HOUSE OF ASSEMBLY

Thursday, December 8, 1977

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

ASSENT TO BILLS

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

Land and Business Agents Act Amendment,
Pay-roll Tax Act Amendment,
Public Service Act Amendment.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Elizabeth Community College—Learning Resource Centre,
Gilles Plains Community College.

Ordered that reports be printed.

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

At 2.4 p.m. the following recommendations of the conference were reported to the House:

That the House of Assembly do not further insist on its disagreement to the amendment, but make the following additional amendment:

Page 2, after line 1 (clause 3)—Insert paragraph as follows:

(al) to extend the services of the bank to that body, where, in the opinion of the trustees, that body is a small business only the proprietors of which are persons who could normally be expected to establish accounts with the bank;

and that the Legislative Council agree thereto.

Later:

The Legislative Council intimated that it had agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

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

That the recommendations of the conference be agreed to.

Members will recall that the original amendment of the Legislative Council was to strike out the words "or extend" from the Savings Bank Act Amendment Bill. The provision of the original Bill was that the bank could follow the course of providing banking facilities to an incorporated association where that was to protect or extend the business of the bank.

The objection of the Legislative Council appeared to be twofold. One objection was that this could give a considerable extension of bank business into a trading bank field and beyond the normal provisions of the Federal regulations in relation to savings banks. The second point was that this would somehow extend the Savings Bank's business and that this was undesirable because the Savings Bank was not subject to central banking restraints.

I think that in discussion with the managers of the Legislative Council we disposed of that second contention. As to the first, it was pointed out that the Savings Bank trustees wanted to provide basically for two classes of people. First, they wanted to provide for those customers who were altering the organisation of their business from a personal one in which they had banked with the Savings Bank as natural persons to bank on an incorporated basis by incorporating a small company and that they should be allowed to continue their banking business with the bank after that incorporation.

The bank also wanted to provide that same service for that same class of persons even if they had not been prior customers of the bank at the time of the incorporation of the business. That is, if it is right to give one garage proprietor and his wife the right to continue with the Savings Bank if they had previously banked with the Savings Bank and they had formed a family company, then a garage down the road which had already been a small company operation ought to be able to get Savings Bank facilities also if that was what was sought. When this was clear there was no real objection from the Legislative Councillors to that in principle, so we endeavoured to spell this out in the words.

Mr. Millhouse: Are you responsible for this drafting?

The Hon. D. A. DUNSTAN: No, I am not.

Mr. Millhouse: I did not think you would be very anxious to take—

The CHAIRMAN: Order!

The Hon. D. A. DUNSTAN: I will not reflect on the draftsman, who is an expert in his own field. Let me say that the words are not as I put them to the conference but they are the draftsman's view of his improvement on my wording.

Mr. Millhouse: Your wording was not even as good as this?

The Hon. D. A. DUNSTAN: That may be a matter of a difference of opinion.

Mr. Goldsworthy: There's a split between the Premier and the draftsman.

The Hon. D. A. DUNSTAN: No, I prefer my own wording but I defer to the professional. The draftsman's view was that this fitted in with the wording of the section and, in consequence, it has given expression to the principle which I have enunciated and which has been acceded to unanimously by the conference.

Mr. BECKER: The amendment in my opinion is a good one. It was a victory for the Government and a victory for the trustees of the bank. As it is written, I think it is far wider than was originally intended.

Mr. Millhouse: You are opposing it, are you?

Mr. BECKER: I am not. When the Premier introduced the Bill, he said:

> It is suggested that the expression of the conditional limitation in the form proposed will deal with the situation in which from time to time the bank finds itself where one of its "commercial" customers, being a natural person, either forms a partnership or a company, and as a result cannot continue to be a customer of the bank.

The CHAIRMAN: Is the honourable member referring to the second reading debate of this Bill?

Mr. BECKER: Yes.

The CHAIRMAN: Then the honourable member is out of order.

Mr. BECKER: I was quoting word for word because I wanted to be sure of the facts. It appears as though it was a matter of what the Legislative Council read into that provision. It was clearly stated that the bank was able to open commercial accounts where the customer changed from a natural person to a partnership. This amendment

now means, as it is written, that the services of the bank can be extended to a body (which can be any group or organisation) where, in the opinion of the trustees, that body is a small business, only the proprietors of which are persons who could normally be expected to establish accounts with the bank.

Mr. Millhouse: What does that mean?

Mr. BECKER: That means to me that any citizen of South Australia can become a customer of the Savings Bank of South Australia. I suppose 90 per cent of South Australian schoolchildren would be customers of the Savings Bank through the school banking system. I would assume that probably during their lifetime just about everyone will have had a savings account with the Savings Bank of South Australia. If I was working in the Savings Bank, to me this would mean that I could not refuse anyone who came into the bank and wanted to open a commercial account. It could easily be proved that the person could qualify as a customer of the bank as an ordinary savings account customer; it could probably be easily proved that during his lifetime he had had a school bank account, anyway.

I wonder whether the Legislative Council really looked into the matter and how sincere it was when it raised the objection initially. I was in some doubt last evening myself, but I take this now as a victory for the Government if it wanted to assist the Savings Bank of South Australia to extend the services of the bank.

Mr. MILLHOUSE: I have been trying to elicit from the member for Hanson—

The CHAIRMAN: You were out of order.

Mr. MILLHOUSE: Yes, and that is why I did not go through with it. I was trying to elicit from him his view of whether or not this amendment is a desirable one.

Mr. Becker: We have not really made up our minds whether the Savings Bank should become a trading bank.

Mr. MILLHOUSE: I suggest there is good reason why this Committee should accept the motion put by the Premier. If the member for Hanson believes, as he apparently does, that this is a victory for the Government and something he does not like, he should vote against it. He says he was on the conference. This shows the artificiality of our machinery for the resolution of deadlocks between the Houses. He knows what is good but, because he was on the conference, he feels he has to let his own bank down, together with other trading banks. We will see what he does when the matter comes to a vote.

Mr. Becker: I was representing the House.

Mr. MILLHOUSE: I ask the honourable member through you, Mr. Chairman, which is more important to him—the business community of this State, particularly the trading banks, or the fact that he happened to be a member of this House on the conference? Perhaps he will answer that in due course.

The Hon. G. R. Broomhill: What would you do?

Mr. MILLHOUSE: I know what I am going to do, after hearing what the member for Hanson has said. He has convinced me that it is a bad amendment and, if any other members of his Party have any gumption (which I doubt), they, too, will be convinced that it is a bad one. This is not a Bill in which I have taken any particular interest hitherto, but, having heard the member for Hanson, and realising that he is two-timing on this matter, we will take some action in due course.

The Hon. Hugh Hudson: Have you got shares, too?

The CHAIRMAN: Order! The honourable Minister is out of order.

Mr. MILLHOUSE: So far as I can remember, I have no shares in any trading bank.

Members interjecting:

The CHAIRMAN: Order! The honourable member ought to ignore the very good interjections and concentrate on the recommendations. The honourable member for Mitcham.

Mr. MILLHOUSE: I have an account at the Savings Bank, and I should have thought that most South Australians, irrespective of their financial situations, also have accounts. A few days after I was born, nearly 48 years ago, an elderly relative of mine opened an account for me by depositing one pound or ten shillings.

The CHAIRMAN: Order! The honourable member should now refer to the recommendations.

Mr. Mathwin: Was it a sovereign?

The CHAIRMAN: Order! The honourable member for Glenelg is out of order. The honourable member for Mitcham must concentrate on the recommendations.

Mr. MILLHOUSE: Anyone in the State could normally be expected to establish an account at the bank. How will the trustees, except in their own interests, interpret the phrase "a person who could normally be expected to establish an account"?

The Hon. D. A. Dunstan: In the interests of the bank.

Mr. MILLHOUSE: Of course they will interpret it in the interests of the bank. That point was made by the member for Hanson, and I paid particular attention to it. The other point, again in the opinion of the trustees, is what is a small business? We are more effective than is any other Party in our proposals for small business and, after Saturday, we will have a chance to have some influence on the matter. That is irrelevant, however.

The CHAIRMAN: Hear, hear!

Mr. MILLHOUSE: What is a small business in this context? The term has never been defined, and there is no attempt in the Bill to define it. By looking at the drafting, whether it is as good as, or worse or better than the Premier's, it is obvious that this is left entirely and absolutely, without any significant guidelines to the trustees of the bank, to determine. I propose to follow the lead of the member for Hanson, and I am opposed to the recommendation.

Mr. TONKIN (Leader of the Opposition): The member for Hanson was acting in his capacity as a manager for the Assembly and on its behalf at the conference, but that does not prevent him from holding strong personal views on the subject, and I concur in what he has said. The position basically has not changed, as I see it, from when the Bill was before us originally. It is generally considered that, as a result of the legislation, the Savings Bank will be able to enter into direct competition, with virtually the same powers as a trading bank. I see nothing in the amendment we are discussing which makes me change my mind, certainly nothing to reassure me on that matter, or to take out of this place and offer to members of the banking community or members of the community at large any reassurance that the Savings Bank will not be undertaking or will not be able to undertake this widening of its activities.

That being so, I am unable to support the motion. It is exactly as the member for Hanson has said, no help at all. I think it was not until he pointed out that almost everyone in this Chamber has had a savings account with the bank at some time or another that the real significance of the recommended amendment came home to members, and that was when the member for Mitcham first picked it up. I am unable to support the motion, for the same reasons as I outlined when the Bill was originally before the House.

Mr. Millhouse: Congratulations, Don, you must have done a very good job up there.

The CHAIRMAN: Order!

The Hon. D. A. DUNSTAN: It is nice of the honourable member to say that kind of thing, because I have known him to say that I am a terrible negotiator and that I am quite supine about it.

Mr. Millhouse: You've obviously pulled the wool over the eyes of the Legislative Council.

The Hon. D. A. DUNSTAN: I never do that. I do not get as close to them as that.

The Hon. Hugh Hudson: They'd look well stuffed in the museum, wouldn't they?

The Hon. D. A. DUNSTAN: That is if one could cope with the hardened arteries and the operation. The honourable member has suggested that the amendment virtually allows the bank to go into any kind of commercial transaction in servicing companies in South Australia. However, I point out that it would not allow the trustees to go into the servicing of public companies. It would not go into large joint stock companies, and there are severe limitations on the bank's ability to service companies with loan facilities. There are specific limitations on the amount the bank can lend on any account.

In consequence, it is just not the case that this normally widens the scope of the Savings Bank to operate; it copes with a number of customers who are presently coming to the bank and seeking its facilities—customers who, if they were operating as natural persons, would have bank accounts in their own names with the Savings Bank and of the order with which the bank could deal in relation to businesses. The loans cannot be large, because of the limitations on loans. In consequence, the idea that we are enormously widening the door of the bank's operation is erroneous. The discussion in the managers' conference was full and frank and, when the conference came to the conclusion it did, it was a unanimous conclusion, without objection by any person in the conference.

Mr. MILLHOUSE: The last piece of information from the Premier is most interesting, in view of what we have heard this afternoon. Of course, this amendment is in conformity with what he has just explained. It will allow that situation, which I accept is desirable, to occur, but it is so much wider than that that whether the Savings Bank now can cope with anything else is not the point. The point is for the future. We are putting this power in the Statute Book, and it will be there for all time; it can be used in the future. That is the danger that I see, if danger is the right word. It is far wider than is the situation the Premier is using in his argument that this should be accepted, and far wider than is required so that that situation can be met.

Mr. BECKER: I think the Premier is playing it down a little bit. Banking in South Australia is a competitive industry, and the Savings Bank has had the edge over the private banks with the offering of the ¼ per cent interest on deposit. That is an accepted fact. If I were a trustee, I know that my instructions to the bank would be that anyone who wanted to open a proprietary limited or a company account would be free to do so, because it could be easily proved that the directors, the working partners, or some of the shareholders would have been at some time customers of the Savings Bank.

The original intention was for the bank to be able to offer a service to existing customers, but this goes far wider. If, as the member for Mitcham said, at some time in the future anyone wished to expand the operations of the Savings Bank of South Australia, the authority would be on the Statute Book for it to be done. If I were a trustee, my instructions would be plain: it would be open slather to take any account.

The Savings Bank, through computerisation, can handle any type of account except the account where one wishes to overdraw up to, I think, $1 500. Many company accounts today operate purely on credit, and many arrange their financing outside the banking system. Within the next two or three years, there may be no such thing as an overdraft limit or a day-to-day overdraft facility in any of our banks. We will switch to the American system, where all cheque accounts will have to be operated on a credit basis. Anyone who wishes to overdraw must make prior arrangements with the bank and be given a fixed loan account. The Savings Bank of South Australia, through its computerisation system, is ideally placed to bring in such an operation. It is another system I would operate if I were in the Savings Bank. This is a very good amendment for the Government on behalf of the Savings Bank.

The Committee divided in the motion:

Ayes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Dunstan (teller), Groom, Groth, Harrison, Hemmings, Hopgod, Hudson, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (16)—Mrs. Adamson, Messrs. Allison, Arnold, Becker (teller), Dean Brown, Eastick, Evans, Goldsworthy, Mathwin, Millhouse, Nankivell, Russack, Tonkin, Venning, Wilson, and Wotton.

Pair—Aye—Mr. Corcoran. No—Mr. Chapman.

Majority of 7 for the Ayes.

Motion thus carried

QUESTIONS

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

WHYALLA SOCIAL WORKERS

In reply to **Mr. MAX BROWN** (November 29).

The Hon. R. G. PAYNE: There are currently three vacancies for social workers at Whyalla due to the following factors:

(1) A social worker was transferred from Whyalla to the metropolitan area for personal reasons after completing three years country service.

(2) Another social worker at Whyalla was transferred to the vacant position of neighbourhood youth worker attached to the Whyalla district office.

(3) A further social worker from the Whyalla district office was appointed as the administrative officer for the Northern Country Regional Panel for Non-Accidental Physical Injury to Children. That officer is still based at Whyalla and he is carrying a small case load. This officer took up his new appointment during October, 1977.

The vacancies at Whyalla have been advertised in the press on at least two occasions without any success.

However, arrangements have now been made for a temporary social worker to be employed from 1/12/77 to 13/1/78 and for three full-time appointees to commence duty early in the new year. One of these community welfare workers will commence duty on 16/1/78 and a further two on 1/2/78. The two latter workers are cadetship holders who will complete their studies during late 1977. The three appointments mentioned in the latter part of this report will bring the social worker establishment for Whyalla to full strength.

"ANLABY"

In reply to **Dr. EASTICK** (November 23).

The Hon. D. A. DUNSTAN: For various reasons the Government has decided not to purchase the property known as "Old Anlaby".

CAPITAL ASSISTANCE PROGRAMME

In reply to **Mr. SLATER** (November 23).

The Hon. D. W. SIMMONS: The reply to the question is as follows:

Capital Assistance Grants

	$	$
Total loan allocation, 1977-78		1 200 000
Less:		
Work in progress carried over from 1976-77		
Sturt Hockey Club	18 000	
Victoria Park Sweat Track	1 248	
Woodville Lacrosse Club	134	
S.A.C.R.A. St. Clair	6 068	
Adelaide Cricket Club/S.A.Rugby Union	13 500	
Blackwood Community Recreation Centre	15 948	
Marino Quarry Recreation Centre	26 668	
St. Vincent Recreation Centre	437 768	
Para Hills/Sturt C.A.E. Cricket Centres	2 753	
District Council of Millicent	2 404	
Naracoorte and District Youth Centre	10 003	
Y.M.C.A. Mt. Gambier	36 692	571 186
		628 814
Funds available for new works 1977-78		628 814
Less:		
Works already committed in 1977-78		
Ingle Farm Recreation Centre	100 000	
Morphettville Recreation Centre	130 000	
Equipment Grant	50 000	280 000
		348 814
Less:		
Approvals for new works 1977-78		
Clovelly Park Community Centre	3 500	
Brighton Men's and Women's Hockey Club	15 000	
City of Brighton	13 000	
Holdfast Bay-Marion and District Amateur Cycling Club	4 050	
Colonel Light West Tennis Club	2 525	
City of Unley	2 500	
Corporation of City of Campbelltown	4 250	
Adelaide Archery Club	6 500	
Keswick and Wayville Tennis Club	1 100	
West Adelaide Soccer Club	10 000	
Western Districts Amateur Athletics Club	1 410	
Adelaide City Council	2 500	
S.A. Soccer Federation	10 000	
Salisbury West Sports Club	290	
Holden Hill Community Netball Club	1 500	
West Torrens Rugby Union Football Club	4 000	
Hudson Avenue Reserve Committee—Enfield	1 130	
Royal Park Sports Club	300	
Corporation of West Torrens	35 000	
Findon Skid Kids	9 700	
Woodville North Sports Club	5 000	
S.A. Catholic Lawn Tennis Association	17 000	
Port Adelaide District Baseball Club	3 300	
Port Adelaide City Council	3 000	
Seaside Tennis Club—Henley Beach	*2 146	
Aldgate Vigilance Committee	3 750	
Port Elliot Tennis Club	1 900	
District Council of Kingscote, K.I.	8 550	
Coromandel Valley Tennis Club	4 300	
Hahndorf Recreation Reserve Association	2 000	
Mount Gambier Agricultural and Horticultural Society	30 000	
Mount Gambier Motor Cycle and Light Car Club	4 000	
Morgan Tennis and Netball Club	3 000	
District Council of Gumeracha	7 000	
District Council of Eudunda	27 500	
District Council of Gladstone	11 000	
Terowie Oval Committee	150	
Coober Pedy Progress and Miners Association	21 000	
Municipality of Peterborough	50 000	
Booleroo Centre Memorial Swimming Pool Inc.	6 300	
Port Lincoln Soccer Club	13 333	
*Plus Commonwealth Government Grant of $1 854		
Total number of applications received: 266		
Total number of applications approved: 41		

FARM BUILD-UP SCHEME

In reply to **Mr. BLACKER** (December 7).

