LEGISLATIVE COUNCIL

Wednesday, March 27, 1974

The PRESIDENT (Hon Sir Lyell McEwin) took the Chair at 2.15 p.m. and read prayers.

PETITION: BEVERAGE CONTAINER BILL

The Hon. C. W. CREEDON presented a petition, signed by 81 persons, supporting the Government's Beverage Container Bill and asking that this Council recognize this support of the Bill by passing it.

Petition received and read.

QUESTIONS

PHOSPHATE ROCK

The Hon R. A. GEDDES: I seek leave to make an explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. A. GEDDES: It is reported that the landed cost of phosphate rock from Christmas Island could rise by 16 per cent, or about $2.50 a tonne, because the Federal Minister of Transport has refused to allow exemptions for ships other than Australian ships to carry phosphate rock to Australian ports. Because of the proposed removal by the Federal Government of subsidy on superphosphate and because of other rising costs in primary industry, will the Minister take up this matter with the Federal Minister of Transport and see whether some concession (which has been granted in the past) could be granted to alleviate the problem, bearing in mind that the report states that insufficient Australian ships are available to carry the rock to Australian ports?

The Hon. T. M. CASEY: I will convey the honourable member's question to my colleague in Canberra, and when a reply is forthcoming I will write to the honourable member

GRASSHOPPERS

The Hon. M. B. CAMERON: I seek leave to make a statement prior to asking a question of the Minister of Agriculture.

Leave granted

The Hon. M. B. CAMERON: Particularly in the Lower South-East (and no doubt in other parts of the State) considerable concern exists at the tremendous numbers of grasshoppers and. in some cases, plague locusts. The insects are present in numbers that have never been seen in the district before and concern has been expressed that this could be the beginning of a potential plague m months or in the year to come. Can the Minister say whether his department has conducted any kind of survey in this area and. if it has, is it considered that the present numbers are a potential problem for the future? In other words, could we end up in the South-East with a situation that has occurred in the North of the State in the past, but never in this part, namely, a major plague of grasshoppers next spring?

The Hon T. M. CASEY. I was in Mount Gambier last Friday week, when I witnessed at first hand the number of grasshoppers in the area. I must say that I was very concerned at the numbers I saw on that occasion, and I can assure the honourable member that he has been very fortunate in the past that he has not had the number of grasshoppers in the South-East that we have had in the North. Of course, that does not lessen the problem that we could experience later this year Now that the grasshoppers are laying, there is the potential that, if the seasonal conditions are right in the spring, we could have a plague which, I believe, could be even more intense than that which we had in 1963.

The Hon. M. B. Cameron. In the South-East?

The Hon. T. M. CASEY: In the North. I can assure the honourable member that Mr. Peter Birks, an entomologist in the Agriculture Department, has conducted a survey in most parts of the State; I am not sure whether his survey has extended to the South-East, but I will check up and find out. The department is well aware of the situation throughout the State, and I hope that we can at least be prepared for any eventuality that may occur in the spring, let us hope that it does not occur.

UNDERGROUND WATER

The Hon. M. B. DAWKINS: About 3 weeks ago I asked the Minister of Agriculture a question about water quotas, particularly in the Adelaide Plains area. In view of the fact that the session is about to conclude, will he obtain a reply as soon as possible?

The Hon. T. M. CASEY: I shall be pleased to do that.

BEVERAGE CONTAINER BILL

The Hon. J. C BURDETT: I seek leave to make a short statement before asking a question of the Minister of Agriculture

Leave granted

The Hon. J. C. BURDETT: Last night, when speaking on the Beverage Container Bill, the Minister read a report purporting to come from local government sources I shall read an excerpt from a report which is also from local government sources, it is from the submission to the House of Representatives Standing Committee on the Environment and Conservation by the Keep Australia Beautiful Council The submission is as follows:

During January, 1973, all municipal councils in Queensland, South Australia, Tasmania, Victoria, Western Australia and the Northern Territory were mailed a questionnaire inviting participation in a survey on litter facilities. From a total of 676 councils, replies from 462 were received in time for analysis This represents a response by 68 per cent of councils to the survey. All questionnaires returned were coded and prepared for computer processing. The findings of the survey are based on the tables specified for the computer print-out and upon direct reference to the actual answers and comments expressed by councils, and the national summary of this survey says:

For the sake of brevity I shall omit the first part, which is not relevant to the matters referred to by the Minister in the report that he read. The summary then states:

The specific types of assistance that councils would welcome included a strengthening of current legislation, the appointment of officers directly responsible for litter control and more education both publicly and in the schools. On-the-spot fines would also be implemented, according to councils, if there were sufficient resources available.

