HOUSE OF ASSEMBLY

Wednesday, December 1, 1976

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

DEATH OF SIR GLEN PEARSON

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

That this House express its deep regret at the death of the Hon. Sir Glen Gardner Pearson, former member for Flinders from 1951-1970; Treasurer and Minister of Housing, 1968-1970; Minister of Works and Minister of Marine, 1953-1965; Minister of Aboriginal Affairs, 1963-1965; Minister of Agriculture and Minister of Forests, 1956-1958; and also Deputy Leader of the Opposition, 1965-1968; and place on record its appreciation of his long and distinguished services both to the Parliament and to the State; and that, as a mark of respect to the memory of the deceased gentleman, the sitting of the House be suspended until the ringing of the bells.

All of those who knew Sir Glen Pearson respected him. He was a man who gave unstintingly of his services to the State. He was enormously conscientious and worked tremendously hard. He was a man with whom it was easy to negotiate, who could see the reason of an argument which might tend to modify a view which he had held previously, and the people of his district and of the whole State owe him a great debt for the work he did for the people of South Australia. I am sure all members will join with me in extending sympathy to his family at his passing.

Dr. TONKIN (Leader of the Opposition): By leave, I support and second the motion. Sir Glen Pearson, to sum him up, was a man we all knew (although I did not have the privilege of being a member of Parliament at the same time as he was a member) as a man of infinite common sense, a man of wisdom, a man who gave the impression of being a solid citizen at all times, and a man on whom one could rely. The Premier has outlined the various portfolios that he held in this House—seven permanent portfolios and a number of acting ones. When he came to the end of nearly 20 years of service, when he was 62 years of age, he decided to retire from Parliament. The reasons given at the time were "personal reasons", but basically he had decided that he had made his contribution (and a very worthy contribution) to the people and the Government of this State. He wanted to go back to his own people on the West Coast of Eyre Peninsula, and work as a member of the community there. That he did.

He has been much loved in his own community, greatly respected throughout South Australia, and was still active through his involvement with the Adelaide Permanent Building Society and with people generally. Sir Glen will be sadly missed and I join with the Premier in expressing our condolences and sympathy to the members of his family. They can only take comfort in the remarks Sir Glen made when he retired when he said that he wanted publicly to thank his family, especially his wife, who had carried on much of the management of his farm before his sons had been able to do so. That was a tribute to them that is equally pertinent now. I join with the Premier and all other members in expressing our deep sympathy to the members of his family.

Mr. MILLHOUSE (Mitcham): By leave, I support what has been said and endorse the comments made by the Premier and the Leader of the Opposition. The Premier mentioned that Sir Glen Pearson was a hard worker. When I first came into Parliament he was still a back-bencher; he had not at that stage been appointed to the Ministry. I soon heard the story of him (a true story and one to which he attributed his subsequent elevation to the Ministry): in one Budget debate (this was well before we had time limits on speeches) he took the Auditor-General's Report and went through it and commented on every item (every department and every semi-governmental authority upon which there is a separate report in that document). That is a good illustration of his hard-working habits, and they were ones that meant that he deserved the preferment he received in this place and in the Government. When we came to office in 1968, Sir Glen and the Hon. Mr. Brookman were the only two Ministers in the Government who had had Ministerial experience, and both of them, but particularly Sir Glen Pearson, were of great value because of the guidance they could give to others of us who had not had their experience. He was regarded by us really as a sort of father figure, a guide and a mentor. We were all sorry when he decided for the reasons given by the Leader of the Opposition to leave this place.

The only other thing I will say that has perhaps not been mentioned directly by either the Premier or the Leader of the Opposition is that Sir Glen Pearson was a man of strong Christian conviction, and that shone through all that he did and said and, indeed, his whole outlook on life, and I think we honour him for that as well as for the contribution he made to the life of South Australia. At this sad time I think of him, and I think of his widow, Lady Pearson, and her family, and I regret that I will not be able to join other members who are going to the funeral tomorrow.

Mr. BLACKER (Flinders): By leave, I support the words already spoken about Sir Glen. Knowing him as I did, I can only say that they are indeed true words of Sir Glen and of the sincerity with which he carried out his position. He held the seat of Flinders for nearly 20 years, during which time he gained the respect of every citizen of that district and became well known not just as a legislator but as a personal friend to many people. I had a closer association with him than just being the member for the district in as much as I worked for seven years on a property neighbouring Sir Glen's. I cannot speak too highly of him as a neighbour, legislator and community man. The passing of Sir Glen is a great loss, and it is a tragedy to his family, whom I know well. I went right through my schooling with his daughter Edna, and his sons Ian and Jeffrey are well known to me. They and their families are deeply distressed in this situation. The passing of Sir Glen is a great loss not only to the community of Cockaleechie and the District of Flinders but also to the State of South Australia. I pass on my condolences to the family of a great man.

Mr. COUMBE (Torrens): By leave, I support the motion with personal reluctance. Glen Pearson was a personal friend and mentor of mine, and I appreciate having known him. The member for Mitcham and I were colleagues of Sir Glen, who I must say did a remarkable job in the several portfolios he held. He was Treasurer during a difficult financial period in the history of this State and, as Treasurer, he did not shirk his duty, although he was forced

at times to introduce unpopular measures that did not appeal to him. However, he did not shirk his duty at any time. Also, he gave much friendly advice to new members of this place. I also wish to record that I believe that, until the time of his passing, Sir Glen was a lay preacher in his church in his own district, and that exemplifies his character. I say sincerely that South Australia has been a better place for knowing a man like Glen Gardner Pearson.

Mr. GUNN (Eyre): By leave, I associate myself with the remarks of the Premier, the Leader of the Opposition, and other members. I had the privilege of being involved with Sir Glen Pearson through the Liberal and Country League for as long as I can remember. I always appreciated the assistance he gave me during my first campaign in 1970, and his advice before that, when I was a very young member of a political organisation. Since being the member for the district I have appreciated his words of wisdom, and regularly I had discussions with him. It was only a few weeks ago that I came over in the plane and sat next to him, and had a lengthy discussion with him about current legislation. I appreciated his comments, and some of his guidance was put into effect in amendments that I moved. I have had the privilege of representing some of the areas that he represented for many years, and I know of the high esteem in which he was held throughout Eyre Peninsula. I am sure that the people of Eyre Peninsula will sadly miss Glen Pearson, and I send my condolences to his wife and members of his family.

Mr. RODDA (Victoria): By leave, I join the Premier, the Leader of the Opposition, and other members who have paid a tribute to Sir Glen, because I spent the first 20 years of my life on Eyre Peninsula as a neighbour of the Pearson brothers. We came to appreciate their great example and what they did for Eyre Peninsula, and the Pearson era was a turning point for Eyre Peninsula in the eyes of South Australia. I put those facts on record. Also, I think it is ironic today, with the passing of a great man who was so interested in the Aboriginal people, that this is the day on which the first Aboriginal Governor of the Commonwealth has been sworn in. Glen Pearson's interest in Aboriginal people was probably not appreciated or referred to as much as it should have been. He had a very soft spot for those first citizens of this country, and I pay a tribute to him for the interest he showed in those people. It has been an enormous privilege to have had the example of Glen Pearson, whom I always regarded as an older brother.

Motion carried by members standing in their places in silence.

[*Sitting suspended from* 2.15 *to* 2.30 *p.m.*]

PETITION: SUCCESSION DUTIES

Dr. TONKIN presented a petition signed by 50 residents of South Australia, praying that the House urge the Government to amend the Succession Duties Act so that the existing discriminatory position of blood relations be removed and that blood relationships sharing a family property enjoy at least the same benefits as those available to *de facto* relationships.

Petition received.

ULEY SOUTH WATER TRANSFER SCHEME

The SPEAKER laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Uley South Water Transfer Scheme.

Ordered that report be printed.

QUESTIONS

PETRO-CHEMICAL PLANT

Dr. TONKIN: Can the Minister of Mines and Energy say whether alternative sites were suggested by the consortium interested in establishing a petro-chemical plant in South Australia? Was the Government's insistence on the site of Redcliff a major factor in the decision not to proceed? Will the same adverse factors affect other development on that site? In an internal newsletter, and, I noticed in a press report this afternoon, Dow Chemical (Aust.) Limited indicates that the South Australian Government would be happy for Dow to reassess the viability of a large-scale petro-chemical project at Redcliff.

The company says that three years ago it spent a lot of money on Redcliff, and that now it needs resolution of the Government requirements or limitations on the use of Cooper Basin feedstock on equity arrangements, and feedstock reserves and projections. Dow's Business Development Manager has also said that the project would require a total infra-structure commitment from the Government, including land costs, housing railway, roads, pipeline, wharf, power and water facilities.

I have been informed that the costs of establishing a plant at Redcliff were estimated at about 15 per cent greater than in an area closer to Adelaide, for instance, north of Two Wells, and that the Government's insistence on Redcliff was a major factor in the abandonment of the earlier proposals. Will the Government therefore continue with its insistence on Redcliff as the major site for industrial development of this kind in the light of the relative costs involved?

The Hon. HUGH HUDSON: I do not think that the Leader's information is correct. Certainly, Dow at no stage has ever indicated a preference for any site other than Redcliff.

Dr. Tonkin: No; I'm talking about the earlier proposals.

The Hon. HUGH HUDSON: I am giving the position with regard to Dow at this stage; I will deal with Imperial Chemical Industries later. Dow's attitude has always been that, so far as it is concerned, the Redcliff site is appropriate. In the case of I.C.I., at the time it indicated its withdrawal from the project, it gave two fundamental reasons for its withdrawal: one was inflation, and the second was the doubts about the supply of feedstock for the petro-chemical plant. They were the two major reasons I was given in writing by I.C.I., and confirmed verbally by Mr. Bridgland of I.C.I. Certainly in I.C.I.'s case it felt that the costs of a somewhat longer pipeline for the liquids would be offset by advantages to I.C.I. through a location closer to its own salt works, and the use of Port Adelaide as a port facility. That was its position, but that was a marginal and not a significant factor regarding the project.

Dr. Tonkin: Fifteen per cent isn't marginal.

The Hon. HUGH HUDSON: That might be the figure the Leader has, or he might have plucked it out of the air. The only thing I can say is that if I.C.I. were to

be believed that the two factors that were critical in its decision were first, the question of the inflation of capital costs of the project, and secondly, its concern over whether or not there was an adequate supply of feedstock.

Mr. Dean Brown: Did it even tell you—

The SPEAKER: Order!

The Hon. HUGH HUDSON: It was always the situation when I.C.I. was originally involved in the project that it knew it was going to be at Redcliff and it came in on that basis.

Dr. Tonkin: Very reluctantly.

Mr. Dean Brown: I.C.I.—

The Hon. HUGH HUDSON: It was not very reluctantly. The member for Davenport and the Leader do not know about this. They were not a party to the negotiation, and they are not able to say what happened. All they are able to do is to spread any rumour that they hear. That is what they do with great regularity and consistent irresponsibility.

Dr. Tonkin: Is the position that you just would not consider any other site?

Mr. Dean Brown: The Chairman of I.C.I.—

The SPEAKER: Order! The honourable member for Davenport is out of order. I will not warn him again.

The Hon. HUGH HUDSON: I can only speak from my own direct experience in this matter, and that is that Dow is interested in the project if appropriate conditions can be created that are likely to result in a viable proposition. The problems that exist relate to the South Australian Government's being satisfied that it will have sufficient gas available for Adelaide. No doubt the Leader would support the fulfilment of that condition. The South Australian Government has indicated, as it has said all along, that it will supply the infrastructure with regard to the port and the supply of water, and Dow will be concerned to get the support of the Federal Government with regard to the provision of other aspects of the infrastructure.

Before Dow came back into the project to re-assess it, I told it in discussions I had with it that it was essential that it should not get into the position of spending money unless it had clear support from the Federal Government with regard to the provision of additional loan money for the extra infrastructure that would be required, in particular the liquids pipeline, the power station and housing at Port Augusta. Dow had discussions with Mr. Anthony seven or eight months ago about these matters and, presumably, Mr. Anthony's words to Dow were sufficiently encouraging for it to have proceeded with what is currently going on, which is a complete reassessment of the project. I can only say that at this stage Dow is very interested. Quite clearly it will need to be satisfied in relation to feedstock availability, the meeting of South Australia's requirements with regard to the supply of gas, and the support of the Federal Government for the project, before it will get into any large-scale expenditure on the project. If we get the necessary support from the Federal Government, I think it is likely that the project will go ahead.

Dr. Tonkin: Is it more likely to go ahead at another site than it is at Redcliff?

The Hon. HUGH HUDSON: I would not think so. When I have raised with Dow the question of the attitude of I.C.I., that it marginally preferred a site closer to Adelaide, the statement has been that that was not a matter which concerned it. If the Leader of the Opposition would care to think for a moment about that aspect of the situation, I think he might work out why. The main salt-producing areas of I.C.I. are located close to Adelaide, and salt is a factor involved in the overall project. Dow would not be proposing to get its salt from I.C.I. I suppose that if the Leader thinks a little more about that, the penny might drop on that issue, too. I say directly that the Redcliff site is regarded as a suitable site by Dow.

The only questions at issue at the moment are, first, whether the economics of the project are such that it is workable, and secondly, whether or not there will be suitable support from the Federal Government. We understand that, in relation to one matter, the use of liquid petroleum gas, previous difficulties can be overcome; that aspect is therefore no longer an issue. There is still a major question, because we will require from the Federal Government for the Redcliff project support for a significant amount of infrastructure, in the sense of there being an additional loan allocation to enable that infrastructure to be provided in the same way as the Federal Government gave an additional loan allocation with regard to the construction of the initial gas pipeline from Gidgealpa-Moomba to Adelaide. I do not want to sound too optimistic on this matter, but I say at this stage that the signs look hopeful.

Mr. GOLDSWORTHY: Now that the Government has had adequate time to study the Ranger report, will the Premier outline the Government's present attitude and policy on the establishment of a uranium enrichment plant, either at Redcliff or elsewhere in South Australia? The Government first acquired land at Redcliff for a petro-chemical plant and, when that initial project failed to materialise, it was announced that the site would be suitable for a uranium enrichment plant. In view of the Minister's reply to the Leader today, it would appear that the petro-chemical plant has a nose in front of the uranium enrichment plant at that site.

Mr. Dean Brown: Like the tortoise and the snail.

The Hon. Hugh Hudson: Why have you blokes got to knock all the time? You yak about decentralisation and you are the greatest knockers I've ever seen.

The SPEAKER: Order!

Mr. GOLDSWORTHY: We and the public are trying to find out what the Government has in mind. It appears that the petro-chemical plant has its nose in front for the Redcliff site. The Premier and the Government have been stalling on the uranium issue for some time, on the pretext that they have not had time to study the Ranger report. Their Federal colleagues came to a conclusion some time ago, and the Opposition and the public in South Australia would like to know the Government's present attitude towards establishing a uranium enrichment plant at Redcliff or elsewhere in the State.

The Hon. D. A. DUNSTAN: This is a matter which we are studying, and we will make our own time as to when we make announcements. If the honourable member is interested, he will have to contain himself in a little bit of patience. He is free to make his own statements of policy on this matter, and no doubt the public will take as little interest in them as it does in other pronouncements of the honourable member.

Members interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: As to questions of priority on this site, the honourable member, as usual, has not done his homework. The Government has previously announced that the site at Redcliff is large enough to contain both a petro-chemical plant and a uranium enrichment plant if, in fact, we ever—

Mr. Goldsworthy: That's a new twist.

The Hon. D. A. DUNSTAN: It is not a new twist. The honourable member apparently is unaware of public statements made to this effect some months ago. They were made at a time when the honourable member, as usual, was asleep. I suggest he just catches up on his work.

COUNCIL RATES

Mr. MAX BROWN: Can the Minister of Local Government obtain across-the-board figures of various rates payable to various councils by large firms such as General Motors-Holden's, Chrysler Australia Limited and the various oil companies, and there are probably others? Can he also supply information about the basis for such payments? I understand that, under the present-day setting of industrial rates between large firms and councils, most firms as large as Broken Hill Proprietary Company Limited at Whyalla are paying rates of a much greater magnitude than that company pays to the Whyalla council. To my knowledge, the company paid $30 000 this year and $28 000 last year to the Whyalla council in what is termed *ex gratia* payments. I am unfortunately well aware of the legality of the Broken Hill Proprietary Company's Steel Works Indenture Act. I believe that if the Minister obtains the figures they will glaringly expose the very grave and unreal payments made by the company to the Whyalla council.

Mr. Gunn: You want to cut the hand—

The SPEAKER: Order! The honourable member for Eyre is out of order.

The Hon. G. T. VIRGO: I shall have the honourable member's question examined and attempt to bring down the information he seeks.

LEAVE LOADING

Mr. GROTH: Will the Minister of Labour and Industry say whether the 17½ per cent loading on annual leave is not payable where a worker has not completed a full 12-months work period? Is the Minister aware that some employers are dismissing employees before 12 months service is completed to avoid payment of the 17½ per cent loading? I have letters dealing with the cases of four female employees who have been dismissed recently by the Manager of the Permarest bedding company, of Brown Street, Salisbury. The female constituents give various reasons for their dismissal, but they all come back to the 17½ per cent loading. They have all been dismissed after about 10½ months or 11 months of service. One woman and her daughter were dismissed, it was claimed, because of workmen's compensation reasons. A 17-year-old girl was on workmen's compensation for some days and, when she returned to work, she received a dismissal notice because the Manager claimed that the injury might recur. She was dismissed at a minute's notice and given a week's pay in lieu of notice. In her letter, she states:

I hurt my arm at work, as I was pushed too hard. I made over 100 beds Monday, 86 ladders on Tuesday, and on Wednesday I put the tops on the ladders. When you make all these things you use an air screwdriver and air staple gun, which puts a lot of strain on one arm all the time. When I had reported the injury I made an appointment with the doctor and, as I was going out of the door, the Manager asked me where I was going, and after telling him about my arm he told me I had done it by playing squash, and I never received any payment for doctor's bills or any time off, and after four months I still had trouble with my arm.

This lady claimed, when spoken to, that the reason for her dismissal after 10½ months of service was to dodge the payment by the Manager of the Permarest bedding company of the 17½ per cent loading. I have a letter from another lady, who complains as follows:

I have worked at Permarest for the last 11 months. In this time my attention has been drawn to the lack of facilities for the women there—no clean towels provided, no disposal bin for soiled napkins, no rest room or sick room facilities. According to the Manager, all the female staff are a lazy lot of bastards (quote). Last week, I was asked to leave, reason not enough work going out. I was given a week's notice on Wednesday and today, Monday, I was told I would be leaving at 3 p.m. and would get paid for tomorrow (Tuesday). This week six young students were given work and started. Tomorrow I believe four more will also start. I am not the only woman to be finished and feel that I am being used and victimised.

On the back of this letter is another one, written by another woman employee of this unscrupulous employer. This is what she has to say:

Please note holiday loading not paid. Stated that they are not entitled to it due to service of only 11 months. Easter holiday money was incorrect. This was later rectified after complaints laid. Does not know if paid 17½ per cent loading on this week's holidays.

Many complaints are involved here, and they should be investigated by the Labour and Industry Department. I will make the letters available to the Minister.

The Hon. J. D. WRIGHT: The question has become quite involved. First, I think the honourable member asked whether an employee must complete a full 12 months service in order to receive the 17½ per cent loading. To the best of my knowledge, that is correct. I am not familiar with any awards that provide such a condition before the 12-month period. The honourable member has raised other matters with which I am not familiar but, if the conduct of the company is as described, certainly there should be an investigation, and I would undertake to have inspectors visit the job and find out what is going on. I am concerned that someone on the job has not reported the situation to my department or, alternatively, if the employees are members of a union, that the union has not complained to my department. That may have happened, but it has not come to my notice. If the honourable member would pass on to me all the information at his disposal, we will look at the matter. If there is victimisation, or if any company (this or any other) is depriving employees of that loading by dismissing them, they will have to deal with my department.

COOPER BASIN

Mr. NANKIVELL: Will the Minister of Mines and Energy say what progress, if any, has been made with the Government's proposal to acquire a share of the Cooper Basin development? Does the Government still intend to proceed with this proposal? If so, can the Minister say what effect this action might have on the establishment of a petro-chemical works at Redcliff or elsewhere in South Australia?

The Hon. HUGH HUDSON: I do not think the action will have any effect at all.

Mr. Gunn: You hope.

The Hon. HUGH HUDSON: I am saying it: it is not a question of hoping. We are still waiting for a reply from the Commonwealth Government to the matter raised in the first part of the honourable member's question. The

original offer was forwarded to the Commonwealth Government in June this year. It has had five months in which to consider the proposal, and as yet no formal reply has been given. We realise that the Commonwealth has a lot of work to do and it is obviously difficult to consider matters within a short time, but surely it is about time the Commonwealth gave us an answer to this question. I have had discussions on the matter with the Minister for National Resources (Mr. Anthony) as a result of which I do not expect any difficulty. Unfortunately, Mr. Anthony has been ill for some time. He is not back at work yet and from the information I have received he is not likely to be back at work before Christmas, and the Cabinet has not answered the question. I expect to receive a reply, and I expect the reply to be favourable. I hope the Commonwealth will hurry matters along a bit.

PEDESTRIAN LIGHTS

Mr. SLATER: Will the Minister of Transport consider replacing the flashing pedestrian lights with pedestrian activated lights on the North-East Road adjacent to Windsor Grove, Klemzig, and Queensborough Avenue, Hillcrest? The member for Florey has raised this matter previously, because the North-East Road is the present boundary between the Districts of Gilles and Florey. I am sure the Minister will agree with me that the dangers existing to constituents of the member for Florey passing into my district are important to him; and more important to me are the dangers existing to my constituents crossing the road into the District of Florey. The crossing, which is used by many schoolchildren, has been a bone of contention for some time, so I ask whether further consideration could be given to replacing the flashing lights with pedestrian activated lights at this intersection.

The Hon. G. T. VIRGO: I will obtain an up-to-date report for the honourable member.

FOSSIL FUEL

Mr. GUNN: Can the Minister of Mines and Energy say whether the Government will allocate, as a matter of urgency, additional funds for the search for new sources of fossil fuel, particularly coal? It was recently annonunced that, because of the difficulties at Lake Phillipson, $208 000 would be spent on coal exploration of which $44 000 would be provided by the Government and $164 000 would be provided by the Electricity Trust of South Australia. Apart from the burden this places on consumers, whose tariffs have only recently risen, the Government's contribution is low in the extreme compared to the urgency of finding new sources to tide us through the period of development of alternative sources and to help avoid the use of nuclear power. Will the Government make more realistic sums available for coal exploration?

The Hon. HUGH HUDSON: The sum made available in the figure mentioned by the honourable member is additional to that provided in this year's Budget. The State Government will provide more than the $44 000 that is set out in the additional $208 000 that is being spent. Discussions took place between the Mines Department and the Electricity Trust for some weeks before the announcement was made on what was a reasonable sharing of this cost, and the Electricity Trust indicated that its main interest was in potential coal sources that were relatively close to Adelaide. This means that its activities will therefore be in exploration in relatively accessible areas while the Mines Department's activities will be concentrated to some extent in the more remote areas. I believe the Electricity Trust is satisfied with the arrangement. Part of the cost of exploration and development of a coal source is a cost to be associated legitimately with the production of power, and therefore it is completely proper for the Electricity Trust to be involved in it.

Dr. Tonkin: The question is whether it should involve the whole community, isn't it?

The Hon. HUGH HUDSON: Whether or not the cost of developing a coal resource used for power generation should be paid by all taxpayers or by power users, who are also taxpayers, is a good question.

Dr. Tonkin: I was thinking about avoidance of nuclear power, if possible.

The Hon. HUGH HUDSON: I cannot follow the peculiar ratiocinations that operate in the mind of the Leader, and I do not intend to do so. The Electricity Trust believes its involvement in this matter is legitimate, and, indeed, the impetus for this programme came from the Electricty Trust.

Mr. Gunn: The—

The SPEAKER: The honourable member is out of order.

The Hon. HUGH HUDSON: The Electricity Trust has been particularly concerned to make a determination on the next source of fuel that it will use after the Leigh Creek coalfield has been worked out, and, as the further coal that is in the Leigh Creek coalfield will be allocated to the northern power station, the additional fuel supplies need to be determined for the next power station. The involvement of the Electricity Trust is legitimate involvement in the proposed development.

DETERGENTS

Mrs. BYRNE: Can the Minister for the Environment say whether he has been involved in any way in efforts to reduce the content of undesirable materials in household detergents? I understand that included in many all-purpose household detergents is a quantity of phosphates which are there as building agents. The problem associated with phosphates is not that they constitute any given dangers to users, but when they are discharged into waste water disposal systems they make more difficult the job of keeping algae out of our water storages. I understand this problem was raised in the report of the Committee on the Environment.

