 6 to 24 passed.

Clause 25—"Retiring age."

The Hon. D. J. HOPGOOD: I move:

Page 9, line 14—Strike out "sixty" and insert "fifty-five".

It is Government policy that conditions of employment applying to teachers employed under the provisions of the Further Education Act be identical to those applying to teachers employed under the provisions of the Education Act. Because the retirement provision in the Education Act has recently been amended to provide a minimum retiring age of 55 years and a maximum of 65 years, this amendment will bring this provision into line with the provision in the Education Act.

Amendment carried; clause as amended passed.

Clauses 26 to 37 passed.

Clause 38—"Power to inspect approved colleges."

The Hon. D. J. HOPGOOD: I move:

Page 13, lines 34 and 35—Strike out "conduct of the approved college" and insert "provision of that course of instruction".

The background to this drafting amendment is that it is now the practice under the Education Act for the courses in institutions, and not the institutions themselves, to be so regulated. This amendment will bring the clause into line with current practice.

Amendment carried; clause as amended passed.

Clauses 39 to 42 passed.

Clause 43—"Regulations."

The Hon. D. J. HOPGOOD: I move:

Page 14—

Line 21—Strike out "schools" and insert colleges of further education".

Line 32—Strike out "schools" and insert "colleges of further education".

Line 36—Strike out "schools" and insert "college".

Line 37—Strike out "at schools".

Line 38—Strike out "schools at which" and insert "colleges of".

Line 39—Strike out "is provided by the Minister under this Act".

Line 40—Strike out "schools at which" and insert "colleges of".

Line 41—Strike out "is provided by the Minister under this Act".

Page 15—

Line 1—Strike out "school at which" and insert "college of".

Line 2—Strike out "is provided by the Minister under this Act".

Line 4—Strike out "school" and insert "college".

Line 6—Strike out "school at which" and insert "college of".

Lines 6 and 7—Strike out "is provided by the Minister under this Act".

These are drafting amendments. The institutions which are provided by the Minister under this Act are defined in clause 4 as colleges of further education, which means educational institutions in which further education is provided in pursuance of this Act. These drafting amendments bring the verbiage of this clause in line with the definition.

Amendments carried.

The Hon. D. J. HOPGOOD: I move:

Page 15, after line 8—Insert following new paragraph:

(ja) providing for the constitution of associations of students, or students and staff, or colleges of further education;

There has been no provision in the original draft of the Bill for any recognition of formal student associations. In recent months the Kilkenny Technical College Students Association has applied for incorporation and, with the expansion and increasing diversity of further education colleges, further such moves are to be expected and, indeed, would be encouraged. It is proposed that clause 43 be amended by the addition of a regulation-making power in respect of student unions, councils and associations.

Amendment carried.

The Hon. D. J. HOPGOOD: I move:

Page 15, line 10—After "decisions of the" insert "Minister or the".

In consultation with the South Australian Institute of Teachers, it was determined that what the institute was especially concerned about was appeals in relation to appointments and other matters of a like nature which in this Act are specifically referred to the Minister rather than to the Director-General. It was thought prudent that this power of appeal against the Minister, as well as against the Director-General, should be written into the legislation. In addition, the delegation powers, which have been provided in the Bill and which have already been approved of by this Committee, make the situation such that what is seen as a specific act of the Director-General could, in fact, be a delegated act of the Minister and could be represented to the people involved as such. This seems to tidy up the procedure generally, and it has reassured the institute.

Amendment carried.

The Hon. D. I. HOPGOOD: I move:

Page 15, line 38—Strike out "under this Part" and insert "for licences".

This amendment tidies up the drafting.

Amendment carried; clause as amended passed.

Title passed.

The Hon. D. I. HOPGOOD (Minister of Education): I move:

That that this bill be now read a third time.

1 refer briefly to the statement I made in this House earlier today, because I want to reassure the House that the investigation that the Government intends to carry out concerning the post-secondary area will certainly take account of some of the matters which have been raised in debate on this Bill.

Mr. NANK1VELL (Mallee): The Opposition is pleased that this Bill has now passed, even in its present form. There was some difference of opinion when the Bill was first introduced about liaison between other statutory bodies, colleges of advanced education, universities and the Further Education Department. After the Minister's long series of discussions, I am now satisfied that there is only one way in which this matter can be satisfactorily resolved, and that is by agreement. I was delighted to hear from the Minister that the Government intended to try to solve this matter by bringing the parties together to seek some agreement. Finally, I am disappointed that the South Australian Council for Educational Planning and Research is unable to play the part that was held up to be its function by the former Minister of Education.

The Hon. Hugh Hudson: What—

Mr. NANK1VELL: I believe from what was said when this matter was previously dealt with that that body should have had the function that the Minister has spoken of today in his Ministerial explanation. The Opposition and I support the third reading.

Mr. GOLDSWORTHY (Kavel): I thought I detected a note of dissatisfaction by the previous Minister of Education and the present incumbent of that office about the remarks of the member for Mallee, who handled the Bill for the Opposition. However, I reinforce what the honourable member has said, because I well recall what function it was stated the Council for Educational Planning and Research was to play in this State, a fairly nebulous function as referred to in the second reading debate of that Bill. We were assured it would be a facilitator and a co-ordinator, particularly in connection with tertiary and further education. The member for Mallee has said that he will take some heart from the fact that the Minister will have some sort of investigation made this year.

Mr. Evans: The present Minister!

Mr. GOLDSWORTHY: Yes, and come up with some sort of co-ordination between these institutions. This situation denotes a less than satisfactory state of affairs, because it should have been resolved before the Bill was introduced. No doubt the Further Education Department will come under the purview of the Minister of Education but not in the same way as do colleges of advanced education. The situation is not quite satisfactory when the present Minister of Education has to undertake an investigation to sort out things that should have been sorted out before. However, the Opposition is happy to support the third reading of this Bill, having said those things, and we hope that the council will develop along the lines outlined by the previous Minister. These are expensive exercises, and the public is now demanding that it can see that it is getting value for money spent on education.

The Hon. D. J. HOPGOOD: In reply to the brief remarks of the two Opposition gentlemen, let me ask rhetorically where the idea got around that the Council for Education Planning and Research and its officers would be in any way precluded from the investigation I announced to the Chamber earlier today. I draw attention to the fact that that investigation will be considering a much wider range of problems than those discussed in this debate, problems which are by no means confined to this State as has been indicated by the initiatives already taken by the Western Australian and Tasmanian Governments in setting up inquiries that have already proceeded. Although I express some disappointment that T cannot give exact details of the investigation, I assure members that it will take account of the reports that have already been made (although I am not enamoured of all details in the reports from other States), and will consult as fully as possible with people in this field in this State.

Bill read a third time and passed.

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

MOTOR VEHICLES ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act, 1959-1975. Read a first time.

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

That this Bill be now read a second time.

It contains a large number of miscellaneous amendments to the principal Act. The Registrar of Motor Vehicles keeps the Act under constant and critical review, with the object of ensuring as far as reasonably possible that the Act keeps abreast of present-day requirements. Efforts are continually being made to render the Motor Vehicles Act as flexible as possible so that the need for constant amendment is obviated. To this end, the Bill seeks to remove from the Act as much of the unnecessary detail as can be dealt with satisfactorily under the regulations. With an Act of this kind it is unavoidable, unfortunately, that there will always be some people who will try their hardest to avoid the various obligations imposed by the Act. One of the objects of this Bill is, therefore, to close possible loopholes and to clarify the effect of certain provisions. I shall explain the purpose of each of the amendments contained in this Bill as I deal with the clauses in detail. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clause 1 is formal. Clause 2 permits the operation of certain clauses to be suspended for a period of time where necessary. Clause 3 amends the arrangement of the Act. Clause 4 amends certain definitions. The definitions of ‘‘authorized examiner”, “balance of the prescribed registration fee” and “reduced registration fee” have been removed from the body of the Act to the general definition section. The definition of “mobile crane” is amended so that a towtruck does not come within its ambit. The definition of “prescribed registration fee” reveals that all registration fees will now be computed in accordance with the regulations. The definition of “towtruck” is modified so that a vehicle will only come within its meaning if the vehicle carries equipment for lifting other vehicles that have broken down or have been damaged in an accident. The definition of “tractor” is struck out as it overlaps the definition of towtruck and is capable of interpretation without specific provision in the Act. The definition of “weight” is simplified—accessories and equipment to be included in the weight of a vehicle will be dealt with under the regulations.

Clauses 5, 7, and 8 provide for the prescribing of registration fees by regulation. Clause 6 inserts a penalty provision for failure to comply with the conditions of a permit granted under Part II of the Act. Clause 9 enables extra classes of vehicles to be exempted from registration fees by the regulations. The clause further provides that if the owner of an exempt vehicle subsequently applies for “full” registration, then his application will attract full stamp duty, etc. Some people have been successfully avoiding payment of stamp duty on new vehicles under this section of the Act as it now stands. Clause 10 amends the section of the Act that deals with the registration of interstate trade vehicles at a low fee; the loophole referred to in clause 9 is similarly closed. Clauses 11 to 18 inclusive are consequential amendments that effect no substantive changes. Clause 19 repeals section 29 of the Act; the definition provided by this section now appears in the general definition section of the Act. Clause 20 re-enacts section 40 of the Act. This new section now provides for payment of the balance of the registration fee when a reduced fee has been paid. Interstate trade vehicles are excluded from the operation of this section which until now has been used for the purposes of evading stamp duty in relation to vehicles that are not genuinely to be used for interstate trade.

Clauses 21, 22 and 23 are consequential amendments, and clause 24 effects some minor statute revision amendments. Clause 25 enables all the technical details relating to number plates to be dealt with under the regulations. Clauses 26 to 33 inclusive effect consequential amendments, and clause 34 repeals the section of the Act that deals with fees for trader’s plates, now to be a matter for the regulations. Clause 35 brings section 64 of the Act into line with the rest of the Act: all formal matters such

as the specifications of trader's plates are now dealt with by the Registrar and not the Minister. Clause 36 merely seeks to clarify section 66 of the Act which deals with general traders' plates.

Clause 37 similarly seeks to clarify and simplify the wording of section 67 of the principal Act which deals with limited trader's plates. Clause 38 repeals sections 68, 69 and 69a of the Act, the provisions of which are incorporated in sections 66 and 67, as amended by this Bill. Clause 39 is a consequential amendment, and clause 40 repeals section 71aa of the Act: the definition contained in this section now appears in the general definition section of the Act. Clause 41 repeals section 72a of the Act which provided for temporary driving permits. This section is now redundant as a consequence of the various amendments effected by this Bill to the driving licence provisions.

Clause 42 brings the wording of this section into line with present-day drafting practice. Clause 43 repeals three sections that deal with towtrucks: all the towtruck provisions are put into a new Part of the Act by this Bill. Clause 44 provides that the Registrar may insert conditions in drivers' licences. For some time now it has become apparent that there is a need to restrict the kinds of vehicles that, for example, the holder of class 5 (that is, bus driver) licence may drive. The sizes of vehicles that come within the meaning of omnibus may vary greatly. A person who wishes to drive a small van for private family purposes should not be necessarily entitled to drive a large passenger bus. There is also a need sometimes to restrict the purposes for which a class 5 licence holder may drive a bus. A person who may wish to drive a small passenger van for private purposes, or in the course of certain employment, should not necessarily be entitled to drive passengers for hire.

Clause 45 effects consequential amendments to section 75a of the Act which deals with learners' permits. Subsection (3) is redrafted in a clearer form. Clause 46 repeals another fee-fixing section of the Act. Clause 47 provides a clearer redraft of subsection (1) of section 79 of the Act which deals with the written examination that is a prerequisite of obtaining a licence or learner's permit The operation of this section is widened to include a person who has previously held a licence, but not within the three years preceding his application. Such persons, of course, have to undergo a practical driving test. It is an obvious road safety precaution to require them to pass a written examination as to the rules of the road. The clause also provides that examiners may be appointed by the Registrar (instead of the Governor). Every member of the Police Force is an examiner.

Clause 48 re-enacts those provisions of the Act that deal with practical driving tests. New section 79a clarifies the situation regarding persons newly resident in this State. If such a person satisfies the Registrar that he has at some time during the three years preceding his application held a licence elsewhere, and that his driving experience is adequate, then he is not required to undergo a practical driving test. Clause 49 provides that the Registrar may make directions as to the manner in which a person who has failed a practical driving test must subsequently satisfy the Registrar as to his competence to drive. Clause 50 repeals section 83 of the Act which provides for appeals: this section is inserted by this Bill in a later part of the Act. Clause 51 repeals some further sections that deal with towtrucks.

Clause 52 provides for the issue of drivers' licences for three-year terms. The administrative costs relating to the annual renewal of licences are fast becoming prohibitive and, in an effort to keep licence fees at a reasonable level, the Registrar seeks this new provision. Persons over the age of 70 still will have their licences renewed for periods of one year. Provision is also made for the payment of a proportionate refund on the surrender of a licence. The issue of three-year licences will be phased in in accordance with the regulations; hence the reference to "subject to . . . the regulations" in subsection (1) of new section 84.

Clause 53 repeals section 87 of the Act which deals with the suspension of a person's licence on the ground that he is not competent to drive a vehicle without danger to the public. This section is unnecessary, as the Registrar has an identical power to suspend under section 80 of the Act. The Registrar has on occasions found that the provision in section 87 of a right to be tested every 28 days has constituted a serious danger not only to the examiner, but also to the public at large. Any person whose licence is suspended will have a right to appeal. Clause 54 expands section 97a of the Act which now provides only for visiting motorists. Provision is made for persons who are new residents in this State. Such a person may drive in this State in accordance with his interstate licence for only so long as is reasonably necessary to obtain a licence under this Act. He must, of course, apply for a licence as soon as is practicable.