The Hon. HUGH HUDSON: It is true that priority has been given to the processing of drought applications by the Rural Industries Branch. The Government makes no apology for this action in light of the serious plight facing so many farmers this year. The processing of applications under the rural adjustment scheme has not stopped completely and the more urgent applications are still being processed. More staff have been seconded to the branch from other areas of the Agriculture and Fisheries Department and two officers previously employed by the Commonwealth Development Bank have been employed

on a temporary basis. Some of the extra staff will be working in the rural adjustment area and the Minister of Agriculture is confident that applications will again be processed quickly early in the new year.

ANGAS INLET

In reply to **Mr. OLSON** (October 13).

The Hon. J. D. CORCORAN: It is not an offence to net in Angas Inlet provided the net is registered and marked as prescribed by the regulations under the Fisheries Act, and provided nets are not set across the channel vide regulation No. 145 of the Harbors and Wharves Regulations. No request has been received from the South Australian Recreational Fishing Council (SARFAC) to impose netting restrictions in Angas Inlet, nor has the South Australian Boating Industry Association which, incidentally, is a member of (SARFAC), raised the matter.

TOURISM DEVELOPMENT STUDY

In reply to **Mr. TONKIN** (November 3).

The Hon. J. D. CORCORAN: The delay in the release of the South Australian Tourism Development Study was due to the need for the original draft report to be properly examined and evaluated by the joint clients, being the Tourism, Recreation and Sport Department, the Commonwealth Industry and Commerce Department and subsequently by the South Australian Tourism Advisory Council. The comments put forward by those organisations, principally relating to the consistency of the relevant part of the draft report with the report of the Committee of Inquiry into the South Australian Government Tourist Bureau, were referred back to the consultants for consideration in January, 1977. Following receipt of the amended report in May, 1977, the Government Printing Office was requested to produce copies for general distribution.

The study report should be regarded as a contribution towards the determination of South Australia's future tourism strategies rather than a "blue print" for development. Many of the specific projects and proposals highlighted in the report have been under consideration by the Government for some time, and several have been implemented. In this situation, it is considered that the delay in the availability of the report has had no significant effect on the development of the projects outlined in the report.

STIRLING NORTH SCHOOL

In reply to **Mr. KENEALLY** (November 22).

The Hon. D. J. HOPGOOD: Willsdon Primary School advised on November 25 that 172 children from Stirling North are enrolled at Willsdon and leave Stirling North at 8.30 a.m. The bussing arrangements for the return journey are:

Junior Primary depart 3.30 p.m.
Upper Primary depart 4.00 p.m.
depart 4.15 p.m.

The demographic information on Stirling North is:

1. Population: The population of Stirling North increased rapidly between the 1971-1976 census dates —from 751 to 1 028 at an average annual increase rate of 6·5 per cent. The age distribution profile for the town and surrounding areas from which children could be expected to travel to a primary school in Stirling North, as at June, 1976, was:

Total population 1 559 in 384 homes.

Age cohorts	
0-4	175
5-9	153
10-14	197
15-19	147
20-24	166
25-29	151
30-34	115
35-39	101
40-44	62
45-49	83
50-54	59
55-59	56
60-64	40
65-69	22
70+	32

A histogram of the age cohorts is attached.

Age year details—

Pre-school		Primary age (286)		Secondary	
Age	No.	Age	No.	Age	No.
0	37	5	34	13	26
1	32	6	39	14	38
2	41	7	32	15	30
3	26	8	24	16	26
4	39	9	24	17	30
		10	56	18	29
		11	39	19	32
		12	38		

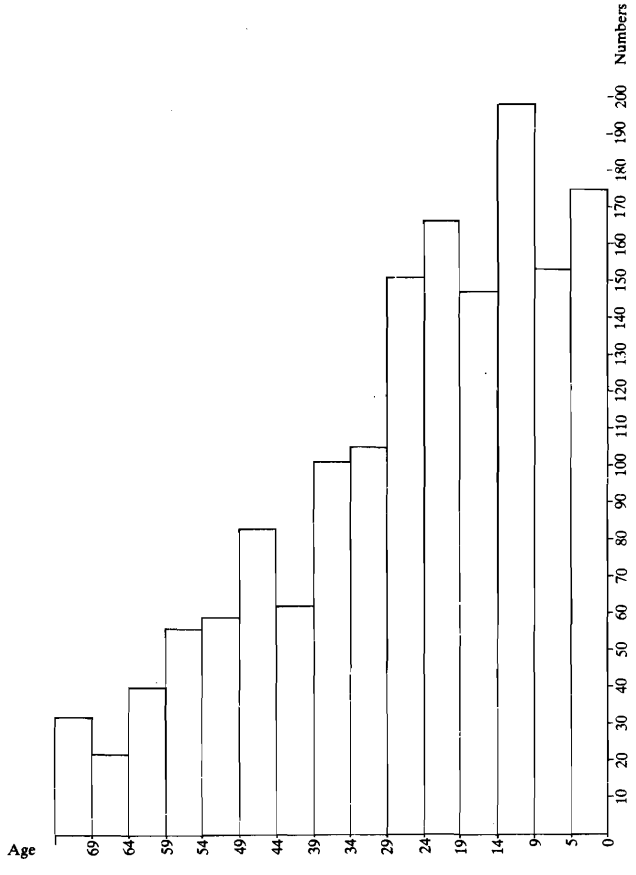
The primary age projections would not appear to show much increase over the present numbers.

Enrolments at Willsdon Primary School 1977.

Years	
1, 2	55
3	22
4	24
5	21
6	27
7	23
	192

Planning for Stirling North Primary School: A site at Stirling North has been identified, and negotiations for purchase have been initiated. The owner is, unfortunately, not anxious to sell and has set an excessively high price upon the land. The Public Buildings Department has been briefed to design a school in Demac construction to cater initially for 180 students with provision for two additional 4-teacher units if required. The planning is therefore to provide for 180, 300 or 420 students according to need.

This approach has been taken as there is considerable uncertainty about the growth of Stirling North, a growth which is dependent upon further developments by the National Railways and the Electricity Trust of South Australia, and the establishment of the Redcliff petrochemical plant. Although it is hoped that the availability date could be improved, it is currently set at February, 1980. Planning is proceeding for a 180 student primary school at Stirling North with availability in February, 1980. The planning provides for extensions to increase the capacity to 300 and 420 students if developments at the Port Augusta area lead to increases in the population of Stirling North.



LIQUEFIED PETROLEUM GAS

In reply to **Mr. TONKIN** (Appropriation Bill, October 20).

The Hon. G. T. VIRGO: Investigations were carried out by the Highways Department in 1973, and again by the Manager of the Government Motor Garage earlier this year. Tests have shown that L.P.G. meets the permissible emission level required by Australian Design Rule 27A. Tests also showed that L.P.G. emits a lower level of toxic gas than petrol fueled engines. On investigating the costs of converting petrol fueled vehicles to L.P.G. it was found that it would cost approximately $450 per car for a new installation dual fuel kit, and approximately $200 per car for a transfer kit. Therefore, to completely equip the existing fleet of Government motor cars and derivatives, would cost something like $1 300 000. In addition, approximately 1 600 cars based in the various departmental metropolitan fleets would be replaced each year, and this would involve a continuing cost of $320 000 per annum.

STAMP DUTY

Mr. TONKIN: Can the Premier say whether the Government will continue the present remission of stamp duty on the purchase of new homes, and extend the scheme for a further six months and, if not, why not? The stamp duty remissions which will apply up until December 23 have been welcomed by the Opposition, by the Housing industry, and by people buying new homes. This is especially so since South Australia has the highest level of duty payable on the purchase of, for instance, a $35 000 house of any State in Australia.

The detailed submission by the Housing Industry Association to the Housing Advisory committee in Canberra on December 2, 1977, shows that the level of approvals and commencement of new dwellings in South Australia is falling rapidly. It further shows that sales are still well below levels that had been budgeted for and that almost all builders have at least one unsold completed house on their books. Concern has also been expressed at the State Government's lack of continuing support for the private building sector, and at the fact that the current stamp duty remissions will not be continued even though the general situation has not improved.

I understand that the Government has previously considered this matter. The continuance of the scheme for a set period of, say, six months would be extremely beneficial both to people purchasing houses and to those in the industry.

The Hon. D. A. DUNSTAN: The Government does not propose to extend the stamp duty concession, the point of which was specifically that it was for a limited period to get people to take advantage of the remission during the limited period in order to encourage the sale of existing houses within that period. If it is just a general and continuing remission of stamp duty, it has none of the incentives it was originally designed to have. The Government has considered the effect of the remission ending in December and, in consequence, has made a transitional provision that will allow, as long as people submit their necessary papers in time, some further time for completion of the arrangements after the cut-off date. That has been announced specifically to help people right at the end of the remission period.

The Leader is incorrect in saying that this Government has not helped the private building industry: that industry has, by far, had more assistance from public finance in South Australia than has the industry in any other State. The Minister in charge of housing, however, has a special working party on further measures in relation to the home building industry in South Australia, and I expect that those further measures will be announced before long.

BUDGET ADVICE SERVICE

Mr. KLUNDER: Can the Minister of Community Welfare inform the House whether there are any plans to include schoolchildren in the preventive work now being undertaken by his department's Budget Advice Service? In company without the member for Todd, I recently visited the Budget Advice Service which has just begun operating at Modbury. We were informed that speakers were available from among the budget advisers to give lectures on sensible money management to various community groups. I believe that speakers have also been supplied to some schools, and there would seem to be many benefits to be gained from an extension of this service.

The Hon. R. G. PAYNE: I am happy to be able to inform the honourable member that the Education Department has endorsed a proposed education programme on money management for senior students. This will be provided through the Budget Advice Service speakers' panel during the 1978 school year. Although full details of the programme are still being worked out, I can say that it will be introduced progressively during the year. It makes a great deal of sense to speak to students about the pitfalls of managing money before they find themselves having to repair to the Budget Advice Service after they have got into trouble.

I am pleased that my colleague the Minister of Education has seen the reasoning behind the community

welfare approach to this matter and has given his utmost co-operation in this area. I point out that the service is designed not simply at the adult level to assist people who have got into difficulties in managing their finances: it is available on request even to young couples who are contemplating marriage or who have just married and desire a trained person retained by the department on a consultancy basis to provide this information and training so that they can learn to manage their money and, I hope, not fall into the pitfalls that occur.

OLD LEGISLATIVE COUNCIL BUILDING

Mr. GOLDSWORTHY: Can the Premier say when work will commence on converting the Old Legislative Council Building next door to Parliament House into an exciting historic museum? I am sure the Premier knows what I am talking about. He made an announcement three days before the State election to the effect that the historic premises next door to Parliament House were to be turned into one of the world's most exciting and revolutionary display complexes. Among other things, the Premier said that the South Australian experience would feature both a *Son-Et-Lumieret* (Sound and Light) display and a fantastic 20 projector audio-visual presentation, using multi-track stereo sound. How far have the plans gone, and when can we expect that we will be able to enjoy this novel experience?

The Hon. D. A. DUNSTAN: Plans are very well along the way on it. In order to set up a constitutional and historic museum in the Old Legislative Council Building, it will be necessary for us to have a special statutory authority for it.

Mr. Evans: Another one?

The Hon. D. A. DUNSTAN: Yes, because it is proposed to borrow money in order to provide the capital sum involved. I do not propose to take it out of Loan moneys. It is a perfectly proper exercise for us to proceed with. The legislation for it will be introduced in February; it is in the hands of the draftsman at the moment. The plans are well advanced and, as soon as the legislation is through the House and the Railways Institute has moved out of the building, we will proceed to the work.

Mr. Evans: Have you got enough boys for the jobs?

The Hon. D. A. DUNSTAN: I do not know about enough boys for the jobs, but if the honourable member is looking for one I shall consider including stuffed members of the Opposition in the exhibit.

MORPHETT VALE SOUTH SCHOOL

Mr. DRURY: Can the Minister of Education say when the school at Morphett Vale South will be in use?

The Hon. D. J. HOPGOOD: It is planned that the school will open for the beginning of the new school year. I believe that the building is right up to scratch with the time tabling, and the honourable member may be aware, as I noticed as I passed the school the other day, that the pedestrian underpass under Elizabeth Road, which will be part of a general pedestrian access to the school, is being installed.

CANNING INDUSTRY

Mr. ARNOLD: Will the Premier say whether it is the intention of the South Australian Government to force the closure of the Jon Preserving Co-operative and, if it is, how the Government expects this action to help the growers who, in many instances, are shareholders in both the Riverland Co-operative and the Jon Co-operative? Clause 6 of the agreement prepared by the South Australian Industries Assistance Corporation for the purchase of fruit for the 1977-78 fruitgrowing season states:

> Until the grower shall have delivered and the company shall have accepted all the fruit agreed to be sold and delivered the grower shall not sell or deliver any fruit of a similar type to that agreed to be sold and delivered to any other person or persons, company or companies without the prior written consent of the company.

That agreement clearly eliminates any other persons or companies from operating in this field.

It has been suggested to me that the Government has considered foreclosure on loans made available to the Jon co-operative through the State Bank under the loans to producers funds which have been provided through the Kyabram Preserving Company, as the parent company of the Jon company. Does the Government intend to eliminate any other companies operating in this industry and so virtually bring South Australia back to having one company operating?

The Hon. D. A. DUNSTAN: Undoubtedly, what will have to happen in the industry is some degree of rationalisation of canning facilities. If the honourable member examines the reports of Select Committees of this House concerning the canning industry in the State, he will see that they show clearly the need to rationalise, and statements from previous Liberal Governments have shown that it is difficult for this State to maintain two canneries. The Government has not made a decision to force the closing of Jon co-operative, nor has there been any foreclosure by the State bank. This is the background of the difficulties facing canneries in this industry. I point out that negotiations have been undertaken by Henry Jones interests trying to extend those interest into this State to the detriment of the Riverland Co-operative, and that the State is heavily committed to maintaining this co-operative for the benefit of the growers, particularly those in the honourable member's district. They must rely on that co-operative if many of them are to remain viable. The answer to the question is that the Government has not decided to close the Jon co-operative, but the closure of a cannery in South Australia is clearly something that the industry must contemplate given the present situation in the canning industry. It is difficult to maintain two canneries in the State.

Mr. Dean Brown: The Jon cannery is quite viable financially, isn't it?

The Hon. D. A. DUNSTAN: I suggest to the honourable member that he takes that matter up with companies concerned with Jon co-operative. We have a problem in this area. The action of the South Australian Industries Assistance Corporation, or the South Australian Development Corporation as it now is, has been to try to ensure the viability of the major cannery in the State, the Riverland Co-operative. We will continue to try to ensure that, and see that growers do not face the situation that they previously faced in relation to that cannery when they were not paid the full price for their fruit.

STREET LIGHTING

Mr. WHITTEN: Can the Minister of Local Government say whether he favours street lights being left on during all the hours of darkness?

Mr. Mathwin: It happens now.

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

Mr. WHITTEN: It is unfortunate that the honourable member does not realise the situation. Since the unfortunate, brutal and callous murder in Cheltenham last weekend, I have received many telephone calls from constituents who are greatly upset because in the Woodville council area the lights do not remain on after 1.30 a.m. In the Port Adelaide council area and in other council areas they are left on. A constituent who telephoned me last evening has an old lady of 84 years living opposite her, and this person keeps an eye on the old lady, but she is greatly concerned that after 1.30 a.m. she would be afraid to go across the road if that old lady was in distress.

The Hon. G. T. VIRGO: I have often appealed to local governments to opt for all-night lighting rather than turn the lights off at 1.15 a.m., or thereabouts. Fortunately, most councils now do that but, for the information of the House and particularly the member for Glenelg, regrettably all local governing bodies do not. I certainly join with the member for Price in urging the councils concerned to opt for the all-night lighting, because I believe it provides a degree of benefit and assurance to the ratepayers, and is more than worth while.

RAPE FIGURES

Mrs. ADAMSON: Can the Premier, representing the Attorney-General, say what is the basis for the Attorney-General's statement reported in this morning's *Advertiser* showing that South Australia ranks well above, the national rate for rape? What positive action is the Government taking to prevent this deplorable situation? Can the Premier state positively that there is no proven connection between a high incidence of rape and the availability of pornographic material?

The Hon. D. A. DUNSTAN: I should have thought that the Attorney-General's statement on the statistics was self-explanatory. I suggest that the honourable member read it again.

Dr. Eastick: It's higher than the national average.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The statement explains why. The law in this State is different from the other States. I point out to the honourable member that we have, unlike other States, amended the law relating to rape so that it is very likely that there will be a much higher incidence of reporting of rape cases because women reporting rape cases do not face the very unpleasant consequence to themselves of inquisition in the courts, as they previously did, and as they do currently in other States.

The Attorney-General also pointed to the fact that, while there had been an increase in the number of reports of rape cases, there had been a very marked and significant decrease in the number of reports of indecent assaults. In these circumstances, only one conclusion can be drawn—with the changing of the law here people are prepared to report cases as rape where previously they were reporting them as indecent assault. The honourable member asks what we are doing to reduce the incidence of rape in the community. We have the best Police Force in Australia, and it has been given thorough back-up services. We have a high level of clear-up of cases. I do not know what further the honourable member suggests we should do. The Government does not intend to establish vigilante squads—I do not know whether she is suggesting that. What positive proposal does the honourable member have in this area? The honourable member asks if we have any proof of a relationship between the presence of pornography in the community and the incidence of rape cases in the community.

Mr. Dean Brown: Indecent assaults have gone up.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member had better look at the figures again.

Mr. Dean Brown: I've got them in front of me.

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

Mr. Dean Brown: Last year was the highest—

The SPEAKER: Order! I warn the honourable member for Davenport.

The Hon. D. A. DUNSTAN: I suggest that the honourable member looks at this morning's paper; it is those figures to which the honourable member referred and they bear out what I am saying at the moment. The honourable member then proceeded to ask about the correlation between the presence of pornography and the number of rape cases reported. On this score there have been differences in point of view between criminologists. I point out that a number of prestigious reports and investigations on this matter have concluded that there is not a correlation between the two. I would suggest that the honourable member read the report on pornography to the President of the United States.