Councils believed that the principal reasons for littering involved laziness, thoughtlessness, selfishness, lack of pride in their community and inadequate provisions for prosecution. The principal reason put forward by councils for littering was "laziness" (37 per cent of councils spontaneously made this observation). Other reasons included 'thoughtlessness or selfishness" (28 per cent), "lack of education" (23 per cent), "lack of civic pride" (27 per cent), insufficient facilities (15 per cent) and inadequate prosecution (9 per cent). Thus, councils throughout Australia recognized the problem as encompassing both community attitudes and community behaviour. When asked to recommend action which should be taken to combat littering, two in every five councils could specify no answer at all. Of the rest, the more common suggestions were for better education on litter, appointment of a specialist officer responsible purely for litter control and enforcement of stronger legislation.

The Hon. A. J. Shard: Question!

The PRESIDENT. Order! The honourable member must ask his question.

The Hon. J. C. BURDETT. The question is: was the Minister aware of this report?

The Hon. T. M. CASEY: I do not know whether the honourable member is referring to me, as the Minister who spoke last night on the Bill, or to the Minister of Environment and Conservation in another place, whose Bill this is. I did not know of that report, but I should like to quote for the honourable member, just to refresh his memory, from *Local Government in South Australia,* the official journal of the Local Government Association of South Australia Incorporated. I quote from page 8, item No. 28.

28. Anti-Litter Measure—Deposit—Southern and Hills Local Government Association, D.C. of Meadows.

RESOLVED that the meeting support the Government proposal to provide for deposits on bottles and cans as an anti-litter measure.

That is what I read to the honourable member last evening.

The Hon. J. C. Burdett: That is what I said.

The Hon. D. H. L. Banfield: You got your part in; we got ours in.

DOWNY MILDEW

The Hon. C. R. STORY: I seek leave to make a short statement with a view to asking a question of the Minister of Agriculture.

Leave granted.

The Hon C. R. STORY: Some little while ago I asked the Minister a question regarding downy mildew If I do not soon get a reply, the downy mildew outbreak will be over. I should like a reply before the Council rises. It is of interest to people who have approached me, and I should like to be able to give them the information. I should also like a reply to my question about the regulations covering yabbies, as well as another question on the appointment of a Director of Fisheries. I have been waiting patiently, and my patience is nearly exhausted.

ROADS

The Hon C. R. STORY: Has the Minister of Health, representing the Minister of Transport, replies to questions asked by the Hon. C. M. Hill?

The Hon. D. H. L. BANFIELD. The first question asked was whether agreement had been reached on the level of Australian Government finance being made available. My colleague has provided the following report:

Agreement has not yet been reached on the level of Australian Government finance to be made available to the States for the five year period commencing July 1, 1974.

Regarding the second question asked by the Hon. Mr. Hill, my colleague has furnished the following information:

Negotiations are currently in hand for a new five-year agreement under the Commonwealth Aid Roads Act, to operate as from July 1, 1974. As finalization has not been reached to date by the various States, including South Australia, no information can be given as to the total sum agreed to be paid to the States or the allocation which will be given to South Australia.

POINT PEARCE MISSION

The Hon. M. B. DAWKINS: Has the Chief Secretary a reply to my recent question about Point Pearce, to which he was going to get a corrected reply?

The Hon. A. F. KNEEBONE: I have received the following report from the Minister of Community Welfare:

The Government has no authoritative role at Point Pearce, and is therefore no longer in the position of supervising and recording activities of Point Pearce. This has been so since June 30, 1972. The Point Pearce community affairs and services are administered by the Point Pearce Community Council Incorporated which is elected by the community, and the property is owned and managed by the Aboriginal Lands Trust.