Clause 55 provides for further exemptions from the obligation to hold a motor driving instructor's licence. A. need has arisen to exempt persons whose job it is to teach other employees in the same place of employment to drive company trucks. The Registrar's approval is not needed as this requirement places an unnecessary burden on the Registrar. The provision relating to instructor's licences was only ever intended to apply to persons who carry on, or are employed in, the business of driving instruction. Clause 56 makes several amendments to the points demerit scheme, with a view to clarifying the meaning of several of the provisions. New subsection (11) provides that a person may request that his disqualification begin forthwith after a conviction that will bring his total of points to 12 or more.

This means in effect that a person may waive his right of appeal. The period of disqualification under this section commences upon the service of a notice by the Registrar, unless the person is already disqualified, in which case the points demerit disqualification takes effect immediately upon the termination of the prior disqualification. New subsection (12) provides that all points incurred up to (and including) the offence that leads to disqualification under this section are extinguished upon that disqualification taking effect. New subsection (15) provides that the court may, on appeal, reduce the aggregate of points to 11, thus effectively giving the appellant one more chance.

A disqualification under this section does not take effect until an appeal is determined or withdrawn. The reduced points are struck off the appellant's record in the order in which the recorded points were incurred. A person cannot appeal again in respect of any points that form part of an aggregate that was the subject of a former successful appeal. A person incurs demerit points on the day on which he commits the prescribed offence. Upon disqualification under this section, all other licences to drive are similarly suspended.

Clause 57 inserts a new Part in the Act which contains all the provisions relating to towtrucks. The area to which this Part applies is to be fixed by proclamation of the Governor. New section 98d provides for the application

for, and issue of, towtruck certificates. New section 98e empowers the Registrar to issue temporary towtruck certificates when he thinks fit. New section 98f provides for the cancellation or suspension of certificates. New section 98g provides that towtruck certificates remain in force for a period of three years. (Under the Act as it now stands a towtruck certificate has no term at all.) Current certificates will expire on August 31, 1976. New section 98h provides that a certificate has no force in certain circumstances. New section 98i provides that a person shall not drive or operate a towtruck on a road within the area unless he holds a valid towtruck certificate. This is a very wide prohibition, but it must be borne in mind that specified classes of persons may be exempted under the regulations.

The Bill provides one special exemption. A person who conducts a towing business outside the area may drive his towtruck within the area for the purpose of his business, provided he does not use the vehicle in relation to an accident that occurs within the area. New section 98j provides that no person may remove a damaged vehicle from an accident scene for fee or reward unless he holds a towtruck certificate and has the necessary authority from the owner.

A member of the Police Force may sign an authority. Certain information must be set out in the authority. A member of the Police Force may revoke an authority in certain specified circumstances. A person who obtains an authority must comply with the authority unless it is not practicable for him to do so. A person must produce both his towtruck certificate and his authority to tow to a member of the Police Force, if requested to do so. New section 98k provides that certain contracts for repair are not enforceable unless they are in writing and signed by the owner, etc. New section 981 provides that a person who has a damaged vehicle in his possession must surrender it to the owner if that person has had all lawful claims for towing, storing, and repairing the vehicle satisfied.

It is intended that charges for the towing of damaged vehicles be fixed under the Prices Act, because at the moment, the Automobile Chamber of Commerce may only fix towing charges when a contract for repair has been signed. New section 98m sets out three offences in relation to the obtaining of authorities to tow. New section 98n provides that a towtruck bearing trader's plates must not be used in connection with the lowing of another vehicle that cannot proceed under its own power.

Clause 58 provides that a third party insurance policy must insure the owner and the driver of a vehicle against all liability (that is, not only for negligence) arising out of death or bodily injury caused by the vehicle. Thus, this section is brought into line with the provisions of the Fourth Schedule Policy of Insurance. Clause 59 repeals two sections that became redundant on the passing of the 1971 amendments relating to third party insurance. Clause 60 is a consequential amendment. Clauses 61 to 64 inclusive also remove inappropriate references to "negligence" from certain sections of the Act.

Clause 65 clarifies the situation with relation to a vehicle that is insured in another State. Such a vehicle is not uninsured for the purposes of this Act if the policy of insurance complies with the law of that other State and insures the owner and driver of the vehicle against all liability. The troublesome reference to a person "temporarily within the State" is omitted, thus bringing this section into line with section 102 of the Act. New subsection (4) requires a claimant to give notice to the nominal defendant of a claim against him. New subsection (5) empowers the court to take into account the failure of a claimant to comply with subsection (4) where such failure has prejudiced the defendant's case. As the Act stands at the moment, the situation could arise where the nominal defendant may not know of an impending claim until some years after the accident. Thus, this section must contain similar provisions to those in section 115 of the Act.

Clause 66 removes another inappropriate reference to "negligence". Clause 67 provides a new scheme in relation to the indemnification of the nominal defendant by approved insurers. The repealed section 119 is of course no longer of any use, as there are not 10 approved insurers in existence. The alternative provided by section 120 of the Act is considered by all persons involved in this area to be cumbersome and inconvenient. New section 119 provides that the Minister may publish a scheme that provides for contribution by all approved insurers in specified proportions in and towards satisfying all claims against, and payments made by, the nominal defendant. The Minister may at any lime vary or revoke such a scheme. It is felt by ail concerned parties that the new section provides a far more flexible and satisfactory scheme.

Clause 68 provides a new appeal provision. A person may appeal against any decision of the Registrar under those Parts of the Act that deal with driver's licences, towtrucks and motor-driving instructors' licences. The appeal provisions under the Act as it now stands are anomalous, in that appeals may be made against some decision of the Registrar but not against others, with no logical distinction between the two. Clauses 69 and 70 effect some general improvements to two evidentiary provisions of the Act. Clause 71 provides for the prescribing of certain matters by the regulations. All of those regulation-making powers are obviously necessary to the proper working of the Act.

Mr. RUSSACK secured the adjournment of the debate.

SOUTH AUSTRALIAN MUSEUM BILL

The Hon. D. W. SIMMONS (Minister for the Environment) obtained leave and introduced a Bill for an Act to provide for the administration of the South Australian Museum, to repeal the Museum Act, 1939, and for other purposes. Read a first lime.

The Hon. D. W. SIMMONS: I move:

That this Bill he now read a second time.

It is practically identical with a previous Bill relating to the South Australian Museum which passed the House of Assembly in November, 1973. Unfortunately, the Legislative Council made amendments to the Bill which were unacceptable to the Government, and the Bill lapsed. I need not reiterate the general introduction to the Bill which was previously given, but for the convenience of honourable members I shall reproduce the explanation of the clauses. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Clauses 1, 2 and 3 are formal. Clause 4 repeals the present Museum Act. Clause 5 contains a number of definitions necessary for the purposes of the new Act. Clause 6 continues the Museum Board in existence. The board is a body corporate and has full power to enter into contractual rights and obligations incidental to the administration of the museum. Clause 7 deals with the constitution of the board. The board consists at present of five members. In future the Director of Environment and Conservation will be an *ex officio* member of the board. Clause 8 deals with the terms and conditions upon which

members of the board hold office. Clause 9 validates acts or proceedings of the board during vacancies in its membership. Clause 10 provides for the appointment of a Chairman to the board. The Chairman is to hold office for a four-year term. Clause 11 deals with the procedure of the board. Four members of the board constitute a quorum. Clause 12 provides that the Director of the Museum shall attend at every meeting of the board for the purposes of giving detailed advice to the board on the day-to-day running of the museum and other matters within his knowledge and experience.

Clause 13 sets out the functions of the board. The board is to undertake the care and management of the museum and of all lands and premises vested in or placed under the control of the board. The board is empowered to carry out or promote research into matters of scientific or historical interest in this State. The board is empowered to accumulate and care for objects and specimens of scientific or historical interest and to accumulate and classify data in respect of any such matters. The board is empowered to disseminate information of scientific or historical interest and to perform other functions of scientific, educational or historical significance that may be assigned to the board by the Minister. The board is empowered to purchase or hire objects of scientific or historical interest, to sell, exchange or dispose of any such objects, and to make available for the purpose of scientific or historical research any portion of the State collection.

Clause 14 provides for the appointment of a Director of the museum. The Director and other officers of the museum shall hold office subject to the Public Service Act. Clause 15 provides for the board to make a report upon the administration of the museum in each year. A copy of the report is to be laid before each House of Parliament. Clause 16 provides for the board to keep proper accounts of its financial dealings. The Auditor-General is to audit the accounts of the board at least once each year. Clause 1.7 provides that any person who, without the authority of the board, damages, mutilates, destroys or removes from the possession of the board any object from the State collection or any other property of the board is guilty of an offence.

Clause 18 provides for proceedings for an offence against the new Act to be disposed of summarily. Clause 19 provides that the moneys required for the purposes of the new Act shall be paid out of moneys provided by Parliament for those purposes. Clause 20 empowers the Governor to make regulations in relation to the new Act.

Mr. WOTTON secured the adjournment of the debate.

EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 30. Page 1584.)

Mr. NANKIVELL (Mallee): I support the Bill.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (GENERAL)

fn Committee.

(Continued from November 13. Page 1984).

Clause 3 passed.

Clause 4—"Interpretation."

Mr. RUSSACK: I move:

Page 2, line 33—After "that is" to insert "scrubland or is".

The reason for the amendment is that the definition of "urban farm land" specifically spells out certain types of area such as grazing, dairying, pig farming, poultry farming, bee keeping, viticulture, fruitgrowing, vegetable growing, floriculture, or the growing of crops of any other kind; but there is no mention of scrubland. In a municipality there could be scrubland, and in many cases there is, which would fall into this category.

The Hon. G. T. VIRGO (Minister of Local Government): While I appreciate the honourable member's intention, the objective he seeks can be achieved in another way. Therefore, I am not willing to accept the amendment. Section 61 of the Planning and Development Act provides that an owner of property may apply for land to be proclaimed as special purpose land because of its character. If this application is made and the proclamation issued, the land, during the period of the proclamation, is rated separately. The Planning and Development Act provides for the very situation to which the honourable member has referred. In my view and in the view of my department, it would be undesirable to have this provision in the Local Government Act when it exists in the Planning and Development Act, which is where we believe it should be.

Mr. EVANS: I cannot agree with the Minister. I do not believe the full purpose can be achieved, and there may be conflict. A person may own a tract of land, half of which could be scrubland. Technically, I do not believe that he could argue that his property is solely used for the purposes covered by the Minister's definition. The Minister is saying that, under section 61 of the Planning and Development Act, a person may declare an area as open space. However, the Minister knows that in Coromandel Valley, when a Mr. Smith did just that, the Land Tax Department did not accept that it was open-space land, and it was rated at a figure of $131 000 for about 13 hectares. The exemption did not apply in the case of land tax. The department overlooked that fact, yet in 1969 the owner was promised by the then Liberal Minister that, by declaring his land under section 61 of the Planning and Development Act, he would receive a concession for valuation. A Government department attempted to buy the land for $60 000 after it had been valued for taxation purposes at $131 000.

The amendment would show clearly that the scrubland should be considered in the same way as is rural land in the area. The man who declared his land under section 61 would be a fool, because he would have no guarantee from any department that he would receive the benefits that are supposed to be gained by declaring it open space. I am pleased that the Government revoked the open-space order in the case I have mentioned, allowing the owner to sell the land on the open market; but, unless such an order is revoked, that is virtually impossible.

At present, if, say, 40 ha of an 80 ha property is still scrubland, and if the owner wishes to clear it for agricultural purposes, he will be in dire straits, because of the open-space order. It would be more just to tell the individual that he may have his land declared as part of the rural land. It is a simple process, and surely that is the intention the Minister had in mind. It is not opening the field, and not a great deal of this land exists within the municipal areas of the State. I have given an example of a case where the system mentioned by the Minister collapsed so unfairly that the Minister himself, in conjunction with his colleague, revoked the open-space order that was in existence for about six years. Section 61 of the Planning and Development Act takes away the right of a landholder to do anything but leave the land as it is. In the case of a person who may own two adjoining properties, each of 40 ha, one being scrubland, why can he not have it declared as rural land if he intends to make use of it in that way? It does not come within the

category found in the Bill. In strongly supporting the amendment, I ask the Minister to think about it again, because it goes much deeper than he has suggested.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Mrs. Byrne and Mr. Dunstan.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. GOLDSWORTHY: This is an excellent clause. I had contact with the Local Government Office about a year ago regarding difficulties about the urban farmland definition, and I should have thought there would soon be appeals to the Land and Valuation Court in terms of the former definition. The clause puts at rest the difficulties that people have experienced. People of moderate means will be able to own land which, with the inflationary spiral that has affected land values in small parcels near the metropolitan area, they may have been forced to relinquish. If people from the city want to buy, say, 4 hectares or 8 hectares and will not disadvantage their neighbour, they ought to be able to do so. Unfortunately, under the previous definition of urban farmland, rates and taxes precluded many people from doing that. I congratulate the local government officers, who have done much work on the matter.

Mr. WARDLE: I add my congratulations about the clause. In the Murray Bridge and Mobilong council areas, portions of land held by one owner have overlapped from one council area to another and, because of a lack of development of a property, persons have not been able to receive any rebate on urban rates. I compliment the Minister on this legislation.

Clause passed.

Clause 5—"The Local Government Advisory Commission."

Mr. MATHWIN: Has the Minister in mind any particular person to be appointed by the Governor to the Local Government Advisory Commission? If so, will he be a person active as an elected member of local government? We have the Secretary of the Local Government Association, but elected representatives ought to be on the commission. Perhaps the Minister was not listening.

The Hon. G. T. Virgo: I was listening.