ETHNIC EDUCATION

Mr. KENEALLY: Has the Minister of Education's attention been drawn to a statement in this morning's *Advertiser* which is attributed to Mr. Al Grassby and which praises what he calls a revolutionary approach to ethnic education, an approach that he says puts this State well in advance of the rest of Australia in this area? Does the Minister agree with that assessment?

The Hon. D. J. HOPGOOD: Who am I to quarrel with Mr. Grassby? He, of course, is the Commonwealth Commissioner for Community Affairs. He would be well known to the honourable members because, on one occasion, the honourable member and I were the star attractions in an exhibit of the products of the Riverina that that gentleman had in the Canberra Mall. I never quite worked out what relationship either of us had to the Riverina.

The programme to which Mr. Grassby refers is the so-called "10 schools" programme, which embraces 16 schools in this State. The reason for the peculiar name is that one of my senior departmental officers, when a certain number of schools were invited to join the programme, had a private bet with someone that 10 schools would join. In fact, the response far exceeded our expectations, and 16 schools came into the programme. However, the name had been coined and it stayed.

It is a programme in bilingualism and introduces youngsters from migrant backgrounds to literacy via, first, the language of their parents and, later, through a programme in English reading and writing. We are extremely pleased with the way in which the programme has gone and we are also pleased that it now receives Australia-wide recognition.

PERSONAL EXPLANATION: SENATE VACANCY

Mr. TONKIN (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr. TONKIN: A headline in today's *News*, "Liberals challenge", above a speculative report referring to the Government's support for the appointment of an Australian Democrat nominee to fill a casual Senate vacancy, is both incorrect and irresponsible. The Government's announcement has not been discussed by the Executive of the Liberal Party, and will not be discussed until its normal meeting next Monday. To indicate that the Liberal Party is currently challenging the position legally is totally inaccurate and misleading.

McNALLY ABSCONDERS

Mr. WOTTON: Can the Minister of Community Welfare say on whose authority, and why, three recent absconders from McNally Training Centre were placed in a treatment unit whilst on remand? Will the Minister assure the House and the general public that no known alleged offender of this type will, in any circumstances, be housed in a dormitory-type unit in future?

The Hon. R. G. PAYNE: I do not think that the honourable member would expect me to have that kind of information on hand, if, as has been claimed, the placement did occur. So that I can be sure of the accuracy or otherwise of anything that I tell him, I will make sure that I get a detailed report for him and supply it to him even though the House is to rise today.

BROMPTON PRIMARY SCHOOL

Mr. ABBOTT: Can the Minister of Education say what progress is being made to upgrade Brompton Primary School grounds? Following recent development at this school, a large area of the grounds has been raised. The uncompleted areas are low lying, with the result that during wet weather the area becomes flooded, and often for weeks following rain much of the ground is either under water or very muddy, so that students are crammed on to a small paved area or else they play in the mud.

The Hon. D. J. HOPGOOD: I understand that arrangements have been made for the Hindmarsh council to supply, free of charge, filling to the school. It will be ready by late February next year after which the Public Buildings Department will immediately begin grassing the area. Some delay, which I personally regret, has occurred in obtaining this material, but it is good to see now that we know exactly what will happen and when it will happen. The people at the school have been very patient and no doubt they will see the benefit from what now is to happen.

JUVENILE OFFENDERS

Mr. MATHWIN: Does the Minister of Community Welfare interpret section 70 of the Juvenile Courts Act to mean that he can recommend custody in prison only after a recommendation has been received from the Juvenile Court, or can he apply section 70 on his own initiative?

The Hon. R. G. PAYNE: Up to now I have not taken the initiative under this section unless the recommendation has been made by a judge of the Juvenile Court. I have not really studied this section to see whether I ought to exercise this power. I think it is a serious decision to make with regard to juveniles and I am happy that up to now I have divided the responsibility, as it were, and looked at recommendations made in the court. That is the way I have been handling the situation.

Mr. Mathwin: It's not always acceptable.

The SPEAKER: Order! The honourable member has asked his question.

The Hon. R. G. PAYNE: I am sure the honourable member would agree that it is difficult to remember all these things. As far as I can recall, during the past 12 months a recommendation was made in five separate cases. I can assure the honourable member and the juveniles concerned that I regard such action seriously and give it every possible consideration. I study the documents available, and take advice by way of report or review panel, and so on. In the light of all that information, bearing in mind that the interests of the child are paramount, I make the decision required.

INFLATION

The Hon. G. R. BROOMHILL: Has the Premier seen any O.E.C.D. figures, which I understand were released today? If he has, what were they? I have heard that the O.E.C.D. figures released today show that inflation in Australia is in double figures. I seek the actual figures because, if it has reached double figures, it seems that the Prime Minister has been seriously misleading the community.

The Hon. D. A. DUNSTAN: The O.E.C.D. figures which have now been published show Australia's annual inflation rate presently at 13·1 per cent, not 9 per cent. This is of course higher than the inflation rate for 1975. Consequently, we can draw our conclusions as to the kind of things that have been appearing in newspapers in the past few weeks.

YOUTH EMPLOYMENT

Mr. BECKER: Can the Minister of Labour and Industry say what progress has been made by the Government's new programme to assist unemployed youth, namely, Community Improvement Through Youth (CITY)? CITY is a new arm of the youth work unit, and it has an initial budget of $100 000. Under the scheme, young people contact the unit and suggest projects in which they would like to be involved individually or as a group. Within a few weeks of the formation of the CITY group, it was announced that more than 100 inquiries had been received from young people interested in undertaking various projects.

I understand that many parents and young people are greatly worried about employment prospects in the early part of next year. Over 500 persons have already applied for 12 trainee dental nursing vacancies, and last Tuesday I was told that over 3 500 persons had applied for 120 vacancies in the State Public Service. I understand that commerce will not be able to make up its mind for the next three to four months about the number of people it will employ, so the opportunities through the CITY programme are more than welcome. I understand that the initial grant of $100 000 therefore may not be sufficient to fulfil the programme for the full financial year.

The Hon. J. D. WRIGHT: As I do not have the up-to-date situation at hand, I think that, in fairness to the honourable member, it would be best if I obtained for him a report on the matter. I realise that the House will not be sitting next week. Unfortunately, I have not been available this week, and there may be a report ready for me even now. I will get a report.

URANIUM

Mr. BANNON: Can the Minister of Mines and Energy say what are his powers in relation to mining exploration licences and at what stage a licence was granted to Esso to make such exploration on Plumbago Station? A letter appears in this morning's *Advertiser,* under the heading "Country damage", from a Mr. G. F. Gloster, of Plumbago Station, which has been the centre of some controversy over Esso's current mining exploration activities. Mr. Gloster complains that the Minister was remiss in granting an exploration licence at this stage because of possible ecological damage that might be caused to the station area, particularly in the light of the rainfall of the past 12 months. He talks about four-wheel drive vehicles, heavy tractors, and heavy-duty drills which might affect what he describes as a delicate environment. He also says:

> We at Plumbago Station have no quarrel with Esso. Its behaviour at all times has been exemplary.

The Hon. HUGH HUDSON: I cannot recall the exact date on which the licence was issued to Esso, but the date of December, 1976, comes to mind.

Mr. Goldsworthy: It was raining on that day!

The Hon. HUGH HUDSON: If that is the case, the licence was issued about 12 months ago. In the issue of any licence, it is difficult to forecast, as I am sure the honourable member will appreciate (even if the Deputy Leader does not appreciate), what the weather conditions will be in the years ahead. Nevertheless, the normal conditions of any licence are that the licence holder shall not establish any new tracks without the approval of the Director of Mines, and, in addition, the licence holder must not use any declared equipment without the Director's approval. Attention is given, in the conditions that are established in granting a licence, to the possibility that exploration activity may do damage, and control is exercised by the establishment of those conditions.

Regarding this particular licence, I am not surprised to hear Mr. Gloster's comment that he has no complaints about Esso, and that its behaviour at all times has been exemplary. That is what I would have expected from a major exploration company in fulfilling the conditions established in the licence. However, I think Mr. Gloster should know, if he does not know already, that it is not possible for the Minister to revoke a licence given for exploration just because of some change in weather conditions, when there has been no breach of the licence conditions. If a licence were revoked in those circumstances, I am sure a court action would follow and the position would be reinstated very rapidly.

The question of damage to pastoral areas by exploration in a dry year is a matter of some concern, and certainly I shall take up with the Director of Mines the way in which these conditions are being fulfilled, not just at Plumbago but generally in the pastoral areas of the State. I recall that a Gerald Fitzgerald Gloster was the Liberal Party candidate for Kalgoorlie in 1972. I hope that Mr. Gloster is not involved in any political scheming in writing a letter on this matter at this time.

LOCAL GOVERNMENT ACT

Dr. EASTICK: Will the Minister of Local Government say whether any progress has been made in rewriting the Local Government Act and what action the Government intends to take in the near future to correct the difficulties which exist in interpretation and administration of the Act?

The Hon. G. T. VIRGO: Unfortunately, we have not made the progress in the rewriting of the Act that I would have wished. We have set up the procedures to be followed when we have had people available, in the hope that we would make the progress we had wished. Unfortunately, two events which occurred (one was the serious illness of Mr. Ludovici, and the other was the death of Mr. Hockridge) foiled these attempts. I hope, with the rearrangement of the Local Government Office, that very early in 1978 we will be able to rearrange our manpower activities so that the revision of the Act can be commenced and, hopefully, completed before long.

BEER TICKETS

Mr. OLSON: Will the Chief Secretary obtain from the Minister of Tourism, Recreation and Sport a report on the conditions governing the distribution of beer tickets from machines in hotels? I have received complaints from constituents that hotels in Port Adelaide are displaying notices to the effect that, unless supplies are collected within 14 days from the date of issue, they will be refused. As many of the tickets are purchased by syndicates and clubs intending to make an allocation from the winnings to their members for Christmas distribution, are hotels in order in taking action to curtail supplies within a stipulated time?

Mr. Millhouse: No doubt we will get a legal opinion now.

The Hon. D. W. SIMMONS: On the contrary. This matter, of course, falls within the control of the Minister of Tourism, Recreation and Sport, but I had something to do with the drawing up of the initial regulations six or seven years ago. To the best of my recollection, there is a provision in the regulations that, where prizes in small lotteries are not claimed within three months, they may be sold and the proceeds handed to the association conducting the lottery. There is one qualification: where the prize is of a perishable nature (and I am not sure whether beer would be regarded as perishable; I suppose it depends on the conditions under which it is stored), the prize may be sold before the expiration of three months and eventually used by the association, provided that the proceeds must be available to the prize winner within that time.

That is not a legal opinion, but it is my recollection of what the regulations provided when we introduced them six or seven years ago. However, I shall be pleased to obtain an opinion from my colleague for the honourable member.

CANNING INDUSTRY

Mr. DEAN BROWN: Can the Premier say what action the Government will take to find new employment for any workers who lose their jobs if the State Government continues to encourage and promote the closure of the Jon cannery in Adelaide? The member for Chaffey has pointed out that the agreement that growers are being asked to sign with Riverland Fruit Products places tremendous difficulties on the Jon cannery to continue. In addition, I understand that the Jon cannery has a loan from the State Bank, although there is general exemption from repayment of that loan for about another 15 years. Originally, the loan was for 20 years, and it was taken out about five years ago but the company has to make some provision for repayment of interest.

This afternoon the Premier said that there would be no

foreclosure by the State Bank, but I wonder whether the Government in any circumstances would force foreclosure by reducing or removing the 15-year grace period that the Jon cannery has at present. I have the transcript of what the Minister of Agriculture said on A.B.C. radio this morning, when he canvassed the possibility that the Jon cannery would have to close in Adelaide. I have made investigations with the Jon cannery, and I understand that it has an undertaking that fruit is available on the same basis as it was previously. There is plenty of fruit for it to be efficient and viable, and it seems that the so-called rationalisation to which the Premier earlier referred—

The SPEAKER: Order! The honourable member for Davenport is now commenting.

Mr. DEAN BROWN: The Premier earlier spoke about rationalisation, and the Minister—

The SPEAKER: Order! The honourable member is commenting: he has asked his question and I hope he can keep away from commenting.

Mr. DEAN BROWN: In his statement the Minister of Agriculture refers to the rationalisation of the canning industry, and it seems from the statement of the Minister that rationalisation is to come through the closure of the Jon cannery. I believe, from what the Minister said—

The SPEAKER: Order! The honourable member is again commenting.

The Hon. D. A. DUNSTAN: The honourable member, as usual, distorts what has been said, by saying that the Government was continuing to promote the closure of Jon co-operative. I did not say that, and the honourable member has no right to distort what I have said in this House, but he constantly does it. The position in relation to the closure of the Jon co-operative is that the Government has no proposal before it for the State Bank to foreclose on its loan. The honourable member asked about that. If, however, as a result of negotiations which are now taking place and which involve the Henry Jones interests and the KY interests (which hold a controlling interest in the Jon co-operative), the Jon co-operative should be closed, naturally the Government would try to assist by providing work through the unemployment relief scheme or through relocation activity to anyone who lost his job in the Jon co-operative, if that takes place. I do not know that it will take place—

Mr. Dean Brown: Relocation where?

The Hon. D. A. DUNSTAN: If there is rationalisation in the industry, I expect that there would be some expansion of employment in the Riverland.

Mr. Goldsworthy: Will you—

The SPEAKER: I hope the honourable Premier will not answer further interjections.

The Hon. D. A. DUNSTAN: We will certainly assist, as we have done with numbers of other industries in South Australia, in the provision of special means of employment. Numbers of industries in South Australia have come to the Government seeking assistance in cases of economic difficulty so far as employees are concerned. This State, far more than any other, has provided such assistance, and that will be available if the honourable member's forecast of the closure of the Jon co-operative is correct.

FURTHER EDUCATION

Mr. MILLHOUSE: Can the Minister of Education say whether the Government will alter the system of financing the Further Education Department enrichment courses by allowing the D.F.E. colleges to control fees for these courses with a view to making them financially self-supporting and, therefore, able to continue? I have recently received a letter from a friend and constituent who canvassed the reports about the removal of enrichment classes from D.F.E. programmes at LeFevre College of Further Education, the Goodwood branch of the Panorama College, and the Marleston College. He states:

> Much is being made of the fact that lack of Federal finance means that the necessary teachers cannot be employed.

He then goes on to refer to the system used by the Adult Education Department at the university and the W.E.A., and says that fees paid by students have to meet the fees paid to part-time teachers. He states:

> Under the D.F.E. system all students fees go straight to general revenue and are not related to the cost of providing the course [that is, the teachers fees], given the fact that the local D.F.E. organisers have their salaries and office staff provided from Government sources.

He then suggests that I should ask why the D.F.E. colleges cannot control students fees for enrichment courses and thereby aim to balance income and outgoings for that part of their work. It seems a sensible suggestion. I know that politically it is convenient for the Government to make capital of the stinginess of the Federal Government, and one suspects that maybe it is capitalising on this. I therefore put the question to the Minister and hope he will accept the suggestion.

The Hon. D. J. HOPGOOD: I have this matter currently under review.

NON-SEXIST BOOK TITLES

Mr. ALLISON: Can the Minister of Education say how many non-sexist book titles have so far been published by or on behalf of the group financed by a Schools Commission grant and formerly called SERIM (sexism in reading instruction materials), and now operating under the title of Relevant Reading, and can the Minister say whether he is responsible for the acceptance of their books in State schools or whether Miss Barbara Denman and Wendy Davis are his official arbiters in what our children are now to read?

The Hon. D. J. HOPGOOD: This information would not normally come to me. As the honourable member points out, it is a Schools Commission funded programme. I can get the information for the honourable member.

Mr. Allison: But they are State schools.

The Hon. D. J. HOPGOOD: Of course, but the decision as to the appropriate text or reading matter which should be used in a class is a school-based decision rather than a departmental-based decision. The only general guideline that shcools have been given, and the only one that I think is appropriate, is that it is undesirable to have in schools books with a heavily sexist bias, but it is also most undesirable to get about the business of pulping books that still have a good deal of life in them. So there has been no mass book burning or pulping operation in schools.

On the other hand, I think it would be generally conceded by teachers these days that, wherever possible, non-sexist content should be used in school books, and some assistance has been given to the schools in this matter by the Schools Commission funded programme. It is not a matter of Miss Denman or the Director-General or me laying down an edict that schools must follow in this matter: it is a decision for the professional competence of teachers. However, the specific information that the honourable member requests will be sought.

CANNING INDUSTRY

Mr. EVANS: As the canning process for fruit will now virtually be isolated at Berri and the Jon Preserving Co-operative Limited will not be operating in Adelaide because of this rationalisation, will the Premier consider subsidising growers in the near metropolitan area who will now be forced to cart all their fruit to the Riverland for canning? In close proximity to Adelaide, throughout the Hills area, there is a large number of fruitgrowers, particularly those who grow pears, peaches, and apricots and who rely on the canning of their fruit for their livelihood. They are in the area that we have all been advocating should be preserved for fruit growing, where open space should be kept going and where this type of production should operate to preserve open space and to retain the rural aspect. With the massive cost of carting being placed on them, if they have to cart fruit up to Berri to have it canned, no doubt their properties will become totally uneconomic, they will be forced off the land, and their properties will be put to another use.

The Hon. D. A. DUNSTAN: The honourable member talks as if the closure of Jon Preserving Co-operative Limited is a certainty. I am not aware of any finality in this matter. If the honourable member has information beyond that which I have, perhaps he will give it to me. I am not aware that finality has been reached on this matter. I know, as I have said, that discussion is going on within the industry, but I am not aware that there has been any finality. Regarding subsidising growers to cart from the Adelaide Hills to Berri, I point out to the honourable member that there are Riverland fruit growers who now supply fruit to the Jon co-operative, so it is half a dozen of one and six of the other.