The Hon. D. W. SIMMONS: This matter was canvassed by the Committee on the Environment and it has been kept under review by its successor, the Environmental Protection Council. The council has been considering the apparently excessive levels of phosphates still used in detergent powders. I understand the situation is not so serious in liquid detergent. The council was not satisfied that these levels are necessary and believes other materials with far less deleterious environmental effect should be substituted. This problem is not peculiar to South Australia. I am well aware that in the United States the detergent industry has been engaged in legal battles with local authorities that have been concerned about the consequences to water supplies of phosphate levels. At the suggestion of the E.P.C., I have recently written to the Standards Association of Australia about performance standards for synethetic household detergent powders. The letter stated:

The Environmental Protection Council of South Australia has been considering the apparently excessive levels of phosphates which continue to be used in household detergent powders. The council is aware that Australian Standard 1658-1974 has set standards for household synthetic laundry detergent powder on a composition basis such that a phosphate content of 20 per cent is required. The council believes that this amount of phosphate is in excess of that required for satisfactory performance, and that a reduced phosphate level or a substitute builder would provide good detergency without the environmental problems of high phosphate levels.

The council has advised me to seek advice on whether methods for measuring the performance of detergents have been established and, if so, when a standard based on performance will be prepared and published. I shall be pleased to refer any advice you can give me to the Environmental Protection Council for further study and consideration.

If I cannot get any progress through that approach, I intend to raise the matter at the next meeting of Environment Ministers.

CALLINGTON-STRATHALBYN WATER SUPPLY

Mr. WARDLE: Can the Minister of Works give details of the latest developments in the proposed Callington-Strathalbyn reticulated water supply? For many years the former member for Murray, the former member for Heysen, and the present members for both districts have been working on a scheme for a reticulated water supply, leaving the Murray Bridge to Onkaparinga main and going south, even down to the lakes. For some months circulars have been available to landholders, much statistical information has been gathered concerning production figures, and many inquiries have been made. I believe that at this time much of that information has been gathered in order to present a case for assistance, and I shall be pleased if the Minister can outline what is the present situation.

The Hon. J. D. CORCORAN: If the honourable member would confer with his colleague the member for Heysen, he would—

Mr. Millhouse: They are at arm's length.

The Hon. J. D. CORCORAN: No, they are not: I believe this is a co-operative effort, at this stage anyway.

Mr. Millhouse: They have something far more important than a water supply on at the moment.

The Hon. J. D. CORCORAN: I do not wish to become involved in things like that, and the member for Mitcham knows it. If the member for Murray would confer with the member for Heysen he would realise that I had replied to a Question on Notice from that honourable member concerning an inquiry that has been conducted, in which I indicated that the inquiry had been completed, the report had been submitted, and is now being studied, and I hope to be able to release the report early next year. That reply will indicate to the honourable member that the matter is being actively considered.

GOVERNORS

Mr. MILLHOUSE: Can the Premier say whether the sentiments expressed by him this morning, when welcoming His Excellency the Governor, mean that the view of the Government concerning the position and powers of the Governor has changed in the past 12 months and, if it has, how and why? I listened with approval to the Premier speaking this morning, and I congratulate him on what he said and the way in which he said it. I could not have done very much better myself.

Members interjecting:

The SPEAKER: Order!

Mr. MILLHOUSE: I am surprised at that reaction to what I have said.

The SPEAKER: Order! There are far too many interjections.

Mr. MILLHOUSE: I have a perfectly proper explanation for a perfectly proper question, yet this is what happens. The approval that I felt when I listened to the Premier was not shared by several of the Premier's Parliamentary colleagues who were sitting near me, and I refer especially to the Premier's comments about the substance and significance and the role and power of the Governor under the Westminster system.

Mr. Rodda: He is a monarchist.

Mr. MILLHOUSE: If one accepts what the Premier said, there is no doubt that he is a monarchist, and I approve of that. However, it is contrary to the general philosophy and outlook of his Party.

The Hon. Hugh Hudson: He is a monarchist republican.

Mr. MILLHOUSE: He may be, and that is why I am asking the question. I remind him that Mr. Allan Ashbolt, a prominent member of the Australian Labor Party, wrote a few weeks ago:

For the Labor movement here—

in Australia—

has never concealed its republican ethos and intentions, though it has pragmatically avoided incorporating republicanism in the platform of the party.

Even more to the point is that it is rather but not entirely contrary to the viewpoint of the Premier as stated in this House on November 12, 1975, when he moved a motion following events of the previous day in Canberra—

The Hon. J. D. Corcoran: Which you supported, incidentally.

Mr. MILLHOUSE: Indeed I did: I supported the motion wholeheartedly, although it was opposed by members of the so-called Liberal Party on this side. I supported the motion wholeheartedly, although I did not support in every detail what the Premier said. It may be that what the Premier said today was an implied rebuke to his Parliamentary colleague, Mr. Whitlam, for the way he has carried on.

The SPEAKER: Order! I point out to the honourable member that he is getting into the field of commenting.

Mr. MILLHOUSE: I have made that point, and do not need to say any more. It has also been suggested to me that it shows that the Labor Party, like the Liberal Party, has now taken a lurch to the right. However, I ask the question in order to give the Premier an opportunity to expound his present point of view, in the light of what has been said by him and by his colleagues in the Labor Party in the recent and not so recent past, as contrasted to what the honourable gentleman said this morning.

The Hon. D. A. DUNSTAN: No doubt the honourable member intended some encomium by his remarks to my benefit, but I am not certain that I entirely appreciate his praise.

Mr. Goldsworthy: You were nearly as good as he was.

Mr. Millhouse: Nearly as good as I would have been.

The Hon. D. A. DUNSTAN: The honourable member has tried to suggest that somehow there is some difference between what I said this morning about the importance of the position of Governor in the Westminster system and the need for a Governor to remain above dissension and to unite the people, and what I have said previously on the subject of the duty and role of Governors, and what I

have said in relation to how Governors should exercise their reserve powers and the motion that was carried by this House.

Mr. Millhouse: You should have seen the reaction of some of your people near me.

The Hon. D. A. DUNSTAN: The honourable member speaks about the reaction of unnamed people, but I do not know to what he is referring.

Mr. Millhouse: You'll probably know in the Party Room later.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the honourable member has a Party meeting it can be held in a telephone box, and even then he has much trouble. The honourable member can cite only one person to whom he has assigned membership of the Labor Party, and that is Mr. Allan Ashbolt. I know him: he is a member of the A.B.C. Staff Association and I have appeared for that association, but he is not a spokesman for the Labor Party. He has the right to express his personal views on the Party, but when he writes he is certainly not speaking on its behalf.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

ELECTORAL ACT AMENDMENT BILL (No. 4)

Returned from the Legislative Council with the following amendments:

No. 1. Page 5, line 15 (clause 14)—Leave out "within a prescribed area" and insert "more than forty kilometres distant by road from the boundaries of any polling place for the time being appointed pursuant to subsection (1) of section 14 of this Act".

No. 2. Page 6, line 13 (clause 17)—Leave out "within a prescribed area" and insert "more than forty kilometres distant by road from the boundaries of any polling place for the time being appointed pursuant to subsection (1) of section 14 of this Act".

No. 3. Page 7, line 3 (clause 17)—After "the writs," insert "by notice in writing to an elector,".

No. 4. Page 7, line 3 (clause 17)—Leave out "any" and insert "that".

No. 5. Page 10, lines 26 and 27 (clause 23)—Leave out "any elector who is an inmate of a" and insert "two or more electors who are inmates of the same".

Consideration in Committee.

Amendments Nos. 1 and 2:

The Hon. PETER DUNCAN (Attorney-General): I move:

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

As they propose the same amendment to the Act, I propose to deal with them jointly. The reason why the Government is not prepared to accept the amendments is that they would reduce the flexibility and room for manoeuvring of the Electoral Commissioner.

Mr. Millhouse: Can you tell us what they are, because we haven't got them?

The Hon. PETER DUNCAN: There is no need for the honourable member to be so agitated about it. I was unaware that he did not have them. It is the procedure of the House to circularise the amendments from another place but, as members know, it is not the Government's direct responsibility.

Mr. Millhouse: It's your duty as Minister to ensure that that is done.

The Hon. PETER DUNCAN: It would be a pity if the honourable member became more petulant in this debate. The reason why it is desirable that the areas in which the general list of postal voter provisions in the Bill should apply should be determined by proclamation is to enable the Electoral Commissioner to assess the situation in each part of the State to determine where it is desirable that these provisions should apply and where they should not apply. For example, I understand that there is an area in the Frome District where the nearest polling place is less than 40 kilometres, as the crow flies, from where some people live on a railway line but which is considerably farther by road. Therefore, if these amendments were to be agreed to by the Government these people would be precluded from the benefits of the general postal voter provisions simply because we had inserted this rigid 40 kilometres distance by road.

The point is that this provides for a rigid rule as to where the general list of the postal voter system would apply, whereas the view of the Commissioner and the Government is that it is desirable to have a power to prescribe particular areas where this provision should apply and that this be done by the Governor on the Commissioner's recommendation. Although this may not be an important matter, we believe that flexibility ought to be provided for in the Act so that the Commissioner may look at each individual area and apply the provisions in the best interests of the people in the local area.

Mr. MILLHOUSE: I have the amendments in front of me now. They have been circulated, and one can easily see the purport of them. I am not satisfied, after the Attorney-General's slight gaffe a moment ago, whether he was actually speaking to the amendment as it is before us.

The Hon. Peter Duncan: I wasn't.

Mr. MILLHOUSE: When the Attorney asked us to reject the amendments, he was asking us to reject them by mistake. He thought that he was asking us to reject something that is not the amendment. I do not know whether he is sticking to that request because he does not want to be embarrassed by admitting that he has made a mistake, and having to change his mind. Certainly, the main point to be made was not the distance but the flexibility. I sympathise with him and, if I were a novice, I certainly would do so. Let us all remember that to the Government flexibility means more power to the Government and less power to Parliament, because it means that the Government will say what is going to happen, and not Parliament.

Dr. Eastick: The Government is asking for a blank cheque.

Mr. MILLHOUSE: The member for Light said it, and I would not disagree with him on this occasion. The Government is asking for a blank cheque. I do not know, and the Attorney-General was careful not to say, even what the Government has in mind. We cannot pin him down to what he says here. He might say 100 km and, when the proclamation is made, it might be 20 km. We do not know, and we could not do other than complain about it, as it would be too late, because we had given away the power. It seems to me, just on what I know at present, and particularly as the Attorney-General has admitted that he was speaking to the wrong amendments, that these amendments are fairly reasonble. I rather thought that some Liberal Party member might have risen

first to give his Party's view. As the amendments were, I guess, moved by one of their members in that place, I should be interested to hear what the Party has to say about them. My own present feeling is that the amendments are reasonable and should be supported.

Mr. VANDEPEER: Mr. Chairman—

Mr. Millhouse: None of them is interested.

The CHAIRMAN: Order! The honourable member for Mitcham is out of order.

Mr. Millhouse: Not one of them—

The CHAIRMAN: Order! I warn the honourable member. The honourable member for Millicent has the floor.

Mr. VANDEPEER: I support the amendments. Although the prescribed area may, in some respects, be acceptable, I believe that even in my own area in the South-East it is possible for someone to live 40 km from a polling place. I believe that he would have no chance of being accepted in a prescribed area in my district, which is a peculiar area, there being an uninhabited part in the circular area surrounded by Keith down to Kingston and up the Coorong. In that area, it would be possible for people to travel 40 km by road to reach a polling place. If we were to make it "prescribed area", that area would have practically no chance of being within a prescribed area in the North of the State. "Prescribed area" in some areas may be suitable. I think the 40-kilometre limit covers the whole of the area in the North of the State. I believe this would be a much easier system and more positive than the prescribed area system suggested by the Attorney-General.

The Hon. PETER DUNCAN: I raise two matters further. There seems to be some misunderstanding by members opposite. The proposal made is that the Electoral Commissioner in some cases, for example the current Frome District, would declare the whole of that district.

Mr. Millhouse: It is not he; he is a very nice man.

The Hon. PETER DUNCAN: He would recommend to the Government that the proclamation be issued covering the whole of that district and allowing anybody in that district to register as a general postal voter. In Flinders, for example, it may be that area, less the Port Lincoln District Council and the Port Lincoln City Council, that is declared. This is the idea that the Commissioner has at the moment. In areas such as Millicent he might decide to recommend a proclamation in terms of the amendment. Looking at the Bill, new section 73a (1) provides:

An elector whose place of living as disclosed on the roll is situated within a prescribed area . . .

Many people in the country (and I imagine many electors in the Districts of Victoria and Millicent) have their addresses disclosed on the roll as "via Millicent" or via some other town. If this amendment is accepted the position will be such that all those people, because of the words "place of living as disclosed on the roll", will be not more than 40 km from the town where the polling booth is situated, notwithstanding the fact that they live a good deal more than 40 kilometres from the polling place. This is simply a matter of flexibility; there is no great political advantage for one Party or the other. The Electoral Commissioner sees the need for some flexibility so that he can look at various country areas of the State and apply the rules flexibly so that in one area, according to the circumstances, one approach can be taken and in another area another approach can be taken. It does not seem to me that there is any great harm in that. In fact, it seems to be a reasonable approach to the matter.

Mr. MILLHOUSE: Because I raised this matter in the first place, I owe it to the Attorney to say that I am not convinced by his explanation. It is all very well for him in office to use the term "flexibility", but the fact is that Parliament is giving away the power and leaving the Government, and not with the Electoral Commissioner to decide what areas will be prescribed. As I interjected, the Electoral Commissioner is a very good Commissioner and I like and respect him, but I do not believe that Parliament should abdicate its responsibility to him. We are not doing that; we are putting the matter in the hands of the Government, which may not accept his advice and could double the area that he suggests. Let us not be misled by the Attorney's appeal about the Electoral Commissioner and his good qualities. I believe it would be better to specify, as this amendment does, in the Act the distance rather than leave it at large to the Government to make the decision quite apart from Parliament.

Dr. TONKIN (Leader of the Opposition): I am totally in favour of the amendments. I can recall a past occasion when we had some curious views put to us by the Attorney-General about country voters. He seems not to have as close an understanding of their problems as he might have. I believe that it is absolutely essential that we have this provision in the Bill, because it will take the matter out of the hands of the Government, and the Electoral Commissioner. It will be a set and positive definition, and for that reason we should accept the amendments. I cannot agree with the Attorney. I do not mean to cast any aspersions on the staff of the Electoral Department or on the Electoral Commissioner. I am sure that he will adopt a very reasonable attitude in those areas where there is any doubt about whether or not any voter lives more than 40 km distance by road from any polling booth. That is as far as his discretion should go, and it is as far as he should be asked to go. I believe we often suffer from detailed and specific legislation that the Attorney introduces in respect of other matters, so let us have something clear cut and concise in this matter.

Mr. VENNING: I support the amendments. There are other provisions in the Electoral Act whereby people can cast a postal vote. I think, from memory, there are five different cases in which a voter may cast a postal vote. We have had a problem in days gone by in relation to people living in these vast areas, and I believe that this is a step in the right direction towards giving assistance to people in those areas.

The Committee divided on the motion:

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

Noes (20)—Messrs. Allen, Allison, Arnold, Becker, Blacker, Boundy, Dean Brown, Chapman, Coumbe, Eastick, Goldsworthy, Millhouse, Nankivell, Rodda, Russack, Tonkin (teller), Vandepeer, Venning, Wardle, and Wotton.

Pairs—Ayes—Messrs. Broomhill and Jennings. Noes—Messrs. Evans and Gunn.

Majority of 1 for the Ayes.

Motion thus carried.

Amendments Nos. 3 to 5:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendments Nos. 3 to 5 be agreed to.

Mr. MILLHOUSE: I would like some explanation from the Attorney as to the amendments. It is usual to give us

some idea about what we are being invited to do. Would the Attorney tell us the purport of these amendments? As it does not seem that he intends to do so, I will have to try to interpret them myself. I thought that he might at least do us this courtesy. I do not know what they are and I was relying on the Attorney to tell us.

Dr. TONKIN: I rise on a point of order, Mr. Chairman. I appreciate that the honourable member for Mitcham has not taken the trouble to find out what the amendments mean, but this is hardly the time to hold up the business of the Committee.

The CHAIRMAN: The honourable member is entitled to speak to the amendments, and I hope he will do that.

Mr. Millhouse: That was a rather spiteful and pointless point of order.

The CHAIRMAN: I want the honourable member for Mitcham to speak to the amendments before the Chair.

Mr. MILLHOUSE: I remind the Leader of the Opposition that while he was not even in the Committee—

The CHAIRMAN: Order! I want the honourable member to resume his seat. On two occasions I have asked the honourable member to speak to the amendments before the Chair. No-one likes to take action against any honourable member, but the honourable member has, on many occasions, ignored the Chair. I want the honourable member and other honourable members to speak to the purport of the amendments before the Chair.

Mr. MILLHOUSE: Nothing was further from my mind than to ignore you, Mr. Chairman, or to do other than to speak precisely to these amendments. I was simply pointing out that, until the Attorney started to move on to these amendments, they were not even before us. The Leader of the Opposition was not in the House to know that, of course. He then got up and blamed me for not having had a chance to understand what the amendments were all about. By not being here, he has led himself into a trap.

The CHAIRMAN: Order! The honourable member will resume his seat. This is the final time I will warn the honourable member. Whatever the Leader of the Opposition may have said, I will do exactly the same and be impartial on these matters. The honourable member has ignored the Chair on another occasion.

Mr. MILLHOUSE: I have now had an opportunity to understand what this amendment is about and what it means. I had better tell members of the Liberal Party, because I doubt that they know what it means. The Electoral Commissioner has to give notice in writing before he can cancel the registration of an elector as a general postal voter.

Dr. Tonkin: Well done!

Mr. MILLHOUSE: I do not appreciate the sarcasm of the Leader. I know that he has been sorely pricked in the past week or so, but that was entirely uncalled for. If he had been here when this debate began, I would not have had to lead for him in his absence. Whoever was in charge was going to let these first two amendments go without saying anything about them.

The CHAIRMAN: Order! The honourable member knows that the first two amendments have been disposed of. Amendments Nos. 3, 4 and 5 are now before the Chair.

Mr. MILLHOUSE: I can see, having looked at amendments Nos. 3, 4 and 5, that I can support them. They are quite reasonable. Amendment No. 5 (and I remind members that clause 27 goes on for three or four pages) is an amendment to proposed new section 87k, the marginal note of which is "Prohibition of canvassing postal votes in declared institutions." This is a matter which caused some heat when the Bill was debated in this place. I see that the amendment is to leave out the words "any elector who is an inmate of a (declared institution)" and to insert "two or more electors who are inmates of the same (institution)". I must confess that I cannot understand at first blush the significance of that. I am asking for guidance. I cannot see what it means.

The Hon. PETER DUNCAN: To avoid any more of the tiresome petulance of the honourable member, I will explain it to him. The intention is to avoid the situation where a Party worker or other person might go canvassing for votes in an institution. It is proposed to insert this clause, but by adopting this amendment we will enable a person who is, for example, the husband of a woman who is in an institution or the spouse of a person confined to an institution to counsel that person. It seems to us that this is a convenient way out of the dilemma of how to avoid the situation of people, on a wholesale basis, seeking votes in institutions. This device for doing that has been worked out by the Parliamentary Counsel, and it seems to the Government to meet the objections raised to the original clause, without destroying the intent of that clause.

Mr. MILLHOUSE: I ask honourable members, particularly those on this side, to consider the significance of this. It has more significance than may appear. It means that one person, whether husband or wife (that was the example given by the Attorney-General, but it might just as easily be a Party worker), can counsel (that is the word used, but we know that in fact they are soliciting) the vote of an individual person. It might need an army of workers, but, if 20 people were working for the Liberal Party, if they went to 20 persons living in an old folks home, and went separately to each one, they could counsel them. I do not like this. It undoubtedly weakens greatly the effect of this new section, because, as it stands at the moment, it is quite definite and clear. I think it is a little inconsistent of the Attorney-General to use the example he used. The general thrust of the legislation from the Government, and particularly from him, is that husbands and wives should stand on their own feet and not be influenced by each other, but should make their own decisions. We all know that people vote separately in polling booths, and frequently husbands and wives do not know how the other votes. We have regarded that as a good thing. Here, we are breaking down that principle, if no other.

I cannot help suspecting that this is an amendment moved by a Liberal in another place and, as I said in the original debate on this matter, the Liberal Party has been guilty of the most flagrant abuses in canvassing for votes in institutions. I suggest to the Attorney-General that, by this amendment, he is allowing them to retain at least a remnant of an opportunity to continue this undesirable practice. You, Sir, have many institutions in the Unley District, and you are not so safe electorally in your seat that you can afford to allow this sort of thing to go on. You are only one member who is in that position. This is not, I suggest, a desirable amendment and, when we hear from the Attorney-General that the Parliamentary Counsel has fiddled it up to meet a point, I am not prepared to accept that this is a good way for us to go about things. I would rather not accept this amendment than accept it, but I am in the difficulty that the Attorney-General has put together the three amend-

ments, two on one subject and one on a completely different matter. I suggest that we should not be considering them together. As things stand, if we are to take the three together I must vote against all three, although I am in favour of the first and second amendments. I do not know whether the Attorney-General would be prepared to change his motion, or whether you would let him do that at this stage, Mr. Chairman. He has joined together amendments on two different subjects. The first and second are all right, but in my view the third is not.

Mr. GOLDSWORTHY: It seems that the Attorney-General does not intend to accede to the request of the member for Mitcham. The request seems reasonable, because the amendments are distinct and separate, dealing with entirely different matters. The first two refer to eligibility for a postal vote being removed, and the third relates to postal voting in an institution. How the Attorney can lump the three together, I do not know.

Referring to the earlier remarks of the member for Mitcham, I do not share his fears in relation to the application. In the first instance, it is an application for a postal vote. The subclause refers to a person counselling or procuring any elector to make an application for a postal vote. The vote is not involved in the initial application, and it seems that there is some common sense in allowing a person to counsel a member of the family to have a postal vote. It is possible that the person involved might not be at home or in the hospital or institution. It is a matter of convenience, and I do not see the dangers, even though the member for Mitcham suggested that the Liberal Party has been active in this area in the past. That point is hardly germane to the argument. We are dealing only with an application for a postal vote. I support the amendments, but I also support the member for Mitcham in his request that they be separated; they are different parts of the Bill dealing with completely different matters.

The Hon. PETER DUNCAN: I am not unhappy about having separate votes taken on this matter. The original motion was moved simply because it seemed an easy way to deal with the matter. I seek leave to withdraw that motion.

Leave granted; motion withdrawn.

Amendment No. 3:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 3 be agreed to.

Motion carried.

Amendment No. 4:

The Hon. PETER DUNCAN moved:

That the Legislative Council's amendment No. 4 be agreed to.

Motion carried.

Amendment No. 5:

The Hon. PETER DUNCAN moved:

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

Mr. MILLHOUSE: I appreciate the explanation given by the member for Kavel. In the haste which I had to use to try to make sense of this, I missed the point that this was merely an application for a postal vote, and not the completion of a postal vote. That greatly weakens (almost, but not quite, to the point of vanishing) the argument I put up. I do not propose to press my opposition to this amendment.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 1 and 2 was adopted:

Because the amendments would reduce the flexibility of the Electoral Commissioner in applying the legislation.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 25. Page 2517.)

Mr. RUSSACK (Gouger): I support this measure to the second reading stage. Like the Road Traffic Act Amendment Bill, discussed in this place recently, it makes certain amendments to interpretations in the principal Act by substituting for the word "weight" the word "mass" in several places. My first comment on the Bill relates to the reduced registration fees for incapacitated exservicemen and for certain pensioners. Earlier this session sections 27 to 30 of the Motor Vehicles Act were amended so that registration fees could be determined by regulation. At that time I said that I believed it was not in the best interests that this should be done. However, this Bill provides for reduced registration fees for ex-servicemen and pensioners to be prescribed by regulation.

The principal Act provides that, where a person holding a licence or a learner's permit has been guilty of a serious offence such as driving under the influence or driving a motor vehicle recklessly, the consultative committee, on the advice of the Registrar, can cancel that person's licence. However, I understand that some people commit minor offences, frequently, none of which singly could be considered to be a serious offence, and the Act does not provide for their licences to be terminated or for a renewal to be refused. Clause 12 provides that a series of offences can be taken into account so that, if a driver by reason of habit is committing certain offences regularly, all those offences can be taken into account and his licence or permit can be cancelled or the renewal refused.

We believe the most obnoxious aspect of the Bill is contained in clause 13. Members on this side are well aware of, and take seriously, the situation that exists concerning certain circumstances in the tow truck business. It is obvious from news reports and other means that many difficult situations prevail and that a situation exists that cannot be tolerated. Offences are being committed by certain tow truck operators, and it is appreciated that an effort is being made to control and lessen what is taking place in this industry. However, we are concerned that wide powers are given to inspectors who are to be appointed by the Minister. We will be introducing one or two amendments to clause 13, which introduces a new section 98o, as follows:

No person other than—

(*a*) the driver of the tow truck;

and

(*b*) the owner, driver or person in charge of a vehicle that is being or is to be, towed,

shall ride in or upon a tow truck while it is being driven to or from the scene of an accident.