Mr. MATHWIN: If the Minister refuses to answer, perhaps he has something to hide. Will the person appointed by the Governor be an elected member of local government who is active in local government at present? I am not asking the Minister to betray any confidences.

The Hon. G. T. VIRGO: Obviously, I cannot answer the question. It is not for me to say whom the Governor will appoint, but I would expect His Excellency to appoint a person knowledgeable in local government.

Mr. MATHWIN: It is obvious that the Minister does not want to pursue the matter further. New section 22a (4) provides:

The Governor may appoint a suitable person to be a deputy of the Chairman or any other member of the commission . . .

Boards can usually appoint their own deputy chairmen, but the Minister has decided that the Governor will appoint the Deputy Chairman of the Local Government Advisory Commission. Surely such an appointment could be left to the commission itself. Can the Minister say why the appointment is to be made by the Governor?

The Hon. G. T. VIRGO: I am not sure why the honourable member has no confidence in His Excellency the Governor, who also has authority to appoint the members referred to in paragraphs *(a)* and *(c)* of new section 22a (2). I am at a loss to understand why the honourable member would think that the Governor does not have the capacity to appoint deputies. This is a normal practice, and I believe it should be followed here.

Clause passed.

Clause 6 passed.

Clause 7—"Approved proposals."

Mr. COUMBE: The Government intends, in effect, to replace the Royal Commission with the advisory committee. In his second reading explanation, the Minister spelt out who the committee members could well be. He said:

The Royal Commission is to cease its activities, but it is desirable that the simplified procedures continue to be available to councils who are in agreement on changes. The Advisory Commission takes the place of the Royal Commission.

I believe there are moves at present for a number of councils to amalgamate. After presenting its last report, the Royal Commission met with some success, but it also met with failure in other areas. Will the new advisory committee continue to consult with councils with a view to amalgamating council areas? Does the Government hope that a number of councils will amalgamate?

The Hon. G. T. VIRGO: I refute completely the honourable member's statement that the Royal Commission failed. It did not fail: we, as a Parliament, failed it.

Mr. Goldsworthy: As a Government.

The Hon. G. T. VIRGO: As a Parliament. The member for Kavel was one of the most outspoken against the Royal Commission's recommendations. Let us not back away. As a Parliament, we failed to back the Royal Commission. There is not one Opposition member who is willing to stand up and say he supported the Royal Commission. Not one Opposition member supported the Royal Commission; all Opposition members ran for cover. Let us be quite clear on that. The Parliament failed to support the Royal Commission, but the Royal Commission itself did not fail in its responsibilities. Up to the present there have been three amalgamations which are, in part only, in line with the Royal Commission's recommendations. The member for Kavel, the member for Murray, the Hon. Mr. Burdett, and I were present when the Marne council and the Sedan council held their first joint meeting as the new council of Ridley. However, that amalgamation was not in line with the Royal Commission's recommendations and, indeed, at that inaugural meeting the Royal Commission Chairman, His Honour Judge Ward, said that no local government area could be considered to be sufficient without having a major town within it; the amalgamation of Marne and Sedan failed in that respect. The Royal Commission recommended that Marne, Sedan and Mannum should become a local government area.

The second amalgamation that took place was between the Victor Harbor Corporation and the Encounter Bay District Council. A function attended by the member for Alexandra about a month or so ago inaugurated this amalgamation. Again, that was not in line with the recommendations of the Royal Commission, which recommended that the Encounter Bay District Council, the Victor Harbor Corporator and the District Council of Port Elliot and Goolwa should become a local government

area. Again, the Royal Commission's recommendations were not adopted by local government.

Mr. Chapman: It was a significant step in that direction.

The Hon. G. T. VIRGO: Actually, the third amalgamation that I wish to mention was the first to take place—the amalgamation of the Tantanoola District Council and the Millicent District Council. Again, this was a very partial adoption of the Royal Commission's recommendations. So, there have been no moves up to the present where the Royal Commission's recommendations have been implemented voluntarily by local government. Indeed, the Chairman of the Royal Commission says he doubts very much whether the recommendations will be implemented in the immediate future.

Mr. GOLDSWORTHY: I want to put the record straight. I thank the Minister for the information he gave to the member for Torrens. The fact is not that the Parliament backed away from the Royal Commission's recommendations. Those who opposed the Bill from the outset (and I was one such member) make no secret of the fact that we were expressing the views of constituents in our districts. It was the Government which backed away from the Royal Commission's recommendations. The Government sank the Royal Commission when it started meddling with metropolitan boundaries, because of pressure from the then Minister of Education who was worried about the Brighton situation. It was the Government and the Minister of Local Government who backed away from the Royal Commission's recommendations. We have had plenty of examples in this House where the Government has wanted to use its numbers and it has done so ruthlessly. So let us not have this nonsense from the Minister that Parliament backed away. The Opposition did not back away from its point of view. The Government made a blunder because it was frightened, and the Minister backed away from the Royal Commission. Let us get the record straight, and not have this nonsense about Parliament backing away. The Government had the numbers and, for political reasons, interfered with the Royal Commission's recommendations, because one or two of its Ministers were worried about losing their seats.

Clause passed.

Clauses 8 to 24 passed.

Clause 25—"Amount and purposes of general rate."

Mr. RDSSACK: I move:

Page 7, lines 38 and 39—Leave out all words in the clause after "amended" in line 30 and insert "by striking out from subsection (1) the passage 'twenty-five cents' and inserting in lieu thereof the passage 'thirty cents' ".

The amendment relates to section 237 (1) of the principal Act, which provides:

The general rate in a municipality shall not in any one financial year exceed twenty-five cents in the dollar on the assessed value of the ratable property within the municipality.

The amendment relates to annual values in municipalities and, with other amendments, would conform in percentage to an increase of about 20 per cent. In normal circumstances the Opposition would accept the clauses in the Bill, especially clause 25, but believes that, because of the present circumstances, it would be undesirable to remove the maximum rate in the dollar. The Minister will say that we in the Opposition do not have much confidence in councillors, and do not accept that they have the ability and responsibility to see that rates levied would be commensurate with the area. We deny that view, because there could be outside influences determining the sums to be raised in councils.

I am not permitted to refer to other legislation that is before the Parliament, but in another measure before the Chamber councils will be obliged to raise certain sums in South Australia for taxation purposes. Already, on several occasions, I have explained the position regarding the Grants Commission which, in its report, stated that councils should be responsible for raising a certain amount of revenue and that if there were a short-fall the commission would not be responsible for making good the short-fall to the council concerned. Our Party believes that an increase of about 20 per cent in the present schedule of rating would now be reasonable.

Mr. Chairman, I seek your guidance in this matter, because there are several amendments I have on file in relation to this Bill. If clause 25 is amended, those amendments will be consequential. However, if the Opposition is unsuccessful in moving its amendment to clause 25, which will be the test case, we shall not continue with the other amendments. I emphasise that, in normal circumstances (and perhaps that time will come), it could be desirable for the maximum rate in the dollar to be removed.

The Hon. G. T. VIRGO: I am unwilling to accept the amendment. I believe and, indeed, have always held the view that the Opposition Parties believe (after all, they have said it so many times), that council decision-making should be in the hands of councils. Suddenly, now that the Government is taking a step to ensure that councils are fully autonomous, the Opposition says, "Let's not give councils too much autonomy in case they make a mistake." How often have we heard Opposition members saying that local government is the arm of government nearest to the people. Perhaps the Opposition will now say that is not the case, but surely councils are in the best position to determine what the rate should be in the area they represent. It should not be up to us here on North Terrace to make the decision when, in many cases, we are hundreds of kilometres from the council area concerned. Will the Opposition take its tongue out of both cheeks and be honest?

The Government believes that councils have the right to set a rate in the dollar in accordance with the known position in a council area. The Government believes that councils are best equipped to make that decision: it is not a decision for those of us who have the privilege of sitting in this ivory tower called the "giggle house" of North Terrace. I am amazed to hear the member for Gouger, who has had illustrious experience in local government, saying that this Parliament should tell the Kadina corporation, "You shall not rate Kadina ratepayers above a certain amount because we at North Terrace know more about the ability of Kadina ratepayers to pay than does the Kadina corporation." That is just codswallop, and the honourable member knows that.

Mr. CHAPMAN: Will the Minister reconsider his attitude toward the member for Gouger's remarks and his amendment. True, the member for Gouger has had much experience in local government, and this evening he has referred to the outside influences that we believe exist. It is, it has been, and I hope it will continue to be, the Opposition's desire to protect the autonomy of local government. The State Government is using and abusing the situation at local government level. It has recognised the embarrassment that comes from raising revenue within the State. It recognises future demands that will be made on the State, and it is the belief of my Party that the Government will be unloading that politically undesirable situation on local government by asking it to raise the necessary taxes at the community level.

It is in seeking to protect local government that we have sought to retain a maximum rate in the dollar that can be charged on assessed valuations within local government areas. Apart from that principle which my Party seeks to uphold, there is another point that the Minister should recognise, that is, that another of his Government departments has recently revalued the whole of the State on a new quinquennial system. Much of the State has already been revalued, and soon the balance of the State will be revalued. As a result of that new higher valuation there is no need any more for local government to extend to anything like the limits that are available to it under the Local Government Act. I hope the Minister will accept that there is true merit in the stand the Opposition has taken on this clause.

Mr. GOLDSWORTHY: I support what the member for Alexandra has said. I hope the Minister has paid enough attention to understand why some of us seek to retain a rating ceiling. The Minister gave us a tirade about autonomy in local government, yet the Government does not even pay lip service to that ideal. Local government is being forced to contribute to hospitals. Local government may soon be forced to raise revenue to satisfy Government demands in more than one area. Pressures will be put on local government by the State Government to raise funds that will be spent in directions in which local government will have no say. Therefore, there is wisdom in retaining the present provisions in the Bill. The Minister is not interested in the ratepayers: he is interested only in people over the age of 18 years being involved in local government. If the Minister has his say, it will be not only the ratepayers who are making decisions in local government: it will be other people, too. The Minister cannot stand as the champion of local government autonomy or of the ratepayers. He merely wants to dilute the power of ratepayers in local government affairs.

Mr. VENNING: Obviously the Minister did not listen to the member for Gouger, who clearly stated the reason for the amendment. We know the Minister's story about local government being the form of government nearest to the people. We know what the Minister can do, and I have seen the result of his actions even in my own district. He said tonight that because local government is nearest to the people we here should not have anything to say about it, but we are all concerned about the situation and what will arise not so much today as in the future. For this reason my Party supports the amendment.

Mr. RUSSACK: The Minister referred to this Chamber as a "giggle house". If that is so, the Government is responsible for the state of affairs. After the next election, administration by a competent Government will remove any thought that this is a "giggle house", because proper-legislation will emanate from a Liberal Government. The Minister claims to be the champion of local government, and says that he seeks to give local government more autonomy in this Bill, yet in every other measure local government has lost its autonomy in the legislation emanating from this place. For that reason we move this amendment, which seeks to protect local government. We believe that local government should be autonomous, and that it should be safeguarded from legislation coming from the Treasury bench.

Mr. GUNN: I support the comments of the member for Gouger. Although the Minister treats this matter as a joke, I hope he has listened to the arguments that have been advanced. We have listened to the Minister's irrelevant tirade, which had nothing to do with the amendment moved by the member for Gouger. I hope the Minister will reply to what has been said by Opposition members. The amendment seeks to protect local government from the ravages of this government. The Government seeks to use local government as a tax-collecting agent because it has not the courage of its own convictions.

The Minister has often set out to destroy local government. Earlier this evening we saw how Government members were not willing to stand up and be counted. This Government has no regard for ratepayers: it wants to use their finance for its own lavish spending programme. If people are to foot the bill, they should have some say, and this amendment protects ratepayers from the Minister's attitude.

The Committee divided on the amendment;

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick, Evans, Goldsworthy, Gunn, Millhouse, Nankivell, Rodda, Russack (teller), Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Kencally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Chapman and Mathwin. Noes—Mrs. Byrne and Mr. Dunstan.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Amendment negatived.

Mr. GOLDSWORTHY: I have received a query from a gentleman connected with the wine industry concerning the application of the general rate to land formerly vineyard land. Will it be the rate in the year in which the urban farmland rating is lost, or will it be the rate that would have been charged over the five years? Reference is made to the rates that have been remitted, so I assume it will not be the going general rate in the year of remission.

The Hon. G. T. VIRGO: I understand that the back payment would be the same as the amount remitted. Each year there would have been a sum to be paid if it had not been urban farmland: in other words, the remission each year would aggregate over the five years.

Clause passed.

Clause 26—"Repeal of section 238 of principal Act."

Mr. RUSSACK: In view of what has happened in relation to my earlier amendment the amendments standing in my name will not now be proceeded with.

Clause passed.

Clauses 27 to 35 passed.

Clause 36—"Contents of notice of rates."

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

Page 9—

Line 5—Leave out "and".

After line 11—Insert paragraphs as follows:

(d) by striking out subsection (2);
and

(e) by striking out from subsection (3) the passage "or posted".

These are consequential alterations. Section 693 of the Act includes procedures to be followed in relation to giving notice. It sets out how it is to be done: it applies to every notice going out. It is considered that there should be specific provisions stating how it is to be done in relation to the requirements of section 257 which, from memory, deals with assessments. The general provisions apply just the same.

Amendments carried.

The ACTING CHAIRMAN (Mr. Keneally): At page 8, line 31, there is a clerical error. I propose to delete the word "and". That is a clerical amendment.

Clause as amended passed.

Clause 37—"Time for payment of rates."

Mr. MATHWIN: I move:

Page 9, lines 15 and 16—Leave out "the expiration of sixty days from the date of the notice given pursuant to this Division" and insert "a date specified in the notice being a date not earlier than sixty days from the date of the notice".