Mr. Evans: Different costs of production.

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the honourable member has a case on that score that there will be a particular difficulty for Hills fruitgrowers, I am prepared to consider the situation, but I am not making any promises about what the Government will do. As in other cases where there are groups of growers who need specific assistance from the State, the State is always willing to consider their position. I will point out to the honourable member that that occurred last week in a case raised by the member for Murray in relation to the Mypolonga co-operative, which approached me for inclusion in the Riverland Development Fund arrangements. Although the co-operative was not in the area defined for the Riverland Development Fund arrangements, I believed that it complied with all other conditions that apply to that fund, and I therefore agreed that it should be included. That was a specific help to growers in that area. If the honourable member's growers have a particular difficulty that arises from what happens in the industry, obviously the Government would be prepared to consider it.

BUS SERVICES

Mr. EVANS: Will the Minister of Transport consider co-ordinating the ring route bus service with the southern train service at Unley Park railway station so that people who use the southern line can catch a ring route bus when they are employed in the western suburbs instead of their having to come into Adelaide and travel to their employment by bus from Adelaide? I have had a request from a person who lives in the hills and works at the Government Printing Office. He stated that if the ring route bus stopped somewhere near the Unley Park railway station he could alight from the train, catch a ring route bus and travel to the western suburbs. Will the Minister therefore consider co-ordinating those two services?

Mr. Millhouse: There is a ring route stop within 100 yards of the station.

Mr. EVANS: I am told that the times are not co-ordinated as far as the train service is concerned. I therefore ask the Minister whether the services could be co-ordinated.

The Hon. G. T. VIRGO: The situation to which the honourable member is referring in relation to people working at the Government Printing Office is that the circle line bus operates at 15 minute intervals. I do not know what better co-ordination one could expect. Moreover, the circle line service has been arranged at a regular time during each hour, so it would not matter what time of the day one's train arrived. If one ascertained that the bus left a certain place at 8.15, there would be a bus at 9.15 or 10.15, rather than having all sorts of times—

Mr. Evans: Some of the trains are express.

The SPEAKER: Order! The honourable member for Fisher has asked his question.

The Hon. G. T. VIRGO: If the honourable member gives me the specific details of the person concerned, I will consider the situation just to see how inconvenienced he is, if he is inconvenienced, and see whether something can be done.

PREMIER'S VISIT

Mr. VENNING: Will the Premier reply to the question I asked in this House on October 19, when I asked him to make available a detailed report of the outcome of his visit to my district on March 1 and 2 this year, which is over nine months ago, and again on August 11, 12 and 13 this year? The Premier came to my area early in March, and some criticism of that visit was made by the member for Kavel. In reply to that criticism the Premier stated, apparently referring to the member for Kavel:

> Apparently he wants to deprive me of the ability to go about our State to meet local people in local communities and discuss problems affecting their community. Apparently he also wants to deprive me of the ability to expedite Government decisions relating to these problems.

I therefore ask the Premier, although the visit was nine months ago and I asked the question in the House seven weeks ago, whether he will reply to the question.

The Hon. D. A. DUNSTAN: The honourable member asked me to give him a comprehensive report of all these matters.

Mr. Venning interjecting:

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: If the honourable member does not want the answer to the question, I will not answer him.

Mr. Goldsworthy: He wants a report.

Mr. Mathwin: Don't be nasty, Don!

The SPEAKER: Order!

The Hon. D. A. DUNSTAN: The honourable member asked me to give him a comprehensive report. The various matters raised in his district covered many departments. The dockets are in the various departments. For me to assemble a comprehensive report on all matters dealt with during my visit to his district is taking some time, but the report is in the course of preparation and I hope to be able to let him have it soon.

At 3.9 p.m., the bells having been rung:

The SPEAKER: Call on the business on the day.

RECREATION GROUNDS TAXATION EXEMPTION ACT AMENDMENT BILL

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Recreation Grounds Taxation Exemption Act, 1910. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This short Bill arises from a submission by the Director and Engineer-in-Chief of the Engineering and Water Supply Department. The Council of the Corporation of the City of Adelaide has recently successfully asserted that the whole of the park lands surrounding the city are exempt from water and sewerage rates by virtue of the operation of the principal Act, the Recreation Grounds Taxation Exemption Act, 1910. While the Government has no quarrel with the general assertion of the council in this matter, that is, in so far as it relates to the general area of the park lands, it does not feel that areas leased by the council for the occupancy of sporting bodies or commercial enterprises such as restaurants should be included in the general exemption from rates.

Accordingly, this Bill proposes that the general application of the principal Act will be somewhat circumscribed by providing that the Act shall not apply to and in relation to land or portion of land declared by proclamation. The power to make a proclamation will, of course, be suitably limited to cases where the land in question is subject to a lease or licence. This approach has been adopted to ensure that each case can be judged on its merits, as it may be that some areas the subject of a lease or licence should be treated as general park lands.

Clauses 1 and 2 are formal. Clause 3 makes a consequential amendment to section 2 of the principal Act. Clause 4 is the principal operative clause in the measure and inserts a new section 2a in the principal Act which is self-explanatory and covers the matter adverted to above.

Mr. GOLDSWORTHY secured the adjournment of the debate.

UNIVERSITY OF ADELAIDE ACT AMENDMENT BILL

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act to amend the University of Adelaide Act, 1971-1972. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill seeks to put into effect various measures that have been requested by the Council of the University of Adelaide over the past two years. Most of the proposed amendments merely seek to clarify uncertainties or to streamline machinery provisions. The Bill proposes to increase the membership of the council of the university by providing two extra members—one drawn from the staff other than the academic staff and one extra person who is not engaged in the employment of the university. It is proposed that the Adelaide University Union become a corporate body, so that it may have a degree of independence in the handling of its own affairs. However, the constitution of the union still may not be altered without the concurrence of the council of the university.

The Bill also brings all staff of the university other than academic staff within the jurisdiction of the Industrial Commission of South Australia. This amendment has become necessary as a result of a decision of the Industrial Court that the Industrial Commission does not at the moment have jurisdiction to make awards in relation to university staff. The academic staff are already catered for by the Academic Salaries Tribunal and so have therefore been excluded from this provision. The remainder of the amendments contained in this Bill are of a more minor nature, and I will explain them as I deal with the clauses of the Bill in detail.

Clause 1 is formal. Clause 2 provides for the commencement of the Act. The commencement of several provisions may have to be delayed. Clause 15 of the Bill, which gives the senate certain powers of delegation, is made retrospective to the day on which the senate last met. As the senate only meets annually, this enables the senate to have the benefit of clause 15 for the year ending in November, 1978. Clause 3 clarifies several of the definitions in the principal Act. In particular it is made clear that an "undergraduate" in relation to elections of members of council includes any graduate who is enrolled for a bachelor's degree.

Clause 4 empowers the university to admit a person to a new honorary degree to be known as "Doctor of the University". This is a power common to most universities throughout the world. Clause 5 enables the council to elect more than one deputy chancellor. Clause 6 enables the council to make statutes fixing conditions for the office of vice-chancellor. Clause 7 provides that, where more than one deputy chancellor has been elected, their seniority will determine who is to preside over meetings of the council in the absence of the chancellor.

Clause 8 provides for the new composition of the council. This section will come into operation on the next election day after the commencement of the Act. It is proposed that the three categories of university staff will now have representation on the council, that is to say, the academic staff, the ancillary staff, and the members of staff who do not fall within either of those two categories. This latter category of staff is known loosely as "the professional staff", and includes senior administrative officers. The old transitional provisions contained in this section of the principal Act are repealed. New subsection (2) is merely an amalgamation of the existing subsections (2a) and (2b). New subsection (3) is a transitional provision.

Clause 9 effects sundry clarifications of the section which deals with the filling of casual vacancies. Clause 10 substitutes the word "elected" for the word "appointed" wherever this appears, as in fact the Parliamentary members of the council are elected to that office. Clause 11 provides that a returning officer's determination is final

and binding. Clause 12 makes it quite clear that a graduate who is enrolled for a bachelor's degree may vote only in one capacity at elections by the convocation of electors and by the undergraduates. Clause 13 brings this section of the principal Act into line with the situation as it actually exists—namely, that the rules of the senate are known as "standing orders". Clause 14 provides for the university union to be a body corporate. The powers of the union are subject to its constitution and the university may make statutes in relation to the union with the concurrence of the union.

Clause 15 embodies the long-standing arrangement between the university and the union whereby the university prescribes the union fees and collects them on behalf of the union. Subsections (2a), (2b) and (2c) enable the senate to delegate to a committee of the senate the power to approve proposed statutes of the university. If the committee approves of any statute, that decision is final, but if the committee fails to approve of any statute then that statute must go before the senate as a whole. As the senate meets only once a year it will facilitate matters greatly if so-called "non-controversial" statutes are to be put into effect reasonably speedily.

Clause 16 provides that the university may make by-laws in relation to the use of libraries and the borrowing of books and other material. The council is given power to authorise certain persons to be inspectors who may require suspected offenders to state their names and addresses. Clause 17 provides sundry minor amendments in relation to proceedings by the university. A fine recovered in respect of a contravention of a by-law is to be paid into funds of the university. Clause 18 inserts a new provision in the Act providing for the jurisdiction of the Industrial Commission in relation to staff of the university other than academic staff.

Mr. WILSON secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 2, line 18 (clause 5)—After "amended" insert—

"—

(*a*)".

No. 2. Page 2 (clause 5)—After line 20 insert—

(b) by inserting in subsection (3) thereof after the word "country" the passage "or terminal";

(c) by striking out subsection (4).

The Hon. HUGH HUDSON (Minister of Mines and Energy) moved:

That the Legislative Council's amendments be agreed to.

Motion carried.

VERTEBRATE PESTS ACT AMENDMENT BILL (No. 2)

Second reading.

The Hon. HUGH HUDSON (Minister of Mines and Energy): I move:

That this Bill be now read a second time.

This short Bill corrects a simple drafting error in the preceding amending Act, the Vertebrate Pests Act Amendment Act, 1977. That Act amended the principal Act by deleting the references to the permanent head of the Lands Department and instead referred to the person holding or acting in an office determined by the Governor. This amendment enabled the administration of the Vertebrate Pests Act to be transferred to the Agriculture and Fisheries Department, but omitted to provide that the person holding or acting in the office determined by the Governor shall be the Chairman of the Vertebrate Pests Authority. This Bill corrects that omission. Clause 1 is formal. Clause 2 amends section 8 of the principal Act by providing that the person for the time being holding or acting in an office determined by the Governor shall be the Chairman of the authority.

Later:

Dr. EASTICK (Light): I support the Bill, which corrects an obvious error that was not apparent when the previous amendment was passed. It does no more or less than has been proposed by the Government, and I believe that in the interests of the administration of this Act, it should receive the support of members.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

The Hon. G. T. VIRGO (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1934-1977. Read a first time.

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

That this Bill be now read a second time.

I thank the House for its courtesy in enabling me to introduce the Bill in this way. It has been necessary to introduce this Bill as a matter of urgency. Members are probably aware that a serious dispute has occurred in the District Council of Meningie between the majority and minority of the council and the staff over the dismissal of the District Clerk. At present, the South Australian Local Government Act, unlike the Acts of all of the other States, makes no provision for the Minister to step into a council area where for any reason the operations of local government appear to be seriously and substantially jeopardised.

From information provided to me by my officers it would appear that there is a real possibility in the District Council of Meningie that staff and creditors may not be paid over the Christmas period. I have a clear indication that the majority of the District Council of Meningie would, in fact, refuse to operate as a district council in the ordinary manner and would, therefore, place at risk employees and creditors in the approaching Christmas season and the following weeks or even months.

Members will note that the proposed Act would have a very limited life, and would cease to operate on May 31, 1978. Early in the next session I hope to bring in as part of amendments to the Local Government Act a provision for providing the Minister with permanent power to intervene where the operations of a council are seriously and substantially jeopardised. However, this present legislation is designed to enable the Minister to handle what could otherwise be a most difficult situation in the ensuing weeks while reserving the opportunity for full Parliamentary debate of any permanent amendment to the Local Government Act.

Members will note that this Bill contains a proclamation provision. I stress that, if the Meningie council problem is resolved through commonsense negotiations (and I hope it is), I would not recommend the proclamation of the Act. I commend the Bill to the House, and seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 enacts new section 9b in the principal Act. Under subsection (1) the Minister is empowered to recommend to the Governor that a council be declared to be a defaulting council where the council fails to discharge its statutory duties or where the council is prevented from attending properly to its affairs by reason of failure of members to attend meetings of the council or by disruptive behaviour on the part of its members. Where a recommendation has been made, the Governor may, by proclamation, declare the council to be a defaulting council, and may appoint an administrator of the affairs of the council.

Upon the making of the proclamation the powers of the council are suspended, and the administrator takes over the conduct of the council's affairs. Any liability incurred in the course of the administration is to be satisfied out of council funds. The Minister is empowered to give directions that are necessary to facilitate the administration of the affairs of a council under the new provision. Clause 4 provides that the new Act shall expire on May 31, 1978.

Later:

Mr. RUSSACK (Gouger): The Opposition supports this Bill, although not enthusiastically. Whenever legislation is hastily introduced, there is always a concern that perhaps it cannot be researched fully in the time allocated. However, even with the caution with which the Opposition approaches this Bill, it is conscious of the reasons for its introduction. Within the past hour there has been much investigation of the circumstances surrounding the situation, which investigation leads me to say that I think something must be done so that this problem can be solved. The Bill gives the Minister extraordinary powers. In his second reading explanation the Minister states:

> At present, the South Australian Local Government Act, unlike the Acts of all the other States, makes no provision for the Minister to step into a council area.

Although I have not, in the limited time at my disposal, had a chance to examine the provisions applying in the various States, I think they are different in some States. In some cases it possibly involves Executive Council, as the relevant provision refers to "the Governor". In this instance, however, the Minister is being given the additional power that is deemed necessary to solve the problem.

The Hon. G. T. Virgo: The Minister has to recommend to the Governor.

Mr. RUSSACK: In that case, I suppose it goes through the same channel. I suppose there are some dangers, one of which would be the wide-sweeping effect of the Bill, which could apply to any council in South Australia. However, I expect that the safeguard involved is that it will be necessary, if these provisions are to be used, for the council involved to be in a position in which it cannot function. This Bill will give the Minister authority to step in and do something about such a matter.

It is unfortunate that, because of a single incident, a Bill such as this, which affects the whole State, must be introduced. I have read the Bill as quickly as I could and tried to digest its provisions. Subsection (5) of new section 9b, to be inserted by clause 3, provides as follows:

> The Minister may, by notice in writing, give directions to any person with a view to facilitating the administration of the affairs of a defaulting council under this section.

That is a fairly wide provision, and it may perhaps have been fair to restrict it to a council officer or a councillor.

Another reason why the Bill can be supported is that it is a temporary measure. It provides that the Governor may, by subsequent proclamation, revoke or vary a proclamation made under new section 9b, and clause 4 provides that the legislation shall expire on May 31, 1978. In his second reading explanation, the Minister also said:

> Members will note that the proposed Act would have a very limited life and would cease to operate on May 31, 1978. Early in the next session, I hope to bring in as part of amendments to the Local Government Act a suggested provision for providing the Minister with permanent power to intervene where the operations of a council are seriously and subtantially jeopardised.

Although the Opposition is supporting the Bill, I make clear that this does not indicate that there will be automatic support of any further amending Bill that the Minister intends to introduce next year.

I understand that this is an urgent matter. Perhaps it would have been dealt with differently had this not been the last day of the session before the Christmas break. I understand that the Minister said in his second reading explanation that this measure will be proclaimed and used only when necessary. For these reasons, the Opposition, conscious of the circumstances obtaining, reluctantly supports the Bill.

Mr. NANKIVELL (Mallee): I regret the necessity for this sort of legislation having to be introduced, as my colleague, the member for Gouger, has said, somewhat hastily in the dying stages of this part of the session. In order to amplify what the Minister said in his second reading explanation, I point out that, as member for the district that encompasses the Meningie District Council, I have been aware for a long time of the conflict of interest that has existed between the northern or Tailem Bend oriented end of the council area and the southern or Meningie oriented end of it.

Because of this conflict, there has been much activity and many petitions presented to the Minister for severance of the northern end of the Meningie District Council and its attachment to Peake District Council. Also, many petitions have been presented to the Minister not only for the Meningie and Peake councils but also from the Murray Bridge and Coonalpyn District Councils for the severance and attachment of various hundreds from or to one or other of the councils involved.

I understand that this matter is to come before Judge Ward when he convenes his committee meeting next week to consider the various petitions that have been presented regarding the boundaries of the local government areas in question. It would therefore seem, looking at the matter objectively (and I think this can be supported by evidence), that the action taken somewhat abruptly and peremptorily by the council in dismissing its clerk at the recent meeting was done for the specific purpose of furthering of the case of those people at the northern end of the district in their argument for severance of Tailem Bend and for its attachment to the Peake District Council.

Because of the dismissal of the District Clerk and the treat of a majority group of council members, who come from the northern end of the area, to boycott future council meetings (I understand that it was suggested that they may not even call the regular meeting scheduled for next Tuesday night), the proper functioning of the council has been placed in jeopardy, notwithstanding that the clerk's absence could be covered by the Chairman's assuming the office of District Clerk. Section 150 of the Local Government Act allows the Chairman to assume automatically the role of District Clerk in certain circumstances. My real concern is for the ratepayers of the

Meningie District Council and the people employed by it.

As a result of the factional differences which exist in the council there is a distinct possibility of a breakdown in operations, that the employees and the creditors of the council may not be paid and, also, unquestionably if the council activities break down and there is no-one totally responsible for them, the essential services provided to the ratepayers would also break down. This Bill will enable the interests of the employees and the ratepayers to be properly protected should an emergency arise and I, like the Minister, hope that this emergency will not arise and the powers conferred on the Minister under this Bill may not have to be invoked.