I know the intent of this subclause is to obviate any possibility of physical pressure being exerted by two people with a wrong motive who could ride in a tow truck. However, I understand there is sometimes a need for additional assistance. If a tow truck operator requires additional assistance he will have to call up another truck or another assistant in an independent vehicle because that assistant could not, under this legislation, travel with the

tow truck driver. The majority of tow truck operators are to be deprived of convenience by the unscrupulous minority. If a man and his wife driving in a motor vehicle have an accident that renders the motor vehicle immobile, it is necessary to call a tow truck. If the people do not need first-aid attention, the husband could ride back with the tow truck driver but his wife would have to find her own way home. I know that is only a minor inconvenience, but it is an illustration of how inconvenient the provisions in this new subclause could be. New section 98p provides:

(1) The Minister may appoint such inspectors as he thinks necessary for the purposes of this Part.

(2) An inspector shall make such investigations and reports, relevant to the administration of this Part, as the Registrar may direct.

(3) For the purposes of an investigation under this section, an inspector may—

(*a*) upon the authority of a warrant issued by a justice—

(i) break into any premises;

and

(ii) seize any document or object that may constitute, or furnish, evidence of an offence against this Act;

and

(*b*) require any person to answer truthfully any question that may be relevant to the investigation.

We believe it is unacceptable that an inspector should be given the power to break into any premises. More and more people are being given wider and wider powers. A police officer has enough power and authority to undertake the tasks that are set out in the Bill as the duties of inspectors. We are conversant with and appreciate the existing problems in this industry, but we consider that these far-reaching powers to be given to inspectors are the domain of the Police Department, and should be undertaken efficiently by a professionally trained person, when the situation demands such action. I will say more about this matter in Committee.

A penalty of $10 000 is prescribed, and it seems out of all proportion compared to many other penalties in our Statutes. I am sure that, with a penalty of $10 000, the court would consider the offence to be a serious matter. I believe that the court would be guided by a maximum fine, and in this instance $10 000 seems an astronomical penalty for such an offence. The Bill repeals part of section 134a of the Act, which was a new section inserted this year, and it repeals the right of a person applying for a tow truck certificate to appeal against a decision of the consultative committee. The Bill contains commendable clauses, and the Government should be commended for trying to overcome the present situation in the tow truck industry. However, in one or two instances we consider that the Government has been a little over-enthusiastic in handing out authority to certain people and in prescribing some penalities. We support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Reduced registration fees for incapacitated ex-servicemen."

Mr. RUSSACK: Can the Minister say whether this brings the reduction for registration into line with normal registration that is now done by regulation? Also, will this make it possible for such reductions to be considered more frequently than and at a different time from general registration fees?

The Hon. G. T. VIRGO (Minister of Transport): It brings the reduction into the regulations, as indeed fees have been brought into the regulations. It permits much more frequent consideration of any of the regulations, whether it is the total amount or other amounts. In practice, the adjustments would all be made at the appropriate time. In fact, reduced fees have applied since the last registration fee determination, notwithstanding that the legislation had not been amended.

Clause passed.

Clauses 6 to 11 passed.

Clause 12—"Cancellation, etc., of licence on learner's permit by Registrar."

Mr. RUSSACK: Can the Minister indicate what type of offences are referred to? For instance, would it be frequent speeding offences or not giving way to traffic on the right, or would they be offences that would attract demerit points?

The Hon. G. T. VIRGO: I cannot be too specific, because we are giving authority to the consultative committee, which has discharged its responsibilities most commendably in the past. The basis of this provision would be the points raised by the honourable member. The present legislation provides for major offences, but ignores lesser offences. For instance, a person persistently caught for exceeding the speed limit over a school crossing may fall into the category of a lesser offence in isolation, but it is a serious offence in aggregation.

Mr. RUSSACK: I assume then that it would occur when persons are considered to be a nuisance and a danger to the public. The consultative committee was established in 1972. Does the committee meet frequently, has it had occasion to cancel licences, and what is its function?

The Hon. G. T. VIRGO: The committee meets fortnightly. One of its members has been a member since its formation although, regrettably, he has attended his last committee meeting, because he is retiring. The other two committee members are Chief Superintendent Brown, of the Police Department, and Mr. Michael Bowering, of the Crown Law Office.

Clause passed.

Clause 13—"Enactment of ss. 98o and 98p of principal Act."

Mr. RUSSACK: I move:

Page 3, line 18—Leave out "break into" and insert "enter".

I intimated during my second reading speech that we were concerned at the extraordinary powers given under the Bill to inspectors. We respect the Government's intent in trying to overcome a difficult situation. However, the Opposition considers that this new section, in the powers that it gives to inspectors, goes far beyond what is right and proper. This power should be placed in the hands of the Police Department to take action in this respect. Had it not been for other legislation that has been passed, my amendment would have been even more restrictive. I refer to the Industrial Safety, Health and Welfare Act, under which inspectors are given the right at any time to enter into or on any premises, land, place, vehicle, ship, etc. I refer also to the Motor Fuel Distribution Act, under which inspectors are given the right at any time, with such assistance as they consider necessary, and without any warrant other than the relevant section, to enter any premises for the purpose of ascertaining whether or not the provisions of the Act are being complied with.

Therefore, this provision does not create a precedent but conforms to the provision in other Acts that an inspector can enter premises. I do not know of any Act that gives the right to an inspector to break into any premises, as this new section provides. The Bill provides that a warrant

be issued by a justice, and a police officer would find it necessary to have the same authority as an inspector would need. I understand that, in a matter of urgency, the inspector would have to seek out a justice. He may have to do this in the early hours of the morning, and there could be a considerable time lag. If it were a matter of urgency, I believe that a police officer would be best equipped to attend to this matter.

Earlier today, I said that it was reasonable to accept the word "enter", because it conformed to provisions in other Acts. However, if we accept this provision and give authority to these inspectors to break into premises, that provision will then be given as the basis for seeking the same authority for other inspectors. We would be creating a situation in which more and more people could be given more specific powers. Someone has said that hard cases make bad laws. I know that the Minister has a hard case in handling what is happening in this industry, but to suit the legislation to this one hard case does not tend to make good laws. If the provision is passed as it stands, inspectors will be given the right to break into any premises for the purpose of seizing any document or object that may constitute, or furnish, evidence of an offence against the Act.

Dr. TONKIN (Leader of the Opposition): I totally support the remarks of the member for Gouger, because a real matter of principle is involved. Over the past two or three years, in legislation that has been introduced in the House, we have seen a growing army of inspectors set up, all of them granted under various Acts a great deal of power, more than these people have had in the past: the right to enter, to take copies of documents, to question and expect truthful answers. I think that the voting legislation was one such instance. I am particularly concerned that we are now going one step further. As the member for Gouger has said, inspectors under various Acts have the right of entry now, a right that did not exist before, except in unusual circumstances. Under this provision, inspectors will have the right to break into and enter any premises.

It seems to me that this is taking away from the Police Force a right that it has. Certain safeguards are provided, because a warrant must be obtained. We are widening the power and giving it to an inspector of a department, someone who is not a police officer and who has not in this case been trained in applying the law. It is a matter of great principle that when these powers, which impinge on the freedom and rights of the individual, are exercised they are exercised with the utmost discretion in the best possible way. We have, I believe, the finest Police Force in the world; certainly it is on a level comparable with any Police Force of which I know or have heard. We have a remarkably fine training system at Fort Largs. Officers are trained assiduously in, among other things, the law and its application and their role in applying the law. Anyone who has been to the college would be aware of the slogan on the wall which says, "It is not enough to know: can you prove it?"

The members of our Police Force are brought up to recognise the difficulties of applying the letter of the law with a very strong and high regard for justice and with a very great recognition of their responsibility in applying the law. "Responsibility" is the cardinal word. If we are to hand to people other than police officers the rights that the police officers exert carefully after much thought and consultation, we are virtually setting up a para police force, a police force outside the regular Police Force.

Mr. Coumbe: Are you suggesting a police state?

Dr. TONKIN: I hope that I would not have to go so far as to suggest a police state, but we seem to be heading more and more towards that sort of oppressive legislation. The powers of the Police Force are necessary. Some members on the other side have said occasionally that those powers are too wide and too sweeping, yet now we propose to give those same powers to people who are not members of the Police Force but who are inspectors of a Government department. It seems to me that the reason for bringing this form of legislation forward is that the problem is severe.

Much prominence has been given to the difficulties of the tow truck industry. It is a marked problem and irregularities do occur. Large sums of money are involved, and there is evidence that standover tactics are used and that people do indulge in questionable activities. If it is possible to prosecute those people for breaking the law I totally support their prosecution; that must be furthered to the letter of the law. If we can possibly make easier the task of those people whose job it is to prosecute, we should do so. We should not do so at the expense of the fundamental principles of justice, but that is what we are doing here. We are using a sledgehammer to crack a walnut and it breaks down the principles of justice on which our whole society is based.

The Minister may ask whether we want these people caught and prosecuted and these practices stamped out. I do want those practices stamped out, and prosecutions launched where justified, but I will not stand by and see the fundamental principles of justice in any way bent or battered down in the interests of expediency in this matter. Everyone has the right to expect justice. This provision goes far beyond that and is basically a negation of fundamental justice. I oppose this provision in the strongest possible terms, not simply because of its relationship to this legislation but because a principle is involved, and it is a principle that we cannot allow to be lost. Just as we have seen the power of entry extended to more and more pieces of legislation, I can see in the future that the power to break into any premises will be extended to more and more inspectors under more and more legislation. I will not have a bar of it.

The Hon. G. T. VIRGO: Hopefully, we can now get back to sanity and forget emotion for a while. Clearly, the Leader and the member for Gouger do not appreciate the problem. I do not criticise them for that. Let me make it plain that that provision was not put in the Bill simply to draw the crabs in this debate or to start an argument; there is an extremely good reason for its being there.

Dr. Tonkin: You've started one.

The Hon. G. T. VIRGO: Perhaps I have. The Leader said I would ask whether the Opposition wanted prosecution. I do not want to go over all of that, because I think it is quite foolish. The fact is that it is not much good sending a man out to do a job and telling him that he cannot take his tools with him. That is exactly what the Leader and the member for Gouger are asking the Government to do. It is understandable for the member for Gouger and the Leader to compare the inspector envisaged in this Bill with the inspectors already operating in the industrial safety, health, and welfare and motor fuel distribution areas. I hasten to assure members that the type of person who will be appointed as an inspector if this legislation is enacted will be the type of inspector currently employed by the Crown Law Office, a man with police and legal knowledge, experience and background.

Mr. Allison: It doesn't say that.

The Hon. G. T. VIRGO: It does not say a lot of things, but the honourable member did not take the trouble to ask, either.

Mr. Allison: I came here especially to listen to this.

The Hon. G. T. VIRGO: That is the situation that applies here. Let us not lose sight of what has already been admitted by the member for Gouger and the Leader: if it is a police officer it is okay. In fact, the type of inspector who would be appointed to this position would undoubtedly have had experience in that area.

Dr. Tonkin: But would he be a police officer?

The Hon. G. T. VIRGO: He obviously could not be a police officer. He could be an ex-policeman, but suddenly, because he has left the force, he does not automatically lose those abilities that the Leader lauded a few moments ago. Let me put another factor in front of honourable members. I refer to the point which has been referred to but which I do not think has been emphasised enough, that before the person may break into premises he must get a warrant. If there is the indiscriminate breaking referred to by the member for Gouger and the Leader, do honourable members not think that there would be a public outcry? Do they not think that the justices who issue warrants would be rather cautious? Do they think justices would go on indiscriminately? Members opposite do not show much appreciation of the responsibility of people. The other point is that we are dealing with legislation which, as I have foreshadowed publicly, will probably be revoked, or at least revamped, hopefully in the next session of this Parliament.

Mr. Russack: This will be revoked?

The Hon. G. T. VIRGO: The honourable member has read the press statement I made regarding the tow-truck industry. I said I had appointed a working party that would be looking into all the aspects of this problem. It is a joint committee that has been appointed by the Minister for Labour and Industry and me, because the problem that is current is, in many respects, common to the tow-truck industry and the crash repair industry. Hopefully, this working party will bring down its report in time for us to be able to produce the necessary legislation. I am not sure how it will be formulated, and whether it will remain part of this Act or whether it will be by itself. The provisions applicable now to the consultative council and the like will come into the area of operation of the authority that will be established. It will be the authority which will be responsible not only for issuing and maintenance but also for the investigation of malpractice, and so on. I believe that it is necessary for the legislation to be in the form in which it is now. It would not have been put forward had we not believed that. It is not a step taken lightly. I appreciate the note of caution sounded, but I assure honourable members that we are not dealing with inspectors *per se*, that is, school inspectors and others. We expect that there will be only one inspector, and he will be a person who is adequate, suitable and qualified in every respect—certainly as qualified as at least the average or better than average policeman.

Dr. TONKIN: The Minister has not in any way satisfied me exactly as to what is happening. As he said, he did not expect to. That may be so.

The Hon. G. T. Virgo: Stop playing politics with it.

Dr. TONKIN: I am not playing politics with this at all. I hold this belief most sincerely and wholeheartedly. Let us look at the two points the Minister has put forward: he says that the type of inspector appointed will be somebody who is similar to the sort of person now working in the Crown Law Office. Undoubtedly, he will have had legal and police experience. Basically, this goes to show that the Minister has not understood the principles that we have been talking about, the principle being that it is the person who holds office as a police officer who should have these powers by virtue of his position.

The Hon. G. T. Virgo: So you want to make it so unwieldy that it won't work?

Dr. TONKIN: I knew the Minister would get round to this carping criticism. He is trying to get around the principle that we are standing up for. Does the Minister suggest that, once a clergyman who has allowed to lapse his licence to marry, that clergyman should be allowed to continue to perform the marriage ceremony even though he does not have a licence? Does he suggest that a doctor who has ceased to be registered should be allowed to practise anyway, because, after all, it does not matter whether he is licensed or not: he knows how to do it? One could almost bring in driving licences and suspensions, I suppose. The Minister has deliberately avoided the point that it is the police officer, by reason of his occupation and his appointment as a police officer, who should have this right, and nobody outside that field should have it.

The Minister says that undoubtedly the inspector will be of this calibre of person. How do we know? How does he know that it is undoubted? It does not say so in the legislation, because he is making the appointment.

The Hon. G. T. Virgo: Doesn't that make it reasonable for me to know?

Dr. TONKIN: I suggest that the Minister will not always be in that position. He knows what he means now. A former Minister said that he knew what he meant when he introduced the legislation. The present Minister may well make this appointment, but who will make the next and following appointments? The Minister cannot even stand up here and give any assurance that there will not be any other after this or that new legislation will be introduced. That was what the Minister said. He said that this legislation would be revoked in the next session. He says that now, but when a matter of principle is involved neither I nor my Party (and I am sure that I speak for all members of my Party) will allow any bending of the rules. If it is a matter of principle, the principle should be adhered to regardless.

If the inspector or inspectors have the authority to enter premises, in my view that is quite enough. I am not even sure that it is not too much even then. It goes to show how one can become conditioned to changes as they occur for the sake of change and for the sake of additional powers and for taking away powers from members of the Police Force. I believe that is one of the implications of this legislation. I do not want to talk any more on it. The Minister has obviously made up his mind that he is not going to vary it. In my view it is a totally retrograde step; it is totally against the fundamental principles of justice. I oppose the provision, and I support very strongly and commend the member for Gouger for moving his amendment.

Mr. COUMBE: I believe that the Minister has completely missed the point made by the previous two speakers. It comes down to a pure question of administration of law and the principle of the law. The Minister is saying that, under this proposed new section, a public servant of the State may, no matter how sincere or well qualified he may be, if he is operating in his best interests or that of his department, provided he gets a warrant from a justice, in future have the power to break and enter. Up to this time

there has been a clear delineation of power, understood perhaps for a century or more, that this type of operation is confined to members of the Police Force who get a warrant in the normal way. That principle should continue, rather than having the Minister's postulation that in future a senior public servant could get a warrant and have the right to break into premises. The Minister has suggested that such a public servant would be well qualified, and I have great admiration for the Public Service in this State, but it is wrong in principle for a public servant to have this power. Under the existing legislation, an inspector, who is a member of the Public Service, has been given the power to enter. Here we are talking of breaking. If an inspector has cause to believe that premises should be entered, he should accompany a police officer who obtains a warrant and does the entering. In certain circumstances, the Police Force has the power to break into premises. This applies in relation to the suspected harbouring of criminals or in cases of goods suspected to have been stolen. When the motor fuel distribution legislation was before Parliament, even the modified wording to which the amendment will cause the provision to revert raised a storm of protest.

Mr. Russack: The Premier considered it and amended it.

Mr. COUMBE: That is so. The Premier advocated in this House breaking the law provided the person was prepared to take the consequences. The Minister is suggesting that, instead of a police officer accompanying an officer who believes that an offence has been committed, a public servant will have that power conferred by a warrant.

The Hon. G. T. Virgo: After he gets the order from a J.P.

Mr. COUMBE: I know that. I believe he should be accompanied by a police officer, and also that the police officer should be the one to enter. Such power already exists under the Police Offences Act. On reflection, the Minister may realise what he is doing. However, he has shown no sign of relenting. If he wants this legislation through, he may care to reflect on it.

The Hon. G. T. Virgo: That means you are going to throw it out in the Upper House.

Mr. COUMBE: I am giving the Minister some kindly advice. Members on this side realise the gravity of the problem with which the Minister is grappling, and I commend him on introducing legislation to handle this grim problem, which must be stamped out. I recall the case of a man who was alleged to have disappeared from a service station in O'Connell Street, North Adelaide. Some undesirable practices go on, but I think the Minister is going about the matter in the wrong way if we are to stamp them out.

Mr. MATHWIN: I support the amendment, and I had hoped that the Minister would support it. Much common sense has been directed towards the Government benches on this matter. I stress to the Minister—

The Hon. G. T. Virgo: This won't get you your seat back.

Mr. MATHWIN: Perhaps not, but I still have a responsibility to the community and to the public, and particularly to the people who elected me to this Parliament, to do my best on their behalf, whether or not they voted for me. It is important that I should do this. A warrant issued by a justice of the peace would enable an inspector to break into any premises. I believe that that power is far beyond the power that should be given to inspectors. The police are the people to do the job. If a case is sufficiently serious for such action to be taken, it is a job for the Police Force, not for the inspectors, who should not be given such authority. I have been a justice for many years. It is a duty to sign documents, but to add to the responsibility the signing of a document of this nature, giving approval for an inspector to break in—

The Hon. G. T. Virgo: You would want to be satisfied before you signed it, wouldn't you?

Mr. MATHWIN: Indeed, but I do not believe, generally speaking, that justices would be equipped to assess the situation. It is putting too much responsibility on them. Some would be equipped to do it, but others would not. It would be unfair to give them that responsibility. It is wrong in principle for inspectors to have such authority.

Mr. RUSSACK: I thank honourable members for their support and for their contributions. The Minister said that we were playing politics. I assure him that that is not the case. The Leader mentioned that we were espousing a matter of principle, but I believe the Minister got to a low state in playing politics on a personal basis with his remark to the member for Glenelg. I cannot let this pass.

Mr. Whitten: It is the truth.

Mr. RUSSACK: I would say that it is not.

Mr. Becker: You watch yourself from now on, then.

The CHAIRMAN: Order!

Mr. RUSSACK: I resent the remark.

Mr. Becker: The next time—

The CHAIRMAN: Order! The honourable member for Hanson must be quiet. I cannot hear the member for Gouger.

Mr. RUSSACK: I cannot let the incident pass without expressing my sincere objection. If anyone is playing politics, and on a personal basis, it is the Minister. I deplore what he said this afternoon to the member for Glenelg.

The Hon. G. T. Virgo: Now talk to the Bill.

Mr. RUSSACK: The Minister was not speaking to the Bill when he made that remark, and I have every right to answer his comment. I deplore that scurrilous statement. The Minister said we did not know some of the facts because we had not asked. We are often told by members opposite that we ask too many questions and that we prolong debate, but now we are being accused of not knowing because we do not ask. I would have thought that the Minister had ample opportunity to explain these things in the second reading explanation, which was short and concise. I consider that the Minister should have explained it to us. Very often when information is given it shortens the debate and makes unnecessary the asking of questions. Nothing the Minister has said has caused me to change my mind on the principle behind this amendment. The Minister has said that the inspector will be a person well qualified for this work. Will such a person go single-handed to perform such a duty? If he is to be protected, who will protect him? Will it be the Police Force? As we have been told that there are serious situations prevailing involving physical violence, will an inspector need to be armed? It is considered that an inspector should not have this far-reaching authority to break into any premises. Such a job should be left in the hands of those who are trained and have the responsibility for the law, that is, members of the Police Department.

The Committee divided on the amendment:

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

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

Pairs—Ayes—Messrs. Gunn and Wardle. Noes—Messrs. Broomhill and Jennings.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr. RUSSACK: I move:

Page 3, line 33—Leave out "Ten" and insert "Two".

We believe that $10 000 is an unrealistic figure in this situation. If the penalty is too great, it will lose its impact. Because of the comparison with other penalties in the Bill, it is considered that $2 000 would be a reasonable penalty.

The Hon. G. T. VIRGO: I am not in a position to say why $10 000 was inserted It seems to be a large sum, but it is equally fair to say that it is a serious matter. I ask the Committee not to proceed with the amendment on the assurance that as soon as I can get an opportunity I will discuss the matter with the Parliamentary Counsel, who put in that sum, and ask him for the reasoning behind it. If the argument put forward by the member for Gouger is valid, I will have an amendment inserted in the Upper House.

Mr. RUSSACK: In view of the Minister's assurance, I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

Mr. RUSSACK: Does the Minister see any difficulty in the application of new section 98o, as I visualise some problems?

The Hon. G. T. VIRGO: The whole purpose of this provision is to ensure that tow trucks will be used for their proper purpose and not as a means of carrying people, because of the dangers involved.

Mr. COUMBE: I refer to new section 98p(4)(*b*). In common law a person can refuse to answer a question on the ground that it may tend to incriminate him and he has the right to consult a solicitor. This concept is also reinforced by the Australian Labor Party's *Principles and Platforms*. I want a categorical assurance from the Minister that a person will not be penalised if he refuses or fails to answer truthfully (and refusal is my main query) any question. I remind the Minister that this provision carries a penalty of $10 000.

The Hon. G. T. VIRGO: I am assured by the Parliamentary Counsel that the provision, that a person will be able to refuse to provide further information pending legal advice, applies in this instance.

Mr. RUSSACK: Am I correct in assuming that the words "any question" would refer only to any matters pertinent to the investigation?

The Hon. G. T. Virgo: Yes.

Mr. RUSSACK: Because of the principle involved in my first amendment and the expression of that principle by Opposition members, I indicate that I oppose this clause. We consider that the words "break into any premises" are too far-reaching and are unjustified in this situation. We realise that something must be done to solve the problems of this industry, but we will oppose this clause.

The Committee divided on the clause:

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

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

Pairs—Ayes—Messrs. Broomhill and Jennings. Noes—Messrs. Evans and Nankivell.

Majority of 1 for the Ayes.

Clause thus passed.

Clause 14 and title passed.

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

That this Bill be now read a third time.

Mr. RUSSACK (Gouger): In Committee, reference was made to the consultative committee and to the pending retirement of the Registrar of Motor Vehicles. I express appreciation for what he has done over the years, wish him well, and commend him for the work he has done for the State. I am disappointed that the Bill has come out of Committee still with the clause providing for breaking into premises. However, there are other commendable facets of the Bill, so I do not intend to vote against the third reading.

Bill read a third time and passed.

NOISE CONTROL BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2521.)

Mr. ARNOLD (Chaffey): I support the second reading of the Bill, legislation in which we have all taken a great interest for a long time, certainly since the commissioning of the Jordan report some years ago, when this subject was dealt with at great length. I believe that the points made in the report at that time are still pertinent today. When the Minister introduced the Bill, I made some comments on my immediate reaction to it. I said that the legislation must be realistic and be able to be implemented in a practical manner. I think that we all readily agree that legislation of this nature is extremely difficult to draft and to implement. The Government has done what it could do in drafting the legislation, but many aspects have not been covered by the Bill.

The provision regarding industrial noise and how to handle it is extremely difficult. It is a matter of protecting employees in the factories from the physical effects and damage that can be caused, particularly to their hearing and, at the same time, looking at the matter from a realistic and practical point of view whereby we will still maintain an acceptable level of productivity. It is no good if we reach the stage where the restrictions imposed by the legislation will virtually force a factory to close down. In discussions we have had on the Bill, the point has been made that, in some other countries, legislation has been approached somewhat differently. Undoubtedly the major part of noise pollution is industrial noise, and the manner

in which that is handled in other countries is different from what is proposed in the Bill.