I ask the Committee, and particularly the Minister, to support this amendment. I hope he will be a little more flexible regarding this amendment than he has been with all the previous ones. Perhaps it is now my turn to ask support from the Government. I mentioned this matter in my second reading speech. Some councils send out their notices by August and in many cases they are sent out on different dates, sometimes weeks apart. Therefore, there are different times for receiving these notices. Under this Bill, a council can charge a 5 per cent fine after 60 days from the serving of the notice.

There is a 1 per cent fine for each month thereafter, and that will be compounded throughout the whole time. I agree with the intention of the clause as being a step in the right direction: obviously there are people who find it much cheaper to borrow money unofficially from local government than to borrow it from their banks. So perhaps they are slow in paying because it does not cost them very much. I agree in principle with the intention of the Bill but ask the Committee to see the point of view that there could be a situation where councils charged some people a 5 per cent fine, plus a further 1 per cent and possibly there was another 1 per cent outstanding from the previous year, and they could all occur on different dates. So there could be many ratepayers liable to pay at different times, and the council would have a problem in keeping up with the fines due. I ask the Minister to change this provision so that the date specified in the notice be a date not earlier than 60 days from the notice. It comes to the same thing, but makes it much simpler for local government to put into operation.

The Hon. G. T. VIRGO: I think the fear of the unknown has prompted this amendment. I appreciate that the Town Clerk at Brighton discussed this with the honourable member who, as a result, introduced this amendment because, like the Town Clerk, he felt there would be an injustice. My officers have discussed this matter with the Brighton Town Clerk and explained the working of it. The report I have had is that the Town Clerk no longer has the worries that prompted him to approach the honourable member. If members read new section 257a, they will see that the "rates shall be in arrears and recoverable by the council from the ratepayer upon the expiration of 60 days from the date of the notice given", not the date on which it was sent, as the honourable member was suggesting. If the notice is posted today, it need not bear the date "February 3"; the council will put on it a date that suits it. Obviously, it must be about that date and it will not post-date it.

Mr. Becker: It could back-date it, couldn't it?

The Hon. G. T. VIRGO: It could.

Mr. Becker: Post-dating would be best.

The Hon. G. T. VIRGO: There are all sorts of things involved but, if we start to think along these lines, we are not showing much confidence in local government. The point that the member for Glenelg is raising can be, and I am sure will be, overcome by local government in the administration offices. The date on which the notice is sent out does not have to be on it: the Bill merely states "from the date of the notice". So the point that the honourable member fears does not arise; he should be completely satisfied that there is no ground for that fear.

Mr. MATHWIN: I thank the Minister for his explanation but he still does not say what is wrong with the amendment. To my mind, it makes the provision simpler to operate. As to where I got my information from, I agree I was talking to the Town Clerk of Brighton but I was also talking to the town clerk of another council and also to members of different councils on this matter, as I usually do. I spoke to the Town Clerk of Brighton this evening after the Minister gave me his information, and the Town Clerk told me that he had not been speaking to the Minister or his representatives.

The Hon. G. T. Virgo: He has not spoken to me; he spoke to my officers.

Mr. MATHWIN: I understand from the Town Clerk that he was not talking to your people about it. If the Minister really wants to know to whom I was previously speaking, I can tell him that I was speaking to the Assistant Town Clerk; I was not as close to the Town Clerk as the Minister implied.

The Hon. G. T. Virgo: Are you saying that the Town Clerk of Brighton denied that my officers discussed this with him some months ago?

Mr. MATHWIN: When I spoke to the Town Clerk tonight on the telephone he said he had not been talking, or apparently he did not remember. The Minister has not satisfied me that he believes the provision as drafted is simpler than my amendment. He has not suggested that the amendment would cause any difficulty with the department or with the councils. It would cause no hardship to anyone, but would be easier to implement than the provisions in the Bill.

The Committee divided on the amendment:

Ayes (21)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Coumbe, Eastick, Evans, Gunn, Mathwin (teller), Millhouse, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, Wardle, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran, Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo (teller), Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Chapman and Goldsworthy. Noes—Mrs. Byrne and Mr. Dunstan.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, I give my casting vote in favour of the Noes. The question therefore passes in the negative.

Amendment thus negatived.

Mr. RUSSACK: I move:

Page 9, line 22—After "the council", insert "or the clerk".

In the principal Act a council is defined as meaning a municipal council or a district council, while a clerk is defined as meaning the town clerk or the district clerk. New section 257a provides that the ratepayer may apply to make and the council may agree to accept four equal instalments or, as provided in new subsection (2) *(b)*, any other agreement may be reached. If numerous applications were received and all had to go before the council, confusion could be created and much time would be involved.

By my amendment, I am endeavouring to spell out that the clerk, given the authority by the council, could attend to the ratepayer at a private consultation so that the council could be relieved of all these intricate and time-consuming

considerations. This clause is desirable. Many people find it difficult to pay rates at the time required, and it is good to give them an opportunity to pay by instalments. However, it is necessary to clarify the matter so that a council will not have the onerous task at council meetings of going through all the applications. The clerk could be given authority to carry out these interviews.

The Hon. G. T. VIRGO: I think some misunderstanding has arisen. I am not prepared to accept the amendment but I should like to have the matter further examined, and, if the situation merits an amendment, I give the honourable member the assurance that that amendment can be made when the Bill is before the Legislative Council. I am not sure whether the amendment ought to be to add "or the clerk" in line 22 of after "council" in line 31. Perhaps the latter is the more appropriate place if the words are to go in at all.

Secondly, it seems to me that the council would determine policy and require the clerk to give effect to that policy. Therefore, the wording "fixed by the council" would mean fixed in accordance with the policy determined by the council but carried out by the clerk. I ask the honourable member whether he will accept my assurance that the matter will be considered carefully and that, if there is merit in the points that he has raised and if there is a void, we will rectify the matter when the Bill is before the Legislative Council.

Mr. RUSSACK: I accept the assurance the Minister has given, because I am sure he will attend to the matter. When a similar Bill was before Parliament, he gave similar assurances in respect of the retrospectivity rate of urban land rating. I thank him for those assurances and, if I have his assurance on this matter, I will accept what he says.

Amendment negatived; clause passed.

Clause 38—"Fine in default of payment."

Dr. EASTICK: I seek information about the reason for providing 5 per cent as the base rate. The Local Government Act Revision Committee took much evidence on this matter, and I refer to paragraph 4577 of the recommendations, which states:

> The rate of interest on overdue rates should be high enough to discourage ratepayers from using their local authority as their banker: it should be 1 per cent above the highest rate of overdraft interest charged by banks from time to time.

I refer also to points made in paragraphs 4551 to 4556 of the report. The clause would finally achieve a rate higher than the 1 per cent above the ruling bank interest rate. The danger for councils is that, while many people can allow the rates to remain outstanding with the council without legal action for recovery being taken and the amount of interest is less than they would be required to pay to a bank, councils are providing finance. In present circumstances, where overdraft rates for councils are particularly high, councils are losing money by being a source of finance for people in this way. I am in accord with the end result of the clause, but I ask the Minister why a rate of 5 per cent is provided and not a rate closer to an overdraft rate so that there would be a genuine incentive to the ratepayer to fulfil his obligation at a rate commensurate with the bank overdraft rate. It is important that councils recover the money as early as possible.

The Hon. G. T. VIRGO: When this matter was last before Parliament, there was a provision that an interest rate would be fixed annually and that it would take into account the current overdraft rate and would be slightly in excess of it. It was in line with the recommendation of the local Government Act Revision Committee. The weakness found (and hence the alteration) was that, until a person had been in arrears for some time, he would be paying less than the current provision of an immediate imposition of 5 per cent, because it worked on a monthly basis. It was decided, to try to overcome this problem, that we would retain the immediate imposition of 5 per cent but, on the expiration of each calendar month thereafter, an additional 1 per cent would be added.

We are trying to cater for two kinds of person. We are trying to be reasonably sympathetic towards, or not too harsh, on the person who is just not able to meet his rate commitment on the set date. The man may have inadvertently overlooked the matter; there are many reasons why an amount may be a week overdue or a fortnight overdue, and we do not think that he ought to be hit to leg. I believe that the type of person whom the member for Light is really criticising is the person who blatantly uses local government for cheap overdraft money. The provision of an immediate fine of 5 per cent plus a further 1 per cent per annum will clearly act as a deterrent. It is certainly a better way of doing it than the proposal in the previous Bill.

Dr. EASTICK: I thank the Minister for his explanation, but I think he meant "1 per cent per month" when he said "1 per cent per annum".

The Hon. G. T. Virgo: I am sorry. I should have said 1 per cent per month.

Dr. EASTICK: New section 259 (4) provides that a council can forgo an additional sum levied against a person; that is the hardship provision, and it could be used in the cases that the Minister suggested. Will the Minister consider altering the figure of 5 per cent to 8 per cent, rather than going right up to 1 per cent above the overdraft rate? I move:

Page 9, line 41—Leave out "five" and insert in lieu thereof "eight".

The Hon. G. T. VIRGO: I would not be willing to accept the figure of 8 per cent at this stage. I agree that there are sufficient grounds in the point that the honourable member has raised for us to consider the matter carefully. I shall therefore ask my officers to do so tomorrow and, if they believe it is desirable that the figure of 5 per cent should be altered, I undertake that an appropriate amendment shall be made in the Legislative Council. Because we have carefully considered this matter, I think it is probable that my officers will advise me against an alteration. However, I shall ask them to weigh all aspects of the matter carefully, and I shall act accordingly.

Dr. EASTICK: I am happy to accept the Minister's assurance. I also appreciate that the Minister retracted to some degree the attitude he expressed about the figure of 8 per cent. He withdrew from the position of directing what his officers should or should not believe. The matter should be viewed as a total business venture. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clauses 39 to 62 passed.

New clause 62a—"Obstruction of watercourse, etc."

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

62a. Section 640 of the principal Act is amended—

(a) by striking out the passage "ten dollars" and inserting in lieu thereof the passage "five hundred dollars";

and

(b) by inserting after the present contents thereof, as amended by this section (which are hereby designated subsection (1) thereof) the following subsection:—

(2) Any person who, within a municipality or district, without the consent of the council, makes or causes to be made any drain, gutter, sink, or watercourse in, over or across any street, road or public place, or fills up or obstructs any ditch, drain or watertable in any street, road or public place shall be guilty of an offence and liable to a penally not exceeding five hundred dollars.

New clause inserted.

New clause 62b—"Obstruction or diversion of water-course."

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

62b. Section 641 of the principal Act is amended—

(a) by striking out from subsection (1) the passage "ten dollars" and inserting in lieu thereof the passage "five hundred dollars";

and

(b) by striking out from subsection (2) the passage "ten dollars" and inserting in lieu thereof the passage "five hundred dollars".

New clauses 62a and 62b, which are a flow on from the litter provisions, alter the fine to bring it into line with the new litter provision fine of $500 by striking out the figure of $10 currently provided. The new clauses also make it a punishable offence for any person to cause any drain, gutter or other waterway to be obstructed. All the matters are in accordance with existing litter provisions.

New clause inserted.

Clause 63 passed.

New clause 63a—"Service of notices, etc."

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

63a. Section 693 of the principal Act is amended by inserting after paragraph *(a)* the following paragraph:

or

(a1) by leaving the same in the letterbox to which it would have been delivered if sent by post;

A short while ago we amended the principal Act in relation to sending out notices; we struck out the provision relating to sending notices by post on the basis that section 693 dealt with notices of all descriptions with which councils were concerned. We are now making the situation a little more flexible. Up to the present, section 693 has provided that notices can be sent out by pre-paid letter or by leaving the notices with an adult at the place of residence. We arc extending the situation so that, in addition, if the council so chooses, it may cause one of its employees or someone else simply to deliver the material to the person's letter box.

New clause inserted.

Clause 64—"Enactment of Part XLIA of principal Act."

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

Page 15—

Line 28—After "who", insert ", within or outside an area".

After line 30—Insert "or".

Line 31—Leave out "without the consent of the council,".

Lines 34-39—Leave out all words in these lines.

Page 16—

After line 2—Insert subsection as follows:

(la) In any proceedings for an offence under paragraph *(b)* of subsection (1) of this section it shall be a defence that the authority having the care, control and management of the street, road or public place (whether a council or otherwise) consented to the deposit of goods, materials, earth, stone, gravel, or other substance on the street, road or public place.

Line 16—Leave out "the council" and insert "a council in whose area the offence was committed".

This clause introduces a provision that is perhaps somewhat unusual in the Local Government Act, because it extends the operation of the litter provisions to areas not covered by councils. The Government believes that the litter provisions should cover the whole of the State. Equally, the Government believes that the litter provisions, where applicable, should be in the hands of councils, hence their inclusion. The Government does not want a separate Act to deal with litter outside council areas, so the purport of the provision is to cover the whole State.

Amendments carried.

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

Page 17, lines 37-42—Leave out subsection (1) and insert subsection as follows:

(1) Where a council, or an authorized officer, believes on reasonable grounds that a person has committed an offence against this Part, the council or officer may serve personally or by post upon that person a notice to the effect that he may expiate the offence—

(a) where the offence was committed within the area of a council, by payment to the council of the sum of twenty dollars;

or

(b) in any other case, by payment at a police station specified in the notice, of the sum of twenty dollars,

within twenty-one days of the date of the notice.

After line 46—Insert subsections as follows:

(3) In this section—

"authorized officer" means—

(a) an officer authorized by a council to exercise the powers conferred by this section;

(b) a member of the police force;

or

(c) a person authorized by the Minister to exercise the powers conferred by this section.