As the member for Goyder has pointed out, the powers in this Bill are extraordinarily wide. We have had a little time to look at them. We have discussed the Bill with the draftsman, with the Director-General for Local Government and also the Municipal Officers Association, and we believe what is provided here, although not possibly what would be presented to Parliament if there was due time to consider all the aspects of the wide scope of powers granted to the Minister under this provision, within the emergency that could now exist, will provide for any contingencies. I am persuaded, as a result of the terminating powers in the Bill which allow the powers conferred on the Minister to be extended to May 31, when the matter will be reviewed, that any problem that arises will be known. When the Minister brings in the appropriate amendments to the Bill we may have more time to look at the total aspect of these amendments and look more closely at what is happening in other States where I understand these powers exist. I accept in the circumstances therefore that this Bill must be passed but I hope it will not have to be proclaimed. I support the Bill for the reasons I have outlined.

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

Mr. MATHWIN (Glenelg): I support the remarks made by the member for Goyder and I would like to add strength to his argument in relation to part of the Bill. I support it because of the urgency it deserves. I know the member for Goyder has gone thoroughly into the matter in the time allocated to him. New section 9b (5) provides:

> The Minister may, by notice in writing, give directions to any person with a view to facilitating the administration of the affairs of a defaulting council under this section.

I think this is demanding indeed. I also think the penalty is high. New section 9b (6) provides:

> A person who refuses or fails to comply with a direction given under this section shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars.

That means if a direction is given to a person to perform the duties of administrator and he does not carry them out, he suffers the penalty. The Minister gave warning of intended legislation which could be a permanent feature within this Act. I reinforce the remarks of my colleagues that just because this Bill is going through now with our support because of its urgency it does not necessarily give the Minister the green light to continue, and that we will fully support his intention to incorporate in the Bill provisions to give him the total power he intends to have. I support the Bill.

Mr. MILLHOUSE (Mitcham): I sound, as strongly as I can, a word of warning about this. I only know what is in the Bill and what is before us. The first thing I knew about this Bill was the typescript copy which was at my place when I came into the Chamber just before 2 o'clock this afternoon. It has obviously been prepared in a hurry because it is dated today, December 8. It is always undesirable to put in a Bill like this without anyone outside the Chamber, apart from those who were concerned with its drafting, knowing anything about it.

It is a Bill which in its terms is of the most undesirable and dangerous kind. I suppose it is because the District Council of Meningie, which has been mentioned, is in the electoral district of the member for Mallee that the Liberal Party is being conned into supporting a Bill which, if I might suggest, it should not be supporting. I read the Bill through before I knew that it was because of the problems of the District Council of Meningie that we were to have it, although I had read in the paper something of the problems down there. If one looks at the Bill (and that is all that counts after it has been through Parliament) one sees it is of the widest kind and its provisions are completely unrestricted. It gives (and Parliament should not give) a Minister of the Crown, whoever he is or however pure his expressed intention may be, the powers, literally, to do away with local government in South Australia. That is what we are giving him the power to do.

We are told this is a bit of that good British Playfordian justice I have talked about before. We are told that it is to be on proclamation in the hope it will never be needed. In other words, the Minister has the big stick to knock a bit of commonsense, as he may think (I do not know whose side he is on), into some people in the District Council of Meningie.

That is all right if one is in Government and one wants a bit more power to get someone to do what one wants them to do, but it is not the sort of thing I believe Parliament should allow to happen. New section 9b (1) puts it all in the opinion of the Minister. New section 9b (1) *(a)* states:

> a council has refused or failed to carry out the duties or functions imposed upon, or assigned to, the council under this Act;

That is any duty or any function; it does not matter what it is. If the Minister says that a council has failed to carry out its duty (maybe collecting the rubbish or something) that gives him the authority to suspend it. I cannot believe that the member for Glenelg, who is always boasting about his experience in local government, could possibly say in two or three minutes that he supports this Bill and not dilate on these matters. He needs his head read to do such a thing. The so-called shadow Minister of Local Government mouthed a few platitudes.

The member for the district concerned did the same and nothing more is said about the enormously sweeping powers that are given here. I point out that paragraphs *(a)* and *(b)* are alternatives; they are not cumulative. The literal meaning of clause 9b (1) is that if a council fails in the opinion of the Minister to carry out any particular function it has under the Act, he can suspend it.

That is not the sort of thing that this Parliament should allow to be raced through in a matter of a few minutes. If members stopped to think (and I ask them to do so) they would realise that. I suppose that Government members' loyalty to the Party comes before anything else and that they will not give the Minister any trouble, but surely to goodness members on this side, if I can shake them for once out of their complacency, could do something about it. New section 9b *(b)* provides:

> a council is unable to deal properly with affairs requiring its attention—

that is pretty wide, but of course, it is qualified by this—

> by reason of refusal or failure of members of the council to attend meetings of the council—

Does that mean that if one member is away that the Minister can exercise his power? Literally, as far as I can see, that is what it means. It continues:

> or by reason of the contumacious behaviour—

I bet there are not too many members—

Members interjecting:

Mr. MILLHOUSE: I know that the Minister is thinking about having that bit cut out.

The Hon. G. T. Virgo: It has been cut out.

Mr. MILLHOUSE: It has not been cut out of my copy.

The Hon. G. T. Virgo: I can't help that.

Mr. MILLHOUSE: The Minister should help it. If it has been cut out, that's good. I bet there are not too many members here who could give a definition off the cuff of "contumacious". I suppose that self-praise is no praise, but I thought of a definition myself and then checked it in the *Oxford English Dictionary* and I was pretty well right. If the Minister circulates a Bill which, even before it is introduced, he cuts a bit out of, that adds strength to the point I made in the first place, that we should not be pushing through a Bill in this haste.

I could not face the councils in my area if I allowed this Bill to go through without protest. I would remind you, Mr. Speaker, that the Unley council could be wiped out by this Bill if the Minister used it. You, Sir, would have to answer to individuals (and that is all they would be at that time without an office—I do not suppose they would have an office as a consequence of this measure). The unforeseen consequences of this legislation could go on and on. I am damned if I know how it fits into the situation. I could not face the Unley council or the Mitcham council if this measure were to pass.

A question about the Local Government Act was asked this afternoon. We all know that successive Governments for 10 years have been promising to bring the damned thing up to date, but it is just too big a job to be tackled. After seven years the present Government has not been able to do it; we were not able to do it in our time; and it was not done before. Over 20 years ago the former Chief Justice said that it was not so much a body of law as a scrap heap of legislation.

The SPEAKER: Order! I hope the honourable member will get back to the Bill.

Mr. MILLHOUSE: I am talking about the principal Act that this would amend, and I believe I am entitled to do that.

The SPEAKER: Order! The Chair will make that decision.

Mr. MILLHOUSE: I hope it will make it my way.

The SPEAKER: Order! The honourable member knows that when the Speaker is on his feet he must sit down.

Mr. MILLHOUSE: In *Ross Chenoweth Ltd. v. Hayes,* in 1955, the former Chief Justice described the Local Government Act as a junk heap, yet we are inserting a few new clauses into it and goodness knows what effect they will have. Does it mean that Town Clerks can be sacked and are sacked by virtue of actions taken by the Minister under the provisions of this Bill? As I understand the situation, Town Clerks have a certain entrenched right and it is pretty hard to get rid of them. Does this Bill over-ride those rights? I do not know, and I do not believe that anyone does. The unforeseen consequences of this Bill may be very significant indeed, or they may not be; I do not know. None of us has had time to think them through. I have just mentioned one possibility regarding clerks. Those are my main objections to the Bill, but there are other objections, too. In fact, the member for Glenelg mentioned, and I did not see it until he did, the sweeping powers of new section 9b (5), which provides:

> The Minister may by notice give directions to any person—

I suppose he could give directions to me if he wanted to if he thought it would facilitate something—

> with a view to facilitating . . . the affairs of a defaulting council . . .

I do not know whether the Minister could direct me to act for or against councils in a professional capacity. I suppose he could; that is the power we are giving him.

The Hon. G. T. Virgo: I wouldn't.

Mr. MILLHOUSE: No, but he might with someone he likes better—the member for Morphett, perhaps, who is a most competent solicitor.

The Hon. G. T. Virgo: Then I would have someone competent.

Mr MILLHOUSE: That is why he would go to the member for Morphett, no doubt. The power is in the Bill for this sort of thing. I do not believe it is desirable that we should give the Minister that power. However, having heard the speeches that have been made, I can say that it is perfectly obvious that the only reason for introducing this Bill is to talk some sense (and I adopt the phraseology that has been used by the Minister and those who have spoken on this side) into people involved in the dispute at Meningie. For heaven's sake, let us, if we are to pass anything, restrict the ambit of the Bill to the Meningie District Council. If that is all the power the Minister wants, I would suggest that we give him that power. I would still be unwilling to do that, but I am prepared to go along with that if there is a specific problem, as there apparently is at Meningie. However, I am not prepared to allow without protest a Bill to go through in this form. I know that our own personal convenience is at stake, or is believed to be. This is supposed to be the last day of sitting before the Christmas holidays.

Mr. Goldsworthy: It never interfered with your personal affairs—you come and go at will.

Mr. MILLHOUSE: That is a typical comment from the member for Kavel.

Mr. Goldsworthy: It's just the luck of the draw you're here today.

Mr. MILLHOUSE: I have had quite a bit of luck in the past couple of days.

Mr. Venning: You made a deal.

Mr. MILLHOUSE: I ask the member for Rocky River to withdraw that comment. He says that I have made a deal. What does he mean by that—with the Government, is that what he means? He has gone quiet, so we will let it go this time.

Members interjecting:

The SPEAKER: Order! The honourable member for Mitcham has the floor.

Mr. MILLHOUSE: Members are afraid that their own personal convenience may be upset if we do other than pass a Bill in a general form, because those of us who know anything about the procedures of the House know that a Bill like this can go through without going to a Select Committee but that if a Bill is introduced that would affect one council then, after the second reading, it must go to a Select Committee, which could not be held if the House were not sitting. If we were prepared to bend our convenience and sit next week—

Mr. Goldsworthy: You'd never bend.

Mr. MILLHOUSE: I do not think the member for Kavel really wants me to make this suggestion because that is the second time he has tried to put me off my train of argument. Obviously it does not suit him to be here next week. However, if we were prepared to sit next week we could refer the Bill to a Select Committee, and a good part of my objection to it would disappear. I would point out (and I hope I can go as far as this in a second reading debate) that, once the Bill passes the second reading, as I

understand Standing Orders we can amend it in Committee to restrict its ambit and it does not need to go to a Select Committee. That is what I hope to do in due course.

If I am unsuccessful in Committee with those amendments I will certainly oppose the third reading of the Bill. It is only because I hope to have that chance that I do not oppose the second reading. As a matter of principle, this Bill should not be passed by this House and certainly, above all, not in the circumstances and with the haste with which it is being pushed through without anyone having had a chance really to consider it or understand what its ramifications may be.

The Hon. G. T. VIRGO (Minister of Local Government): I feel that I must clarify some points, because the member for Mitcham has been so wide of the mark that we cannot leave *Hansard* in the mess that he has put it in. First, the Bill was drafted this morning after I had received a report from one of my local government officers who went to Meningie last evening. When I received his report, the need to act was fairly obvious.

Mr. Millhouse: Can you give us his report?

The SPEAKER: Order!

The Hon. G. T. VIRGO: It was verbal report, given to me by the officer, in the presence of the Director of Local Government.

Mr. Millhouse: Aren't we entitled to know what is in it?

The SPEAKER: Order! I call the honourable member for Mitcham to order.

The Hon. G. T. VIRGO: Obviously, I cannot have the member for Mitcham or any other member sitting in my office every time officers come to report to me. We have had either to turn our backs on this matter and hope it would resolve itself or take action today. At no stage have I suggested that this measure is perfect. If I thought it was, I would not have included the provision regarding termination.

I am painfully aware that the Parliament has not been given the normal opportunity to debate the Bill and, again, that is a reason for having the termination date. However, for the honourable member to suggest that no-one other than the Minister, the Parliament, or the person who drafted the Bill knows anything about it shows his lack of knowledge. He did not ask about anyone else: he made the bald statement, and it was not true.

Mr. Millhouse: Has it gone to the Local Government Association?

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

The Hon. G. T. VIRGO: The association has been informed of the contents of the Bill. I telephoned the Secretary this morning and told him. The other very interested outside party is the Municipal Officers Association, and I imagine that the honourable member knows that representatives of the association are in the building at present. Therefore, there are people who know about it. I have been informed that people in the Meningie area know about it, because they have been telephoning members of Parliament. So, people have information about it: it is untrue to say they have not.

Regarding the other point, the member for Mitcham, in his normal way, has been able to read into the Bill powers vested in me that I do not see. New section 9b (1) does not vest undue authority in me to do the things that he has suggested. He has suggested that I could wipe out every local government body in South Australia. Indeed, if I tried to do that, I could not imagine that I would be successful, because I must recommend it to the Governor and, if the honourable member believed that I would recommend that 130 councils be wiped out because I considered they were not carrying out their duties and the Governor would agree to it, I think the honourable member is a little off his head, as he accused the member for Glenelg of being.

This power is necessary to resolve a dispute at Meningie. I make no bones about it. If it was possible, in accordance with Parliamentary procedures, to restrict this to Meningie, I would have done so. However, the member for Mitcham has been here long enough to know that, if I made this Bill applicable to the Meningie District Council only, it immediately would be a hybrid Bill, and he knows that it would have had to be referred to a Select Committee, and that is the device that the member is using to oppose the Bill.

He knows that a Select Committee could not report until Parliament resumed, and he knows that the sessions of Parliament have been determined. The Bill either goes through today or not at all. I am grateful that other Opposition members have supported the Bill, knowing the circumstances surrounding its introduction.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Defaulting councils."

The Hon. G. T. VIRGO (Minister of Local Government): I wish to make the position plain. Some copies of the Bill have been distributed and, subsequently, the Bill has been altered. I believe that some copies have been altered and some have not. The alteration is that in paragraph *(b)* of new section 9b (1) the words "or by reason of the contumacious behaviour or attitudes of any member or members of the council" have been deleted.

Mr. RUSSACK: Several members have doubts about the width and far-reaching consequences of the Bill. We accept what the Minister has said and I am sure that, normally, the Minister would have introduced the measure as a hybrid Bill and gone through that procedure. Is the Minister willing to say whether he knows of any other council in South Australia where such action would have to be taken? In other words, does he feel fairly assured that, during the time this measure will be in use for the purpose outlined in the second reading explanation, no other Council will be involved?

The Hon. G. T. VIRGO: As I have indicated, the Bill has been introduced purely and simply to deal with the problem at Meningie. As I have also indicated, it was not possible to refer specifically to Meningie, because if we did that it would become a hybrid Bill. We considered that matter this morning when we were drafting the legislation. If it was possible to refer merely to Meningie, we would have done that. We have purposely drafted the Bill this way because, if it was a hybrid Bill, it could not be effective until Parliament resumed. I would not expect the measure to apply to any other council. Indeed, I hope that it will never be proclaimed in relation to Meningie.

Mr. MILLHOUSE: I move:

Leave out subsections (1) (2) and (3) of the proposed new section 9b.

Insert new subsections as follows:

(1) The Governor may, by proclamation—

(a) suspend the powers of the district council of Meningie; and

(b) appoint an administrator to administer the affairs of that council.

(2) The administrator may, for the purposes of the administration, exercise any power, or carry out any function, that could, but for the proclamaiton, have been exercised or carried out by the council.

The last part of the amendment phases in to the last part of subclause (3) which I have moved to delete, so it fits

together and takes out the utterly undesirable features of proposed new section 9b, dealing with the powers of the Minister to recommend the declaration of a defaulting council, which could be any council in South Australia.

The Minister knows that he had his tongue in cheek when he said he had to get this measure past the Governor. Although it is fun to go along with him and laugh at these things, all members know that the Governor acts on the advice of the Government, Cabinet, and, if the Minister can persuade his Cabinet colleagues to do this, then the Governor has to accept that advice. The Minister knew it was only a shallow debating point. In fact, there is no chance that the Governor would not act on the advice of the Government, and in this matter the Minister presumably would have the decisive voice. Let us have no more of that, as we have advanced beyond that stage.

As it stands, the Bill allows the Government to exercise these powers in relation to any council in the State until May 8, or whatever the date may be. It is only the Meningie District Council that has the problem, and it is only, we are told (and the member for Goyder reinforced this by the question he asked the Minister) in relation to that council that this power is needed at all. Therefore, the Bill should be restricted to the affairs of that council. We know now that the only reason why it has not been so restricted is that the Minister did not want to introduce a Bill that would have to go to a Select Committee, because that would be inconvenient to him, to the Government, and to other members to sit next week, as we have not got the time.

Mr. Becker: Rubbish!

Mr. MILLHOUSE: No other reason has been given. We are putting our own personal convenience ahead of the good of the State, and there can be no doubt about that. The irony of that is that I am sure every member in this place will be here next Wednesday. It is not as if we are going on Christmas holidays a couple of weeks early: we could just as easily be here on Tuesday to sit again. We have not come to the end of the session: damn it, it is only Christmas holidays that we are getting up for. Perhaps honourable members do not want to be here on Tuesday to explain what will happen on Saturday. It will be embarrassing—

The ACTING CHAIRMAN (Mr. McRae): Order! Saturday has nothing to do with the matter before the Chair.

Mr. MILLHOUSE: I think I have made that point anyway. It is purely a matter of our convenience that the House is not sitting next Tuesday, and it is purely because the House is not sitting that the Government is unwilling to set up a Select Committee to deal with this matter. The only reason why the Bill is as wide as it is is that the Government does not want this matter referred to a Select Committee. I believe that, if amendments are made at this stage, we do not need a Select Committee, because a committee is set up at the end of the second reading stage, and we have passed that stage. Whether it becomes a hybrid Bill or not does not matter.