The Bill is very much a Committee Bill, and undoubtedly the legislation will largely be carried out by regulations. Since the Opposition has no idea of what the regulations will contain, it can comment only on what is contained in the Bill. In Part II, headed "Administration", the powers given an inspector are fairly substantial; in fact, they could be regarded as excessive. I do not believe that there would be any need for the virtually total power that the inspectors will have, under the legislation, if the Bill provided for complete negotiation between the factory and the Environment Department for the solving of the problem of noise pollution in a specific factory. The problem will vary from factory to factory. It is easy to lay down an absolute limit of 115 decibels; beyond that limit noise can be extremely dangerous to a person's hearing.

How do we arrive at being able to reduce the noise level in a factory to below that limit? It is not a matter of straight-out legislation, whereby an inspector will visit the factory and list all the requirements that it will have to comply with, because the aspect of production must still be considered in detail. There is nothing to be gained by reducing the noise level on the one hand and, on the other hand, reducing the factory's productivity to a level whereby it can no longer compete, thus being forced to close down, with its employees put out of work. In general terms, I refer to chapter 7 of the 1972 Jordan report and to the first paragraph on noise pollution which states:

The daily lives of people in both urban and rural communities are being invaded more and more by noise. The fact that excessive noise can lead to deafness has long been recognised and the physiological effects of noise on general health are now being appreciated. As has been stated in paragraph 2.132 noise can be described in an imprecise way as annoying, distracting and even frightening. There is evidence that noise causes loss of sleep, irritability, anxiety and tension, but the effect of noise is extremely difficult to assess because people become accustomed to a particular and recurrent noise and only notice the unusual or unexpected sounds. Human tolerance of noise varies with the individual; considerable differences in response to specific levels have been noted in most studies conducted throughout the world.

I believe that general comment largely covers what this Bill is about. The report continues at chapter 7, paragraph 11, as follows:

General sources of noise which affect the environment arise from vehicular traffic on roads and freeways, airports and centres of industry. It is necessary that rigorous zoning procedures be applied to prevent the sale of land for normal residential purposes along the borders of sources of industrial noise, airports and freeways. Zoning regulations must be introduced and enforced to establish buffer zones, planted with trees, or provided with other satisfactory shielding, to protect residential areas from known sources of sound pollution.

That is in keeping with the legislation the Government has endeavoured to present to us to put the intent of the Jordan report into effect. That report also gives considerable consideration to the effects of noise on human health and behaviour. In chapter 2, paragraph 136, it states:

Noise affects health in at least two ways. First there is the direct damage to the hearing mechanism in the ear, and secondly there are many less well defined secondary effects which include the results of loss of sleep, increased irritability, loss of efficiency, inability to concentrate and other tensions. In loss of hearing induced by noise the hair-like cells of the inner ear become damaged which causes a metabolic change within the cells. The process is irreversible and permanent deafness results. Such changes are generally only produced over a long period of exposure to high noise levels. The secondary effects of noise are personal and the reaction of the same person may be different from one time to another. The results of the central London survey showed that, although some correlation could be made between for example noise sensitivity and standard of living, overall a very great variation in the susceptibility to noise was found. Studies have shown that noise can interfere with the quality of sleep even though the subject may not be awakened. Prolonged interference with sleep is known to be injurious to health and this makes the disturbance or interruption of sleep one of the most harmful effects of noise pollution. However, the direct physical effects of noise exposure on hearing are readily measurable. They can be most easily assessed in industry, because noise exposure as well as hearing loss can be determined. Resulting damage to hearing in some industries is so common that it is becoming a frequent source of workmen's compensation claims. This has aided the efforts of health authorities to implement noise control and hearing conservation programmes in industry. A much more difficult question relates to the almost universal deterioration of hearing with increasing age. The extent to which this results from increasing urban noise levels is not known, but three investigations (in Central Africa, in Taipei, and in the Outer Hebrides) suggests that people not exposed to urban noise retain their hearing ability much better and much longer than city dwellers.

I believe that even in 1972, when that report was presented to Parliament, the very real problem of noise pollution was apparent. Earlier this afternoon I gave notice of motion that on this Bill's being read a second time I would move that it be referred to a Select Committee. It is essential that it go to a Select Committee because it is an important piece of legislation. The Government has indicated that it will accept a Select Committee. It is certainly not our intention to try to delay this legislation, but we most certainly want to see it put into effect in South Australia in the best way possible, so that it will be in the overall interests of the public generally, and will cause as little inconvenience and reduction in productivity as possible; those things go hand in hand. We have to produce, manufacture and maintain our place in the market place. If we do not, and if this legislation is not put into effect properly, the jobs that we are trying to protect and the persons employed in them will disappear.

There have been different approaches to this subject in some oversea countries. I think it is essential that, above all else, each factory that has a noise pollution problem has the opportunity to negotiate with the Environment Department to arrive at a means by which the noise pollution in that factory can be overcome. As the Bill is constructed (and this is the major criticism I have of it), it just lays down the terms and conditions under which industries will have to operate, and I do not believe that the matter is as simple as that. It is much more complicated and will need the utmost co-operation from all concerned. I have been considering the matter of $5 000 penalties, which are included in this legislation. To impose that penalty might be all right in the case of a mammoth company, but it could be an enormous and impossible penalty for a small factory. We must look closely at the penalties that the Bill prescribes and at the way in which we will achieve control of noise pollution in South Australia. I support the second reading and believe that the Select Committee that the Government has agreed to will be able to arrive at suggestions that will improve this legislation considerably.

Mr. DEAN BROWN (Davenport): I support the general concept of this Bill, which is long overdue. Members of the Liberal Party have been requesting its introduction for at least three or four years. Looking through newspaper cuttings on this subject I found statements by the then Minister for the Environment (Mr. Broomhill). There was a report on July 13, 1973 and another report on July 14, 1973, in the *Advertiser*. There was also a statement on

April 18, 1974, about the introduction of this legislation by the Government. That report, which appeared in the *Advertiser,* is headed "Bill on noise getting its final touches". Those cosmetic touches have taken 2½ years. The Government has promised this legislation in speeches made at at least two openings of Parliament. In a letter written in November of last year the present Minister for the Environment promised "the final Bill will be ready for introduction in the February session of Parliament". That is now almost 10 or 11 months away. This delay by the Government has enabled the Ministerial press secretatries to release news statements annually promising this major new legislation. Each time, feature articles have been published outlining the virtues of this major step forward. We have now had three years of such articles. This routine performance has almost been as regular and reliable as the return of Christmas each year.

The naive response of the local press each time I found rather depressing. For the past two years at least the press should have been attacking the Government for failing to introduce the legislation. So slow has the Government been in introducing noise control legislation that what the Premier termed the conservative Governments of Victoria and New South Wales, both Liberal Governments, beat the South Australian Government by almost two years in introducing such legislation. What has happened to our with-it trendy Premier? The delay is even more surprising when the simplicity of this Bill is acknowledged. Part III of the Bill, which deals with industrial noise, is largely a duplication of existing noise requirements under the Industrial Safety, Health and Welfare Act. I shall come to that aspect soon.

The remainder of the Bill defines terms, briefly outlines the proposed administration, and then outlines the powers to regulate noise levels from machines and in domestic areas. The real impact and effect of this Bill cannot be assessed until the regulations have been examined. Unfortunately, the regulations have not yet been written, so it is not possible to examine them. All members of the Liberal Party, after an exceedingly long wait of three years, welcome the introduction of this Bill into Parliament.

Mr. Keneally: You've been asking the Minister questions about this for all that time, have you?

Mr. DEAN BROWN: The back-bencher on the Government side laughs and jokes. I was very pleased to see the rapid response by the Government last week when I stood in this House and gave notice of a motion, again criticising the Government. Within five minutes, the Minister gave notice of introducing the Bill. I was delighted to see that the Government was so sensitive on this issue that it was prepared to respond so quickly.

Members interjecting:

The SPEAKER: Order!

Mr. DEAN BROWN: I am pleased that the member for Chaffey is to move that this Bill be referred to a Select Committee. The approach that has been adopted in this legislation is somewhat different from that adopted in the United Kingdom, where is was approached from the aspect of negotiation and conciliation in an attempt to reduce noise levels. I understand (and perhaps the member for Chaffey could correct me if I am wrong) that the Government is prepared to have this Bill go to a Select Committee. Obviously, it is pleasing to see the Government's remarks, and it is not necessary to debate the Bill at such length as one normally would do. I know that many members on this side wanted to speak to this Bill, but because it is now to be referred to a Select Committee they are prepared to forgo that opportunity and comment on the Bill when it comes back from the Select Committee. It is appropriate for me to quote portion of a speech made when a similar Bill was introduced into the Victorian Parliament in April last year. The speech states:

It has been found around the world that noise control is a most difficult subject around which to frame legislation. Many overseas countries have already proclaimed noise control legislation but major difficulties have arisen in the administration of this legislation. It is therefore impossible to point to any country as having an effective overall programme of noise control which may be used as a model by other countries wishing to initiate such a programme. In Australia, some other States have introduced noise control legislation, but the administration of these provisions is still in the development stage in each case.

One of the greatest difficulties to overcome is the subjective nature of noise. Noise has been defined in a variety of ways but the definition which seems to be most appropriate is, that noise is sound which is not wanted by the recipient. A subtle distinction is made here between sound and noise and it is clear that what may be a pleasant and enjoyable sound to one person may easily be an annoying noise to another.

The circumstances of the noise present a further complicating factor. In the middle of the night when the background noise level is very low, even the ticking of a clock may be an intolerable noise to a person trying to get to sleep. During the day however, when the background noise from traffic and other sources has increased, the noise from the clock would go completely unnoticed.

The transient nature of noise provides another considerable difficulty. In most other areas of pollution, traces of the emitted waste, whether it be solid, liquid or gaseous, may still be found in the environment sometimes long after the emission has ceased. Noise on the other hand generally ceases to exist only seconds after the source is silenced.

Another problem associated with the establishment of precise mandatory requirements related to noise emissions, is that several factors may influence the noise between its source and the receiver. Firstly, the noise level will vary according to the distance between the source and the receiver. Secondly, any obstacles in the direct line between the source and the receiver or any reflecting surfaces, such as the walls of nearby buildings, will affect the noise received. Thirdly, the character of the noise, such as its frequency distribution, its duration or its impulsiveness (that is, hammering or riveting noises) influences the annoying effect it may have on the recipient. In addition, it is often impossible to discriminate purely from a sound level meter reading the contribution to the measured level due to the source under consideration and the contribution due to extraneous sources nearby.

I have read that because I think that statement in the second reading speech, when a similar Bill was introduced into the Victorian Parliament, brings out certain of the problems. The first problem is that it is very difficult to fix actual noise levels and then prosecute a person on those noise levels coming from a particular source. I am sure that the Minister appreciates this because of the variation in background noise in particular.

An air-conditioning unit operating in a residential area emitted a noise level which varied between eight and 20 decibels, or an increase of eight to 20 in the decibel reading. The reason for this great variation, even though it was the same air-conditioning unit, was partly at least caused by the difference in background noise against which it was measured at the time. I am sure that the Minister realises that, if background noises are very low, a particular noise source will increase the overall noise reading by a far greater amount than if there is a very high level of background noise. That was brought out also in that speech by the reference to a ticking clock, it being said that a ticking clock in the middle of the night can be very disturbing whereas at some other time during the day it is not even noticed. The other aspect that that speech brought out was the problems faced by other countries. Other countries which have had noise legislation in operation for some time

have found that their legislation has been wanting. Obviously, we will find problems with the present legislation. Some of those problems have been suggested to me, and that is why I am pleased to see that the Government has decided to allow the Bill to be referred to a Select Committee.

I refer specifically to Part V, which relates to domestic noise. The occupier of domestic premises shall not, without reasonable excuse, cause, suffer or permit excessive noise to be emitted from the premises. He is committing an offence if that noise unreasonably interferes with the peace, comfort or convenience of any person in any other premises. I can see great difficulty in defining in a court of law whether or not it is unreasonable and whether it is interfering with the peace, comfort, or convenience of a person in another place.

The other grounds are somewhat more objective. A person can be prosecuted if the noise is the loudest noise that is audible and if the total noise is above the prescribed level for the area. That leads me to the problem of establishing background noise levels for certain areas. Whilst it is quite feasible to establish a noise level for a residential area of, say, 40 decibels between 10 p.m. and 6 a.m., that reading in some circumstances as background noise is totally unreasonable. In some situations we may find, under the second condition, that a person's air-conditioner is operating within the legal requirements and, in different circumstances, no longer may be within the legal requirement. This poses a major problem, because a person may believe that he has satisfactorily resolved the noise level, yet an inspector could appear on a night with a different background noise to inform him that it is not resolved. Although the occupier of the premises is quite satisfied that he is acting within the law, he may find, because of factors completely beyond his control, such as environmental or climatic factors, that he is no longer within the law. That person is liable to a fine of up to $500. This is why I suggest the feasibility of another approach. I understand that the Parliamentary Counsel has closely examined other legislation.

Whilst in England last year, I spent some time with the Secretary of the Noise Advisory Council. I was interested, in the lengthy discussions we had, in what he thought was the best approach to noise control. He thought that their approach of isolating areas with excessive noise and adopting a procedure of conciliation to try to reduce that noise was probably the best means. There would still be certain noise limits that people could not exceed; if they did, instead of a fine being imposed on the individual, it would be up to the two aggrieved parties to conciliate for the reduction of noise, receiving a certain amount of technical advice at the same time from a third person, who could be an independent arbitrator or a chairman.

They have adopted this policy of reducing noise through the best practicable means. It has worked extremely well in industry, where it is applied on construction sites and outside industrial premises. I am not referring to situations within industrial premises. For health reasons, it is important to set rigid limits there that should not be exceeded. On a construction site, perhaps with several air compressors working within a city area, it may be feasible to sit down with the people concerned, to allow them at least to start operations, and slowly reduce their noise levels if they are found to be wanting initially. This is a totally different aspect of conciliation rather than taking a person to court, even though an inspector may first have visited the person concerned.

One area of noise which is of great concern to the community and in which insufficient research has been done relates to noise from discotheques and pop festivals. At one pop festival in England, a sound level of 116 decibels was measured at a distance of 300ft. from the source of the music.

The Hon. D. W. Simmons: Would you call it music?

Mr. DEAN BROWN: I tend to agree with the Minister. If we come back to the definition of noise, obviously it is not music, but noise. With a noise level of 116 decibels 300ft. from the source of the music, there is a real risk that many people are being exposed to a dangerous level of noise. The report of the Noise Advisory Council of the United Kingdom, taken from its booklet *Noise in Public Places*, states:

On other evidence made available to us many pop groups operate at levels well over 90 dB(A) in discotheques. Some sporadic research has been carried out by different organisations on the effect of exposure to such levels of noise over a period of time. From our limited knowledge of the results we believe that the dangers of hearing damage may have been exaggerated. Nevertheless, for young people who are frequent visitors to discotheques or pop festivals a very real risk exists.

The report also states:

In the meantime we would urge those who are in a position to exert some form of control over the levels of amplification to take steps to maintain the sound output at a safer level and we would suggest that as a guide 100 dB(A) should be reckoned as the absolute limit.

I have attended several functions where the noise level was so high that I believed there was a real risk of permanent hearing loss. I have attended two functions where my bones have literally vibrated with the music in front of the speaker. Such vibration in the bones, I understand, requires a noise level greater than 115 decibels. Obviously, many people are being exposed to a dangerous level of noise.

The Bill takes from the Industrial Safety, Health and Welfare Act all the noise control provisions, and places them in the one Act. I find no fault with that, provided that any such regulations under the former Act are removed. At present, discrepancies exist. If this Bill were passed, and if the regulations were not removed, we would have one definition of an occupier in this legislation and a different definition in the Industrial Safety, Health and Welfare Act.

I urge the Government and the Minister, during the sittings of the Select Committee, to look at the possibility of altering the method by which they are trying to control some of the noise. I think I would accept the methods they have outlined in the case of a sporadic noise level, such as a band on one occasion playing loud music, but in the case of an air-conditioning unit or some other area with continuous noise, which may be on a repeated basis, there is some merit in looking at the English method. I appreciate that some problems would arise with that method if applied to a sporadic noise. No doubt such problems have been experienced in England, and it comes through in some of the literature on the subject. I say again that I am pleased that the Bill will be referred to a Select Committee, and I congratulate the Government, even though it has taken three or four years, on at long last introducing this important legislation.

Mr. ABBOTT (Spence): I support the Bill. Noise abatement has become an important part of latter years struggle against our pollution of the world. As modern technology advances, sound level increases and so, too, does the problem of living with it. Whether a sound is

described as a noise depends largely on a subjective judgment: is the sound wanted or unwanted, and can it be accepted or not accepted? It is, however, increasingly being proved and accepted that sound above certain levels is unallowable in living and working areas, reducing efficiency on the job, and at higher levels causing hearing loss and psychological damage to man. In other words, it is considered as noise that must be attenuated.

Employee organisations will be most anxious to see this legislation come into being. I have vivid recollections of my trip to Sweden in 1973, when I made an inspection of the motor industry throughout Sweden, visiting the Saab, Scania, and Volvo automotive plants in that country. When we first entered those plants, the amount of work that had been done to reduce the noise in the factories compared to our automotive factories in Australia was obvious. One could hear a pin drop in the Swedish factories. That may be a result of worker participation in that country, and that could work well here in South Australia. I know of several trade unions that have purchased noise level meters, at considerable cost, so that they can present cases to the employer where excessive noise is considered to be a hazard to workmen.

The noise level meter is useful to survey only sound levels. In real life sound levels vary considerably. For example, if another machine starts up or if someone starts hammering, the needle on the dial jumps about considerably, and it is difficult to take accurate readings. To use and operate one of these meters is not particularly difficult, but, once a person has used it, what is done with the information is another matter. I believe that only an acoustics engineer or someone similarly qualified could obtain any valuable information from the use of this meter. I have used one of these meters and, when we received a complaint from a member in a workshop that he thought that excessive noise levels were present, we could merely go down to that factory, take a reading, and simply say, "Yes, the noise levels do exceed such and such." We would have to call in the occupational health people to take proper readings before we could present much of a case for an employer to do something about the noise levels. The meter takes only general noise level readings, and one could not determine with any real accuracy the source of the problems. When, for example, several machines were operating, one could not even determine what bearing was causing the noise in a machine. To do this, we need much more sophisticated equipment, which would cost three or four times as much as a sound level meter. Generally speaking, one can say that, if a person has to raise his voice to be heard in noisy conditions, the surrounding noise is too high. If one must shout to be heard, the noise level is most certainly causing damage to the hearing mechanisms of the ear.

Much better use could be made of a personal noise dose meter. The information gained from this type of meter would be much more valuable than that gained from the sound level meter. The noise dose meter has to be worn by a workman for varying periods to obtain an assessment of the noise dosage to which he is being exposed. At present, if a worker believes that he is working in a noisy environment that is causing him an injury, the trade unions have to call on the Public Health Department to investigate the matter.

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

Mr. ABBOTT: If the Public Health Department is to continue to be used in this way, it will have to employ more people, buy more equipment and become more prestigious and useful in the prevention of injury. It is the employers' responsibility to provide safe working conditions for workers: it is not the workers' responsibility to spend their money to provide their own safe working conditions. In 1964 the then Minister of Health, Sir Lyell McEwin, established a committee of seven members to examine and to report on noise. Regarding primary industry, the report states:

Noise levels from farm machinery, heavy earth-moving equipment, etc., "have been found to be of such intensity, duration and distribution as to present a serious risk of noise induced hearing loss to operators". Many people are affected. During 1967 there were 35 829 tractors on rural properties in S.A. That is 5 per cent of the population were at risk resulting solely from tractors. One reason why tractor manufacturers have done very little to reduce noise levels is that they have not been asked to do so. A noisy exhaust creates the impression of power and has in fact been used as a selling point. Another 3 000 people were engaged in mining or quarrying, using explosives, air compressors and pneumatic rock picks.

Regarding secondary industries, the report states:

Between June, 1964, and December, 1969, over 200 surveys were carried out on industrial noise. The results of those surveys confirm the damaging effect of excessive noise exposures on the hearing of workers, and in fact show that nearly one in four of all the men tested have some hearing disability at an average age of only 47 years. Reports of these surveys have been submitted to management, together with recommendations for noise abatement.

Since 1964 the Public Health Department has conducted programmes to educate management and workers in noise pollution. Generally there is a lack of appreciation by management of the detrimental effects on employees required to work in excessively noisy environments. This seems to lead to a reluctance to implement recommendations. Noise specifications widely used and accepted are the only means which will inevitably lead to better control of noise levels in industry.

The report made certain recommendations regarding traffic noise, and also listed typical sound levels in construction operations. Typical noise levels of contractors' plant are as follows:

	(decibels)
Pile hammer	100
Bulldozer (under load)	95
Tractor scraper	90
Concrete breaker (unmuffled)	85
Compressor	80
Dumper	75
Concrete vibrator	70
Concrete breaker (muffled and screened)	65
Concrete mixer	60

It is noted in the report that the sound levels for construction operations were recorded at a distance of 15·24 metres from the machine. Regarding entertainment noises, the following recommendation was made:

The medical profession has only recently begun to call attention to the fact that certain music groups using powerful electronic amplifiers have done and are doing irreparable damage to their own ears and possibly also to the ears of their listeners.

The general recommendations that were made in that report are, about 12 years later, totally inadequate in today's circumstances. Naturally, much more could be said about noise abatement. Unfortunately, I have insufficient time to refer to all those matters.

It is stated in a report in the Brisbane *Courier Mail* of November 26 this year that Queensland has introduced noise control legislation and that the police will have power to confiscate sound equipment emitting excessive noise from homes or they can render inoperative musical instruments and stereo systems under the proposed Noise Abatement Act. Only today our Parliamentary Library has received a report of the Interstate Noise Control Committee entitled "Environmental Noise Control Legislation in Australia". Unfortunately, I have not had time to study the contents

of the report, but I suggest that every member should consider it in relation to our legislation. This measure is long overdue and I have pleasure in supporting it.

Dr. EASTICK (Light): I have noticed the Minister making several notes, and I hope that he will reply to a few of the questions that have been raised. I should like the Minister to reply to a pertinent question in the public interest because at least some members, and I claim to be one of them, are being told by their constituents that the harassment that those constituents suffer from barking dogs is a problem that will be offset by the Liberal Party supporting this measure.

I have looked at this legislation closely and I fail to see how the barking dog problem will be controlled satisfactorily by the measure before us. So that the Minister can indicate clearly whether the Government intends dogs to be controlled by this legislation (thereby taking at least some of the responsibility if it is not intended that dogs be controlled) I should like him to reply to that matter in closing the second reading debate.

The Hon. Hugh Hudson: He's developed a special anti-barking pill!

Dr. EASTICK: We could enter into quite a lengthy debate on the merits and demerits of that issue, but I will not do so. However, I indicate that people in the community genuinely believe, as a result of inquiries made at the Minister's department and of his officers, that the problem of incessant dog barking will be controlled by this measure. It is that point that I want the Minister to confirm or deny, because I believe that in the interests of all members on both sides it is important that the Government's true intentions be identified.

Dr. TONKIN (Leader of the Opposition): I place on record my appreciation of the very significant way in which the Minister has approached the problem in this Bill. It is a Bill that has been long looked forward to by members of the community. It has, as he and I well know, been heralded for a number of years and, although the Opposition has to some extent been putting the pressure on by way of questions, it does recognise that this is an extremely difficult Bill to draw and that the circumstances of it are amazingly difficult to cover. For those reasons I am of the opinion that the Bill should go to a Select Committee. I say that, while not in any way criticising what has been done already.

I believe what has been done has coped with the problem in a limited and piecemeal way. I believe that this Parliament has much to learn from the evidence presented to a Select Committee, and for that reason the Opposition supports the Bill to the second reading stage on the basis that it will go to a Select Committee. We can all be wiser because of the information that can come from a Select Committee. This is a perfect example of how a Select Committee can work, not only for the benefit of the Parliament but for the community as a whole. For that reason I support the second reading.

The Hon. D. W. SIMMONS (Minister for the Environment): I welcome the co-operation of the Opposition on this legislation. I believe that one practical way to cut down excess noise is to limit the further debate, because the Bill will be debated at length before the Select Committee, which I have indicated will be set up. The member for Chaffey made a suggestion, with which I cannot agree, along the lines that the legislation would be no good if the restrictions imposed for medical reasons caused a fall in productivity to such an extent that the factory had to close down. I believe that if such restrictions put on a factory were necessary to protect the health of the workers in that factory, it would be necessary that that factory should be closed down. I do not think that will happen in many cases. The legislation provides for exemptions conditional on various things. Clause 11 provides exemptions for certain industrial premises. Subclause (3) provides:

The Minister shall, in determining whether or not to grant an exemption under this section, have regard to—

(*a*) the technical feasibility of reducing the noise emitted from the industrial premises;

(*b*) the economic cost incidental to reducing the noise;

(*c*) any effect of the noise on the health or safety of any persons—

And so on. It is quite obvious that it would be my responsibility as Minister to ensure that due consideration is given to the economic consequences of whatever measure is imposed on an industry. Nevertheless, I cannot accept the point that, if it is necessary in order to protect the health of workers to have severe restrictions that may reduce the productivity of the factory, those restrictions should not be imposed. It is necessary to make adequate provision for the protection of the health of people engaged in industry.