(4) Where moneys are paid to a council in pursuance of a notice served under this section, and the notice was served by an authorized officer who is not an employee of the council, the council shall remit one-half of the moneys received by it to the Minister to be paid into the general revenue of the State.

New section 748d (1) provides an expiation fee of $20 for a littering offence where the council or its authorised officers can take action. This payment can be made within 21 days of the date of the notice.

Mr. RUSSACK: Does this provision give power to a member of the Police Force to act outside an area as defined?

The Hon. G. T. Virgo: Authorised officers are spelt out as being council officers, members of the Police Force, or members authorised by the Minister.

Mr. MATHWIN: Unless an offence is committed inside a council, the Government gets the money. What happens if it takes place outside the council area in question but in another council area?

The Hon. G. T. Virgo: The council concerned gets it.

Mr. MATHWIN: Even if the police issue the summons, a council gets the money?

The Hon. G. T. Virgo: That's right.

Amendments carried; clause as amended passed.

Remaining clauses (65 to 68) and title passed.

Bill read a third time and passed.

The Hon. J. D. CORCORAN (Minister of Works) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from October 15. Page 1379.)

The Hon. R. G. PAYNE (Minister of Community Welfare): When the Opposition spokesman (the member for Mallee) last spoke on this measure, on October 15,

he approached the Bill in a reasonable way, and I wish to thank him for that approach. He raised one or two matters that he regarded as a delay in putting forward, under the provisions of the Bill, regulations associated with new requirements for keeping pigs. He also expressed concern about the new provisions relating to pest control, involving the licensing of pest controllers and operators and also involving possible strictures concerning pesticides themselves.

Perhaps it is fortunate that there has been a time lapse since October 15 and that the Bill has not proceeded since that date. The time lapse has enabled the department to look at the matter in conjunction with the United Farmers and Graziers organisation and to consider the question raised by the honourable member relating to Alf Hannaford & Company Limited and co-operative bulk handling systems. I should think that the honourable member would be aware that these matters will be covered in the Committee stage, when I will finally record my thanks for the reasonable way in which he approached the measure.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Progress reported; Committee to sit again.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1964.)

Mr. COUMBE (Torrens): This short Bill should be dispatched rapidly. It clears up a misconception that has arisen in relation to the Industries Development Act and the committee. There is also the Industries Assistance Corporation and the Industries Assistance Commission. Currently these bodies have the same initials. There is a difference in size between the Commonwealth Government's commission and the State's corporation, but the State instrumentality, with which I have had some connection, fulfils an important purpose. In supporting the Bill, I point out that any arrangements which have already been commenced, or any guarantees which have been given, will still be carried on under the old name of the State corporation. Therefore, any arrangements that have been entered into will not be jeopardised by the adjusting of the name. The word "State" is now included in the title of the State Industries Assistance Corporation. I support the Bill.

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

FOOD AND DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 16. Page 767.)

Mr. ALLISON (Mount Gambier): I, too, will be brief. This is a minor Bill, and I support its second reading. The Bill does two things. First, it reduces the number of auditors required from two to one. This move should simplify the auditing without in any way detracting from the accuracy of the accounts of the county boards of health. Secondly, it provides for an annual audit in December of each year, but it precludes the necessity of publishing the accounts in the *Government Gazette.* It has been said in another place, whence this Bill emanated, that the Bill is merely a means of streamlining the methods of auditing and publishing the accounts of county boards of health. Perhaps it will also in some way lessen the work of the Government Printer. We can accept that this Bill represents a move to streamline the auditing system. Finally, it brings the procedure for accounting and auditing in. line with the procedures adopted in the Health Act Amendment Bill which has already been dealt with this evening. I support the Bill.

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

PEST PLANTS BILL

Adjourned debate on second reading.

(Continued from November 13. Page 1991.)

Mr. MATHWIN (Glenelg): Earlier in this session I brought to the attention of the House some of the social aspects of weeds in South Australia and throughout the world. I directed the Minister's attention to aspects of the problem of weeds about which he had no knowledge, and the Minister would do well to follow my arguments in this matter. The member for Alexandra has shown much interest in this Bill, and I will leave it to him to refer to other important facts concerning weeds in South Australia. However, on a recent visit to Kangaroo Island I was amazed to see the number of weeds existing there, especially the saffron thistle. I understand the thistle is used as fishing bait. The thistle existing on the island is hardy, but something should be done about it. The Government holds much territory on Kangaroo Island. In closely examining this Bill I found that its provisions do not bind the Crown. Often legislation passed by this House binds the Crown.

Mr. Venning: What happens in Western Australia?

Mr. MATHWIN: Many things, but I am sure the Crown is bound by such legislation in that State. As the Crown holds so much land, this is an important consideration in examine this Bill. It is only right that the Crown bears responsibility in this matter. If all other landholders in the State have a responsibility (especially if they are bound by law to undertake the eradication of weeds), and if they border Crown lands to which this legislation does not apply, their properties would be overrun and weed infestation could not be prevented, especially as seeding results from the carriage of seeds by the wind, by birds or by other natural means. The situation outlined in the Bill is unfair, and I ask the Government to consider the matter of binding the Crown. The legislation would then conform with that introduced in Western Australia, Queensland, and Victoria and, as we hear so much from this Government that we want uniformity of legislation, it should not be asking too much for the Government to reconsider the situation. In general principle I support the Bill, but many of its aspects will be discussed by the member for Alexandra and they should be considered by the Government. I hope the Government, and in particular the Minister, will have second thoughts on matters concerning this Bill that have been raised by Opposition members.

Mr. BOUNDY (Goyder): I support the principles embodied in this Bill. First, I reiterate some of the Bill's history and remind members that it is about four years since this matter first saw the light of day when officers of the Agriculture and Fisheries Department began discussing with councils the need for a new Act. In the past six months much progress has been made with discussions being held between weeds boards of the Local Government Association and councils, and officers of the department, as a result of which unanimity has been achieved about the implications of this legislation. I pay a tribute to the work of officers of the department, particularly Mr. Max O'Neil for his untiring efforts in gaining agreement from councils to this measure. Also, I pay a tribute to members of the Weeds Advisory Committee for their work in framing this legislation, and to

Mr. Reo Humphrys of my district for his untiring efforts in selling the principle embodied in this Bill.

However, I have some minor misgivings about the implementation of this legislation, and will seek assurances from the Minister that practical common sense will prevail in its operation, as I expect it will. There has been constant liaison between all those responsible, and councils have recognised the need to improve the old Act in order to give the legislation more teeth, so that councils and individuals who do not discharge their duties with regard to weeds can be held responsible. We all recognise the vulnerability of our products on oversea markets, and no member would deny that we must be constantly vigilant in this regard. I am most concerned about the administration of this legislation. The main concern of councils in my district that already have effective weeds boards hinges on clause 25.

The Southern Yorke Peninsula Weeds Board has operated effectively for many years in voluntary co-operation with the four adjoining councils, and I understand that it was used as a model for this legislation. That four-council board is a full load for an authorised weeds officer, but the board considers that it can continue as it is without any disruption or change caused by alterations to the Weeds Act. The broad principle that it cuts across council boundaries is accepted, because the overall implementation of a weeds policy must cut across council boundaries. I have completed an exercise in relation to the councils in my area showing that the break-down of the levy of the Government subsidy and the recovery from landholders will provide almost the same amount that has been spent in the past. I emphasise that this exercise refers only to the four councils in my district, because I believe many other areas could be embarrassed financially. However, for Minlaton, Yorketown, Warooka, and Maitland councils the money available under the new legislation may be substantially the same as the sum available to them under the old Act.

At present the administration of our voluntary Weeds Board has been delegated to individual councils and the work has been conducted within the framework of those councils, so that administration has been dealt with on a local basis. Therefore, if the administration of the Weeds Board can continue in the same manner, there is no requirement to set up another administrative juggernaut. If a board must establish its own office network, staff, and machinery, that would be an added cost. I believe clause 25 interpreted in its broadest sense will allow the Weeds Board to which I have referred to continue to operate completely effectively. If each board is given the power to delegate its authority to each council with regard to its operator (I understand from discussions I have had with officers of the department that this is so), that, too, will add to the efficiency of the measure.

Mr. Venning: You really haven't got a board, have you?

Mr. BOUNDY: We have a voluntary weeds board functioning now. As much as 40 per cent of time is lost on weed work owing to weather conditions, growing cycles of plants and the like, and it is practical common sense once again for each council to contract for its own officer to do the work, so that when weather, time and circumstances are such that there is no weed work to do, he can be used on other local government work.

Another aspect that makes individual council administration attractive is property transfers. Properties are constantly changing hands and the only bodies competent and capable of keeping up with these property transfers are the individual councils. I have consulted with the Maitland District Council officers, who told me that there were 350 separate property transactions in one year. If a board must be formed separately, it will be necessary for constant liaison and it will never be quite up to date; but, if the local council can conduct its affairs by delegation from the weeds board, that will certainly continue to be effective.

Mr. Venning: Can you get an assurance on that?

Mr. BOUNDY: I am asking for that assurance. As what I am suggesting is practical common sense, I have no fear that that assurance can and will be given. Also, in the matter of administration, it is of help to the viability of local government that administration remains as much as possible at the local council level. Then, in clause 27 (3), I refer to what perhaps is a minor matter. The clause states:

> A local authorised officer must have such qualifications gained through the Department of Further Education or experience in the field of pest plant control or any other field related thereto, as may be prescribed.

I believe this is a recognition that once again practical common sense is the most important attribute for a weeds officer, that much of the knowledge we have in weed control has been gained through in-the-field experience of practical men who have operated by trial and error; and it is pleasing to see that these men who have proved their place in the industry will be able to continue.

I also support the contention that the various departments that own land for the benefit of the whole community should be equally responsible with the rest of the community for their weed control; and it is unnecessary to say that it is good public relations for Government departments and those people who control Crown land that their weed control should be effectual. Shortage of funds for weed control by the various instrumentalities may render useless many years of tireless efforts by adjoining landholders and, while it may not be possible to bind the Crown absolutely, because the Crown cannot sue itself, it should be noted that the Crown should be as effective as it possibly can be in regard to weed control in its areas; and this is particularly significant in my own electoral district, where many thousands of hectares of national park already have a weed problem and will need constant vigilance in the years to come to see that there is control; and control will be hard enough when eradication would be the desirable course.

A further area of concern to me is the need to provide more money for research, both chemical and biological, to rid us of some of the specific weeds we have. An example in my area is mignonette; and pheasant's eye, too, is a problem to pasture. Mignonette is a danger to our markets and more recently, as far as cereal growing on Yorke Peninsula is concerned, the explosion we have had of skeleton weed infestation demonstrates the need for much more money to be spent and provided for councils to assist in tackling this problem before it beats us. So there will be a need for direct grants as well for that sort of thing.

The danger of these weeds to our markets is well known. As regards mignonette, I have another little concern—the responsibility of adjoining landowners on grain carting routes to silos and terminals. Mignonette particularly can be shifted to free areas by grain trucks, and there is a need to see to main roads so affected by providing funds to deal with such weeds one or two metres from the carriageway. I also have a concern for the responsibility of councils and the Highways Department in spreading onion weed, horehound, and the like. I have seen onion weed spread 16 kilometres down the road until I have got it, and the only thing that has done it is the council grader. We

must all exercise maximum vigilance in this matter and let us hope that in practical terms the new legislation will encourage all members of the community to exercise their responsibility in this way.

I need not add any more at this stage; on balance, this Bill will improve pest plant control throughout this State. Through long discussions, I know it has the support of most councils throughout local government. Therefore, I support the second reading and shall be further interested in the Committee stage.

Mr. CHAPMAN (Alexandra): This Bill incorporates the repeal of the Weeds Act, 1956-1969. At this point, as we are proposing to dispose of the existing law about noxious weeds in this State, it is reasonable to recognise the various authorities that have used their efforts in controlling our pest plants in the past. I do so briefly and sincerely wish to recognise the members of our advisory committee—Messrs. Scholz, Groth, Humphrys, Oliver and Sneyd, and the committee's Chairman, Mr. Barrow. In doing so, I point out that in my opinion the Weeds Advisory Committee in South Australia, the authority set up by the Agriculture Department to report to and advise the Minister, has attempted genuinely to carry out its job. If there has been a breakdown (and I suggest that there has been a breakdown in administration), it has rested with the respective Ministers of Agriculture. The present Weeds Act, if implemented, would have been quite effective in controlling weeds on Crown land, public land, local council land, and on private land throughout the State. Section 20 of the Weeds Act has incorporated for many years an opportunity for the Minister to exercise control of noxious weeds where a council or a private landholder has fallen down. When the member for Eyre opened the debate on this Bill as official spokeman for the Opposition, he recognised the vast number of local authorities which, in his opinion, have done a good job in controlling weeds within their respective communities. He said:

> The majority of local government bodies in South Australia have accepted their responsibilities under the old Act. A small number have not carried out their responsibilities in the manner in which they should have done.

It is significant that members on this side, if not those on the Government side, have recognised that most of the 137 local government authorities in South Australia have exercised control within their areas in a responsible way. One can only assume that the new Bill, which it has taken the advisory committee and other members of the department four years to come up with, is designed to cover those areas that have not been adequately and properly covered in the past. I am somewhat disappointed that the Weeds Advisory Committee in South Australia has not been given the teeth to carry out the functions that have been politically unsavoury for Ministers of all political colours, and has not been vested with the powers of the Weeds Advisory Committee in Victoria. The Victorian committee, which is controlled and governed primarily by the Minister and, beyond the Minister, by a board of three, has been vested with the power to report annually to Parliament, to submit proposals to its respective Ministers for legislation and administer improvements, and to survey, investigate, publish results, instruct and supervise the preventive measures that it is desirable to take in the community. In my opinion, the existing Weeds Act could well have been amended to allow that competent Weeds Advisory Committee the powers that have been an embarrassment to the Minister. That committee, in turn, could have had greater control over the supervision and the operation of weed control at local government level and, beyond that, at the private landholder level.