The time for setting up a Select Committee has passed, and we are not under the obligation to set up such a committee if my amendments are carried. You will be able to rule on that, Sir, no doubt on advice, but that is my understanding. If I am right, it takes away the last objection to restricting this Bill to the matter for which it is required; that is, the Meningie District Council. Therefore, what possible objection can there be to my amendment? It would give the Minister the powers that he says he wants. The provisions are sweeping enough as they stand, but it would give the Minister power to wield the big stick over the council, which is all he wants to do, so how can there be any objection to the amendment?

I need not say anything more at this stage, but I would be grateful if you, Sir, could give your guidance on this question, because, however much honourable members may deride me and deny that it is their convenience that is involved, it would help us in our deliberations if you can indicate whether or not, if this amendment is passed, the Bill will have to be referred to a Select Committee.

The ACTING CHAIRMAN: The question is "That the amendment be agreed to."

Mr. MILLHOUSE: I did proffer an invitation to you, Sir, to give some sort of guidance to the Committee, as I had hoped that you would do that or at least say why you are not going to do it. I would have thought that that was the least courtesy to which I was entitled.

The ACTING CHAIRMAN: I do not propose to give any advice. The question is "That the amendment be agreed to."

Mr. MILLHOUSE: In that case I must assume, from the advice I have had, that I am right in this: that this Bill does not need to go to a Select Committee at this stage. I put that to honourable members. I should like to ask the member for Mallee, who is involved, or the so-called shadow Minister, if he has the guts to get up, what he thinks of the amendment in the light of what I have said. I have given him a bit of a challenge: he has been sitting here all the time and obviously did not mean to get up, nor did any member of the Liberal Party or the Minister intend to answer what I have said. Perhaps now the so-called shadow Minister will have the gumption (and I will use a gentler word this time) to say where he stands on this.

Mr. RUSSACK: I should like to answer the so-called member for Mitcham. I do not support the amendment, because all legislation in this State has to be considered by both Chambers and, although the Bill could be amended here (supposing the amendment were accepted), it would be a hybrid Bill when it went to another place.

Mr. Millhouse: The House has to sit on Wednesday anyway.

The ACTING CHAIRMAN: Order! Interjections are out of order.

Mr. RUSSACK: I challenge the member for Mitcham: did he make it his business to find out the circumstances immediately he knew about this Bill? He had time to have amendments drafted. Therefore, I suggest that he had time to harness himself with the information.

Mr. Tonkin: He didn't contact anyone.

Mr. RUSSACK: No. Because of the detail that has been given to me and the circumstances that exist, I oppose the amendment.

Mr. Millhouse: Why?

Question—"That the amendment be agreed to"—declared carried.

Mr. MILLHOUSE: Divide!

While the division was being held:

The ACTING CHAIRMAN: There being only one member on the side of the Ayes, I declare that the Noes have it.

Amendment thus negatived.

The ACTING CHAIRMAN: Does the honourable member for Mitcham now wish to proceed with the second amendment he has on file, namely clause 3, page 2?

Mr. MILLHOUSE: Being both reasonable and a realist, I do not think that, in the circumstances, there is much point in my going on.

Clause passed.

Clause 4 and title passed.

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

That this Bill be now read a third time.

Mr. MILLHOUSE (Mitcham): I oppose the Bill at this stage. It is one of the worst pieces of legislation I can remember being introduced in the House, and it is being pushed through in less than three hours. I cannot believe that members on this side of the House (and they are all studiously avoiding looking at me now)—

The SPEAKER: Order! I hope that the honourable member will stick to the matter before the Chair.

Mr. MILLHOUSE: Of course I will, with great deference to you, Sir, but it somehow got some attention and reaction from the Liberals. I cannot imagine how they could be so foolish or duped as to accept this Bill.

The SPEAKER: Order! The honourable member is out or order. I hope that he will stick to the contents of the Bill as it came out of Committee. The honourable member for Mitcham.

Mr. MILLHOUSE: The Bill, as it came out of Committee, has powers that are wide enough to be applied to any local government body in the State, without Parliament having one more chance to do anything about it. Those powers, once applied, are wide and dictatorial. We do not know, as I said earlier in the debate, what the ramifications of the Bill may be—and there is no-one who could possibly know what they may be. How many sections are there in the Local Government Act? About 1 000. No-one can possibly have worked out what the effect of this Bill may be on the other Parts of the Act. I gave one example earlier. I do not know (and no-one has tried to answer) what the effects of the Bill may be on council staff—whether they may be sacked, whether they must be paid, or what their situation may be.

That is only one aspect of the matter, yet we, as a House, are prepared to put through a Bill in this form in under three hours from the time any of us, so far as I know, in this Chamber first saw it. It is less than three house since I first saw it. We have debated it for about an hour. This is utter madness. If any of us has any regard for Parliament, its powers and functions, this Bill will be opposed. I am afraid that I shall be on my own again, but I make the strongest protest against a Bill in this form going through at this speed, contrary to all our Standing Orders. Standing Orders had to be suspended in order to get the Bill through. The supreme irony of the matter is that it is not even necessary. It is necessary to apply the Bill only to one part of the State, to one council area, yet we are prepared to put it through like this.

It may be that, if some member other than I had raised these points, they would have been more sympathetically accepted by some members. I do not know. I hope that that is not so. I can think of no reason why any member would be prepared, apparently with such complacency, to allow a Bill like this to go through. I certainly do not. I oppose it.

Mr. TONKIN (Leader of the Opposition): The posturings of the member for Mitcham cannot go unchallenged. We have sat here and listened to him. I will do him the credit of saying that he probably is concerned to some degree, but he exaggerates and protests too much on this whole matter. The Bill as it comes out of Committee is exactly the same as when it went into Committee. It has a cut-off date; it will expire in May, 1978. I do not think anyone likes the idea of all the power contained in it, but we have had an assurance from the Minister and we have had consultations with the Local Government Association and with the Municipal Officers Association.

Mr. Russack: All realists.

Mr. TONKIN: All of these people are realists. I realise that the member for Mitcham is not here very often and therefore has become a little more sensitive about these matters than perhaps he would have been when he was a more regular attendant. That being so, in the peculiar and unique circumstances outlined, I cannot see that there can be any grave practical objection to the passage of this Bill at this time. We will be watching developments in the area concerned with great interest. I, for one, would be very distressed indeed to feel that all the people of the district council area of Meningie, whether employed by the council or otherwise, would in any way suffer because we did not pass this Bill now.

Question—"That the Bill be now read a third time"—declared carried.

Mr. MILLHOUSE: Divide!

While the division was being held:

The SPEAKER: There being only one member on the side of the Noes, I declare the motion carried.

Third reading thus carried.

Returned from the Legislative Council with the following amendments:

No. 1. Page 2 (clause 3)—Leave out from subsection (5) of proposed section 9b the passage "any person" and insert "any member or officer of a defaulting council".

No. 2. Page 2 (clause 3)—Leave out from subsection (5) the passage "a defaulting council" and insert "the Council".

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

These minor amendments refer to the provision made in the Bill enabling the Minister to give directions to any person with a view to facilitating the administration of the affairs of a defaulting council. The Legislative Council has simply rephrased that to provide that the directions can be given only to a member or officer of the defaulting council. Obviously, they are the only people to whom the directions would be given. It is a power which is there to be used only if the administrator is unable to get the co-operation of the members and/or officers, and I am happy to accept the amendment.

Mr. RUSSACK: I support the motion. During the second reading debate I referred to the matter which is the subject of the first amendment. It brings the matter back to an officer of the council or a councillor.

Mr. MILLHOUSE: I am surprised as well as disappointed that the other place did not do its job better and amend the Bill far more drastically than it has. That shows that members of that place are putting their personal convenience above the good of the State, in my view. These amendments are minute compared to what should have been done to the Bill to make it acceptable in any normal circumstances to any normal Parliamentarian. I am surprised and disappointed that the Legislative Council did not shoulder its responsibility.

Motion carried.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

The Legislative Council intimated that it did not insist on its amendment No. 1, but insisted on its amendment No. 2 to which the House of Assembly had disagreed.

Consideration in Committee.

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

That the disagreement to amendment No. 2 be not insisted on.

Amendment No. 2 was the amendment relating to the annual report. In the circumstances, I am prepared to accept a compromise.

Mrs. ADAMSON: I must record my pleasure and satisfaction at the Government's agreeing to the board's reporting to Parliament annually. Equally, I must record my disappointment that the Government is not prepared to expand the board and to increase the size of the quorum to make it more sensitive to community attitudes and more responsible in its judgment of the material that it will classify and distribute throughout South Australia. I assure the Government that this is not the end of the matter with many South Australians; it will be pursued further. I believe the day will come when members on both sides of the Chamber acknowledge that we are here and have a responsibility to set standards, and that the legislation we pass can work for good or for ill. If we want it to work for good, we will see that boards of this nature are responsive to the needs of the people they are supposed to serve.

Motion carried.

COMMERCIAL AND PRIVATE AGENTS ACT AMENDMENT BILL

(Second reading debate adjourned on December 7. Page 1291.)

Bill read a second time.

Mr. MATHWIN (Glenelg): I move:

> That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider new clauses relating to the constitution of the board.

I ask the House to support this motion because I have an amendment on file to increase from five to seven the number of members of the board. I intend to move that amendment at the appropriate stage. I assume that I am proceeding in the correct manner by moving this motion.

The House divided on the motion:

Ayes (15)—Mrs. Adamson, Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Eastick, Evans, Mathwin (teller), Millhouse, Nankivell, Russack, Tonkin, Venning, and Wilson.

Noes (24)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pair—Aye—Mr. Chapman. No—Mr. Corcoran.

Majority of 9 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 and 2 passed.

Progress reported; Committee to sit again.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1231.)

Mr. TONKIN (Leader of the Opposition): When we were previously debating this matter, I made clear that I wished to put on record a list of the recommendations of the various committees that had considered the question of the declaration of pecuniary interests of members of Parliament. That is more important now, because the Government has refused in any way to open up for debate this legislation, so that we could consider the recommendations of the Commonwealth Parliament's joint committee that met recently. It is more surprising when one considers that a member of the Labor Party in the recent Federal Parliament had on the Notice Paper, at the time that Parliament was prorogued, a motion to support such legislation and changes to Standing Orders similar to those which I have already proposed and which I shall summarise by continuing to read from this Parliamentary Paper. I have been dealing with a summary of the Green Paper prepared by the Canadian Government in July, 1973, under the heading "Exemptions". The paper states:

> A member should be permitted to own shares in a company holding a Government contract provided that he owns less than 5 per cent of the total number of issued shares. Such shareholdings must be disclosed to the Clerk. A member should be permitted to participate in any Government contracts when the true aggregate value of the contract does not exceed $1 000. A member should be permitted to hold a Government contract if the completion of that contract devolves on him by descent, or by marriage, or by operation of law, provided that he disposes of the contract within 12 months. A member should be permitted to purchase Government bonds or debentures which are offered by the Crown on terms common to all persons.
>
> A member should be permitted to participate in Government contracts for the supply of goods and services or use of property which are generally offered by the Government to the public on terms common to all persons. A member should be permitted to participate in a Government contract if the purpose of such contract is to permit the member to take advantage of Government programmes, established by legislation or regulation, which are available to the general public. A member should be permitted to participate in Government contracts the purpose of which is to reimburse the member for travelling expenses.
>
> *(f)* That a member of two successive Parliaments may not participate in any Government contracts, other than those exempted, during the period between the two Parliaments.
>
> *(g)* That participation by a member in any Government contract in contravention of the rules renders the contract void at the option of the Crown.
>
> *(h)* That a candidate for election should not be disqualified because he participates in Government contracts. Rather, he should register with the Chief Electoral Officer a list of contracts and offices that would be prohibited if he were a member. He should also register shareholdings that exceed 5 per cent of the total number of issued shares. If the candidate is elected his participation in Government contracts should cease within one year.
>
> *(i)* That the following resolution be incorporated in the Standing Orders of both Houses:
>
> > In any debate of the House or its committees, or transactions or communications which a member may have with other members or with Ministers or servants of the Crown, he should disclose any relevant pecuniary interest or benefit that he may have when that interest or benefit is not shared in common with all other persons or particular groups in society.
>
> *(j)* That the Standing Order, which prohibits any member with a direct pecuniary interest in any matter from voting on any question relating to that matter, be retained.
>
> *(k)* That the following resolution be incorporated in the Standing Orders of both Houses:

I point out that this is exactly the sort of approach to the problem which the Opposition supports strongly and which it has already attempted to have considered by this House: that is, the changing of Standing Orders to bring about the desired effect. The paper continues with the resolution:

> In managing their private investments, members of the House should exercise care to ensure that they do not benefit, or appear to benefit, from the use of information

which may have been provided to them as members on a confidential basis.

(l) That the Attorney-General be charged with the enforcement of the Act relating to members and conflict of interest. In particular, any member of the public should be able to request the Attorney-General to commence legal proceedings against any M.P. for violation of the Act. If the Attorney refuses the request, any member of the public should be able to apply to the Supreme Court for a declaration that the Attorney has failed to commence proceedings. Such declaration should be forwarded to the Presiding Officer of the Chamber and to the Attorney-General.

(m) That the penalties for violation of the Act should be: for violation of those sections relating to Government contracts, incompatible offices and disclosure requirements, a maximum fine of $10 000 for each offence. The profits from the illegal contract or the salary of the illegal office should be forfeited to the Crown. A member of the Lower House so convicted should be automatically disqualified from membership of the House if he fails to divest himself of such contract or office within 30 days of conviction. A member of the Upper House should be liable to a fine not exceeding $10 000 a day for each day exceeding 30 days, unless he resigns from office.

(n) That a member convicted of an offence should not be prevented from again seeking membership of Parliament.

(o) That the Standing Orders of both Houses be amended to include:

> At the beginning of each Parliament, the Standing Committee on Privileges and Elections shall be deemed to have been charged by the House with a reference to:
>
> (i) investigate all questions of conflict of interest referred to it by the House;
>
> (ii) provide members on request with advisory opinions;
>
> (iii) advise the House, on a regular basis, of any changes which are needed in conflict of interest legislation.
>
> The committee may not investigate conflicts of interest of a Cabinet Minister if the alleged improprieties result from the exercise of his duties as a Minister of the Crown.

(p) That each committee be provided with assistance and relieved, where possible, of the day-to-day administrative duties. It might be helpful if the committees themselves were composed of senior members of the Houses.

(q) That the Presiding Officers of the Houses should continue the current practice of refusing to refer to committee those questions properly handled by the courts.

(r) That a provision be included in the Act empowering the Standing Committee to grant special dispensation to any member, where it can be shown that, for reasons of public interest or personal hardship, a member should be permitted to participate in a Government contract.

(s) That a limiting provision be included in the Act requiring that any legal action be commenced within two years of the commission of the offence, or within six months from the day on which the offence became known to the Attorney-General.

That, Sir, sums up the recommendations of the Green Paper of the Canadian Parliament. I believe there is much merit in those recommendations. Certainly it is a widely canvassed and researched report. It is in stark contrast to the rather scrappy piece of legislation that we have before us at present, which was obviously drafted in haste and brought into this House in even greater haste before the Attorney-General went to Peking.

I refer now to the report from the Select Committee on Member's Interests (Declaration), which was set up by order of the House of Commons in November, 1969, under the chairmanship of Mr. George Strauss as follows:

> This report was commissioned in 1969 amidst doubts about the position of some members who, by virtue of some paid connection with an outside interest, were involved in matters which were the concern of the Parliament and of the Government. The report surveyed the relevant law, practice and procedure of Parliament concerning pecuniary interests in terms of their adequacy at the time. It considered new machinery which might improve present practices and a code of conduct for members.
>
> The Strauss committee considered that the code of conduct required in the House of Commons Disqualification Act (1957) and in a series of resolutions passed in the House was too loose and imprecise to constitute an assurance that interests, where relevant, would be declared. This had meant that declaration of pecuniary interests rested on the good will of members, as the Leader of the House indicated in 1969. He stated:
>
> > . . . the underlying assumption has been and always must be that honourable members can be relied upon to assess those delicate matters in an honourable and proper way and that detailed rules are undesirable and unnecessary.
>
> The committee concluded that the present practice had failed to achieve the main object of declaration which was that the member's outside interests should be made known to the public whenever they touched on his duty and activity as a member.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

Later:

Mr. TONKIN: Referring to the Strauss report, the background paper continues:

> Two major proposals were made to the committee for the registration of a member's outside pecuniary interests. The first was a register in which members declared their pecuniary interests and the second a register in which persons or bodies employing a member would declare the fact. The proposal for a register by members was initially well received by the Strauss committee. The various forms this first proposal could take were then considered. Proposals varied from total disclosure to partial disclosure confined to journeys overseas. The committee having considered these, was unable to recommend any one. In rejecting all proposals it did not rely on legalistic or technical factors. Rather the committee found that witnesses favouring a register agreed that there were bound to be loopholes in every scheme and to plug these a "cumbrous inquisitional machinery" would be necessary. The real choice, it argued, was between the creation of such machinery or the improvement and extension of the traditional practices of the House.

The Opposition supports strongly the proposal that these matters should be within the control of the House by the improvement and extension of the traditional practices of the House. The paper continues:

> The second proposal, for a register in which persons or bodies employing a member would declare the fact, was rejected as being impractical. It was suggested that a code of conduct might be elaborated by the committee in conjunction with the Institute of Public Relations, specifying that any firm employing and remunerating a member of Parliament must declare the payment in a register. Problems of evasion and enforcement, elaborated in the report, led the committee to conclude:
>
> > Your committee doubt the value of trying to develop in conjunction with the Institute of Public Relations a register and code of conduct requiring, among other things, a declaration of the employment of a member of Parliament.
> >
> > The committee recommended a code of conduct be more clearly outlined by a series of orders in the form of

resolutions, extending the provisions in resolutions already in practice.