Mr. Arnold: Are you suggesting that if a factory makes a noise exceeding 115 decibels it should be closed down?

The Hon. D. W. SIMMONS: Any factory that emits a noise exceeding 115 decibels should take action to reduce the noise below that level.

Mr. Arnold: What if it can't do that?

The Hon. D. W. SIMMONS: If it cannot reduce the noise, it will have to take action to screen the noise or protect the workers so that they are not subjected to that sort of noise. I think the member for Davenport made the point that 100 decibels would be the effective limit to impose in the case of discotheques. If that is an appropriate standard, and I am not saying that it is or is not, 115 decibels is a very much louder noise; in fact, an increase of 10 decibels means an apparent doubling in the level of the noise. I believe that if the noise is more than 115 decibels something ought to be done about it. The mere profitability of an enterprise cannot be allowed to stand in the way.

The member for Chaffey also said that the powers of an inspector provided under Part II of the Bill seemed to be excessive. He suggested that the necessity for these powers could be eliminated by greater co-operation between the parties. I assure the honourable member that the whole approach to this problem will be to gain the co-operation between the parties wherever that can possibly be done, whether it be in industry or in the case of domestic noise, because it is a difficult problem. I believe that with goodwill most of the problems can be solved, but in the last resort every member knows that there are people who will not co-operate and, therefore, it will be necessary to provide some sanctions to ensure that the public is properly protected. I do not believe that, looked at in that light, the powers of the inspector provided under Part II of the Bill are excessive.

The honourable member said that a $5 000 penalty relating to industrial noise could be excessive. This is a maximum penalty and, again, it may be assumed that the court will impose a penalty in keeping with the gravity of the offence. I do not believe for one moment that $5 000 is too great a penalty to impose for a blatant offence against the legislation. The member for Davenport

commented on the delay that has taken place in introducing this measure and said that this was inexcusable, particularly in view of the simplicity of the Bill. My attitude has been that it is pointless to introduce the Bill, which as members will see largely depends for implementation on regulations because of the technical nature of the problem, without a great deal of work having been done on the regulations. Much work has already been done on these regulations.

I regret the delay that has taken place and would have preferred to see the legislation introduced earlier, but I am afraid it has not been possible to do so, because of the very technical problems that the member for Davenport then went on to detail. He quoted from a second reading speech made, I think, in the Victorian Parliament that adequately summed up the difficulties facing legislators in this area, not only in Australia but in oversea countries. We have given serious and consistent thought over the past year since I have been Minister to attempt to overcome the weaknesses which have been apparent in laws passed in the other States. Clause 2 provides:

(1) This Act shall come into operation on a day to be fixed by proclamation.

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

This was put in deliberately because it is recognised that there is a lot of work still to be done in some areas to implement the legislation satisfactorily. Only a day or so ago the Government put on display a new noise control unit, which is progressively taking background noise levels in various parts of the metropolitan area. This sort of information will be essential to enable us properly to implement the legislation. We have made provision for progressive proclamation of various parts of the Bill so that we can tackle each area when we are able to handle it.

The member for Davenport also said that there were inconsistencies between this Bill and the Industrial Safety, Health and Welfare Act. I assure the honourable member that the intention is that industrial noise will be covered by this legislation, although its adminstraton will still be left in the hands of the officers of the Labour and Industry Department, which has been implementing the current legislation. He need fear no inconsistency there. I regret any further delay in the implementation of this legislation to control excessive noise.

Dr. Eastick: What about the dogs?

The Hon. D. W. SIMMONS: I must deal with the honourable member's comment about dogs. I draw his attention to Part V, dealing with domestic noise, clause 17 of which provides:

(1) The occupier of any domestic premises shall not, without reasonable excuse, cause, suffer or permit excessive noise to be emitted from the premises.

Members will note that there is no specification of the type of noise covered under that clause; it is wide enough to cover barking dogs and crying babies. It would be difficult to get a court to say that the noise of a baby crying at 3 a.m. represents unreasonable emission of noise. I suggest that any person who chained up a dog in such a way that it was going to bark all night would not be acting in a reasonable way and would therefore be liable to action.

Dr. Eastick: I can assure the Minister it doesn't have to be chained.

The Hon. D. W. SIMMONS: Probably the member for Light can suggest some ways in which that problem might be solved. We will call on the honourable member's expert advice later and he can help the Select Committee in its deliberations. I believe that this legislation is necessary and very much in demand, as is obvious to all members, who, I am sure, have received many approaches from constituents complaining about excessive noise. Generally speaking, press comment on the proposed legislation has been very favourable. Therefore, I regret any further delay in implementing the legislation. However, I accept the assurances of Opposition speakers that they really want to assist in seeing that a difficult subject (and we all agree that it is a difficult subject) is adequately legislated for and that it is not their intention to cause unreasonble delay in controlling the problem.

For that reason I have indicated the Government's willingness that the Bill should be referred to a Select Committee, before which the more detailed operation and effect of this proposed Act could be examined. In the meantime, every effort will be made by my department and others involved in the administration of the legislation to educate the public, to indicate the need for reducing excessive noise, and to suggest methods by which that can be done. I hope that the delay caused by referring the Bill to a Select Committee can be profitably used to make information available to the public about how people can control excessive noise in such circumstances as swimming pool pumps, air-conditioners and so on. Every attempt will be made to do that, and to accumulate further data by means of noise control equipment to ensure that when the legislation is put into effect, as I hope it will be early in the new year, it will be the most effective legislation yet introduced. I support the legislation.

Bill read a second time and referred to a Select Committee consisting of Messrs. Arnold, Broomhill, Evans, Keneally, and Simmons; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on December 9.

Later:

The Hon. D. W. SIMMONS (Minister for the Environment) moved:

That Mr. Dean Brown be appointed to the Select Committee on the Bill in place of Mr. Evans.

Motion carried.

BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2519.)

Mr. EVANS (Fisher): The Bill has one important function and, associated with that, many others. The important function is the licensing of builders to cover swimming pool contractors. I will speak about that aspect a little later. I wish to comment about the speed with which the Opposition will have to move if this Bill is to go through tonight. I believe we have a genuine complaint about the time that has been allocated to deal with this legislation. It may be traditional that, at the end of a session, legislation must be passed so that we can adjourn and the Government can have as clean a sheet as possible. However, a Bill such as this could have been prepared six months or nine months ago. The Attorney and the Government know that. To argue that, at the end of a session, a large percentage of Bills is suddenly prepared at one time for submission to Parliament is ridiculous, because the people who prepare them are working on a continual basis. If there is some dispute or disagreement

within the Government, and if there is no agreement on the proposal submitted to Caucus or Cabinet, that is not the fault of the Opposition. However, that is the only conclusion one can reach in the situation in which we find ourselves.

The Bill was introduced on Thursday of last week. We had to get it out to the industry, and when we did we found that no-one in the industry whom we contacted had seen a draft of the Bill or had any knowledge of what was in it. We had only Friday in which to get the Bills out, because it was too late to get them to the offices on Thursday. The industry had Monday and Tuesday to seek legal opinions and interpretations and to make representations to the Opposition. Two building industry associations (one in particular) made deliberate attempts to contact the Attorney and were told that he was too busy. Neither the association nor I dispute that. I understand he was likely to be called before a court, and his normal Ministerial duties precluded his being able to discuss the matter with the industry. One could accept that as a reasonable excuse.

On October 21, the Attorney took a side-swipe at the industry when he said that it did not make representations to him on another matter. I exchanged a few words with the Attorney on that occasion when he made the following comment:

The member for Fisher referred to the Housing Industry Association. To my knowledge that association has not tried to make representations to me.

In this case, the association attempted to make representations to the Attorney. It had no knowledge of what was in the Bill before Friday last. Its attempt was rejected. Admittedly, the association was directed by a person within the Minister's department to make contact (or a person may have made contact as a result of the conversation) with Mr. Noblet, in the Consumer Affairs Department.

The Hon. Peter Duncan: The departmental head.

Mr. EVANS: That may be so, but the Minister alleged previously that the association had not attempted to contact him. On this occasion it tried to do the right thing and was forced into another direction.

The Hon. Peter Duncan: I was at the swearing in of the Governor.

Mr. EVANS: I do not condemn the Minister for that. There was no time to make the necessary and normal communications with the association or the industry. I know the Minister is busy, but he expected the industry and the Opposition to have the Bill reviewed by tonight. The Minister himself has already submitted a substantial list of amendments to the Bill. Even though he has had departmental officers and legal advisers to draft and prepare it for this Parliament, and has had months in which to do it, he finds it necessary to amend it because of representations made by one association.

Dr. Eastick: Quite extensively.

Mr. EVANS: They are extensive amendments. I shall read the letter the industry sent today to Mr. Noblet. The industry representatives knew today that there was no chance of seeing the Attorney before the Opposition had to debate the Bill. The argument will be advanced that it can be amended in the other place or that representations can be made before it goes there, but that is not what should happen. It is happening too often lately. The letter states:

As discussed in our telephone conversation of this morning the Housing Industry Association Legislation Committee is gravely concerned at the number of amendments necessary to correct drafting errors, inconsistencies and several substantive matters in the Builders Licensing Act Amendment Act, 1976, which is to be debated in the House of Assembly this afternoon. We have tried in vain to contact the Attorney-General, Mr. Peter Duncan, M.P., to request that the debate on this Bill be deferred from this afternoon until Tuesday next so that a submission detailing the 15 areas of concern to us can be handed to the Government.

In view of your own statement to me that there can be no question of the debate being deferred until next Tuesday, it seems futile for us to pursue further this line of action. Accordingly, we consider there remains no alternative but for us to hand our information and comments to the Opposition in the hope that they will be prepared to take whatever action is necessary to correct this ill-considered piece of legislation.

The association attempted to go through the normal channels. With all due respect to Mr. Noblet, the Attorney makes the decision with Cabinet and Caucus. If the Opposition attempts to move amendments, and if there is a doubtful area of acceptance, an Opposition amendment is less likely to be accepted than is a Government amendment. I am not attacking the present Government on that basis. It is normal that, if the motivation comes from the Government side, regardless of the political colour of the Government, it is more likely to be accepted as an amendment than if it comes from the Opposition and its acceptance is interpreted as a sign of defeat, however minor, to the Government of the day.

The industry has been placed in an unfortunate situation, and I can understand its concern. The Opposition would have preferred that the matter be left until next week. The speeches would have been shorter, because I would not have found it necessary to say what I have said tonight. We would have had a clearer understanding of the effect of the Bill. It does not involve merely the licensing of swimming pool contractors: many other measures are involved. Do not let us start saying afterwards that we have attempted to put some restraint on the licensing of swimming pool contractors or some obstacle in the way of that, because that is not the case. It is a matter of looking at the Bill. Even though it has been amended by the Attorney, there is still one misprint within the Bill itself. Minor as it may be, it is a misprint of some significance which, I believe, the Clerks have said will be rectified in the normal process as a clerical error. It is only a matter of one being in the place of two. Although that may be minor, it shows how hurriedly the Bill has been raced through without the scrutiny even of the Government during the months it has had to work on it. The Opposition, however, has been expected to understand and accept or reject certain provisions.

Dr. Eastick: That one means the difference between 30 and 60 days.

Mr. EVANS: Yes. It was only the deletion of a clause, and the Bill itself did not relate to the Act, because it deletes a clause. All the other words are correct. Perhaps I should refer to the areas that cause concern to my colleagues and me, and particularly to the industry. Talking in general terms, there is a concern that the Government has not been willing to protect the public in the area of defective housing as much as it may attempt to claim that it has. The opportunity was put into the Act to have an indemnity fund established, but to this day the Government has not implemented that fund. Section 19m of the principal Act provides:

There shall be a fund entitled the Building Indemnity Fund and the fund shall consist of all moneys raised by way of levy under this Part.

Victoria, which has a similar fund, protects home builders when a builder goes insolvent or when he partly finishes

a home or builds a defective home and moves out, leaving the home owner at a financial disadvantage.

Dr. Eastick: You'd think there'd be a Minister in charge of the House.

The DEPUTY SPEAKER: Order! There is a Minister in the House.

Mr. EVANS: Mr. Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Victorian indemnity fund works. It protects those persons who could be disadvantaged by a builder who carried out faulty work and who was not in a financial position to correct the faults. We do not have that scheme in South Australia, even though that provision in the Act has been available to the Government for two years. There has been no action by the Government to put that into operation. Although it was agreed to by the Government, which believed that it was a necessary provision in the Act, the Government would not implement it. One must ask oneself whether the Attorney-General is as concerned as he sometimes says he is with the consumer in the community, if house builders could be considered as consumers. What concern does the Attorney have for them if he will not put that part of the Act into operation? I hope that, in reply, he will say why he will not put it into operation. In Victoria, every builder must pay into the fund a sum that averages out at about $33 for each home he builds. Imagine what a cheap insurance policy that is for a home owner to pay, on a home worth $30 000, an extra $33. One would know when one signed the contract that there would be a fund to indemnify one against faulty work or failure of the builder. It protects the consumer. The power to offer that protection is already in the Act, but the Government refuses to implement it. Why? It works well in Victoria, with its many more homes, with no builders licensing but only registration, and no higher cost of housing. It is cheaper per square to build in Victoria than it is to build here, and the types of house now are practically identical.

Another area of concern is that the Act provides for an advisory committee, which was set up to advise the licensing board, because it was designed as such. That advisory committee, established in the early 1970's, has had a difficult task to carry out its duties, because one realises that, when one introduces measures such as this in relation to the board, the advisory committee would be called together and shown a draft copy of the proposed amendments, it would report back to the board, and the board would report back to the Minister about whether the advisory committee thought that the proposed amendments were satisfactory and desirable. I found it interesting on inquiring to see how often the board met, because I thought that it would have had much work to do recently.

One might care to look at the sum involved in calling the board together. I find that the board first met on November 24, 1972, and had rather a spell until it next met on September 10, 1975. It has met only twice, yet the Minister tells us that he is concerned with the standard of building and that, as the Premier often says, this is open government, but how open is it? It is a closed shop, because the industry is not told what is in the proposed amendments. Even the advisory committee to the board is not asked for its opinion; yet it is supposed to represent the trade union movement and the industry and to advise the board. It is not even called together to meet, nor is it given material, such as this, to consider. The claim of open government is a hollow sham: it is so much a closed shop and secretive in its approach that no-one knows what is happening. It is bad enough that the Opposition does not have information relating to this sort of legislation when it is rushed through, but it is even worse when the advisory committee is not called together to discuss matters. That is exactly what has happened in this case.

The Bill contains some undesirable features. I hope that we can adjourn on motion so that Parliamentary Counsel and others can draft the necessary amendments that we believe should be made to the Bill. The last representation that has been made by industry through its legal advisers to us was made as late as this afternoon, as a result of which my own committee met during the dinner adjournment. We have not had an opportunity to submit our amendments to industry representatives who have the responsibility of drafting our proposed amendments. There is no reason why licences should be renewed annually. Administration and postage costs are high and, as we have licences in other areas for periods greater than a year, it seems desirable to have a licence in this instance that would be valid for three years. This would help the department and the industry, and it would do no harm to any section of the community. The Opposition presses strongly for an extension of the licence period to three years. Clause 2 (2) provides:

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

The words "or a day to be fixed by subsequent proclamation" should be deleted. We can see no purpose for retaining them. That provision gives the Government an opportunity to dilly-dally in implementing some of the provisions of the Act. "Swimming pool" is defined as meaning a structure of a kind declared by regulation to be a swimming pool for the purposes of this Act. The Minister, in his second reading explanation, stated:

It is expected that this definition will include only swimming pools which have a circulation and filtration system, and will not include above-ground pools which are capable of being assembled or dismantled by the owner.

That is the Minister's clear intention, but he wishes to do it by regulation. We believe that "swimming pool" could be defined to mean, as the Minister stated in his explanation, a structure designed to be used with a circulation and filtration system, but does not include above-ground structures capable of being assembled and dismantled by an owner. I can see no reason why that could not be included in the Bill. If the definition is to be left as it is in the Bill, a Government of a different complexion could by regulation define a bird bath or anything else as a swimming pool. The intention is to cover the major area of concern, a swimming pool with a filtration and circulation system, but not an above-ground pool that is usually constructed of a prefabricated material.

In clause 5, the Minister seeks to extend the size of the board. I do not know why, in a time when we are considering finance and should be conscious of bureaucracy, we should extend the size of the board. I am not saying that the representation on the board is the correct representation for this day and age or that it was the right representation when the original Act was implemented. The Opposition seeks to have five members retained on the board instead of the number of members being increased to seven. The Minister wants on the board two more persons who would represent the interests of those on whose behalf building work is carried out and who are nominated by the Minister for membership on the board. The difference between a consumer of potatoes, onions or butter and

consumers having houses built for them is obvious. Usually, a person has one or two houses built for him in a lifetime: it is not a weekly or fortnightly commodity.

I hope that we are not setting up jobs for the boys, because the community is disgusted by that approach, and I do not blame them for their disgust. I cannot see why the Minister wishes to increase the number of members on the board. If he wished to change the composition of the board by appointing a member from the consumer area, I could see merit in that approach, as much as industry might believe it is wrong. That would be a better approach than extending the number of board members by two. Apart from the Chairman, who is a solicitor (and the member for Mitcham would probably disagree with me if he were here but, as usual, he is not), the board consists of technical people, and a solicitor would perhaps not be in that category. I believe that two of the members on the board are engineers.

The Hon. Peter Duncan: The accountant may not be either.

Mr. EVANS: I agree with the Minister, but we do not have on the board a person who is a house builder or who in his business life has built houses, yet 99 per cent of the board's work relates to houses and the building of houses. Even with the Minister's proposed amendment we do not recognise the house builder. It is a hollow sham to say that the board is a representative board of all those interested. If we are to appoint a consumer representative to the board (and I do not know how we would define him), why do we not have a house builder on the board? Surely that section is as important as the other sections of the industry and equally as important as the consumer area. There is no reference to this by the Minister, because I think he closes his eyes when it comes to looking at the industry needs, requests or problems. I do not deny there may be need for representation from the consumer area, but there is no doubt at all that we can define the house builder and find a representative who is near the end of his active career in the industry or who has the opportunity to give time to the industry through the board.

I do not think that Parliament in the first instance constituted the board in a right and proper manner since it was mainly to do with house building. I think architects would accept that not many of the houses built have architectural advice or expertise employed in their construction, design or planning. Soil engineers are used, but general building engineers are not so greatly involved. Accountants and lawyers may be concerned where disputes occur. I believe that there is a stronger argument, if the board is to be changed, to change the board not in number but in composition by appointing a person who builds houses. The Opposition will fight to retain the board with the same number of members as it has at present and ask the Minister to consider whether that composition should be changed to represent those who build the houses in this State.

Clause 7 gives the opportunity to vary the licence and to state when the licence is granted the type of work a licensed builder may carry out. In his second reading explanation, the Minister made the point that this amendment was being made to make it easier to give the opportunity to define the type of work the board believed an applicant could carry out. The Minister stated:

It is in the interests of both the efficient working of the board and of the applicants themselves that the present restrictions in the Act be removed.

It may be that we do not disagree with that aspect, but he said that such conditions would often be imposed at the request of the applicant. We believe that in clause 7 (*b*), after the word "condition" in new subsection (4c) the words "as may be applied for by the applicant" should be included. In other words, we believe that the applicant should apply for the type of licence whose conditions he believes he is capable of meeting, and that the board should make the judgment on that aspect. We hope that the Minister accepts that suggestion. In clause 8 the same suggestion is made, that after the word "conditions" in the proposed new subsection (7) the words "as may be applied for by the applicant" be inserted. In other words, the applicant would apply for the type of licence he believes he is capable of holding in the industry, and the board would decide whether or not it thought he was capable of meeting the requirement. Clause 10 provides for a change in the proceedings before the tribunal of the Supreme Court, so that certain actions can be taken to relate more clearly the court's work to the actual building disputes instead of to normal court procedures. Part of new section 19m provides:

the tribunal or the court may cure the irregularity by ordering that, subject to the fulfilment of such terms and conditions (if any) as may be stipulated by the tribunal or the court, the requirements of this Act, or of any other Act or law, be dispensed with to the extent necessary for the purpose.

That is accepted as being all right for handling the situation at that time. However, other persons who are not represented could be disadvantaged by that action, so I suggest that at the end of that provision we should add "Provided that such requirements shall not affect the rights or liabilities of any persons not represented before the tribunal or the court and that such requirements be dispensed with for the purposes of those proceedings only." That may seem illogical and unnecessary, but we believe it more clearly defines the situation and protects the rights of others who could be affected if the Bill became law as it stands.

Clause 11 causes some concern because it deletes reference to the value of work a person may carry out, and it refers to a painter and one other classification. Immediately that is deleted we are leaving it wide open for many and varied types of value to be put on work that can be done under different licences. If that is to be the case and there are to be some qualifications, and the types of work that a person can carry out stated in a licence, we believe that there is need to look at the wording of the existing offences in relation to subsections (2) (*a*), (2) (*b*), (3), (4), (6), (7), (9), (10), (11), (12) and (16) of section 21 of the principal Act. We have not had time to do the research that needs to be done on those areas that classify offences. Clause 11 (*c*) inserts in section 21 new subsection (22) as follows:

The holder of a licence under this Act shall not—
(*a*) part with possession of his licence to any other person; or
(*b*) permit any other person to make use of his licence in anyway,
unless he is authorized to do so by the board, or a member or officer of the board.
Penalty: One thousand dollars.

I believe that, to make sure that the matters are covered properly, after subparagraph (*b*) of new subsection (22) we could insert the words:

except that the holder of a licence may contract with another holder of a licence to supervise work or carry out the obligations of the first-named holder of a licence during an allowed absence from his business.

We believe that gives the opportunity for a person to allow work to be continued in his business by another licence holder while he is away on holidays.

The provision in that subsection (22) to give a member or officer of the board the opportunity to decide whether a person can be given permission to vary the use of his licence is too wide. As the board meets every Monday morning, there is no reason why the board should not be in control of licences all the time. The board decides who shall have the licence and what type of licence that person shall have. If this Bill becomes law the type of work that a person will carry out under that licence can be varied. Why do we wish to give the power to move that licence around in different areas to a member or officer of the board? The board meets every Monday and there is no reason why it cannot decide the issue on an aplication from the licence holder. He has to apply anyway, if the provisions of the Bill are to be complied with. By clause 12, section 24 is repealed and a new section 24 included, subsection (1) of which provides:

Subject to this section, a contract for the performance of domestic building work must stipulate a specific price for the performance of the building work.

How do we get over the matter of prime cost items? How can they be covered under that clause? The Minister can cover the point by including in subsection (2) of new section 24 the words "specific price" after the word "completed".

Prime cost items are prime cost items because, if one has to go to all the detail in tendering and follow it through to the last letter and then protect oneself from the unknown, the price escalates considerably. The cost to the whole industry escalates, and the reason that prime cost factors are used is to keep the cost down as much as possible in the industry. The Minister argues that this will protect the consumer, but automatically, whether he likes it or not, he will add considerably to the cost of homes. Surely the men within his department are practical; surely they are associated with the industry and would understand the practical application of this clause. The average builder (and I refer to the person who is building only a small number of houses) is not a legal eagle or a bureaucrat. Immediately hurdles are put in front of him he takes the attitude that somebody will pay for the hurdle in case he has to jump it. That is what we are doing here. I believe that this subsection (1) of new section 24 should be deleted. I know that the Minister has some amendments, but as the Bill is presented before us there is no provision for the unknown, for the weather, the strike, the shortage of material. There is no provision, in my opinion, to completely cover the builder.

The cost of labour and the cost of material priced in the everyday area of house building can easily be valued in relation to rise and fall. There is no dispute that there should be a fixed price on those items in the contract and in the period of time of the contract on any home. We believe that the consumer should be protected and that, if there is no fault other than the builder's when the contract time is being approved, the owner should not be penalised; the builder should carry the burden. Nobody is disputing that. If we have to start forcing the builder to look for all the unknown factors and to protect himself in every case, all that will happen is that this will cause the cost of the home to escalate considerably. Clause 13 inserts new section 27a, as follows:

The board may except an applicant for licence under this Act from any requirement of this Act to the manner or form in which the application is to be made.

We believe that a new subsection (2) should be inserted as follows:

An applicant for a licence under this Act may amend his application at any time with the leave of the board, which leave shall not be unreasonably withheld.

Mr. Goldsworthy: The way they've got it, you can chuck the rules out the window.

Mr. EVANS: That is right. As we are dealing with people's livelihood, opportunities should be there to amend the application. If the board suddenly finds that the builder cannot enter into the areas for which he is applying to enter and there needs to be some negotiation, there is no reason why he should not be able to amend his application. Surely that cuts down the problems of appeal, long delays, the bureaucratic process and the cost of administration. That is not an unreasonable request, and should also be done.