The member for Eyre continually qualified his remarks in support of the Bill by leaning heavily on expected co-operation from the Minister. That request for co-operation from the Minister has been ventilated tonight by the member for Goyder. I, too, will be looking forward to some assurances from the Minister that apparently have been discussed at departmental level. The member for Eyre issued a warning to the House when he said:

> I do not believe anything will be achieved unless the commission is reasonable in implementing this legislation. If it is not, much ill feeling will build up and nothing will be achieved.

That was a very real comment that we should bear in mind in relation to the implementation of the provisions of the Bill. In principle, while I am disturbed about some parts of the Bill, I am required to support the establishment of a commission, and the concept of individual council authorities forming themselves into workable groups known as boards. I am in favour of the principle of helping those councils finance the control of pest plants within their respective areas by a subsidy system. Generally, on behalf of councils in South Australia I will support the principle of the Bill before us.

The Opposition desires to have responsible action taken to control undesirable weeds for the benefit of agriculture and of the environment. The matter of binding the Crown, suggested by several members on this side, should be borne in mind if we are to apply ourselves to this legislation and make a genuine effort to clean up the State from the effects of noxious weeds. We must also bear in mind a point raised in the journal of the Australian Institute of Agricultural Science by Dr. R. M. Moore, who stated:

> If a law is to be good then it must be enforceable.

I turn now to the clauses of the Bill that I believe should be amended to derive the desire expressed by the department and the advisory committee. Clause 8 (1) (c) provides that two persons on the six-man commission shall, in the opinion of the Minister, have extensive experience in local government and in pest plant control. The final words in the paragraph indicate that the Minister has in mind that officers employed by the local government shall be appointed to the committee. Departmental officers are well catered for in other parts of the clause, and accordingly I suggest that those having experience in local government should be those who have served as councillors. At the appropriate time I will move an amendment to that effect. Apart from this, I agree with the appointment of the members of the commission, as outlined in the Bill.

It is fairly obvious that the officer who has been handling this Bill is extremely interested. He has demonstrated for some weeks now his dedication to his job generally, and the manner in which he has approached this subject indicates to me that he is seeking a position on that commission, or at least in an executive officer capacity. I may be a long way from the mark but certainly his actions, attitude generally, and interest in the subject indicate to me that he is, I may say, jockeying for a position at that level. Provision is made for appointments by the Minister from the department.

Dr. Eastick: What you have said may be the kiss of death.

Mr. CHAPMAN: It is an observation that I shall be interested to follow up if and when the commission is appointed. Clause 15 refers to the functions of the commission, which are merely in line with the functions of the Weeds Advisory Committee, so I have no objection to that provision. Division II of the Bill has caused some concern to members on this side. Clause 17 (1) provides

that the Governor, upon the recommendation of the commission, may by proclamation establish a pest plant control board and define its area. Several councils have expressed a desire to remain a board in their own right.

I will not debate the merits or demerits of that, but some councils have taken the initiative and have established boards that are working satisfactorily. I say good on them and, if they can be preserved, I would support that, but I cannot support the point that councils shall be directed to form boards. I shall move appropriate amendments to provide for autonomy and local decision. Clause 19 contains much detail about the establishment, membership, and so on, of the board that the councils shall appoint. When the commission removes the authority of a member of the board (in other words, the commission may sack a council appointee for various reasons outlined in the Bill), instead of the commission appointing another council member, it should be the prerogative of the council to replace the member who has been removed. We will also deal with that matter later.

I understand that the Minister will deal with clause 24, which refers to the auditors, and he has indicated that he will remove the provision for two auditors and replace It with a provision for one auditor. The powers of authorised officers involve the inspectorial provisions that apply in all legislation where field inspectors are necessary, and, apart from minor amendments that are necessary, the Bill outlines the detail necessary to allow inspectors to carry out their functions. The only matter that I mention about that provision refers to the powers of the authorised officer as set out in clause 28 (1) *(g)*, whereby the officer may search and, if he considers it necessary to do so, take possession of any animal, plant, vehicle or farming implement, or any other thing that he believes on reasonable grounds may be carrying any pest plant, and take such measures as he thinks necessary to remove and destroy any pest plant found thereon.

Clause 43 (1) directly conflicts with that provision, because clause 43 correctly provides that the inspector shall give due notice, in this case 14 days, to the owner before the owner is required to destroy or dispose of any pest plant that may be found in or about his property. That conflict is obviously an oversight. I have not chosen to move an amendment in that regard, because, as it has been brought to my notice, the Minister will also be aware of the position. Clause 43 (1) provides for time to dispose of the goods and the other provision gives to the inspector power to dispose of the goods without time being given.

The financial provisions will be dealt with in the Committee stage, and I have circulated an amendment. I wonder whether, under the proposal set out by Mr. O'Neil, on behalf of the department, in relation to the financing of the scheme, he has considered the financial contribution which landholders generally make and which are not recorded by councils. Members will realise that the whole Bill rests heavily on the expenditure by councils, and I respectfully remind the House that the attention to noxious weeds in the community is not necessarily reflected by council expenditure. I say that in all sincerity, because, quite apart from the attention to roadsides and other work that councils do in this field, many landholders, particularly the broad acre landholders, carry on, on an annual basis in the ordinary course of their farming activities, a programme regarding noxious weeds and undesirable pest plants similar to lhe work they do in maintaining their farms and pastures.

I cannot accept that, if a council spends a minimal amount on weed eradication, it can necessarily be shown that the community does not do its job in weed control. Another point that does not seem to be covered in the Bill deals with Commonwealth Government lands within the State. The Bill does not provide that the Commonwealth will be called upon to make a contribution or carry out weed control on the vast areas that it holds in South Australia. I refer particularly to parks held by the Commonwealth and to the recent acquisition by the Commonwealth of railway land formerly owned by the State Government; there must be many thousands of hectares of this land. This Bill does not provide for uniformity of legislation between the Eastern States and South Australia. The Murray River carves its way from the east coast of Australia through the middle of our State, and on both banks at overflow time it spreads weeds in Victoria, New South Wales and South Australia. I would have thought that the Government would automatically take into account the need for uniform legislation with respect to weeds common to all three States.

I refer again to Dr. Moore's remark that the law needs to be good before we can expect to enforce it. I hope the commission, the inspectors, and the local boards will use common sense when setting out to solve weed problems. Many millions of dollars are spent annually in Australia by authorities at various levels, and. I am not sure whether those sums have been well spent or whether they have been spent as a habit. Weed control in Australia is a big-time affair. Weeds seriously affect our exports of grain. Further, they affect exports of meat as a result of undesirable seeds entering the skins of animals. In addition (and perhaps this is most important), wool fibres can be seriously affected by noogoora burr. All those factors should be taken into account.

Common sense is of paramount importance in implementing this measure. If the provisions of the Bill are implemented to their full extent and if common sense is lacking, the farmers may be killed before the weeds are killed. Therefore, the selection of officers at the commission level is very important. Further, voluntary entry into the board concept will be the basis of success or failure of this Bill. I am aware that some councils near the metropolitan area have some reservations about the Bill. I cannot say whether those councils have done their job. Certainly, neither the Opposition nor the Minister in his second reading explanation has identified any South Australian council or local authority that had failed in its job. I have not heard any member refer to any weed which is out of control and which has been neglected by the responsible authorities. So, it is hard to locate the problem. Of course, the Crown has often been branded for failing to uphold its relevant responsibilities in respect of Crown land.

I shall leave the remainder of my remarks on the Bill to the Committee stage. I thank members for their contributions to the debate and I thank those members who allowed me to investigate this subject before Christmas, preserving my right to speak on the Bill before the closure of the second reading debate. I am not sure whether the Country Party member intends to speak on the Bill at this stage, but I hope he and the Liberal Movement members, together with Liberal Party members, will support the amendments that are necessary to carry out the aim of gaining effective control over weeds in South Australia.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Interpretation."

The Hon. J. D. CORCORAN (Minister of Works): I move:

Page 3—

Lines 6 and 7—Strike out whole of these lines.

Line 20—Strike out "of Agriculture or any other Minister".

Line 21—Leave out "may be" and insert "is".

Line 35—Strike out whole of this line. .

The amendments are necessary because of the change in title from "Agriculture Department" to "Agriculture and Fisheries Department". In accordance with current drafting policy, all references to titles of the Minister and the permanent head have been deleted from the Bill. The Chairman of the commission is expressed to be an officer of the Public Service who has wide experience in agriculture. This drafting policy is sound, because in the past Acts have often had to be amended because a specific Minister or a specific permanent head has been mentioned.

Amendments carried; clause as amended passed.

Clause 6 passed.

New clause 6a.

Mr. EVANS: I move:

Page 4, after line 16—Insert the following new clause:

6a. This Act binds the Crown.

The new clause has a big effect on the community but a minor effect on the Minister's administration. I thank the member for Alexandra for the research he has done in this field relating to other States where the Crown is bound to some degree. In Queensland the Crown is bound to a large degree. No Parliament is justified in saying that John Citizen shall be bound to clean or control noxious weeds growing on his property when a neighbouring property held by a Government department is not bound. That law is not morally right and cannot be justified in any form of democracy. There is no benefit in any Minister, member of Parliament, or former member of Parliament saying that, in the main, Government departments clean up their land, because they do not do so.

Mr. Goldsworthy: One has to go only to the Cleland reserve to see that.

Mr. EVANS: Yes, or to the Belair Recreation Park and many other areas. I have previously given credit to the Highways Department because, in the main, it attacks the problem reasonably well. However, I cannot give the same credit to the Railways Department, which is under the control of the same Minister. That department's approach is, "If the landholder cleans up his property, we will attempt to clean up ours." Surely society's example should be set by the Government and its departments.

Dr. Eastick: What about the Woods and Forests Department?

Mr. EVANS: That is exactly the same. The member for Kavel would have many noxious weeds on Woods and Forests Department land in his district and on Engineering and Water Supply Department reserves where water quality must be protected. If the noxious weeds that grow in these areas are neglected, the areas become a haven for them and seeds are blown into neighbouring properties whose landholders are, in some cases, fined for not clearing those properties of noxious weeds. The Stirling council area is an example where action was taken against landholders because they had not cleaned up their noxious weeds. Those properties were close to African daisy that was growing on Government property only a few kilometres away, where nothing was being done to destroy the. weed. Section 17 of the Western Australian Noxious Weeds Act is simple and provides:

Where public land is under the control of a Government department but is not held or used in any of the cases referred to in paragraph *(b)*—

leasehold land and so on—

of the interpretation, "owner" in section 5 of this Act, the Government department shall destroy primary noxious weeds in or upon the land.

That Act provides that the Government department shall destroy primary noxious weeds. Western Australia has the provision, and it has just as much Government-owned land as does the South Australian Government. In fact, Western Australia with a larger tract of land overall than South Australia, has just as great an arid region and a population not much different from ours, with much rural land and forest reserves.

In Victoria, section 6 (1) of the relevant Act provides:

Subject to this Act it shall be the duty of the Minister to take sufficient reasonable action to destroy and suppress all vermin and noxious weeds on and to keep clear and free of vermin and noxious weeds—

The section then refers to Crown lands and all lands owned or controlled by the Minister but not leased to private users. Government departments in Victoria are expected to remove noxious weeds from land and to control vermin. The Bill we are considering bears no relationship to vermin. In Queensland section 23D of the Stock Routes, Etc., Protection Act relates to extraordinary noxious weeds which, in essence, are the same as primary noxious weeds to which we refer in South Australia. That section binds the Crown, and contains exactly the same wording as that used in my amendment. The section binds the Crown and all Crown corporations and instrumentalities or corporations or instrumentalities representing the Crown.

The Hon. J. D. Corcoran: That's on stock routes?

Mr. EVANS: No, the lot, because it takes in all the State. The Minister knows as well as I do that the Crown can be bound, so he cannot argue on moral grounds that it should not be bound. If it is right and proper, what excuse can be used for not binding the Crown? The only reason is that the Minister says it is too expensive. I know, as does the Minister, that there is no way in which people will sue the Crown and succeed in this area. However, if the provision is contained in the Act it is a bigger whip with which to ensure that the Minister of the day takes greater action than is being taken at present regarding Crown lands. Surely that is not unreasonable.

I ask the Committee to support my amendment so that it is up to the Minister to apply a little more pressure back down the line through his own department. The Woods and Forests Department is entering into a business venture whereby it does not have to pay the sort of taxes that the man in the street has to pay. That department will go one step further in the manufacture of houses but, at the same time, it is breeding a pest that is creating expense to neighbouring property holders, causing them inconvenience and embarrassing councils. The situation has been brought about only because Parliament has been unwilling to take the action it should take.

Dr. TONKIN (Leader of the Opposition): I totally support the amendment. There is no reason why the Government should expect citizens of this State to do more than the Government is willing to do. That is a fundamental principle of democracy. In this instance, although the difficulties are great, there is no reason why the Crown should not be expected to do as much as, if not more than, is expected of private citizens. I do not intend to expand on that matter because the member for Fisher has done it extremely well. However, in connection with some

Government departments, the control of pest weeds is absolutely deplorable and there is no excuse for it. There is certainly no excuse for allowing that situation, yet the Government is clamping down on individuals, fining them, and requiring them to clean up their properties. There is no justification whatever for this, and I believe that morally this amendment must be accepted. The Government must accept it if it has any conscience.