On the declaration of interests, the committee argued that in order to provide guidance "on the hitherto tenuous custom of declaring an interest, it would be helpful if the House were to adopt a general resolution governing the practice". Accordingly, the following resolution was recommended:

> That in any debate or proceeding of the House or its committees or transactions or communications which a member may have with other members or with Ministers or servants of the Crown, he shall disclose any relevant pecuniary interest or benefit of whatever nature, whether direct or indirect, that he may have had, may have or may be expecting to have.

Dealing with payments and rewards to members, the committee drew the distinction between advocacy of a cause in Parliament for a fee or retainer and the advancement of an argument by a member who, through a continuing association with an industry, service or concern from which he may obtain some remuneration, is able to draw upon specialist knowledge of the subject under debate. Having made this distinction the following resolution was recommended:

> That it is contrary to the usage and derogatory to the dignity of this House that a member should bring forward by speech or question, or advocate in this House or among his fellow members any Bill, motion, matter or course for a fee, payment, retainer or reward, direct or indirect, which he has received, is receiving or expects to receive.

The report rejected proposals for a separate committee to review and police a code of conduct, and it considered unwise any attempt to amplify the above resolutions on the grounds that no amplification could cater for every imaginable circumstance and any attempt to do so would only confuse rather than clarify the code. The committee concluded its report with the following statement:

> . . . a code of conduct comprising these two resolutions, kept under periodic review by the committee of Privileges and backed by the ultimate sanction that a serious breach could be held to be a contempt of the House, is the most effective way of regulating the Parliamentary activities of members, where these may overlap with their personal financial interests.

Nothing was done to implement, or even debate, the 1969 report until May 1974. As the Leader of the House said in the debate on May 22, 1974, the subject was "one which in recent years, both before and since the publication of the 1969 report . . . has been discussed at great length almost everywhere except on the floor of the House".

At this time, however, the debate was taken up on the floor of the House. The first motion—identical to the first recommended motion in the 1969 report—was agreed upon. A second motion passed was directly contrary to the advice of the 1969 report, and called for the creation of a members' register. In the same debate a Select Committee was agreed to, for the purposes outlined below. It was chaired by the Rt. Hon. F. T. Willey, M.P. The committee was empowered to examine the arrangements made for the compilation, maintenance and accessibility of the register; to consider further proposals and complaints, and to make recommendations on these.

The committee's first report (December, 1974) outlined nine specific classes of pecuniary interest which were to be disclosed in the register. These were:

1. Remunerated directorships of companies, public or private;
2. Remunerated employments or offices;
3. Remunerated trades, professions or vocations;
4. The names of clients when the interests referred to above include services by the member which arise out of or are related in any manner to his membership of the House;
5. Financial sponsorship as a Parliamentary candidate where to the knowledge of the member the sponsorship in any case exceeds 25 per cent of the candidate's election expenses or, as a member of Parliament, by any person or organisation, stating whether any such sponsorship includes payment to the member or any material benefit or advantage direct or indirect;
6. Overseas visits relating to or arising out of membership of the House where the cost of any such visit has not been wholly borne by the member or by public funds;
7. Any payments or any material benefits or advantages received from or on behalf of foreign Governments, organisations or persons;
8. Land and property of substantial value or from which a substantial income is derived;
9. The names of companies or other bodies in which the member has, to his knowledge, either himself or with or on behalf of his spouse or infant children, a beneficial interest in shareholdings of a nominal value greater than one-hundredth of the issued share capital.

The committee sought to cover all types of pecuniary interests that might influence the conduct of members of Parliament. It also sought to unite the requirement for public scrutiny with the member's right to privacy. For this reason the committee considered it unnecessary to require the disclosure of the amounts of remuneration.

The committee was also required to consider enforcement. In response, it said it wished there to be no misunderstanding:

> Under no circumstances should the Registrar and his staff be seen as enforcement officers, with powers to inquire into the circumstances of members. The underlying principle behind the register is that members are responsible for their entries; the House will trust them in this respect, but at the same time such trust involves obligations. As the Clerk of the House pointed out, "The ultimate sanction behind the obligation upon members to register would be the fact that it was imposed by resolution of the House . . . There can be no doubt that the House might consider either a refusal to register as required by its resolutions or the wilful furnishing of misleading or false information to be a contempt. The sanction of possible penal jurisdiction by the House should be sufficient."

The first edition of the register was published in November, 1975. A second edition was issued in May, 1976.

In instituting a register without instituting powers to support it, the House expected that all members would obey its wishes and comply with its orders. Subsequently, 634 members complied; one did not. The refusal of one member to comply was the subject of the committee's brief report in which it recommended that the House make co-operation binding on all its members by making a new Standing Order. It was suggested that the new Standing Order should provide:

> (1) that within a certain time of a report being received from the committee informing the House that a member has failed to register his interests wholly or in part, and recommending that he be suspended,
>
> (2) a motion (of which notice has been given) shall be made at the commencement of public business to suspend the member, and Mr. Speaker shall put the question theron forthwith.

The Select Committee further recommended a scale of penalties to correspond to repeated refusals to co-operate: a five-day suspension on the first occasion, 20 on the second occasion, and indefinite suspension on the third. This was in keeping with Standing Order 24, in which penalties were prescribed for disorder in the House. It also suggested for

consideration a period of suspension which would end only with the compliance of the member in question.

We now turn to the report of the Joint Committee on Pecuniary Interests of Members of Parliament that was prepared by a joint committee of the Commonwealth Parliament, which was set up in 1974 and reported in 1975. The following is the summary, conclusions and recommendations of that joint committee. Appended thereto is a brief outline of the existing safeguards in the Commonwealth Parliament, since these are referred to in the summary. It is as follows:

The necessity for a declaration of interests system could only be established if existing provisions for avoiding or resolving conflicts of interest were found to be inadequate for the protection of both the individual public officeholder and the public at large. To this end, the committee, in chapter 1, considered the Constitution, statutory provisions and Standing Orders which might have been thought to provide the necessary safeguards. These were as follows:

(a) Sections 44 (v) and 45 (iii) of the Constitution which deal with members of Parliament contracting with the Public Service and accepting fees or honoraria for rendering services to the Commonwealth or in the Parliament respectively;

(b) Standing Order 196 of the House of Representatives which prohibits members from voting upon certain issues in which they have a pecuniary interest; and

(c) Section 211 of the Commonwealth Electoral Act, which deals with bribery and undue influence with respect to elections.

As a result of a recent judicial interpretation of section 44 (v) of the Constitution, doubts as to the effectiveness of section 45 (iii) of the Constitution, and a series of restrictive rulings of successive Speakers of the House of Representatives as to the meaning of Standing Order 196, none of these provisions could be regarded with any confidence as a safeguard against conflicts of interest. Section 211 of the Commonwealth Electoral Act was found to be not of direct relevance to the issue.

Having established in chapter I that the existing safeguards were not adequate, the committee, in chapter II, considered two suggested means of remedying this situation. The first was that a code of conduct should be established. The committee felt that a precise and meaningful code of conduct should exist. It would be an essential adjunct to recommendations made below with respect to a non-specific declaration of interests system. Such a code should be concerned with the elimination of conflict of interest situations. By specifying a set of basic principles, which members of Parliament should observe, members would be reminded that their ethical obligations to the community do not cease merely by declaring their interests.

However, as the committee's terms of reference require it to consider the declaration of the interests of members of Parliament rather than the avoidance of potentially conflicting interests the detailed drafting of a code of conduct would be beyond its terms of reference. Consequently, the committee was of the view that the drafting of such a code should be entrusted to the proposed joint standing committee referred to in chapter IV.

The committee's conclusion in this area was that an appropriate balance could be achieved between the flexible guidance of a code of conduct and the rigid requirements of a register by instituting a declaration of interests system in which it was compulsory that certain interests be declared whilst it was left to the discretion of the individual concerned as to whether or not other interests should be declared. An example of this approach was the recommendation that members of Parliament be required to disclose the names of all companies in which they had a beneficial interest but that it should be left to the discretion of individual members of Parliament as to whether or not they should register the actual value of such shareholdings.

A second proposal worthy of serious consideration, to which the committee had regard in chapter II, was that the Parliament should adopt guidelines for determining whether claims of alleged breaches of Section 44 (v) of the Constitution should be dealt with by the relevant House of Parliament itself or whether it should be referred to the High Court sitting as the Court of Disputed Returns.

Chapter III might well be considered the most important chapter in the committee's report in that the committee canvassed there the differing views on the central issue as to whether or not a register of pecuniary interests should be instituted. If one thing was clear beyond doubt, it was that the variety of conceivable conflicting interests was matched only by the number of conflicting views as to their resolution.

It was submitted that the committee could mitigate the effects of this wide conflict rule by recommending the public registration, in general terms, of remunerated occupations, professions directorships and partnership interests of members of Parliament. Such registration would make it difficult to say that a member was acting contrary to the requirements of the conflict of duty and interest rule should any alleged conflict of interest arise. The committee's resultant assessment of the various submissions relating to the central issue was that a non-specific declaration of interests system should be instituted.

In chapter IV the committee made a number of recommendations as to the desirable extent of disclosure, the form in which it should be made and the degree of access to such information. In that chapter the committee discussed the reasons why certain pecuniary interests should be declared and why certain other interests need not be declared. For example, the committee considered whether or not members should declare not only their assets but also their liabilities and whether or not they should declare the interests of their immediate family of which they were aware.

I could envisage a rather embarrassing situation that could arise if members of Parliament had to declare their liabilities. It continues:

The committee concluded, for reasons stated in chapter IV, that such requirements would not be appropriate. The categories of interests which the committee considered should be declared are summarised below.

In part II, chapters V, VI and VII were devoted to recommendations with respect to the Public Service and statutory authorities; Ministerial officers; and the media respectively. The recommendations made throughout this report reflected the committee's desire to suggest workable proposals designed to safeguard and enhance the integrity of public officials without making unjustified inroads into their existing rights of privacy. This necessarily implied a willingness to temper the demands of a fully effective declaration of interests system with other conflicting demands. Furthermore, it involved a recognition that any balancing of these conflicting considerations could only be the committee's assessment as to the weight which should be attached to such factors in 1975.

It did not assume that this assessment of the relative weight of various arguments would remain constant with the passage of time. With this cautionary note, the committee's recommendations are summarised as follows:

Members of Parliament:

(i) The filing of a copy of one's income tax return would constitute neither an adequate nor an appropriate form of registration of pecuniary interests.

(ii) Members of Parliament should disclose the names of all companies in which they have a beneficial interest in shareholdings, no matter how insignificant, whether

as an individual, member of another company, or partnership, or through a trust.

(iii) It should be left to the discretion of individual members of Parliament as to whether or not they should register the actual value of any shareholdings.

(iv) Members of Parliament should disclose the location of any realty in which they have a beneficial interest.

(v) Members of Parliament should declare the names of all companies of which they are directors even if the directorship is unremunerated.

(vi) Members of Parliament should declare any sponsored travel.

(vii) Members of Parliament should provide the information required in the form of a statutory declaration to a Parliamentary registrar who shall be directly responsible to the President of the Senate and the Speaker of the House of Representatives. It is reasonable and proper to allow the public to have access to the information disclosed on establishing to the satisfaction of the registrar and with the approval of the President or Speaker that a *bona fide* reason exists for such access. These statutory declarations should be in loose-leaf form so as to enable members of the public to inspect any relevant details in the statutory declaration filed by a particular Senator or member. Upon any request for access being received by the registrar, the Senator or member concerned shall be notified personally and acquainted with the nature of the request and informed of the details of the inquiry before such access is granted. The Senator or member thus notified may, within seven days, submit a case to the registrar opposing the granting of access. On receipt of such submission the registrar, with the approval of the President or Speaker, shall make a decision from which no appeal shall lie.

(viii) On assuming office, a Minister of the Crown should resign any directorships of public companies and dispose of any shares in a public or private company which might be seen to be affected by decisions taken within the Minister's sphere of responsibility.

(ix) A joint standing committee of the Australian Parliament should be established with power to supervise generally the operation of the register and modify, on the authority of the Parliament, the declaration requirements applicable to members of Parliament. It is not envisaged that such a committee would sit frequently but would be ready to function when a situation arose which called for resolution.

(x) The joint committee should be entrusted with the task of drafting a code of conduct based on Standing Orders, conventions, practices and rulings of the Presiding Officers of the Australian and United Kingdom Parliaments and such other guidelines as may be considered appropriate.

(xi) The Parliamentary registrar should be the clerk of the joint standing committee, and should be appointed by the President of the Senate and the Speaker of the House of Representatives.

Ministerial Officers:

(xii) Ministerial staff should make a written declaration to the Minister by whom they are employed of those types of pecuniary interests which it is recommended should be registered by members of Parliament. A copy of the declaration made by each staff member should be given to the Prime Minister.

(xiii) The staff of Opposition Leaders and their appointed spokesmen should be required to declare their pecuniary interests in a manner similar to that required of Ministerial staff.

The Media:

(xiv) A media council should be established which is representative of all the component parts of the media and, as in the case of the British Press Council, have an independent Chairman. It should be equipped not only with powers to devise and administer an appropriate and effective media register of pecuniary interests, but with all other necessary powers to ensure that it enjoys the respect of both the communications industry itself and the public.

(xv) Acknowledging that the creation of a media council will require some thoughtful planning before it is established, it is proposed that as an interim measure the Parliament should require that those media organisations which are accredited to or enjoy the facilities of Parliament House should be required to comply with the same registration requirements that are required of members of Parliament. For the time being this media register should be administered by the Parliamentary registrar with the same conditions of access as recommended to apply to members of Parliament. Consequently, those registering in the interim media register would include directors, executives, editors and journalists of those media organisations accredited to or using the facilities of the Parliament and all members of the media who have quarters in or work from Parliament House.

I hesitate to emphasise, at this stage, that this is the report of the committee of the Commonwealth Parliament of Australia. While the Opposition generally regards these recommendations in relation to members of Parliament and Ministerial officers with much enthusiasm, because it believes that they would adequately solve the problems that have been raised in the community, the Opposition is not certain what the reaction of the members of the media referred to in the report would be to the proposition that we should establish a media council, and that all members of the media, from managing editors down to journalists, working from Parliament House, should disclose their pecuniary interests in the way in which a member of Parliament does.

Dr. Eastick: You mean, put out a net to catch the whole family?

Mr. TONKIN: It seems that that is exactly what has been proposed. We will perhaps be enlightened later with some of the views of the media that may be transmitted to us of their attitude to such a situation. The report continues:

Public Servants and Employees of Statutory Instrumentalities:

Not wishing to traverse unnecessarily the same ground as the Royal Commission on Australian Government Administration which also has an interest in the question of possible conflicts of interest in regard to public servants and other employees of the Crown, detailed recommendations are not being proposed on this aspect of the problem. However, some general views considered worthy of attention are set forth hereunder:

(a) As a general principle certain servants of the Crown should be under no lesser obligation in respect of declarations of interest than are others located in other key constituent parts of the decision-making process of Parliamentary democracy.

(b) As there is some confusion surrounding the significance and implications of existing injunctions —whether they be Acts, regulations, conventions or practices—dealing with conduct generally, it is proposed that they be explicitly consolidated into a single document by the Public Service Board so that these obligations are

clearly visible not only to the public servant but to the Parliament and public alike. This view is expanded upon in chapter V.

(c) The Public Service Board should assist departments to formulate simple, reasonable and appropriate procedures to ensure that the departmental head, as far as possible, is equipped with procedures which will avoid and, where necessary, assist in the resolution of conflicting interest situations within his department.

(d) The custom whereby a head of department makes some form of declaration of his interests to his Minister should be formalised.

(e) It may well be in the interests of those public servants involved in Government contracting to keep at least a private register of their shareholdings to which permanent heads have access, if only to avoid the provisions of the Secret Commissions Act. This point is expanded upon in chapter V.

The Existing Safeguards:

There are three relevant sources of authority which in some measure regulate the conduct of members of Parliament. These are:

(a) Sections 44 (v) and 45 (iii) of the Constitution, as follows:

44. Any person who—

(i) . . .

(v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

45. If a senator or member of the House of Representatives—

(i) . . .

(iii) directly of indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth or for services rendered in the Parliament to any person or State:

his place shall thereupon become vacant.

As a result of recent judicial interpretation, section 44 (v) of the constitution may not be an effective measure for the prevention of conflict of interest situations. His Honour, the Chief Justice of the High Court, Sir Garfield Barwick, sitting as the Court of Disputed Returns on June 24, 1975, stated that this section of the constitution was not intended to prevent possible conflicts of interest and duty. Further, he attached a quite narrow definition to the word "agreement" in section 44 (v) and he rejected the suggestion that merely being a shareholder in a company which has an agreement with the Public Service constituted a breach of this section.

The committee also considered that section 45 (iii) was, in some respects, an ineffective measure as it was very narrow in scope. "It does not deal . . . with a number of situations which could arise," argued the committee, "such as when a senator or member with professional qualifications who continues to act in a professional capacity might conceivably be called upon to give advice without it being clear in which capacity the advice is being sought or given." In discussing these sections, the committee went on to say:

> These sections constitute only the tip of the iceberg in attempting to deal comprehensively with the whole area of conflicts of interest. The concept of avoidance of conflicts of interest inherent in sections 44 and 45 of the constitution is based on the assumption that it is better to avoid the occurrence of a conflict than to extricate oneself from an embarrassing situation. This principle is commendable in limited situations, but to attempt to solve all potential conflicts of interest problems by means of avoidance would require senators and members to divest themselves of all pecuniary interests. Evidence was given that this would be incompatible with the representative responsibilities of a member of the Parliament, who has been elected, at least in part, because he has personal interests which coincide with those of many of his constituents. It may be regarded as an over-reaction in an area where some compromise must be found between protecting the privacy of individual members of Parliament and protecting the interest of the public in ensuring that decisions are not being made for improper motives.

A solution can best be achieved by coupling the avoidance of conflicts provisions of the Constitution with provisions which require not divestment of potentially conflicting pecuniary interests but disclosure of those interests. The desirable extent of disclosure, the form in which it should be made and the degree of access to such information is canvassed in chapter IV.