Perhaps one of the most important things that is missing from the Bill is that the Crown is not bound. The Noise Control Bill, which was before us today, bound the Crown. Under this Bill, the Housing Trust particularly is not bound. No longer is it the body that was formed in the 1930's, building houses mainly for rental. It now builds many houses for sale. It is in the same position as any other contractor in the field of selling homes to the consumer. There is no redress through the Builders Licensing Board if somebody believes that he has had a shoddy deal from the Housing Trust. Why should the Crown not be bound? I go back to 1967, where I see that the Premier of the State (Hon. D. A. Dunstan) said that subsection (5) deemed the South Australian Housing Trust to be the holder of a current and valid general builder's licence under this section. I do not dispute that, but why is it exempt now when it has moved into the field of selling houses in large numbers to consumers? Does the trust employ perfect tradesmen?

Mr. Langley: Don't you think before there's a loan they have been inspected by someone?

Mr. EVANS: Then why the heck are we worrying about all the others built for other consumers in the community? How many people pay cash for their houses? Is it the rich or the poor? The rich pay cash, and the Government is not out to protect the rich. The member for Unley knows that when people borrow money on houses they are inspected in the same way in the private sector as in the Housing Trust.

Mr. Langley: They wouldn't get the loan otherwise.

Mr. EVANS: Yes, so why have the burden on the private sector when you are not prepared to put it on the Government sector?

Mr. Langley: Whether it is the Housing Trust or anyone else, the houses have to be inspected before they are sold.

Mr. EVANS: I agree, so why not wipe the Bill altogether when you are going to exempt the trust?

Mr. Langley: The Housing Trust house still has to be inspected.

Mr. Goldsworthy: So have the majority of those that fall within the purview of the Act. That is the point he is making.

Mr. Langley: He isn't making any point.

Mr. EVANS: If the member reads the Bill and the Premier's speech, as an electrician he will get a shock.

Mr. Langley: 1967! I'm more progressive than that.

Mr. EVANS: The Act has not changed much since then and the principle behind it has not changed much, either. The Premier went on to say:

This will give the trust power to undertake and carry out building work, subject to the work being carried out under the supervision and control of competent persons.

The persons are no more competent in that field than are the majority of persons in the private enterprise sector. Some Housing Trust houses are not up to standard, and if the member for Unley or the Minister spoke to the board they would be informed that it had received complaints from people who thought their house was not up to standard and who were told that it was not a matter within the competence of the board. There is no reason why the Crown should not be covered.

Why should the Housing Trust be allowed to sell shoddy housing and not be taken to task by the board when the private sector is not in the same position? If the Housing Trust produces all top quality houses without faults, with no area for complaint or dispute, why should it not be included in the legislation? It will not be disadvantaged by being challenged by the Builders Licensing Board or the Minister. I see no reason why the Crown should not be bound. The Housing Trust is selling to consumers.

The Hon. Peter Duncan: They are.

Mr. EVANS: They are not. If the Attorney is saying that the Housing Trust is bound by the Act, I will accept that if he can explain where the Act provides that that is so and where people have the same rights.

The Hon. Peter Duncan: That's not what you said previously. The Housing Trust, under the Act, is required to comply with the provisions of the Act in accordance with the requirements of any holder of a general builder's licence, which the Housing Trust is deemed to hold.

Mr. EVANS: If the consumer does not have the same rights in dealing with the Housing Trust as he has in dealing with any other licensed builder, will the Attorney tell me what I am saying that is different from what I said earlier? He claims that consumers have the same rights. If he can prove that to me when he replies, this is one amendment we will not have to worry about. If he can show us that the Builders Licensing Board has taken up the challenge following complaints in relation to Housing Trust houses, we would be pleased to hear of it.

Given more time, this Bill would have taken less time to go through. If the Minister is prepared to adjourn the debate on motion so that we can discuss amendments with those who will help us draft them, it would be appreciated; if not, we will have the long and slow process of someone talking for 15 minutes while amendments are drafted. That would be ridiculous. The Bill has more problems than the Government expected. There is no point in letting it through until we are clear that everything that needs to be protected is protected. I will support the second reading, because I believe there is a need to license swimming pool contractors. The Minister knows this from complaints I have lodged with him.

I am not sure that there should not have been a separate Act and a separate form of licensing. I made the Bill available to the Swimming Pool Contractors Association. The President has had a copy of the Bill and of the second reading explanation, but he has not had time to get the advice he needs, and I have not yet received information back from him. The association may be satisfied with the Bill but, if that is the case, I have not been informed. Problems have arisen in the building of swimming pools, because some people thought that it was an area of heavy demand, with perhaps a quick buck to be made. There must be some control. Therefore, I support the second reading.

Mr. GOLDSWORTHY (Kavel): I agree with the member for Fisher that we are getting legislation piled in here quite quickly. We are accustomed to this, because we know how the Labor Government organises its affairs.

Mr. Slater: You're never satisfied.

Mr. GOLDSWORTHY: No, and I will not be satisfied until the Labor Government can rationalise the introduction of legislation into this House. In the past week, major Bills have been introduced and we are expected to study them, the public is expected to come to terms with them and we are expected to be able to legislate in a reasonable fashion. The Government is making a mockery of the democratic process; I agree entirely with the member for Fisher.

When the swimming pool contractors who are affected by this Bill do not have time to come back with their submissions, something is wrong. I support the Bill, because one of its major provisions refers to the licensing of swimming pool contractors. One of the most persistent complainers I have met in my career as a member of Parliament is a constituent who has been dissatisfied with an expensive swimming pool he has had constructed. From my knowledge of the calls he has made, his telephone bill must run into hundreds of dollars. He has contacted numerous members of Parliament, the Attorney-General's office on numerous occasions, the Consumer Affairs Department, and the Trade Practices Department (the Federal Branch, and he has suggested that he got more help from it than from anywhere else). His problem is that he is using the pool to entertain people who come to his property commercially, as well as for private purposes. The Consumer Affairs Department is concerned only with complaints relating to pools used for private use. If any element of business use is involved, the pool is excluded from the purview of that department. My constituent has been badgering me for more than a year about this firm. I will not name the firm, because we are not in the habit of naming firms.

Mr. Allison: Not on this side.

Mr. GOLDSWORTHY: No. The firm that built his swimming pool is the same firm that the Government commissioned to build the Governor's pool. My constituent wonders why on earth the firm was given a contract to build an expensive heated pool at Government House when it did such a shonky job on his own property, but he has not received a satisfactory answer. I do not think that he will get redress under the terms of the Bill, because of the element of business use. His pool cost between $8 000 and $9 000, but he still has not got satisfaction in relation to the satisfactory completion of the work. This legislation may have the effect of ensuring adequate standards of work so that, even in respect of firms that are building pools for people who are using them commercially, the owners are more likely to gain satisfaction.

Several other aspects of the Bill have been adequately dealt with by the member for Fisher. I, too, cannot understand why the Government intends to increase the membership of the board from five to seven; the Minister's explanation is somewhat thin. He says that he wants to put two consumers on the board, but what knowledge could they give in the sort of judgments the Builders Licensing Board would be making is lost on me. It seems to me that there is no adequate reason for enlarging the membership of the board. I hope that the Minister can put forward a more convincing argument than he has given in his explanation to justify an increase in the size of the board.

It is probably a sensible provision that there be more flexibility in the granting of licences under the terms of the Act. One young man came to see me complaining

that he was being precluded from obtaining a builder's licence. All he did was put roofs on houses. He had been doing this for a local builder for years in the district, to the perfect satisfaction of the builder and consumers, yet, because he did not have some kind of academic expertise or seem to understand some of the technical terms, he was precluded from obtaining a licence. I do not know that the added flexibility which will allow conditions to be written into the licence will accommodate him, but it seems to me that the provision whereby restrictions can be placed on a general builder's licence to allow specific functions seems to have possibilities, as it may allow some people to do work for which they have some expertise, but not in the whole gamut of general building. That seems to be a reasonably sensible provision.

The fourth point I make deals with submitting character references. I think the Bill stipulates a person of standing in the community. For some reason or other, my constituents must think that I am such a person, because they come to me for character references for builder's licences. I would not have the faintest idea of their expertise for building and, in many instances, they are not well known to me, so I have to say, "I do not think I am the appropriate person to recommend you to the board." If I know them reasonably well, I am prepared to fill in the form. There have been occasions when someone has said, "My son wants a builder's licence. He must have a reference from a person of some standing in the community," and I must turn him down. However, most people have a friend who is prepared to do this. In the few cases in which I have been prepared to give a character reference, it seemed to me that there was a certain element about the matter that was somewhat phoney. However, I think this amendment to the Act is a move in the right direction.

I can understand the rationale of not letting people rent licences to others, but I am puzzled by one or two references in the Minister's explanation. The member for Fisher dealt adequately with this matter. The Minister's explanation states:

> The Bill provides that a contract must stipulate a specific price for the performance of the work and, where a period is specified for the completion of the work, a rise and fall clause operates only with respect to work done within that period.

I hope that the Minister will elaborate on his explanation when replying.

The Hon. Peter Duncan: Have you seen the amendment?

Mr. GOLDSWORTHY: I have not seen it. We are debating the second reading, not amendments. We are precluded by Standing Orders from debating amendments. I base my remarks on the Minister's explanation, and I hope that he will explain more adequately that rather bald statement. The member for Fisher also questioned that matter. I have a query regarding clause 11, which the Minister has said enables regulations to be made stipulating the value of building work that may be carried out without a licence. I do not know what the Minister has in mind there. Clause 13 is also a puzzle to me. We have set up this board, which sets down fairly rigid requirements for a licence, yet by clause 13 it can throw the whole lot out of the window and waive the regulations or the requirements of the Act. I should like to know in what circumstances the Minister envisages that happening. Could it be in a case where its members have mates in the building industry? That construction could be placed on it. A possible explanation is that it could be used if they wanted someone to get a licence who could not conform to the provisions of the Act or regulations, but the Minister will say that it is not a likely explanation. What the reason is, I do not know, but that provision needs explaining. In my perusal of the Bill, I discovered several clauses that were somewhat puzzling. I have the same kind of query on clause 10, which deals with proceedings being instituted before the tribunal and which provides:

> The tribunal or the court may cure the irregularity by ordering that, subject to the fulfilment of such terms and conditions (if any) as may be stipulated by the tribunal or the court, the requirements of this Act, or of any other Act or law, be dispensed with to the extent necessary for the purpose.

The Hon. Peter Duncan: For the purpose of curing the irregularity.

Mr. GOLDSWORTHY: That is vague, because we do not know what the irregularity is. It is puzzling to the layman and to me. In the Act, we have set up a tribunal to listen to problems and, if they get too sticky, it can throw the Act and regulations out of the window, so the board can do what it likes. That seems to make a farce of the whole business. I should like to know in what circumstances this would occur or in what circumstances clause 13 was likely to be invoked.

The points made by the member for Fisher are valid. Overall, I am disposed to support the legislation, as I have indicated, because I think that swimming pool construction is becoming a major industry in the State. Swimming pools are becoming popular. I have had first-hand experience with one constituent who, for more than a year, has been dissatisfied and who has not been able to get any redress from any source, governmental or otherwise. He has run up large legal bills and, I think, telephone bills. I support the Bill, but I hope that the Minister will have more to say on the important matters we have raised in the debate.

Dr. EASTICK (Light): I indicate, as my colleagues have done, that I support the measure to the second reading. The Bill needs major surgery to bring it into line with the State's requirements. The Builders Licensing Act has, unfortunately (and I do not reflect on the staff involved), been a monumental flop. I say that against the background of the beliefs of members in this House and the expectations of the public, expectations that have not been fulfilled. The method by which the Government has sought to staff this organisation satisfactorily has played a major role in the difficulties that the Builders Licensing Board and its staff have faced. In a letter received last week from the Secretary of the board (and it is difficult to find in anything that is written an indication of a sigh of relief) one could sense from the manner in which the letter was written that a sigh of relief was contained in it, because the Secretary indicated that recently the number of staff available to the board had been increased and that consequently it was now possible for the board to process more satisfactorily the various documents that were appearing in the system associated with the board.

An indication of the difficulties encountered by the board arose when a person (about whom the letter was written) was denied the continuation of a provisional general builder's licence because a review of the document had indicated that, whilst he intended to build a "spec" house in his own name, the property on which it was to be built was held in the name of this man and his wife. Because the provisional licence was requested by a person who was not in complete control of the block of land, the licence could not be provided. A check of three previous sets of documents which had been submitted to the board by this person, which had been used to grant him his provisional licences, which allowed him to

build three houses, and which had been submitted in exactly the same way, showed that the board had failed to note that the person who owned the land on which these houses, were to be built was a different person from the man who intended to build the houses. Suddenly, this man was not allowed to build the house. The problem was sorted out subsequently and the provisional builder's licence is now in the name of this man and his wife.

For some time the finance the man had arranged to proceed with the building of this House could not be used and he was committed to the payment of interest on that finance. Also he lost money through the normal escalation in costs that occurred. Many members could give examples of that nature. Why do I believe that the legislation is a monumental flop in the eyes of many people? Members have, time and time again, drawn the responsible Minister's attention to difficulties that have unfolded in their own districts, difficulties that were associated with the belief that, in the early stages at least and subsequently, staff of the board would inspect sites and have deficiencies corrected. We all know that it was not until after a series of amendments were inserted in the Act in 1974 that the bluff system ceased to operate and the organisation was given teeth that allowed the board to function properly.

On August 5, I referred to the problem which a young couple in Kapunda had experienced with a new house that had cracked badly. Subsequent soil sampling indicated that it had been erected on other than solid ground. The young couple told the builder when he contracted to build their house that it was to be erected on the site of a former chaff mill. The guarantee that they received from the builder was that all the necessary action had been taken to determine that the foundation had been taken down to solid ground. After cracking had occurred (and this all appears at pages 470-1 of *Hansard*), the builder failed to correct the problem. Subsequently, the young couple arranged for another contractor to prepare the site for the necessary underpinning.

I arrived at the site on Saturday, October 7, and saw under a corner of the house a hole about four metres deep. It was necessary to dig down about four metres to reach solid ground. That corner of the house had been built over a cellar, yet the young couple had contracted with the builder in the first instance to ensure that the house was built on solid ground. Elsewhere around the house further damage occurred, and the subsequent contractor had to dig down more than two metres to reach solid ground so that the foundations could be underpinned. The cracking was simply the result of the ground settling subsequently and the foundation being left suspended. The foundation gave insufficient support to hold the house structure above, and cracking occurred. That is only one example of many that members could relate to the House.

At the same time, I referred to difficulties that people were facing in having inspections of evident damage carried out. It was evident that certain action was necessary that would prevent subsequent work to cover the deficiencies that had been detected. Any future inspection would not necessarily detect the deficiency in a building where the deficiency that was evident had been covered up. Initially I said that I was not reflecting on staff members of the board, because they had only tools which we, as members of Parliament, had given them. We gave the board too few staff for the demands that were being made on it, and we failed miserably over a long period to increase the staff that was necessary to provide the type of service that the people of this State had been told by this Government, and indeed by members on this side, that it was their right to expect.

The member for Fisher has highlighted several of the deficiencies that we see in this legislation. He spoke much longer than he would have liked to speak, and I will speak for rather longer than I would necessarily wish to speak, mainly because of the problem we have of preparing the necessary amendments that we wish to put before the House.

The Hon. Peter Duncan: I have already told the member for Fisher that we will adjourn on motion. You can't use that excuse.

Dr. EASTICK: Right: I will take the course offered to me now by the Attorney-General, and I seek leave to continue my remarks.

The Hon. Peter Duncan: No.

Dr. EASTICK: If that is not a contradiction of what I was offered by the Minister, I do not know what is.

The Hon. Peter Duncan: I said that we would adjourn at the Committee stage.

Dr. EASTICK: The Minister did not say "the Committee stage".

The Hon. Peter Duncan: Don't be obtuse.

Dr. EASTICK: He said we would adjourn on motion. I have given the Minister an opportunity, and by his denial he has prevented a subsequent motion of that nature coming before the House for another 14½ minutes. It is necessary for extensive amendments to be considered in this matter, and the course of action I offered the Minister he has now turned down, and we will proceed with a number of speakers so that the matter can subsequently be correctly aired and sought to be amended by members of this House, as is their right and as they should be permitted to do on behalf of the people of this State.

Mr. Langley: In other words, you're going to filibuster.

Dr. EASTICK: I am not going to filibuster. I am quite sure honourable members opposite will find some quite interesting information coming forward.

The Hon. Peter Duncan: You're going to read *Hansard* into *Hansard* are you?

Dr. EASTICK: I do not have to do that while others do it for me by way of interjection. The member for Fisher said that the Government had failed to bring into effect all matters legislated for. Reference to the table of rules, proclamations, etc., in the 1975 Statute Book at page 869 indicates that, in relation to the Builders Licensing Act, 1967-1974, commencement of sections 14 and 15 of the Builders Licensing Act Amendment Act of 1974, except so much of section 14 as inserts Part III in the principal Act, was proclaimed on September 1, 1975, and commenced on September 1, 1975. It was gazetted on August 14, 1975, at page 884 of the *Gazette*. There has been no further action since that time to bring this measure into effect. I note, in relation to facilities and staff made available to the Builders Licensing Board, the comment from the Auditor-General, in his 1976 report at page 207, that several of the shortcomings in the A.D.P. licensing system previously reported to the board were still under consideration and that an investigation into the clerical and computer aspects of the system was being undertaken by the Public Service Board. I went back to find where this matter was originally drawn to the attention of the board. In the 1975 edition of the Auditor-General's Report, at page 188 we find a statement by the Auditor-General as follows:

During the year an A.D.P. licensing system was introduced by the board. A number of shortcomings in the system were advised to the board and several of these matters are still under consideration.

Here we have, from the mouth of the Auditor-General, the fact that the organisation was given a system which was not functional or in the best interests of the service that it was to provide to the community, and that as at June 30, 1975, and indeed, by the inference contained in the last statement I read, at a time well in advance of June 30, 1975, certain corrective procedures were identified to the board and the powers that be. Yet it was necessary for the Auditor-General, over 12 months later, to highlight once again that there were deficiencies in that area. I believe that further supports the statements I made to the House earlier about the difficulties that staff members and the general public have had in this matter.

The further difficulties which have become apparent in recent weeks are that many documents relating to applications for registration have been lost in transit between one office and another. The loss of those documents has caused considerable difficulty to a number of people in the building area. Members on this side, and no doubt members opposite, have received representations from people whose livelihood has been questioned in recent times by the inability of these documents to be found and their registration to be acknowledged or processed. A check with a number of organisations associated with the building industry would suggest that there are many people who should be registered either under the general licence or under one of the restrictive licences but who are not licensed.

There has been confusion, notwithstanding the statements made in various trade journals and elsewhere, that a number of people who provide a narrow but important service to a number of communities are not registered under the Act. They are registered as plumbers with the Plumbers Registration Board or as electricians with the Electricians Board. Many of them have the mistaken belief that by virtue of that registration they are registered under the Builders Licensing Act when in fact they are not. Several of them, to their horror, have found that difficulty has arisen when somebody has not paid an account. On taking legal advice, they have found that, as they are not registered under the Act, they are precluded from successfully taking their claim for recovery of the debt to court. A negotiated settlement is made, but I am given to understand that it does not include the labour content, but relates only to the material. Many people who have genuinely believed they were registered under the Act have run into this difficulty. These are matters that even so long after the Act has come into being are with us, and they are an important part of the problems of today.

The matter that seemed to us to preclude the inclusion in contracts of a prime cost arrangement was mentioned by the member for Fisher. It is traditional in the industry so that the price for the construction of a building can be estimated without going into the last detail of design costing of intricate equipment, and of obtaining additional costs from some subcontractors. By using the general basis of what the subcontractors' costs or the likely cost of equipment would be, it is inserted into the contract as a prime cost. There is a rise and fall aspect to that prime cost when a final decision is made. It is a matter of considerable importance that, if we are to follow through the provisions of this Act, as I understand them, the future requires a specific price, and we are going to seriously upset the method of contracting which applies whether to a private person or to the Government. Any contract to the private sector or to the Government contains as part of the tender document an ackowledgement of what the prime cost will be for services or for equipment to be provided. I would welcome an explanation of the situation.

My understanding and that of the member for Fisher is that prime cost is now divorced from a contractual or tendering scheme and, if this is so, we have need to fear the consequences I have outlined. I believe that the Builders Licensing Act is a vital piece of legislation for this State. It deserves better treatment than it has had so far, and that includes making proper use of those provisions for the indemnity fund and of the advisory council. I believe the increased number of members sought on the board is unnecessary, because information could flow from the advisory committee if convened. I am not happy with the increase of the board from 5 to 7 members, and am against the additional two members coming from one source. As a compromise one member could come from the consumer area, as the Minister will outline, and the other being somebody knowledgable in house building. That is not an unreasonable request. I support the second reading with assurances from the Minister that the on-motion component of the arrangement will take place early in the Committee stage.

Mr. DEAN BROWN (Davenport): I am pleased to see this legislation introduced by the Attorney-General. It ends a 2½-year campaign that I have carried on for the licensing of builders of swimming pools. I take the Attorney-General back to March 6, 1974, when I first raised this issue in the House, and when the then Attorney-General (now Mr. Justice King), and the Premier claimed that they were already licensed. The *Hansard* report states:

MR. DEAN BROWN: Can the Attorney-General say whether the Government intends to introduce legislation to licensed builders of swimming pools so that consumers may be adequately protected? There is no legislation requiring the licensing of these builders. Furthermore, there is no legislation controlling the construction of swimming pools, and many unethical practices are being carried on in South Australia.

I then referred to some incidents that had occurred. The report continues:

The Hon. L. J. KING: I understand that a swimming pool is defined in the provisions of the Building Act as a building and that the provisions of the Builders Licensing Act would therefore require a person constructing a swimming pool to be licensed as a builder.

The Hon. G. R. Broomhill: As from January 1.

The Hon. L. J. KING: Yes, when the Building Act came into operation. I will have that position checked to find out whether the law in that respect is being complied with, but I acknowledge the force of the matters the honourable member has raised. Of course, what he has said reinforces the argument that the Premier and other people have put when they have pointed out the need to license builders and people operating in the building area generally.

On the next day I again asked a question of the Premier, and the *Hansard* report states:

Mr. DEAN BROWN: Can the Premier say why, during its four years of office, the Government has failed to license swimming pool builders? Yesterday, in a question, I asked that swimming pool builders be licensed.

I pointed out that the Swimming Pools Association in South Australia had made several requests since 1970 to have licensed builders of swimming pools. The report continues:

The Hon. D. A. DUNSTAN: We are investigating the matter. There is a difference of opinion administratively whether or not these people should be covered under the Builders Licensing Act.

The Hon. J. D. Corcoran: Or whether they are.

The Hon. D. A. DUNSTAN: Yes, or whether they are due to be registered. We are trying to sort out this matter.

Mr. Dean Brown: Your own department says they aren't.

The Hon. D. A. DUNSTAN: That may be the opinion of some officers, but it is not always agreed to by other officers; we are trying to sort out that matter.

I think it was the first time in this House that the matter was raised. I am pleased to see that 2½ years later the Government has now admitted that the Premier and the then Attorney-General were wrong that time. I support the legislation. I believe it will give long-overdue protection to people who have swimming pools built in South Australia.

The Hon. PETER DUNCAN (Attorney-General): moved:

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

Motion carried.

The Hon. PETER DUNCAN: I deal with several matters, the first being the allegation by the member for Fisher that this Bill was full of drafting errors. I believe that is untrue, and it was an unfounded and unjustified slur on the Parliamentary Counsel. It was unfortunate that it was said, and I refute that statement. It was most unfair, and I regret it on behalf of the Government. I assure the House that we have every confidence in the draftsman, and this Bill is not full of drafting errors.

I deal now specifically with the letter from the Housing Industry Association, because this letter has now been quoted in *Hansard*. A Mr. King, I think, from that association contacted my office this morning. I was proposing to give evidence to the Royal Commission into the Juvenile Court this afternoon, and I attended my office only briefly this morning before attending the function at Government House. Mr. King apparently left a note at my office that he was endeavouring to contact me urgently. The Director-General of the Public and Consumer Affairs Department then telephoned Mr. King. I quote from a minute that Mr. Noblet, the Director-General, has given me as follows:

This morning I rang Mr. King of the Housing Industry Association, as requested by your Secretary. Mr. King had been trying to contact you to discuss his association's objections to the amending Bill. Mr. King asked me whether it would be possible to delay the debate on the Bill until next Tuesday so that detailed submissions could be made to you for your consideration in the meantime. I informed him that this would not be possible as the Bill has to pass both Houses before the end of next week. I offered to make myself available at any time this afternoon to discuss with him his association's objections to the Bill, and told him that consideration would be given to any reasonable suggestions which he might make. He told me he thought he would do this and would ring me back by 10.15 this morning. He did not ring back, but at about 12.30 p.m. the attached letter was hand delivered to my office.

That is the letter, a copy of which was quoted by the member for Fisher. The minute continues:

Since receiving that letter I have twice tried to contact Mr. King to discuss the matter and to renew my offer to discuss his association's objections. On each occasion I have been informed that he was not available. I have no idea of the substance of the "15 areas of concern" referred to in this letter.