Mr. CHAPMAN: Incorporated in clause 38 of the Bill is reference to the responsibilities of the Crown. I understand the amendment, and I believe it should be supported. It is not clear in clause 38 exactly what the Crown intends to do, but it is set out in that clause that the control board shall, to the extent allowed by its resources, destroy all primary weeds, etc., on land owned by the board, on public roads and on occupied Crown lands within the control area.

It is significant to note in relation to clause 42, where reference is made to private lands but not to resources, irrespective of whether or not a landholder has huge debts, he is required to uphold this responsibility of destroying weeds at his own expense on his own private land, as well as on adjacent roadsides, by contributions to council or board funds. No consideration whatever is made of the financial resources of private landholders, yet the Government can escape such requirements under clause 38. This situation is too loose.

The opportunity is not provided for the Government to demonstrate what it really means by example which the people of the State can follow. I appreciate the embarrassment that could be caused to any Government if it were required to destroy all the primary noxious weeds and to control all other undesirable weeds in the State on its own lands. The completion of that task in quick time would be beyond any Government. But it should be clear in the Bill that the Government is bound by the principle of eradication of undesirable weeds and that, along with its neighbouring private landholders, it should be bound by the same provisions.

The South Australian Government, acting as agents for the Commonwealth Government after the Second World War, set out to clear a large tract of land in my district. In fact, this was the largest area of war service land settlement land in the whole State. In developing that programme, the Government brought seeds from other States and from other parts of South Australia. Indeed, part of the function was not only to clear and develop the land but also to seed it for the soldier settlers. The Government brought seed from the West Coast and introduced African daisy to Kangaroo Island.

Here is a classic example of where the Government is as vulnerable in this area as are the private landholders in the ordinary course of transferring stock or seed. The Lands Department in conjunction with the Agriculture Department in South Australia took one undesirable weed from one part of the State and planted, cultivated and supered it in another part of the State where it had never previously existed. In all areas controlled by the Government, it should set an example to be followed by others. The Woods and Forests Department has been referred to: in 1974-75 its activities made a profit of $4 500 000 in South Australia. It is not unreasonable that such a department should be bound to carry out the function of weed control, as are its private landholder neighbours in the South-East. I support the binding of the Crown so that in this manner it can be clearly demonstrated to all the people of South Australia that the Government means to do what it says instead of merely dictating what shall be done by others while the Government itself escapes.

Mr. GUNN: I ask the Minister to consider another Bill dealt with earlier today which did bind the Crown.

The Hon. J. D. Corcoran: There are other Acts which bind the Crown.

Mr. GUNN: But this legislation readily comes to mind. If it was good enough to bind the Crown in that measure, surely the Government will consider binding the Crown in this Bill. I am disappointed that the Minister for the Environment is not present now to listen to this debate, because he has the National Parks and Wildlife Service under his control. That Minister has shown his concern about protecting the environment, yet he has under his control an organisation that allows noxious weeds to grow completely uncontrolled.

Previously, when the Agriculture Department administered some of these areas it made a good attempt to control noxious weeds. However, this land has now been transferred to the National Parks and Wildlife Service, and little attempt has been made by it to control noxious weeds. It now holds much land in South Australia and the problem of noxious weeds will become greater in the future. It is only reasonable and proper that, if private landholders on properties adjacent to Crown land have to go to great expense to control noxious weeds, so should the Government.

There is no logical argument for opposing this view or the amendment moved by the member for Fisher. One Act under the administration of the Minister for the Environment makes it difficult for some landholders to control weeds on roadsides because, if in their control work they happen to destroy any native plants, they could be faced with a fine of up to $200. Everything is put in the way of private landholders' destroying these plants, yet the Government will not do anything to put its own house in order. It is about time that the Minister and the Government did something about this unfortunate situation. I hope the Minister will support the member for Fisher's amendment.

The Hon. J. D. CORCORAN: I will disappoint those who have supported the member for Fisher, because the Government cannot accept the amendment. Listening to the arguments advanced by members opposite, one would be inclined to think that the Government has never attempted to do anything about controlling weeds on property owned by it or under its control. That is not true. The member for Fisher, along with other members, knows full well that the State Government currently pays 50 per cent of council weeds officers' salaries. That amounts in total to about $100 000 annually. In addition, a contribution of more than $140 000 in this current financial year is being made to councils throughout South Australia to control weeds on Crown lands in their areas. Over and above all that, the various Government departments referred to this evening have responsibilities in their own areas to try to control weeds on land that is occupied or controlled by them.

The member for Fisher said that if the Crown were bound it could not be sued, anyway, or that it was almost impossible to sue it. Therefore, there is probably little point in going as far as he seeks to go. True, attractive arguments were made by the member for Fisher and the Leader of the Opposition that we have a moral obligation to do certain things, but the Government is doing as much as it possibly can at this stage, and in the future it will do more. This argument can be demonstrated by the amount spent this financial year on weed eradication in

comparison with the amount spent in previous years. The sum has grown tremendously in the last decade.

The member for Eyre, the member for Fisher and other members said that national parks were one of the menaces facing South Australian landholders. True, in recent years the Government has acquired or set aside large areas throughout the State for national park purposes. The Government's policy until now (and the policy has not been reviewed) has been that the most important thing we must do in relation to national parks is to set areas aside so that we have them before it is too late. Having almost achieved that, we must set about managing them properly. After what the Leader has said, I expect that if he leads a Government he will come to the same conclusion that we have: that, if the Crown is going to be bound, it should do what is required by law. I recognise all the Opposition arguments, but at present it is financially and physically impossible to do what would be required of the Crown if this amendment were accepted.

Mr. CHAPMAN: What about financial embarrassment to a private landholder? Will he be forced, by the terms of this legislation, to eradicate all noxious weeds? Obviously, common sense should be used, and the requirements that apply to a private landholder should also apply to the Crown.

The Hon. J. D. CORCORAN: The honourable member must recognise that occupied and unoccupied Crown lands have been neglected for many years, but that that situation has not applied to most landholders, because they would not allow their property to become less economically viable as a result of the growth of weeds. Many of our large national parks have been neglected for years, and the problem cannot be solved immediately. There must be increasing emphasis by future Governments on solving these problems, but binding the Crown will not be a solution. Because of that, the Government will not accept the amendment.

Mr. EVANS: As the Minister knows, in recent years African daisy has become entrenched in inaccessible areas of bushland, and the private rural producer finds it almost impossible to clean it out. Government departments have the same problem in national parks. I have referred before to Mr. Benbow who has about 120 hectares on the hills face zone. African daisy has become a real problem there, and an extra burden has been placed on him because of the huge increase in land tax that he has been required to pay. He cannot meet the financial commitment of cleaning out African daisy and paying this huge land tax, but at the same time the Government, which owns adjoining property, does not have the money to clean up the weeds on that property. That seems to be an unfair situation, because the private landholder is required to clear this weed although Government departments are not.

Mr. BLACKER: In this debate, the costs involved and the obvious obligation of the Government are becoming apparent. The Minister, in his stand, has based his view on eradication; but the Bill clearly states that it is a Bill for an Act to provide for the control of pest plants. It is this aspect that concerns every landholder. If a landholder could eradicate weeds totally, his costs would be reduced; but weeds are not that way; they are persistent and seem to be there all the time. We have heard mentioned by the Deputy Premier that about $140 000 was spent by the State Government. Confidently, I predict that private expenditure in my own electoral district far exceeds that figure. So, while $140 000 may appear to be a significant figure from the State contribution point of view, the overall contribution, as affecting landholders, is considerably greater than that. As the Act will provide for the control of pest plants and not necessarily total eradication in one hit, it is not unreasonable to ask that the Crown be bound to the control of weeds in its own boundaries so they are not the sole source of seed supply to neighbouring areas.

Mr. RODDA: I did not hear the Minister's reply but, as a landholder in the South-East with weed problems, I support the amendment. This afternoon, I was given in an answer to a question a summary of the national parks in the Lower South-East. During the dinner adjournment, I had a representation from landowners adjacent to the hundred of Geegeela, which is Crown land. The adjoining landowners had been under notice to destroy rabbits and take action against weeds that are growing profusely in that area. In this case nothing had been done, so those people were taking umbrage at their member of Parliament. Whilst they were acting to rid themselves of vermin and pest weeds, by the next wind they would be reinfested. This is a practical situation that concerns the member for Fisher and all of us. This legislation must be made to work if we are to keep our agricultural lands free from pest weeds. I did not hear the Minister's explanation about this land that is set aside but it is not an idle request that the honourable member makes. His amendment recognises a practical hazard that is with us and will militate against the successful prosecution of pest control. There is a need for us to treat the areas that are infesting our agricultural lands. This problem arises on Crown lands and must not be lost sight of; it will be with us for a long time if the present situation is allowed to continue.

Mr. ARNOLD: We have been hearing for a long time from this Government that its legislation is the most advanced in Australia. If the Government is honest, it will accept its responsibility in this matter. Other States are accepting it, and it is fundamental that, if we put legislation before the public and if the Government accepts responsibility equal to that which it is enforcing on the public, it becomes far more acceptable to the public. The Minister must agree with that principle, that people will accept legislation more readily if the Crown, too, accepts the same responsibility.

This amendment is fair and reasonable. The Minister mentioned the acquisition of large tracts of country for national parks and reserves, and the difficulty of looking after that land and controlling the noxious weeds on it. The Government is making a mistake in that it is acquiring the land too quickly for the Government's resources adequately to look after that land. I fail to see the point the Minister made that the Government had to acquire this land quickly or it would be lost for all time. Much of the land that is being acquired is being acquired compulsorily, which can be done at any time. Even under the Planning and Development Act and the Riverland development plan that has just been announced, the Government is waking up to the fact that vast areas are included for eventual acquisition and is now realising that much of this land is better left in the hands of the lessee or the owner, purely because the Government has not the resources adequately to look after that land, and primarily control the noxious weeds. If it is placed in the hands of the Government, the land will become useless for the public. That is precisely the problem we are facing with many of the reserves and national parks that the Government now owns—the lack of finance needed to deal with the noxious weeds. At least, if it is written into the new measure, which we are told will be model legislation introduced after much research by the Agriculture Department, and if the Government does not accept this

amendment, we are no further advanced than we were before.

The Committee divided on the new clause:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans (teller), Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran (teller), Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Mrs. Byrne and Mr. Dunstan.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 7 passed.

Clause 8—"Members of the commission."

The Hon. J. D. CORCORAN: I move:

Page 4—

Lines 33 and 34—Strike out "of the Department nominated by" and insert "in the public service of the State who, in the opinion of".

Line 34—After "Minister", insert "has a wide knowledge of agriculture".

The amendments provide that two of the members of the commission shall be persons who have experience in local government and primary production instead of pest plant control. It is intended that these two members should be persons who, for example, have been farmers and also members of councils. Such persons might not necessarily have had extensive experience in pest plant control.

Amendments carried.

Mr. CHAPMAN: I move:

Page 5, line 5—After "local government" insert "as members of councils".

I do this to ensure that the two persons appointed by the Minister shall, in the opinion of the Minister, have had extensive experience in local government as members of councils. I appreciate the further amendment of the Minister wherein he proposes to insert the words "experience in primary production" for the words "experience in pest plant control". I believe that my short amendment to the earlier part of line 5 is complementary to the amendment proposed by the Minister on the balance of line 5 and line 6.

The Hon. J. D. CORCORAN: I cannot accept the amendment. Serving as a member of a council is not in itself objectionable. It is in line with the principle that only a councillor can represent his council, but I think the honourable member would understand that it was deliberately left out because members of councils are usually fairly heavily burdened with committees, and so on. It may well be that a council would want to appoint an ex-councillor who would represent the views of the council. It gives the council greater flexibility. It does not have to do so, but it is given an opportunity if its own members are overloaded, as is often the case, to appoint an ex-councillor who can be trusted to represent the views of the council. I think the provision is desirable as it stands.

Mr. CHAPMAN: I appreciate the explanation, but I am sure the Minister has missed the wording of my amendment, because it does not necessarily follow by my amendment that those appointed shall be currently serving as members of local government. Experience in local government as members of councils could well mean and undoubtedly would mean, in the light of his comments, members who had served on councils but were not necessarily serving on them at the time of appointment.

The Hon. J. D. Corcoran: They could not have experience without—

Mr. CHAPMAN: Of course they could have experience if they had been serving as members on councils. I respectfully remind the Committee that it does not necessarily follow in my amendment that members with experience in local government will be members serving at the time; they could well be members who have served in the past. It is important that we have at least ex-members, if not current members, of local government represented on this commission, bearing in mind, if nothing else, the contribution that local government is required to give in the implementation of this Bill. In its present form, the Bill provides that local government should make two-thirds of the contribution. Out of every $1, 50c is to be provided from Government funds. Any organisation set up to implement such a scheme should have experienced representation from members of its own group. The clause provides that the commission shall comprise a Chairman, who will be an officer of the department nominated by the Minister, two other persons who are officers of the Public Service, and two persons who, in the opinion of the Minister, have extensive experience in local and in pest control. The one person on the commission who, in the opinion of the Minister, is a proper person to represent the interests of primary industry may not necessarily have had anything to do with local government. Unless we make provision in paragraph *(c)* for local government members who have served on councils, there will be no opportunity for these members to be necessarily appointed. I seek the Minister's consideration of this point. On his interpretation, there could be a situation where the commission did not include any local government member. That would be an insult to the organisation on which the Government intended to rely.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman (teller), Coumbe, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wotton.

Noes (22)—Messrs. Abbott, Boundy, Broomhill, Max Brown, Connelly, Corcoran (teller), Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and- Wright.

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Mrs. Byrne and Mr. Dunstan.

Majority of 3 for the Noes.

Amendment thus negatived.

The Hon. J. D. CORCORAN: I move:

Page 5, lines 5 and 6—Strike out "pest plant control" and insert "primary production".

I have already explained the amendment.