(b) The second source of authority which has some bearing on the pecuniary interests of members of the Parliament is Standing Order 196 of the House of Representatives:

196. No member shall be entitled to vote in any division upon a question (not being a matter of public policy) in which he has a direct pecuniary interest not held in common with the rest of the subjects of the Crown. The vote of a member may not be challenged except on a substantive motion moved immediately after the division is completed, and the vote of a member determined to be so interested shall be disallowed.

This Standing Order follows the rule of the House of Commons which was explained in the following terms by Speaker Abbott on July 17, 1811:

> This interest must be a direct pecuniary interest, and separately belonging to the persons whose votes were questioned and not in common with the rest of His Majesty's subjects, or on a matter of State policy.

There have been a number of challenges in the House of Representatives based on Standing Order 196, but in each case the motion has been negatived or ruled out of order. The disclosure requirement is so severely limited in its operation that it would be a rare occurrence in which the Standing Order could be applicable.

(c) The third source of authority which has been advanced as constituting some form of protection of the public interest is section 211 of the Commonwealth Electoral Act. It states:

> Any person who—
>
> *(a)* is convicted of bribery or undue influence, or of attempted bribery or undue influence at an election; or
>
> *(b)* is found by the court of disputed returns to have committed or attempted to commit bribery or undue influence when a candidate
>
> shall, during a period of two years from the date of the conviction or finding, be incapable of being chosen or of sitting as a member of either House of the Parliament.

Whilst the committee considered this a worthwhile provision it argued that it was only of relevance to the question of the need for a register if it is assumed that a register is designed primarily to enable detection of fraud, bribery, undue influence or impropriety. (It was stated quite unequivocally that the committee did not view the proposal for a register in this light).

Those are the recommendations of the Commonwealth of Australia Parliamentary Joint Committee, and I make the

point yet again that there has been a private member's Bill to adopt the recommendation of the Joint Committee on the House of Representatives Notice Paper since March, 1977. At the time this paper was prepared and before the Commonwealth Parliament was prorogued, it had not had a first reading, but the Bill was in the name of Mr. Paul Keating, a member of the Labor Party and a member who felt that the provisions and recommendations of the joint committee best represented the way in which the pecuniary interests of a member of Parliament should be recorded, and best represented the way in which members of the public could be reassured that members of Parliament were not improperly influenced by conflicting pecuniary interests.

I think perhaps some of my comments on the establishment of a media council and the disclosure of pecuniary interests by members of the media may have been noted. I repeat that I am at a total loss to understand why this Parliament and the Attorney-General of this Government are not prepared to introduce legislation and amendments to the Standing Orders in this place, as recommended along the lines of this very worthwhile report which I have just read, to achieve the effects in the best possible way. Reading these reports shows clearly how the thinking of the Attorney-General and of the Government on this occasion has been a shallow thinking. There are basically no substance and no depth to the proposition currently before us in the legislation as presented.

I turn now to the situation in New South Wales. Members of the New South Wales Parliament, I understand, will be required to disclose certain financial interests in a register if the State Government accepts the interim report of a joint Parties committee. There seems to be a tremendous amount of precedent for a joint Parties committee on these subjects, and certainly there is no dearth of material available for the Government to examine and to adopt. The onus will be on the politicians as to which interests they see fit to disclose. Disciplinary measures for non-compliance are also suggested in the report. The Premier (Mr. Wran) has already indicated that the Government intends to legislate to implement these proposals. The report said the interests which should be revealed are those capable of producing financial or material benefits to the member in his role as a politician and any benefit, however received, which could influence the politician in the discharge of his duties or responsibilities. Separate registers for the Assembly and the Council are proposed, and a joint standing committee on pecuniary interests would be responsible for drafting a code of conduct for submission to Parliament. Finally, I cannot emphasise in what high regard I hold this excellent report.

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

Mr. TONKIN: In concluding the placing on record of this most valuable document, I refer now to the position as it applies in the United States of America. The background paper states:

> The following comments on the procedures and practices relating to pecuniary interests in the United States are taken from the House of Commons Report of the Select Committee on Members Interests (U.K., 1969). They are a statement of the position in the United States at that time:
>
> In the United States there is a formal procedure for the declaration of members' pecuniary interests. In 1969 for the first time members of both Houses of Congress filed declarations of interest. They have been available for public inspection since May. The requirements for declaration laid down by each House differ considerably. In the House of Representatives a member is required to list for public inspection any business interest worth $5 000 or more or from which he obtains an income of $1 000 or more.
>
> This requirement is subject to the important qualification that the firm or organisation in question does "substantial business" with the Federal Government or agencies. The source of professional earnings by a member over $1 000 and any other income for services rendered or any capital gain over $5 000 has also to be declared. All this information is open to public inspection. But the precise amounts of the financial interests and outside income, which also have to be filed, remain confidential. They are only made known to an investigating committee if a formal inquiry into a member's conduct is launched.
>
> In the requirements laid down by the House of Representatives, the prime emphasis on firms and organisations doing "substantial business" with Federal Government or official agencies is significant. The main purpose is to avoid the contingency—which had lately become a reality in the case of a staff member of Congress—that members might use their influence to obtain official contracts for firms in which they had a financial interest.
>
> The rules of the Senate are at once more and less exacting than those of the House of Representatives. A Senator is required to file much more information, including his income tax return. But, except for specified contributions and honoraria, all this information is kept confidential. As in the House of Representatives, only if a formal inquiry is launched into the conduct of a Senator is the information revealed to the investigating committee.

I have read into the records of this House a most valuable report of the inquiries that have been conducted and the procedures adopted in the United Kingdom and Canada, recommended in the Commonwealth of Australia, considered in New South Wales, and in practice in the United States. I have done that because I believe that this is a most important subject; the principle that members of the public have the right to be reassured that their members of Parliament are free of improper or undue pecuniary interest is a real one. I repeat that the Opposition supports this principle, but it also supports strongly the principle that is intertwined with the first principle, that is, the right of a member of Parliament and his family to privacy.

It has been significant that, throughout the investigations in countries and areas, these two rights have intertwined, and procedures that have been adopted have in all cases preserved to a greater or lesser extent the right of privacy of members and of their families. I think that most people would accept that the families of members of Parliament have to put up with a great deal, anyway, and to have their interests disclosed and made open (as it is proposed to do in this Bill) to publication and inspection by anyone in the community seems to me totally unnecessary. My 17-year-old son works on Saturday mornings at one of the city emporiums, and he was somewhat surprised when he received his group certificate for income tax to realise that for the previous 12 months he had earned about $900 in that period.

Mr. Slater: He wouldn't pay tax on that.

Mr. TONKIN: Nevertheless, he pays tax. As the honourable member would know, tax is automatically deducted, but probably a long time has elapsed since the honourable member has been aware of these things. He eventually receives a refund, but he receives a group certificate for the $900. While this represents a year's work on Saturday mornings, to me it is not an important amount

taken in the overall category. It is important to my son, and I should say it is important to me, too, since he can become self-sufficient to a degree by using this money earned by his own efforts. I have two other sons who until recently sold newspapers. They earn an income that would be more than $200 a year. It seems footling and piffling that these amounts and activities should have to be recorded and published in a Parliamentary Paper for the entire community to examine.

I believe there is a proper way of doing these things and that is as has been suggested by the report of the joint committee of the Comonwealth of Australia. The Opposition is in favour of the proposals and the general principle put forward in that report. It is equally apparent that members of the Federal Labor Party are also in favour of that principle, as is illustrated by the fact that Mr. Paul Keating had on the Notice Paper until the prorogation of the Commonwealth Parliament a motion supporting those recommendations. I believe that that fulfils the principle as set out originally, and that is to balance the right of the public to know that members of Parliament are free of pecuniary pressures (but that is not to suggest that the public should know the intimate details of members' financial dealings) against the right of privacy of members and their families. Such an approach is supported by the Federal Labor Party.

However, the approach of the Attorney-General, shallow as it is, reveals a fundamental haste to introduce such legislation, and this legislation has obviously not been carefully considered. The Bill totally ignores the rights of members. I can think of several examples. For example, regarding the clause relating to penalty, it would be difficult to equate the rights of members of Parliament and the acknowledged supremacy of Parliament in dealing with its own affairs with the part of this Bill that provides that the offence, if one can be proved, is punishable by a fine of $5 000 and is dealt with summarily. I believe that it is not correct to assume that members of Parliament should automatically and immediately lose their rights as individual citizens simply because they are elected to Parliament.

I believe, too, that members must expect that their actions and attitudes will be subject to very close public scrutiny, but that close scrutiny does not involve a complete throwing away of all of their rights, particularly regarding privacy for people in public as well as their families. The right of the public to be reassured is acknowledged: Parliament and the public have demanded the highest possible standards of behaviour from members of Parliament.

As I said when I began my speech, this is something that has been inherent in the whole system of Parliamentary democracy, and something that has been automatically accepted by the public of their members of Parliament. Parliamentary and public opinion have always demanded the highest possible standards, and the reassurance that is apparently now demanded by members of the public should be in the hands of Parliament through an officer of the Parliament, controlled by a joint committee of the Parliament. The remedy for offences against behaviour contrary to Standing Orders of Parliament should be in the hands of Parliament itself. The implementation of these provisions should be the responsibility of Parliament acting through Standing Orders and on the advice of the joint committee.

The present Bill totally fails to recognise all of those things. I know that the Attorney-General (be he in Peking, or wherever he may be) is totally unaware of and uncaring for the Parliamentary system of democracy as we know it. If he could, he would destroy all the powers of Parliament—we all know that. That is no excuse for him to introduce legislation that totally by-passes Parliament and its right to regulate its affairs. It is possible that extensive amendments could be moved to make this Bill more acceptable and to bring it more nearly into line with the recommendations of many other joint committees, following the most detailed and intensive inquiries. On examining the legislation I find that it is almost impossible to do this. Ideally, the legislation should be withdrawn, redrafted and presented to this House, to provide that the House manages its own affairs. It should be combined with suggested amendments to the Standing Orders. If that is done, I believe that we can produce a most efficient, satisfactory system of disclosure of interests that would be comparable with any system anywhere in the world. It would provide the necessary reassurance. It would also safeguard the privacy of members.

I have no objection to the disclosure of my pecuniary interest, but I stand up for my right to preserve my own and my family's privacy. I am prepared to make a disclosure to a responsible committee of both Houses of Parliament. I am willing to have that information made available to people in the community who have any complaint, or who can satisfy you, Sir, as the Speaker, or the President of another place, that such an inquiry is warranted. As always, I am perfectly happy for any joint committee of this Parliament to make such disclosures of my financial interests as it deems necessary in answer to such an inquiry. As always, I will remain subject to Standing Orders, and to the discipline of this House, if ever that should become necessary. All members of this House, I trust, would agree with me about this—any responsible member would.

I cannot accept the legislation in its present form. I would have hoped to be able to support the second reading of the Bill to allow the Committee stages to proceed, when amendments could be moved. The further I go into this matter the less satisfied I become that the necessary amendments are possible. That is a very damning indictment of the haste with which this Bill was brought in and the way in which it was drafted. It seems to me that on a subject that is so fundamentally important as this that it should be possible for both sides of this House and for both Houses of this Parliament to consider the matter fully to find the most satisfactory solution to the problem, and such a solution, as I have proved, can be found.

Because of the way this Bill has been brought in, it is impossible to do that. I cannot deprecate too strongly the attitude of the Government in refusing to allow detailed consideration of all possible aspects of this Bill in the Committee stages. I cannot deprecate too strongly the attitude of this Government in refusing to achieve the best possible solution to the problem. I can only condemn, in the strongest possible terms, the cynical attitude and the petty motives which led to the introduction of this legislation into this House at the time it was introduced. I cannot support the Bill as it stands and I cannot see how it can be amended. I support the principle of the proper disclosure of pecuniary interests, as I believe all members do.

I can only ask that the Government consider, yet again, its attitude and set up, if necessary, a joint committee of both Houses, or at least bring the matter before the House in such a form that every possible consideration of every possible recommendation that has been made by other Parliaments and Legislatures can be considered, so that we in South Australia can, for a change, really earn the reputation that the Premier claims for us in so many other fields (and I think not always justly), that we are once again keeping well up and leading the way.

The Hon. HUGH HUDSON secured the adjournment of the debate.

[Sitting suspended from 7.47 to 8.45 p.m.]

STATE CLOTHING CORPORATION BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, line 16 (clause 6)—After "Governor" insert "of whom two shall be persons experienced in the manufacture of clothing or other textile goods".

No. 2. Page 4, lines 27 to 29 (clause 13)—Leave out all words in these lines.

No. 3. Page 5—After line 15 insert new clause 14a as follows:

14a. The Minister shall give such directions to the Corporation (which shall be binding on the Corporation) as are in his opinion necessary to ensure that the operations of the Corporation do not appreciably reduce the volume of work performed by workshops or institutions to which section 89 of the Industrial Conciliation and Arbitration Act, 1972-1975, applies.

Consideration in Committee.

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

That the Legislative Council's amendments be agreed to.

The first amendment is a suitable qualification, and I suggest that the Committee agree to it. The second amendment is to remove from clause 13 (1) the last paragraph, that is, to take out of the functions of the corporation "to perform such other functions as may be assigned to it by the Minister". That is a broad power. All the necessary ancillary powers, I believe, are covered in paragraph *(c)*, and I suggest that the Committee agree to the amendment. The third amendment is a requirement that a direction shall be given to the corporation to ensure that work is still given to sheltered workshops. That provision accords with Government policy, so the Government does not object to the amendment. I suggest that the Committee accept all the amendments.

Mr. DEAN BROWN: I support the amendments, which certainly improve the Bill, although I still believe that the Bill, even in its amended form, is totally unacceptable.

Motion carried.

ADJOURNMENT

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

That the House at its rising adjourn until Tuesday, February 7, 1978, at 2 p.m.

I wish to thank you, Sir, and the staff of the House: the messengers, the domestic staff, the cleaners, all the people who service us in Parliament, Parliamentary Counsel, *Hansard*, Uncle Tom Cobbley and all. I hope all the people associated with the House have a happy festive season.

I want to pay a particular tribute to one of the House of Assembly messengers, Mr. Ron Miels, who is retiring before we next meet. Ron commenced duty in the House of Assembly as a temporary messenger in 1970, was promoted to permanent messenger in 1971, and was made centre hall messenger in 1976. Previously he was with the Supply Department as a clerical assistant, and served in various Government departments giving long service to the State Government in South Australia. He was an ex-serviceman and served honourably in the Second World War. I am instructed that he will now attempt to turn a skinny nag into a Caulfield Cup winner. I hope it does better than Piping Shrike. I hope that he has a happy retirement and, on behalf of all members of the House, I pay a tribute to him for all the tremendous service he has given to us. We all hope that he will come back to see us regularly and that he will give us the nod when his horse is going to win.

I hope that as soon as we have completed the work that the Legislative Council is sending us we can adjourn in excellent spirit and that members will have an opportunity to refresh themselves over the festive season in such a way as to be able to cope with the considerable amount of work that will hit this House on February 7.

Mr. TONKIN (Leader of the Opposition): I support the motion. I, too, pay a tribute to Ron Miels. My memory of him will always be of the messenger who can sit with great dignity behind the desk in centre hall, giving the appearance of perhaps not being entirely as alert as one might think, but that is a totally false impression as one finds when one tries to sneak past him. He is always far wider awake than he sometimes seems to be; he does not miss much. He will be missed sorely by several of the regular callers to centre hall whom he manages to keep happily engaged in conversation for a considerable time. We are fortunate indeed in the calibre of the Parliament House staff, particularly the messengers. On behalf of the Opposition I wish Ron the best of good fortune be it just in retirement or in his new occupation; I hope he has a happy and enjoyable retirement.

I, too, thank the other members of the staff because we are particularly fortunate in having them; the atmosphere in Parliament House is remarkably fine. I thank them for that and for their good service throughout the year.

I extend to members and to all people working within Parliament House the very best wishes for the coming festive season and wish that their coming year will be happy and prosperous.

Mr. MILLHOUSE (Mitcham): I support the motion. For once I agree with everything the Premier and the Leader of the Opposition have said. Everyone is a good friend this evening because it is Christmas time. The one thing that neither the Premier nor the Leader said about Ron Miels is that he has a hell of a good brother called Bruce who will do well on Saturday. I hope that he will do as well as we all hope that Ron will do in his retirement. With my usual charity, as well as sincerity, I wish every member, including the member for Rocky River, a happy and holy Christmas.

The SPEAKER: I endorse the remarks of the honourable Premier, the honourable Leader of the Opposition, and the honourable member for Mitcham on this occasion. We have known Ron for some time. Everyone knows that the messengers are hard-working officers of this place. Ron has done his best. He is a race-horse owner, and so is the honourable Premier, but I do not know whether the honourable Leader of the Opposition will at any stage become one. I had a small share in one once. It started at a good price, but I will not be eating any pies or pasties for the next few weeks, because I think it is out at the boiling down works (I hope that no restaurateurs are listening to me). Ron is going to name the horse L.B.W., and I hope that it wins a race for him.

With the honourable Premier, the honourable Leader of the Opposition, and the honourable member for Mitcham, I am sure that the staff of the place are wonderful to each

and every one of us. I did not know what I was moving into when I first occupied my new position. I do not say that any one of the clerks, the ladies who look after us so well, or the messengers is better than any other: they are all so helpful, and that makes Parliament what it is. To honourable members, I say that I have been delighted by some of their performances, and I only hope that they will come back with vim and vigour next year. I wish their families (I must be careful about saying husbands and wives, because we now have both sexes in the House) and themselves a Merry Christmas, and I hope that each and every honourable member returns from the Christmas and new year festivities healthful, happy, and willing to get on with the job.

Motion carried.

At 9.4 p.m. the House adjourned until Tuesday, February 7, 1978, at 2 p.m.