That is the content of the minute concerning the matter. Yesterday, the Master Builders Association contacted my office in similar circumstances, and again was referred to Mr. Noblet. Discussions were held with the association yesterday and, in a very co-operative fashion, it made known to the Government its concern over the Bill and expressed appreciation of the time the Government had made an officer available. As a result, its representations have received consideration by the Government and resulting therefrom are the amendments I intend to move later. I appreciate that the time element in the handling of this Bill has been somewhat difficult for the industry.

Mr. Goldsworthy: That's the understatement of the night.

The Hon. PETER DUNCAN: The opportunity for co-operative consideration of these matters was offered to the organisations that contacted my office. I do not know why the Housing Industry Association chose not to accept that, and instead—

Dr. Eastick: Don't people in cases of this nature normally see a Minister?

The Hon. PETER DUNCAN: No, frequently they see the Parliamentary Counsel.

Dr. Eastick: They have certainly seen other Ministers in the past.

The Hon. PETER DUNCAN: Yes, frequently they see the Parliamentary Counsel or officers. Surely, the member is not suggesting that, in the situation of my programme today, I could have seen them at any reasonable time.

Dr. Eastick: You just said you didn't see the M.B.A. yesterday.

The Hon. PETER DUNCAN: I did not, either. Yesterday, if the honourable member's memory is good enough to go back that far, he will recall that Parliament sat in the afternoon, and it was not possible to see that association, because I had a full programme. The M.B.A. was quite happy with that situation. That association has not raised any overwhelming difficulties as a result of the legislation. Only the Housing Industry Association has chosen to do so. It had an alternative: it could have seen the Government representatives or the Opposition. It chose to see the Opposition, and I believe it was an unfortunate choice on the part of the association. However, it had a choice, and it has chosen to exercise it.

The member for Fisher made great play about the advisory committee not having met. The committee meets basically of its own motion. Section 13(12) provides that the business of the advisory committee shall be conducted in such manner as the committee may determine. If the committee chooses to meet more frequently, that is its prerogative; if it chooses to meet at less frequent intervals, that is its prerogative.

The other matter concerns the Housing Trust. The Housing Trust is deemed to be the holder of a general builder's licence under the legislation, and therefore is subject to the powers of the board. It is incorrect for the honourable member to suggest that the trust is exempt from the provisions of the Act. Once again, he has been giving the House the benefit of his bush lawyer's interpretations; again, in this instance, he was not correct in his assumptions. When the Bill is in Committee, I shall move that it be adjourned on motion to enable members opposite to prepare such amendments as they may wish to prepare.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement".

Dr. EASTICK: I should like support and assistance from the Attorney. The member for Fisher, who is leading the debate for the Opposition, is fulfilling an obligation which has been discussed with the Attorney. Can the Attorney indicate that the Government intends that all aspects of the amendments will be proclaimed without delay, unlike the situation with the 1974 amendments, part of which has still not been proclaimed?

The Hon. PETER DUNCAN (Attorney-General): I can give the Committee an undertaking of that sort concerning the Bill and the amendments I intend to move, but I would not extend that to any matters that may arise

in the course of the passage of the Bill through the Parliament as a whole. I cannot give an undertaking on that, as it is not before me at the moment. I understand that progress is to be reported after the passage of clause 3.

Clause passed.

Clauses 3 and 4 passed.

Progress reported; Committee to sit again.

Later:

Clause 5—"The board."

Mr. EVANS: I do not intend to move my amendments at this stage, as I should like the Minister to express his views on this matter. The concern is that the board does not really need to be larger than five persons, although the provision in this clause will increase the number to seven. If the Minister were prepared to accept that, on the present board, there should perhaps be a change of representation so that he had, if he so wished, an appropriate person to represent the interests of those on whose behalf building work was carried out and to have a person who represented persons who carried out domestic building work, there would be no need to increase the size of the board. If the Minister believes that what I am suggesting cannot be done, I will move the amendments standing in my name. In reading a letter from the industry, I had no intention of reflecting on officers of the department or on the Parliamentary Counsel. I was making the point that there was an unnecessary and unreasonable haste with the legislation, and I was pointing out some of the concern. If the Minister reads my actual words, he will see that nowhere did I imply that, except that, as I used the letter, it could be interpreted in that way.

The Hon. PETER DUNCAN: I believe that the Government and the honourable member are not far apart on this matter. The difficulty is that, as the Act stands at present, it is not possible to constitute the present five-man board in the fashion in which he has suggested. However, it may be possible to appoint a person whose interests may be more in line with those of the domestic building industry or the home building industry than are the current representatives of the building industry, although I do not wish to reflect on the good work that that board member has done. It would not be possible with the current wording of the Act to appoint a person or persons representative of the interests of building work users. The Government would seriously consider some appropriate amendment if moved in another place to achieve this. I think that is possible and, if the honourable member is prepared to take my assurance that we would give serious consideration to an appropriate amendment for a five-man board, possibly to be moved by the Government in another place, possibly the matter could be overcome.

Mr. EVANS: I thank the Attorney-General for his statement. I do not wish to reflect on any board member. I do not think that the representation would cover the areas as we believe they should be covered. The board deals mainly with domestic building work. I accept what the Attorney has said and hope that a reasonable compromise can be reached in another place, with the Government bringing the matter forward.

Clause passed.

Clause 6—"Licences generally."

The CHAIRMAN: I point out to the Committee that the words to be struck out by this clause should be "two months", and not "one month" as shown in the Bill. I propose to make the alteration as a clerical amendment.

Mr. EVANS: I move:

Page 2, lines 24 to 26—Leave out all words in the clause after "amended" in line 24 and insert paragraphs as follows:

(*a*) by striking out from subsection (1) the passage "twelve months" and inserting in lieu thereof the passage "three years";

(*b*) by striking out from subsection (2) the passage "not more than two months before the date of expiration thereof";

and

(*c*) by striking out from subsection (2) the passage "twelve months" and inserting in lieu thereof the passage "three years".

The amendment really sets out to achieve a three-year licence period. I believe that about 12 000 licences are presently existing, and the number will increase. I am not sure of the figures but, if it were done over a three-year period, we would find that we would be saving at least 24 000 letters each year going out from the board and a similar number from the industry, together with the postage involved. I believe that under the amendment we would be helping the department, the Minister and the industry, and I ask the Committee to support the amendment.

The Hon. PETER DUNCAN: The Government supports the amendment.

Mr. VANDEPEER: I support the amendment. I raised with the Attorney-General in the House about three months ago the traumatic effect that licensing provisions had on many builders in my district. Although they are competent builders, because of their lack of academic ability they do not always keep their books 100 per cent. They sometimes have difficulty when they realise that they do not possess a current builder's licence. I commend the Government for accepting the amendment.

Amendment carried; clause as amended passed.

Clause 7—"General builders licence."

The Hon. PETER DUNCAN: I move:

Page 2, line 32—Leave out "The board may grant a general builder's licence upon" and insert "Where the board grants a general builder's licence after the commencement of the Builders Licensing Act Amendment Act, 1976, the board may include in the licence".

The purpose of the amendments that I intend moving in relation to clauses 7 and 8 make clear that the conditions limiting the kind of building work that may be carried out under a builder's licence can be imposed only on licences issued in future and not on those licences that are current under the Act.

Amendment carried.

The Hon. PETER DUNCAN moved:

Page 2, after line 35—Insert subsection as follows:

Amendment carried.

Mr. EVANS: I move:

Page 2, after line 35—Insert subsection as follows:

(4d) A condition shall not be imposed under subsection (4c) of this section unless the applicant consents to the imposition of that condition.

Originally I suggested that the applicant should be able to apply for the areas or conditions that apply to his licence the type of work that he wishes to carry out. I believe that this amendment is a better way of approaching the matter, and I ask the Committee to accept it.

Amendment carried; clause as amended passed.

Clause 8—"Restricted builder's licences."

The Hon. PETER DUNCAN: I move:

Page 2, line 38—Leave out "The board may grant a restricted builder's licence upon" and insert "Where the board grants a restricted builder's licence after the commencement of the Builders Licensing Act Amendment Act, 1976, the board may include in the licence".

Again this is intended to ensure that the conditions can be applied only to the granting of licences in future and

not to licences existing at the time of the commencement of the Act.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 2, lines 40 and 41—Leave out "and specifies in the licence".

The same reason applies to this as applies to the previous amendment.

Amendment carried.

Mr. EVANS: I move:

Page 2, after line 41—Insert subsection as follows:

(8) A condition shall not be enforced under subsection (7) of this section unless the applicant consents to the imposition of that condition.

The same reason applies to this amendment as applied to my previous amendment.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—"Power to cure irregularities."

Mr. EVANS: I move:

Page 3, after line 21—Insert subsection as follows:

(2) An order under this section does not affect the rights or liabilities of persons who are not parties to the proceedings.

Earlier I suggested different wording for this amendment. I have been advised that this is a simpler method of achieving the same purpose, except that we have not tried to define strictly that it would apply only for the purposes of those proceedings. I accept that it is not necessary to do that and that it would be taken for granted that the clause relates only to those proceedings.

Amendment carried; clause as amended passed.

Clause 11 passed.

Clause 12—"Contracts for performance of building work."

The Hon. PETER DUNCAN: I move:

Page 4—Lines 7 to 10—Leave out all words in these lines after "include" in line 7 and insert "a rise-and-fall clause in the contract".

Line 11—Leave out "A" and insert "Subject to subsection (3a) of this section, a".

Lines 11 and 12—Leave out "a clause included in a contract in pursuance of subsection (2) of this section" and insert "a rise-and-fall clause".

After line 14—Insert subsection as follows:

(3a) A builder is entitled to the benefit of a rise-and-fall clause in respect of a part of the building work performed after the expiration of the period stipulated for completion of the building work if—

(*a*) the contract provides for extension of the stipulated period;

(*b*) the delay in completing the building work was due to causes—

(i) that were beyond the control of the builder;

and

(ii) that he could not reasonably be expected to have foreseen at the time the contract was made;

and

(*c*) the building work was completed as soon as reasonably practicable in the circumstances.

After line 21—Insert definition as follows:

"rise-and-fall clause" means a contractual provision for variation of a price stipulated for performance of domestic building work that reflects variations in the cost of labour and materials to be incurred by the builder.

The purpose of these amendments is to take into account that it is sometimes reasonable to extend the periods stipulated in a contract where unforeseeable delays occur that are beyond the reasonable control of a builder. In such cases, provided the contract allows for extension and the building work is completed as soon as is reasonably practicable in the circumstances, the builder can claim the benefit of a rise-and-fall clause during that extended period.

Dr. EASTICK: This is a matter that has been discussed widely recently. The provision introduces a rise-and-fall clause concept. Later we will include a definition of "rise and fall" which is as follows:

means a contractual provision for variation of a price stipulated for performance of domestic building work that reflects variations in the cost of labour and materials to be incurred by the builder.

Labour and materials can have a fairly narrow connotation. No thought at all is given to consequential costs that would apply to a builder where those consequential costs are imposed by legislation, such as the 1974 Workmen's Compensation Act and the impact of that Act. It does not consider the consequential costs as they apply to engineering or architectural fees that are additional costs. I ask the Minister whether he is satisfied that the breadth of labour and material to be incurred by the builder is wide enough to include these other costs that can only be described as consequential and inevitable in the circumstances the Attorney is seeking to introduce into this measure.

After the word "builder" in the definition of "rise-and-fall clause" words such as "and consequential or ancillary costs" could be added. The Minister might think that those terms could then widen the ambit and that all manner of costs could be added. I am led to believe that labour and material costs are not the only costs to be involved in a rise-and-fall situation. Does the Minister accept the validity of the argument and will he, at this stage, accept these additional words, or would he like some other form of wording to be used?

The Hon. PETER DUNCAN: I am satisfied with the definition as it is. I think that the only concrete example that came from the honourable member's comments was the suggestion about workmen's compensation and that is a cost directly associated with hiring labour. I think that in this definition those types of costs could certainly be included. The meaning of the word "material" is wide in this context. I am happy with the definition but I will undertake to have a closer look at the matter tomorrow and, if the point raised has some validity, I will seek to make any consequential or necessary amendments at a later stage.

Dr. EASTICK: I am satisfied with that assurance. It is completely understood that the effect of workmen's compensation in every other sense is an additional labour cost, but I wanted those words from the Minister in recognition of that fact in this clause. He suggested that the definition of "material" could be wide enough, but I further take the assurance he gives that he will look at the consequential costs I have spoken about. One can ask whether the consequential costs associated with an industrial dispute and all of its ramifications can, again, be considered in the concept of labour and materials, labour as it relates to lost wages and subsequent payments which have to be made, and additional costs of materials that are associated with the delay in delivery, ordering, etc.

The Hon. PETER DUNCAN: I will look into that matter. I am satisfied with the clause. Strikes, for example, would be beyond the control of the builder and therefore the new subsection (3a) as proposed in the amendment would cover the situation.

Amendments carried.

Mr. EVANS (Fisher): I move:

Page 4, after line 14—Insert subclause as follows:

(3b) Notwithstanding the foregoing provisions of this

section, it shall be lawful to include in a contract for the performance of domestic building work a provision entitling the builder to recover—

(*a*) the actual cost to be incurred by the builder—
(i) in acquiring specified goods to be supplied by the builder; and
(ii) in carrying out specified work; and
(*b*) an additional amount not exceeding 15 per centum, or such other percentage as may be prescribed, of the cost referred to in paragraph (*a*) of this subsection.

This amendment gives the builder or contractor the opportunity to claim particularly in relation to prime cost items, and also allows an additional amount of 15 per cent. The amount originally mentioned for this amendment was 10 per cent.

The Hon. PETER DUNCAN: The Government was prepared to accept that amendment at 10 per cent, but I cannot accept the 15 per cent. Although I have not had the opportunity to check fully on this I understand that the normal percentage on prime cost items is 10 per cent. In those circumstances I could not accept the amendment in the form that has been moved. The situation may be that 15 per cent is the prevailing rate, but I understand from my officers that 10 per cent is the prevailing rate. In those circumstances I think that 10 per cent ought to be applied. If the honourable member is prepared to move his amendment with 10 per cent, on the basis we can do some calculations and make some inquiries before the Bill is dealt with in another place, the Government could accept the amendment, but at the present time it is unacceptable.

Mr. EVANS: I appreciate the assurance given by the Attorney-General, as it will give me the opportunity to assess the situation more fully. Therefore, I seek leave to amend my amendment by deleting 15 per cent and inserting 10 per cent.

Leave granted; amendment amended.

Dr. EASTICK: The Minister will accept that his assurances in relation to the rise-and-fall provision will need to be considered. I support his acceptance of this amendment, and thank the Government for considering a matter that was more or less a draft Bill.

Amendment as amended carried; clause as amended passed.

Clause 13 and title passed.

The Hon. PETER DUNCAN (Attorney-General) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): I should like information on one matter as the Bill comes out of Committee, that is, on the definition of swimming pools. This definition will be included by regulation, and I ask the Minister whether, before any regulations are introduced to define swimming pools, negotiations will take place with the swimming pool contractors organisation so that it can agree to that definition.

Dr. EASTICK (Light): The Attorney-General has accepted that several matters require clarification and, given his assurances, I believe that we will need to consider further alterations. In this measure we have a peculiar situation since the Housing Trust, notwithstanding the comments of the Minister during the second reading debate and Committee stages, is still outside the ambit of this legislation. I say that bearing in mind the provisions of the Crown Proceedings Act and some aspects of the Acts Interpretation Act, and I understand that further recommendations will be made by those who can offer advice in relation to this matter before it is considered in another place. I believe that there are advantages in what we have achieved: perhaps we could have achieved more if we had adopted a different approach to the measure from that which has applied.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I cannot give a direct reply to the member for Fisher without first speaking to the Attorney-General, but I will arrange for the matter to be made known to the Attorney. I would expect that some discussions will take place with the swimming pool contractors in relation to the definition of swimming pools before any regulations are introduced. Whether the Attorney-General would be able to give assurances at this stage that he will not introduce regulations until he has the complete support of that association, I cannot say, and I doubt whether he could give that kind of assurance. However, I will ask him to reply to the honourable member.

Bill read a third time and passed.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2518.)

Dr. TONKIN (Leader of the Opposition): This is a mixed Bill, but its provisions have one thing in common: they deal with the welfare of young people. In the first instance, it deals with the licensing of baby-sitting agencies and children's homes caring for young people up to the age of 18 years. The measure has been considered necessary following some unfortunate reports from other States and other countries. As far as I know, no serious problems have been reported in South Australia up to now.

Mr. Goldsworthy: There was the case of the gas, and the baby sitter—

Dr. TONKIN: That is true. I am grateful to my colleague. The situation nowadays, of young married couples with children, is that the parents are very much dependent on baby-sitters for an opportunity either to go out on a social occasion or sometimes to get out to work when on varying shift-work. It is important that they have access to reliable baby-sitting facilities. My own daughters periodically baby-sit for friends and aquaintances and, when they first heard that this legislation was contemplated, they were horrified because they thought that they would have to register. However, it is clear that the legislation does not apply to that form of baby-sitting, which is by private arrangement. Regarding agencies, I think that people have a right to be reassured that the service provided will be reasonably safe and that their children will be in good hands. I think that that is the most important factor of the legislation. I do not think that it needs to be dealt with any further, because I think we all agree with it.

Various regulations will apply to children's homes so that they mean any place where more than five children under the age of 18 years are maintained and cared for, apart from the case of parents or near relatives. There is an increasing number of such homes and, indeed, there is a widespread feeling in the community now and in the

departments and among social workers generally that this form of accommodation is far better for young people than is institutional care. For that reason, I am certain that the Minister would be grateful if more approved homes of this kind could be established. They have a real part to play in providing the family life that is not available to young people who are otherwise faced with institutional life. I make clear that I am not in any way denigrating the work that has been done by institutions in this regard. I can think of several of them, one particularly in my district. The Salvation Army Children's Home, in Florence Street, has a fine record, and it is to the great credit of people who work in that home that they are able, in a institution, to provide a community life that is more of a family life than anything else. Those people, working as they do, and depending on their faith, have a great deal to offer young people in their care, and I pay a great tribute to them and to other workers in similar institutions throughout the States.

The basic and most important element of the Bill is that part of it which relates to the Murray committee report and, therefore, to the baby-bashing syndrome. The report showed that, in just 15 months, in South Australia five children died because of abuse, 24 were permanently or seriously injured, and 11 had recurring injuries; 273 children were victims of the battered-baby syndrome (that is non-accidental physical injury to children) and 910 were supposed to be at risk. The report states:

The size of the problem emphasises the need for further research and the implementation of effective treatment and preventive services.

The surveys that the committee conducted showed that most cases of child abuse were seen by teachers, workers at child-care centres, and social workers—people who are outside the compulsory reporting provisions of the current Act. When this legislation was first introduced, it was believed that medical practitioners, nurses, and dentists could appropriately report cases where they suspected that baby-bashing was occurring. However, the fact is that those people are not always able to determine those things, because they do not see the children frequently enough to set up a pattern and come to a firm diagnosis.

It is more likely that people who are constantly in contact with them can see those early warning signs and, by taking action, save the life of the child. A tragic story was reported in the press yesterday of a child who was seen by several people who should have reported the circumstances but who each saw the child only infrequently and were unable to form a picture of the overall situation.

The Hon. R. G. Payne: That was in the United Kingdom.

Dr. TONKIN: Yes. That was a tragedy, and doubly so because a sibling had already died as the result of baby-bashing. This kind of situation should never arise. We have already put into the legislation (and we have discussed this matter previously) a release from civil liability for those people who take action. Understandably, any parent would be upset to think that he or she had been reported for possibly ill-treating a child, but most parents would accept the situation where they would gladly accept that kind of report, provided that they could explain it and that they were not in the wrong, if they thought that people who were causing their children actual physical bodily harm would be apprehended and stopped from doing so. It is sad to know that parents can get to that state of mind where they can abuse their children and cause them physical harm and, indeed, sometimes destroy them.

The Murray committee, under the chairmanship of Judge Kemeri Murray, who is a member of the Family Court, recommended that certain other people should be included in the list: any legally qualified medical practitioner, any registered dentist, any registered or enrolled nurse, any registered teacher, any member of the Police Force, any employee of an agency established to promote child welfare or community welfare, or any person of a class declared by regulation to be a class of persons to which this section applies. It may well be that there are other people in the community who it will be found have a contribution to make in this early warning system because, basically, that is what we are setting up. Too many children have died because of baby-bashing.

The Hon. R. G. Payne: The panels may recommend to us two other persons who ought to be included.

Dr. TONKIN: Yes. These people may be brought in by regulation, and I think that is useful, too. In addition, we have the setting up of the regulation panels, which will consist of one person nominated by the Director-General, one person nominated by the Mothers and Babies Health Association, one person nominated by the Commissioner of Police, one person experienced in child psychiatry nominated by the Director-General of Medical Services, and one legally qualified medical practitioner. These panels will have an overseeing function, and they certainly may come up with some specific suggestions regarding a class of persons who could legally be required to report evidence of the baby-bashing syndrome.

It is interesting, and of necessity, that a person experienced in child psychiatry should be nominated by the Director-General of Medical Services, because this is very much a psychiatric matter not only from the child's point of view but particularly from the offending parent's point of view. Most States, unlike South Australia, do not have legislation for compulsory reporting by doctors, and they certainly do not have any specific legal immunity for those people who report instances of baby-bashing. We have the most forward-looking legislation in this sphere of any State in Australia, and certainly of many countries of the world. For that reason I support the Bill as it stands.

Mrs. BYRNE (Tea Tree Gully): I support the Bill. Clause 13 provides for the licensing of baby-sitting agencies that presumably provide a service for monetary or other consideration. I am not sure that licensing, of itself, will solve all the problems in this area, including the problem of providing an adequate supply of suitable, competent people in order to safeguard the interests of people who wish to employ someone to mind their children. I trust that if this clause becomes law the Community Welfare Department will consider seriously the possibility of baby-sitters being trained by undertaking suitable courses. In making that statement, I am suggesting that these courses would be short; however, that is up to the department to decide.

Bearing in mind that children could be handicapped in some way, could take ill unexpectedly, or perhaps might have to be fed and food prepared during the absence of parents (and even a minor accident could occur during that time that could require first-aid), a training course and a knowledge of first-aid could therefore be useful. The Minister would recall that he stated in a reply to a question I asked him this session that such a course was possible. I consider that such a course has merit. As has been stated by the Leader of the Opposition, the inclusion of this clause does not affect private baby-sitting arrangements.

The protection of children is a prime consideration to us all. Under the provisions of the Bill the State is to be divided into regions and a panel is to be established in each region to deal with maltreatment of children.

I am also pleased that the classes of people who are obliged to notify their suspicion of maltreatment are to be extended, and that they are to be indemnified against any civil liability regarding that notification. This provision is certainly essential if the clause is to work. It is a provision that, in the interests of everyone, should work.

I am sure that every member in this Parliament wishes to ensure that the legislation we enact works. At times we have all been shocked by reports on this subject; in fact, some of the reports of happenings, which were outlined in statistics given by the Leader, seem almost too incredible to believe. It is indeed sad to hear them. I hope sincerely that these new provisions will end such happenings for all time, but I am realistic enough to realise that that will not be the case. However, I hope that the Bill will reduce significantly such incidents.

The Hon. R. G. PAYNE (Minister of Community Welfare): I thank those members who have spoken on this measure. The Leader expressed all our feelings on one of the major questions in the Bill, the question relating to the non-accidental injury that occurs to children. The member for Tea Tree Gully perhaps summed up the position when she said that, unfortunately no legislation will eliminate this cruelty to children. However, I hope, and I believe that the provisions in the legislation offer real hope, that the panels that are to be set up will create at least a reduction in the number of these happenings. I am sure that we would all be pleased with that prospect for the children concerned. Probably the most useful thing that I could do would be to point out to the House what the Government and I see as the progress that has been made in the matter.

Recommendation 4, on page 57 of the report of the Murray committee, was that regional panels should co-ordinate existing services and arrange for these services to be expanded and developed where necessary. Each panel should investigate the needs in its own region and, where feasible, encourage the establishment of new or additional services. That is the key to that part of the legislation relating to panels because, once they are in force, hopefully they will introduce measures that will be preventive instead of the early warning suggestions made by the Leader. Hopefully, the panels will provide in future services that will actually lead to a prevention of maltreatment. For that reason I ask the House to support this measure.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

Clause 16—"Enactment of Division III of Part IV of principal Act."

Mr. RODDA: Can the Minister outline what is meant by "region" in relation to the establishment of regional panels?

The Hon. R. G. PAYNE (Minister of Community Welfare): The recommendation that we have in mind is that made by Judge Murray in the report, as follows:

That the regional panels be established by Statute in each of the five Department for Community Welfare regions.

In the case of the honourable member's area that would be Southern Country. Consideration is being given at present to either Murray Bridge (and I am sure the honourable member is fishing for the possible location) or further in the South-East. It has not gone beyond that at this stage.