Amendment carried; clause as amended passed.

Clauses 9 to 16 passed.

Clause 17—"Creation of boards and control areas."

Mr. CHAPMAN: I move:

Page 7, lines 17 to 19—Leave out subclause (2) and insert subclause as follows:

(2) Before making a recommendation under subsection (l) of this section, the Commission shall consider the representations of any council affected by the recommendation and if any such council expresses in writing to the Commission a desire that it should constitute the control board for its area, any recommendation made by the Commission to the Governor must conform with that desire.

The amendment takes out the directive element whereby the commission proposes to nominate which council shall

constitute a board and replaces that direction by providing the opportunity to enter on a voluntary council basis. Embodied in the amendment is a principle that my Party adopted in relation to the Royal Commission investigation of local government boundaries, when we opposed direction of councils to enter an amalgamation arrangement but supported a Bill setting out the framework of encouragement. We support the encouraging of councils to enter a board system provided by the Government and the community generally. Every effort is made to allow boards to remain as they are, and to allow neighbouring councils to join within the framework of the Bill. However, existing boards should not be directed to dismantle. Some councils may be isolated, may be able to cope with their weed problem, or may not even have a weed problem. Such councils may be granted the opportunity to remain a board in their own right.

The Minister's representative, Mr. Max O'Neil, has made it fairly clear in a number of places that what I desire is already in the minds of councils. For example, those councils that have formed themselves into boards will undoubtedly remain formed in that way. Councils that desire to join with neighbouring councils to qualify for the employment of an inspector may well do so. I am aware from the council level of cases where councils believe that they should remain as a board between, say, two neighbouring councils. The board system already applies on the West Coast and on Yorke Peninsula. I know of at least two sets of councils in my district that are anxious to join with neighbouring councils and become boards. Their desire should be respected. I wish to delete the direction element incorporated at present in clause 17.

The Hon. J. D. CORCORAN: I oppose the amendment. As the honourable member has suggested, the amendment gives a council the direct right to decide to be a one-council board. Such an amendment would completely destroy the Bill. The honourable member knows that the amendment would result in one-council boards, and it is more than probable that existing boards comprising more than one council would break up and return to being one-council boards. It has been found impossible to administer this type of legislation on a State-wide basis, and it is just as impossible to administer it on a one-council board basis. The commission's right to form boards compulsorily is a penalty provision to be used when all voluntary procedures have failed. If the honourable member wants to destroy the Bill, he is doing so by moving the amendment.

Mr. CHAPMAN: I do not agree that my amendment will destroy the Bill. If we can accept what is in the little green book produced by Mr. Max O'Neil, one would be led to believe that the department, through that officer, is of the opinion that it is the desire of councils throughout the State to support this Bill and to join in the board concept. What is the Minister afraid of? What is wrong with preserving the rights of individual councils, which should be autonomous? If fears are not held by the departmental officer, why are they suddenly expressed by the Minister? I am disturbed by this dictatorial element that has now come to the surface in a Bill that I understand had been sold across the State. The Minister has to wield the big stick, forcing councils by implementing a penalty provision if they do not do what is considered desirable.

This Bill should be so attractive that councils will want to enter into the scheme. I do not believe that the councils involved should be forced into forming boards with neighbouring councils if they do not wish to do so. We should protect the autonomy of local government.

Mr. BLACKER: I support the amendment. There has been some glossing over of the facts. The number of councils that could be single-council boards would be very limited. The required percentage of their rate revenue and the related criteria would force the issue in most cases. The amendment stipulates that, if a board can justify, through its ability to raise finance and meet other criteria, that it should be a single-council board, it may be such a unit. This is the only request being made by the member for Alexandra. Provided councils can fulfil the criteria set down, they should have the right to remain single-council boards.

The Committee divided on the amendment:

Ayes (20)—Messrs. Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman (teller), Coumbe, Eastick, Evans, Goldsworthy, Gunn, Malhwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran (teller), Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Mrs. Byrne and Mr. Dunstan.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. GOLDSWORTHY: I move:

Page 7, after line 19—Insert:

(2a) Where, after considering the representations of a council that wishes to have its area, or part of its area, constituted as a control area, the Commission is satisfied that that council has properly and effectively carried out its duties and responsibilities under the repealed Act, the Commission shall recommend to the Governor that a control area be created comprised of the area, or part of the area, of that council.

I think the meaning is clear.

The Hon. J. D. CORCORAN: I cannot accept the amendment. It is unnecessary because the situation is already covered by clause 17 (2), which instructs the commission to consider representations of any council that may become a member council of the proposed control board, and clause 17 (3), which refers directly to one-council boards.

Mr. GOLDSWORTHY: I do not accept that the Bill as it stands gives a council any way out. My amendment does not go as far as the amendment moved by the member for Alexandra did. This amendment gives a council, if it is doing a reasonable job, a chance to opt out, but still gives the commission the final say. The amendment is not as strong as some councils would like it to be. The Minister's explanation is unsatisfactory.

Mr. CHAPMAN: In supporting the amendment, I again express concern at the Minister's altitude. The implementation of the Bill and its provisions are not at risk by accepting this sort of amendment. The Minister has overriding control, which he should have, over the commission, and the commission has control and authority over boards, whether they are made up of single or multiple councils. If a single council chooses to remain as a board, makes its contributions, falls into line with the criteria laid down in the Bill and does its job, it should be recognised in its own right. If it fails in its job because it is loo small and has not employed inspectorial staff or machinery, there is a clear provision for the commission to move in and take over its work, charging the council to recover funds expended.

Therefore, I cannot understand the Minister's attitude. He gave a brief explanation on the previous amendment. The member for Kavel has said that this amendment will have even less impact and will give councils only the slightest opportunity to remain autonomous. It would seem that the Minister is denying us and councils that opportunity. I express disappointment at his remarks and ask him to reconsider the situation.

The Committee divided on the amendment:

Ayes (19)—Messrs. Allison, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Evans, Goldsworthy (teller), Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin, Vandepeer, Venning, and Wotton.

Noes (21)—Messrs. Abbott, Broomhill, Max Brown, Connelly, Corcoran (teller), Duncan, Groth, Harrison, Hopgood, Hudson, Jennings, Keneally, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Messrs. Allen and Wardle. Noes—Mrs. Byrne and Mr. Dunstan.

Majority of 2. for the Noes.

Amendment thus negatived; clause passed.

Clauses 18 to 21 passed.

Clause 22—"Removal from and vacancies of office."

Mr. CHAPMAN: I move:

Page 9, line 16—Leave out "Subject to subsection (4) of this section,".

The amendment simply removes the right of the commission to reappoint a council member who has been sacked or removed from the board by the commission, and grants the opportunity of replacement of a council member back in the hands of the council. Clause 19 provides that a member of the board must be a member of the council appointing him to that office. In the case of a deputy member, the council again is required to appoint its own members to the board. In clause 22, if a member of the board is to be removed either by the council or by the commission for the reasons stated, it is reasonable to allow a council to reappoint a member to the board.

The Hon. J. D. CORCORAN: I cannot accept this amendment. If a council delegate is disrupting the activities of a board he can be dismissed by the commission, but if a whole council is disrupting the activities of the board we cannot replace that member with another councillor. It is necessary for the commission to have power to go outside such a council. It is not expected that such a case will arise but, if it eventuates, it is necessary for the commission to have that power. It will not be used every time there is some disruption by a delegate from a council. It will be a power of last resort but, if the whole council is of the same view, it would be necessary for the commission to have power to go outside the council to appoint another representative.

Mr. CHAPMAN: The Minister must have foreseen this situation arising to have included this provision. If a whole council was hostile towards the board on which it had been directed to be a member, would the commission appoint another delegate from that council area who was not a councillor to act on the board and to direct that council how it should operate in its own area?

The Hon. J. D. Corcoran: It gives it the power to appoint a non-councillor in the council delegate's place.

Mr. CHAPMAN: In that case, the Minister has demonstrated just how far the Government is willing to go in dictating on local matters at council level. Obviously the Government has considered that a council might be hostile. A council could be forced on to a board and, in the circumstances referred to by the Minister, if the council continued to be hostile about being part of the board or about a decision of the commission, the council would be wiped aside and the delegate on the board could be someone appointed by the commission who was not a councillor. The Minister has now told us how far the Government is willing to go. I now understand why some councils have had Agriculture Department representatives back week after week to get these points clarified. I can understand the concern of local government and how it is justified. The Minister has shown how far he will go in being unreasonable in this matter.

Amendment negatived; clause passed.

[Midnight]

Clause 23 passed.

Clause 24 "—Accounts."

The Hon. I. D. CORCORAN: I move:

Page 9, line 31—Strike out "two auditors" and insert "an auditor".

This amendment is designed to make it easier, particularly for councils in more remote areas, to comply with the legislation.

Amendment carried; clause as amended passed.

Clauses 25 to 27 passed.

Clause 28—"Powers of authorised officers."

Mr. CHAPMAN: I move:

Page 10, lines 26 and 27—Leave out paragraph *(c)* and insert paragraph as follows:

(c) question the owner of any land, or an agent of the owner of any land, in relation to any matter relevant to the control of pest plants on the land;

This amendment is self-explanatory and removes the wide authority of an inspector to enter on land and question any person by confining him to questioning the owner or his agent.

The Hon. J. D. CORCORAN: The amendment weakens the Bill, because it would be more difficult if the inspector had to seek out the owner or his agent every time.

Mr. Chapman: It could be his manager.

The Hon. J. D. CORCORAN: He may not be the agent in terms of this Bill. The inspector should be able to question any person who may have some responsibility or knowledge. I assure the honourable member that most inspectors are responsible and have common sense. On rare occasions they may act improperly, but, as the amendment will weaken the Bill, it cannot be accepted.

Amendment negatived.

Mr. CHAPMAN: I move:

Page 10, lines 28 and 30—Leave out "book or".

I do not think that books or documents other than those relating to pest plant control should be available to the inspector.

The Hon. I. D. CORCORAN: If the person keeps the record of his weed control in a book, this amendment would mean that the inspector cannot look at that book.

Amendments negatived.

Mr. CHAPMAN: I move:

Page 10, lines 35 to 40—Leave out all words in these lines.

These words are not necessary for the ordinary course of duties of an inspector, and conflict with and duplicate clause 43.

The Hon. J. D. CORCORAN: Councils requested this amendment and would not accept the honourable member's amendment, as it would mean that we could not control the carriage of noogoora burr from New South Wales. This is a most necessary clause, and the amendment would destroy its effect. We must have this control to prevent the

carriage of weeds from point A to point B, from other States to this State. That is what it says.

Amendment negatived; clause passed.

Clauses 29 to 31 passed.

Clause 32—"Contributions by member councils to board funds."

Mr. CHAPMAN: I move:

Page 13, lines 11 to 16—Leave out subclause (7).

There would be isolated occasions when a council, as part of the board, would not make its contribution; but the commission or the Minister should not have the power to deduct from its other funds, limited as we know they are, particularly in the form of grants from the Minister of Local Government. There could well be the situation where a council's priorities were such that the moneys were required for health or other vitally important purposes in the community, and they might well be the only grants available to the council from other Government Ministers. This clause provides the opportunity for the Minister of Agriculture, through his commission, to deduct these grants due to councils. It is an unreal and unreasonable demand to make of a council that may not be financially able to uphold it.

The Hon. J. D. CORCORAN: This subclause must remain in the Bill. This provision first appeared in 1880 in the old Weeds Act. To the best of my knowledge, it has not been used. Nevertheless, it is there and obviously has to be there. It has not been used because it is there. It must remain there.

Amendment negatived; clause passed.

Clause 33—"Commission to pay subsidies."

Mr. CHAPMAN: I move:

Page 13, lines 26 and 27—Leave out "at the rate of fifty cents for every dollar of" and insert "of an amount equal to".

I believe seriously that the Government should recognise that, if it is jointly to attempt to control noxious weeds in South Australia, it is reasonable that the Government should contribute a $1 for $1 subsidy towards that cause. Some councils have been used to the term "subsidy", understanding that it is an equal contribution arrangement, and were, at least until recently, of the opinion that it would be a $1 for $1 subsidy. I know that up until yesterday among our own Party, without careful attention to that clause, it was thought that an equal contribution was involved. For those reasons I support the contribution being on an equal basis; it would show the public that the Government was fair dinkum in its attempt to eradicate undesirable weeds, that it would be adding to the source of money necessary to control not only the local government areas we have mentioned but also a fair part of those occupied and unoccupied Crown lands earlier mentioned by the member for Fisher.

The Hon. I. D. CORCORAN: The Weeds Advisory Committee in discussing this matter decided that the subsidy should be 50c in every dollar contributed by the commission for every dollar contributed by a council, because it believed that the additional money should be distributed to the low-revenue areas, which is a more equitable system of distributing the money available. Not all councils are in an identical financial situation: some, for a number of reasons, are worse off than others. It enables the commission to put those additional funds into low-revenue areas and therefore give them some opportunity of doing the sort of job that other councils better off financially can do. That is the reason for it. I do not intend to change it.

Amendment negatived; clause passed.

Clauses 34 to 41 passed.

Clause 42—"Duty of owner to control pest plants on his land."

Mr. CHAPMAN: The need to retain the term "destroy" with respect to the primary pest plants has been pointed out to me. I was opposed to the use of the word "destroy" in the context of its meaning "eradicate", but I now appreciate that it is important that every attempt should be made to eradicate or destroy those plants listed under the primary plants schedule. Therefore, I shall not proceed with my proposed amendment to this clause.

Clause passed.

Remaining clauses (43 to 61) and title passed.

Bill read a third time and passed.

ADJOURNMENT

At 12.22 a.m. the House adjourned until Wednesday, February 4, at 2 p.m.