Clause passed.

Clause 17 and title passed.

Bill read a third time and passed.

REGIONAL CULTURAL CENTRES BILL

Adjourned debate on second reading.

(Continued from November 30. Page 2599.)

Mr. MAX BROWN (Whyalla): I have been involved for some time with the building of a complex in the city of Whyalla. This Bill will provide for the future development of a cultural centre in that city. This complex was the beginning of real investment by the present State Government and, in particular, the past Federal Labor Government led by Mr. Gough Whitlam. I want to pay tribute to the previous Federal Labor Government because this complex was a major development for the city of Whyalla. This Bill will also provide something important in the future for the city of Mount Gambier.

The present situation is that the first part of the regional centre at Whyalla has been built at a substantial cost. The indoor recreational complex, which comprises a basketball court, heated pool and squash courts, is completed. I believe that a child-minding centre in that complex has been completed, too. This Bill will provide the way to start building a cultural centre for the city of Whyalla. I believe that when it is built it will provide a home for the cultural abilities that have been displayed by various bodies such as the Whyalla Players, who have done a marvellous job. The building of this complex will lend itself to the possibility in future of attracting great international artists from the Festival Centre in Adelaide to the city of Whyalla.

I think this is an important factor and shows again an important aspect of decentralisation of not only industry but also the cultural area that is necessary for the people. I welcome the Bill and believe it is an important step forward. I hope that the Bill will proceed through this House and the other place and that the city of Whyalla will soon obtain some great benefits in the cultural field.

Mr. ALLISON (Mount Gambier): I, too, welcome this Bill. I hope that it will have significance for Mount Gambier especially, but generally for the South-East and for any other fairly heavily settled country regions. It is obvious to everyone that the success of the Adelaide Festival Centre has contributed considerably towards raising artistic standards throughout the State. It is also relevant that people in country areas contributed substantially to the construction of the Festival Centre when called on (I believe the Hall Government was in office when the first gifts were called for from metropolitan and country subscribers) to subscribe. Many people in country areas felt that in subscribing they were contributing to something not just for Adelaide but for South Australia.

The people of my district were equally hopeful that at some time in the future they could look forward to the establishment of cultural centres not only in the South-East but elsewhere in the State so that the many activities that took place in the Adelaide region could also take place in the country. For example, national and State entertainers could be encouraged to go to the country districts. Not everyone can come to Adelaide from remote areas, but the sending of artistic talent to country areas is a feasible idea.

Entrepreneurial activities could be encouraged, with national and international artists being quite willing to stop off to perform at some country centres where accommodation of a reasonably high standard was available. In Mount Gambier we have had entrepreneurial activities taking place in the Kings Theatre and in the Odeon Theatre. Neither is suitable so far as changing accommodation is concerned, nor are the acoustics acceptable in the modern international sense. The Kings Theatre is very substandard as far as heating, ventilation, changing accommodation, acoustics and other aspects are concerned, and aesthetically it is not very pleasant. It has done tremendous service over the years, but it has tremendous drawbacks.

I believe that the lack of support in recent years even for A.B.C. concerts has been largely because of this lack of suitable accommodation. People expect better accommodation when they attend cultural events. This Bill does not concern only international and national stars: I believe that a cultural centre primarily has to meet the needs of the local population. We have had the Hassel inquiry, from which a report should shortly come forward, into the cultural and social needs of Mount Gambier. One is hopeful that this report will highlight the need for local artists (whether it be in singing or drama, whether for the older groups or for junior groups) and a need for the performing arts as well as for the manual arts and crafts in the South-East.

We in the South-East have no doubt that there is a need for a cultural centre. There has been a tremendous resurgence of interest in art and culture in the South-East during the past 10 or 15 years. I have watched it take place with the greatest of pleasure, and I have participated in many of the things that have happened there, partly as a performing artist, which makes me have more than a passing awareness of the importance of a cultural centre such as the one envisaged in this Bill.

One interesting feature is that this Bill removes the management of a regional cultural centre from the hands of the councils, a situation that has been commonly accepted, and places management control in the hands of a trust, two of whose members will be nominated by council but will not necessarily be councillors, and the other four of whom shall be appointed by the Governor.

There is one very minor clerical alteration to be made on page 2, line 6, where there is a comma after "Government". I believe that should be omitted. The most interesting feature from the point of view of country councils is that under clause 13 (1) there is power for the trust, with the consent of the Treasurer, to borrow money at interest from any person upon such security (if any) by way of mortgage or charge over any of the assets of the trust as the trust may think fit to grant. More importantly, clause 13 (2) provides:

The Treasurer may upon such terms and conditions as he thinks fit guarantee the repayment of any moneys (together with interest thereon) borrowed by the trust under this section.

Even more importantly, clause 13 (3) provides:

Any moneys required to be paid in satisfaction of a guarantee given pursuant to subsection (2) of this section shall be paid out of general revenue of the State which is hereby to the necessary extent appropriated accordingly.

Yesterday, the Governor recommended the appropriation of such amounts as might be required under this Bill. I do not think there is any doubt in anyone's mind that cultural centres would have been established in large regional centres had sufficient funds been available.

Whyalla, Mount Gambier, and possibly other centres have been looking forward with tremendous interest to a follow-up to the Premier's remarks of probably one, two or three years ago that various regional centres would in due course be proclaimed for assistance by the Government. I have no doubt that the Mount Gambier City Council and all those in the South-East who are in any way interested in art and cultural forms will be looking forward with tremendous interest to the Premier's announcement. I hope that it is an imminent announcement and that funds will be made available by the State Government for the establishment of a regional cultural centre in the South-East. I am very pleased to support this Bill, and I look forward with great interest to the announcements to be made in the future by the Government regarding the establishment of a cultural centre in my area.

Mr. RODDA (Victoria): I support the member for Mount Gambier, and on this occasion I am happy to support the member for Whyalla, who, as President of the Whyalla Football Club, acted as host to me recently at Whyalla. He was an extremely good host and was very "liberal" with his money.

The Bill will be good for South Australia. In the South-East are many people who have an interest in the arts. I was privileged to be in Mount Gambier a few weeks ago when the Premier opened the community college, and it was reeking with art. Some things emanated from Naracoorte with regard to the name, but I assure the Premier that it was only skin deep and that all is well with the centres of learning in the South-East.

I hope that the major centres (and Mount Gambier and Whyalla are two of the principal centres in South Australia) have cultural centres built. Naracoorte gets a spin-off from such things. We appreciate this type of legislation and look forward to it. It will make a contribution to the appreciation of the arts and give to the citizens of the area an inspiration that is needed in order to make for a happy community. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Establishment of trust in relation to centre within area of council."

Mr. ALLISON: There is one minor clerical error. In subclause (2), the comma after the words "the Governor shall" is superfluous.

The Hon. D. A. DUNSTAN (Premier and Treasurer): Typographical and clerical errors of that kind are corrected automatically, without the necessity of a motion of the Committee.

Clause passed.

Clauses 6 to 12 passed.

Clause 13—"Power to borrow money."

The Hon. D. A. DUNSTAN: This is a completely crucial clause, because it sets out the way in which the capital funds for regional cultural centres may be provided. It is important that, in ensuring the building of regional cultural centres, these do not entrench upon the general Loan funds of the State or the authorised larger semi-governmental borrowing programme. The way in which it is proposed that the regional centres should be financed is that they will be created and able to borrow, under the provisions made by the Loan Council, up to $800 000 a year each without approval of the Loan Council, and that that is beyond and outside the general Loan Fund or the larger semi-governmental borrowing programme. This

would mean that, in relation to Whyalla and Mount Gambier, we would anticipate creating trusts virtually immediately. That would allow them to start borrowing their $800 000 this financial year and to have accumulated a fund, each of them, of $1 600 000 by early next financial year, which would enable us to get on with the completion of plans in relation to Mount Gambier and the letting of initial contracts, and in relation to Whyalla commencement of the work of construction could take place next calendar year. In addition, the member for Port Pirie would be glad to know that provision could be made at an early time for the establishment of a trust in that city and for consideration then to be given to the necessary acquisitions to finance work in Port Pirie.

Mr. ALLISON: The amount of borrowing is limited to $800 000 each year. Is there a limit as to the number of years in which this sum can be borrowed?

The Hon. D. A. DUNSTAN: No, but inevitably a limit will be placed by the Treasury on the total amount of loan the Government is prepared to service. There would have to be an agreement between the Government and the trust as to the total amount to be expended for any regional cultural centre, because the Government intends that our basic subsidy to regional cultural centres should be in the servicing of these loans.

Mr. RODDA: I presume that the community is to be called on to make a fairly heavy contribution. From my experience in local communities, that must be a limiting factor.

The Hon. D. A. DUNSTAN: Naturally, we expect that local communities will also subscribe funds towards regional cultural centres, but the money to be borrowed in this way is not predicated to the amount subscribed by the local community. We did not put that limitation on the Adelaide Festival Centre, and we would not do so on regional cultural centres. We would hope and anticipate that the local community would set out to raise money for provisions within its regional cultural centre.

Clause passed.

Remaining clauses (14 to 17) and title passed.

Bill read a third time and passed.

CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2 (clause 4)—After line 19 insert new definition as follows:

" 'the Tribunal' means the City of Adelaide Planning Appeals Tribunal established under section 26a of this Act."

No. 2. Page 2 line 32 (clause 7)—Leave out "and shall if requested by the Minister,".

No. 3. Page 3, lines 27 and 28 (clause 10)—Leave out all words in these lines and insert:

"proclamation and a copy of that proclamation shall forthwith be laid before each House of Parliament and upon confirmation of that approval by resolution of each such House the principles shall be amended in accordance with that approval."

No. 4. Page 3, line 33 (clause 11)—Leave out "seven" and insert "eight".

No. 5. Page 3, line 34 (clause 11)—Leave out "three" and insert "four".

No. 6. Page 4, line 29 (clause 13)—Leave out "four" and insert "five".

No. 7. Page 4, lines 33 and 34 (clause 13)—Leave out "consideration of that matter shall be adjourned until the next meeting of the Commission" and insert "the matter shall be decided by the Minister and for the purposes of this Act such a decision shall be deemed to be a decision of the Commission".

No. 8. Page 5, lines 13 to 18 (clause 17)—Leave out the clause.

No. 9. Page 5, line 30 (clause 19)—After "determination" insert "and the Commission shall forthwith deal with the application."

No. 10. Page 5, line 38 (clause 20)—After "20." insert "(1)".

No. 11. Page 5 (clause 20)—After line 42 insert new subclause (2) as follows:

"(2) The Commission shall forthwith deal with the application of the Council made pursuant to subsection (1) of this section."

No. 12. Page 8—After line 2 insert new clause 26a as follows:

"26a. *The Tribunal*—(1) There shall be a Tribunal which shall be called the 'City of Adelaide Planning Appeals Tribunal'.

(2) The Tribunal shall be constituted of the Chairman or an Associate Chairman of the Planning Appeal Board continued under the Planning and Development Act, 1966-1976, appointed by the Governor."

No. 13. Page 8, line 9 (clause 27)—Leave out "Minister" and insert "Tribunal".

No. 14. Page 8, line 13 (clause 28)—Leave out "Minister" and insert "Tribunal".

No. 15. Page 8, line 14 (clause 28)—Leave out "he" and insert "it".

No. 16. Page 8, line 24 (clause 28)—Leave out "Minister" and insert "Tribunal".

No. 17. Page 8, line 26 (clause 29)—Leave out "Minister" and insert "Tribunal".

No. 18. Page 8, line 29 (clause 30)—Leave out "Minister" and insert "Tribunal".

No. 19. Page 8, line 30 (clause 30)—Leave out "Minister" and insert "Tribunal".

No. 20. Page 8, line 31 (clause 30)—Leave out "Minister" and insert "Tribunal".

No. 21. Page 8, lines 33 to 38 and page 9, lines 1 to 29 (clauses 31, 32, 33, 34, 35)—Leave out clauses 31, 32, 33, 34, 35 and insert new clauses 31, 32, 33, 34, 35, 35a, 35b and 35c as follows:

"31. *Appeals*—(1) Subject to this Act, the Tribunal shall hear and determine the appeal and shall have regard to sections 24 or 25 of this Act as the case requires and may by its determination—

(*a*) disallow the appeal and uphold the decision appealed against;

(*b*) remit the matter the subject of appeal for reconsideration by the Council or the Commission together with such directions as it considers appropriate;

(*c*) substitute for the decision any decision which the Tribunal considers the Council or the Commission should have made in the first instance.

(2) At the hearing of an appeal—

(*a*) The Tribunal may take evidence on oath or affirmation and for that purpose may administer or cause to be administered an oath or affirmation;

(*b*) the procedure shall, subject to this Act, be determined by the Tribunal as it thinks fit;

(*c*) the Tribunal shall not be bound by the rules of evidence and may inform itself upon any matter in any manner it thinks fit;

and

(*d*) the proceedings shall be conducted according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(3) A determination of the Tribunal under this Part shall be final and without appeal.

32. *No personal liability*—(1) A person constituting the Tribunal shall not be personally liable for anything done by it or him in good faith in the exercise or purported exercise of its or his functions or duties under this Act or any other law.

33. *Rights of Counsel and other persons*—(1) A barrister, solicitor or other agent, when appearing at a

hearing before the Tribunal shall have the same rights, protection and immunities as a barrister has when appearing for a party before a local court.

(2) A person appearing as a witness at a hearing before the Tribunal has the same protection, and is, in addition to the penalties provided for by this Act, liable to the same penalties as a witness in proceedings before a local court.

(3) A person appearing as a witness at a hearing before the Tribunal shall not, without lawful excuse, fail or refuse when required by the Tribunal to be sworn or to make affirmation or to produce books or documents or to answer any question other than a question the answer to which would tend to incriminate him—

Penalty: One thousand dollars.

34. *Contempt, etc.*—A person shall not—

(*a*) wilfully insult or disturb the Tribunal in the exercise of its functions or performance of its duties under this Act;

(*b*) wilfully interrupt the proceedings of the Tribunal;

(*c*) use insulting language towards the Tribunal when functioning as such;

(*d*) create a disturbance or take part in creating or continuing a disturbance in or near a place where the Tribunal is sitting for the purpose of any hearing;

(*e*) fail to comply with a notice referred to in subsection (1) of section 37 of this Act;

or

(*f*) before the Tribunal hearing an appeal, do any other act or thing which would, if the Tribunal were a Court of Record, constitute a contempt of that court.

Penalty: One hundred dollars.

35. *Registrar*—(1) There shall be a Registrar of the Tribunal who shall be appointed by the Governor under and in accordance with the Public Service Act, 1967-1975.

(2) The office of Registrar of the Tribunal may be held in conjunction with any other office of the Public Service of the State.

35a. (1) The Registrar of the Tribunal acting under the direction of the Tribunal may, by notice in writing signed by him, require any person to attend before the Tribunal at a time and place specified in the notice and give evidence before the Tribunal or produce to the Tribunal any books or documents specified in the notice touching any matter relating to the appeal, the subject of a hearing.

(2) The Tribunal may inspect any books and documents produced to the Tribunal and retain them for such reasonable periods as the Tribunal thinks fit and make copies of or take extracts from any such books or documents as in the opinion of the Tribunal are relevant to the appeal or matter.

35b. *Costs*—(1) The Tribunal may make an order for costs in any proceedings in accordance with a scale prescribed for the purpose—

(*a*) where, in the opinion of the Tribunal, the proceedings are frivolous or vexatious or founded upon trivial grounds;

or

(*b*) where, in the opinion of the Tribunal, the proceedings have been instituted or prosecuted for the purpose of delay or obstruction.

(2) Where a party to proceedings before the Tribunal applies for an adjournment of the hearing of those proceedings, the Tribunal may grant that application upon such terms as it considers just and may make an order for costs in accordance with the scale prescribed for the purpose against any party in favour of any other party to the proceedings.

35c. *Powers of entry*—The Tribunal or any person authorised by the Tribunal may at all reasonable times enter and remain on any premises or place within the municipality for the purpose of the exercise or discharge of the powers and functions of the Tribunal under this Act."

No. 22. Page 10 (clause 40)—After line 26 insert new paragraph (*aa*) as follows:

"(*aa*) provide for and prescribe any matter or thing relating to the practice and procedure of the Tribunal in the determination of appeals;".

No. 23. Page 10, lines 32 to 41 (clause 40)—Leave out subclause (3) and insert new subclause (3) as follows:

"(3) The Governor shall not make a regulation under this section unless the Minister has certified that—

(*a*) the substance of the proposed regulation has been publicly exhibited at the Town Hall in the City of Adelaide for a period of not less than two months;

and

(*b*) the Minister has considered all objections to that proposed regulation."

Amendment No. 1:

The Hon. HUGH HUDSON (Minister for Planning): I move:

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

The first amendment is one of a series relating to a proposal that an appeal to the Minister be substituted by an appeal to the tribunal. As there are a series of consequential amendments, it would be appropriate for me to explain the general situation in order to avoid further discussion. The tribunal is proposed to be constituted by a Chairman or an Associate Chairman of the Planning Appeal Board. Before a matter can be heard by the tribunal, the judge has to be satisfied either that a conference has already taken place between the parties or that no good purpose would be served by such a conference, and that provision is retained.

Because the establishment of this tribunal does not bring in provisions of the Planning and Development Act, a series of new clauses have to be provided in order to govern the way in which the tribunal will function, and new clauses 31 to 35c deal with this matter. They set out the manner in which the tribunal will hear an appeal, its powers to disallow the appeal or to remit the matter for further consideration, or substitute a decision for any decision which the tribunal considers the council or commission should have made in the first place. It allows the tribunal to take evidence on oath. The procedure shall be as the tribunal itself shall determine. The tribunal is not bound by the rules of evidence. The proceedings shall be conducted according to equity, good conscience and the substantial merits of the case, without regard to technicalities and legal forms. The determination of the tribunal under this Part shall be final and without appeal, so that provision is also retained. The provisions relating to no personal liability, the rights of counsel and other persons, contempt, and a provision establishing a Registrar of the tribunal are included.

New clause 35b deals with the question of costs, and there are limited instances in which the tribunal can order costs. It may make an order for costs where, in the opinion of the tribunal, the proceedings are frivolous or vexatious or founded upon trivial grounds or where, in the opinion of the tribunal, the proceedings have been instituted or prosecuted for the purpose of delay or obstruction, and, where someone has applied for an adjournment of a hearing, that may cause the tribunal to award costs. New clause 35c gives the tribunal or any person authorised by the tribunal power to enter and remain on premises within the municipality. Those are the main provisions, and there are subsequent amendments that have to be agreed to.

Mr. COUMBE: The Committee appreciates the Minister's explanation, because this is the first amendment of a series of 23, some of which are to be amended by the Minister. We are dealing with a matter which was of vital importance to the Opposition when we spoke of the

appeal to the Minister against a decision of the commission. The appeal to the Minister would be final. We submitted very strongly that this was wrong in principle. In future, in lieu of going to the Minister and his decision being final, we will have a tribunal set up, to be called the City of Adelaide Planning Appeals Tribunal. It is set out who will constitute the tribunal: it will be an independent judicial officer, a judge of the Planning Appeal Board, or an Associate Chairman. That removes one of the principal objections to the Bill and the form in which it first appeared in this place. I commend the Government on the amendment as it arrived from the other place and on its decision to accept it.

Motion carried.

Amendment No. 2:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 2 be disagreed to and that the words reinstated by that disagreement be amended by inserting the word "commission" in lieu of the word "Minister".

Clause 7 of the original Bill enabled the council to prepare amendments to the principles, and clause 7 (2) provided that the council may, and shall, if requested by the Minister, from time to time prepare amendments to the principles. The amendments from the Upper House aimed to take away the words "and shall, if requested by the Minister". I am suggesting that it may be a suitable compromise if those words be "and shall, if requested by the commission", rather than having the request come from the Minister.

Motion carried.

Amendment No. 3:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 3 be disagreed to.

This amendment would mean that any change in the principles could not have effect until both Houses of Parliament had by resolution approved that particular amendment to the principles. This would have put the City of Adelaide in a position distinct from that of any other council throughout the State. Supplementary development plans of other councils do not have to go to Parliament for approval. They are approved by the Governor in Council issuing a proclamation, and it is not appropriate that this should be done in relation to the City of Adelaide.

Mr. COUMBE: Can we have an assurance from the Minister that if in future, as is likely to be the case, the principles adopted by this Bill are to be amended, the normal procedures of the Planning Act will apply and that the amendments to the principles will be exhibited by the City of Adelaide in the normal way for objection to be taken by ratepayers or other interested parties?

The Hon. HUGH HUDSON: That provision is in the Bill; it was from the word "go".

Motion carried.

Amendments Nos. 4 *to* 7:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendments Nos. 4 to 7 be agreed to.

These amendments alter the number of members on the commission. The commission as it was constituted by the Bill when it went to the Upper House provided for four members nominated by the Government and three by the council. The newly-constituted commission will be made up of four members nominated by the Government and four nominated by the council, with a provision that an equality of votes will be decided by the Minister. There is no provision for a casting vote in the circumstances; where there is an equality of votes on the commission, the matter goes to the Minister for determination. That provision is associated with the switch to an appeal to a tribunal rather than an appeal to the Minister. Obviously, if we had the Minister determining a matter of the commission where there had been an equality of votes and then an appeal to the Minister, that would be going from Caesar to Caesar. This amendment is satisfactory to the Government.

Mr. Coumbe: It would also save time.

The Hon. HUGH HUDSON: Yes.

Motion carried.

Amendment No. 8:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 8 be disagreed to, and that clause 17, reinstated by such disagreement, be amended as follows:

Page 5, line 14—After "delegation" insert "in relation to minor matters".

Clause 17 dealt with powers of the commission to delegate, and the Upper House took the view that, while it was happy for the council to be able to delegate to any of its officers, the commission could not. That seems to me an unreasonable view, but I am quite happy to accept that such delegation by the commission should be only on minor matters, and the proposal I put forward would reinstate the power of delegation by the commission but confine that power of delegation to matters of a minor nature.

Motion carried.

Amendments Nos. 9 *to* 11:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendments Nos. 9 to 11 be agreed to.

These are fairly straightforward. They all seek to ensure that, when a commission has to make a decision in relation to an application, it shall be dealt with forthwith or expeditiously. I am pleased to accept those amendments.

Motion carried.

Amendment No. 12:

The Hon. HUGH HUDSON: I move:

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

This is one of the amendments that flow on from the establishment of the tribunal.

Motion carried.

Amendments Nos. 13 *to* 20:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendments Nos. 13 to 20 be agreed to.

With one exception, they will be applauded by the member for Kavel, because they substitute "tribunal" for "Minister". Even the exception might be approved by him, because it strikes out "he" and inserts "it".

Motion carried.

Amendment No. 21:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 21 be agreed to.

This is put separately, because it leaves out certain clauses and puts in a whole series of clauses relating to the function of the tribunal. I have already explained this.

Motion carried.

Amendment No. 22:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 22 be agreed to.

This amendment enables regulations to be prescribed for any matter or thing relating to the practice or procedure of the tribunal in the determination of appeals.

Motion carried.

Amendment No. 23:

The Hon. HUGH HUDSON: I move:

That the Legislative Council's amendment No. 23 be amended as follows:

(*a*) by striking out the word "The" (being the first word in proposed subsection (3)) and inserting in lieu thereof "On and after the expiration of the sixth month next following the commencement of this Act the";

and

(*b*) by striking out from paragraph (*a*) of proposed subsection (3) the passage "two months" and inserting in lieu thereof the passage "one month".

The purpose of this compromise suggestion is to avoid some of the problems that would be created by the Legislative Council's amendment. It is normal practice for the City Council to exhibit regulations, and it was argued that that normal practice would continue to operate, but there could be circumstances in which, to avoid some speculative activity, it would be desirable to introduce a regulation without exhibition. After all, the regulation would still be subject to disallowance by the House, and a certificate of validity is required by the Crown Solicitor that it is not *ultra vires* the Act. Any regulations must be in line with the principles approved by the Act. However, the council has not accepted that view, and I suppose that, so long as the exhibition is for one month (which I am suggesting in the compromise amendment), perhaps the City Council can live with that suggestion.

There arises from the amendment of the Upper House a particular problem in relation to the period immediately after the commencement of the Act because, when the Act commences, the principles come into force from the appointed day. If the regulations are not in force on that day, there is a hiatus period during which the principles are in force and regulations have not come into force, because they are still being exhibited. Therefore, they cannot be promulgated and have no legal effect. That would create a difficult period for the council. After discussion with the council, I propose that, for the first six months after the commencement of the Act, the regulations do not have to be exhibited, so it can ensure that the appropriate regulations will be able to come into force on the same day as the Act comes into force.

Motion carried.

The following reason for disagreement to the Legislative Council's amendments Nos. 2, 3 and 8 was adopted:

Because the amendments affect adversely the purposes of the Bill.

ADJOURNMENT

At 11.36 p.m. the House adjourned until Thursday, December 2, at 2 p.m.