These organizations are autonomous bodies and are not answerable to the Minister for the detail of their operation. They are not obliged to report on their routine activities to me, and therefore I cannot provide any statistical or accounting information by which comparison may be drawn with previous years when the operation of the reserve was under Government control. However, since the rural activities have been under the control of the Aboriginal Lands Trust, a substantial increase in acreage under crop has occurred, and the numbers of stock have been maintained. The Point Pearce community is now in direct contact with many departments, both Commonwealth and State, and therefore draws resources, including finances, from diverse sources. This changed approach and the obligation of the local community to manage its own affairs have been successful in changing the outlook of the community substantially.

On June 30, 1972, when the administrative changes occurred and the Aboriginal Lands Trust received title to the land, a committee entitled the Point Pearce Policy Committee was formed and comprised the following membership. A representative of the Aboriginal Lands Trust, a representative of Flinders University, a representative of the Department of Community Welfare, a representative of the Point Pearce community, and the Community Development Team co-ordinator.

A Community Development Team of three members was engaged and two members moved into residence on Point Pearce to work directly with the community. This team is responsible to the policy committee. The development programme has been so successful that the Community Development Team found it possible last month to move to Adelaide, although remaining available for consultation al all times. All departmental officers, including community welfare workers, left Point Pearce following the change-over Regular visitation of officers occurred weekly to ensure that a welfare service was available to the community pending the opening of the District Welfare Office in Maitland in August, 1973 Actual expenditure cannot be isolated for comparison because the district office meets total community needs whereas the previous service was provided exclusively to Point Pearce.

However, in the opinion of departmental officers, there is a substantial decrease in the demand from Point Pearce for welfare assistance. The Point Pearce Reserve was operated by the State Government prior to June 30, 1972, primarily as a supported community with farming as a principal activity. The department did not separate out the farm costs during that period because the reserve was then viewed as a total establishment. The lands trust, however, has separated the accounts from June 30, 1972.

When the department was operating the reserve, the net total direct costs to Consolidated Revenue, after crediting the proceeds of the farm and other activities, were $89 790 in 1968-69, $126 784 in 1969-70, $129 041 in 1970-71, and $93 350 in 1971-72. The lands trust in 1972-73 had a surplus of $7 141 in the Farm Operating Account at Point Pearce, resulting from income of $76 580 and expenditure of $69 439. However, the total Point Pearce project cost was $88 357 in the same period This year so far there is a surplus in the Farm Operating Account of $21 452. However, given the variability ini farm income, this is not necessarily a sound indication of trading results for this year

ABATTOIRS

The Hon. B. A. CHATTERTON I believe work is to resume shortly at the Samcor abattoir. Has the Minister of Agriculture any further information about that?

The Hon. T. M. CASEY: Yes I was informed by Samcor this morning that the men had decided to resume work, and slaughtering will recommence tomorrow.

Deliveries to the wholesale and retail trades are expected to resume early on Friday morning, and normal supplies are expected to be available to the public by the weekend. Normal markets will resume on Monday.

FOOT-ROT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Agriculture.

Leave granted.

The Hon. R. C. DeGARIS. It was with regret that we all noticed the recent serious increase in the number of fruit fly outbreaks in South Australia. Unfortunately, it has now been reported to me that a dramatic increase has occurred in foot-rot in the South-East of this State. I therefore ask whether the Minister has any knowledge of the magnitude of the increase of foot-rot in the South-East, whether his department has relaxed any of its controls in regard to foot-rot, and what action the Government is taking to sec that the current outbreak is contained.

The Hon. T. M. CASEY: This matter was drawn to my attention by the member for Victoria in another place, and I have already taken action to get a report. When that report is available I will make sure that the Leader gets a copy.

PUBLIC WORKS COMMITTEE REPORTS

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

Hallett Cove South Primary School,

Royal Adelaide Hospital—Redevelopment of Northfield Wards (Stage 1).

WORKMEN'S COMPENSATION ACT

Order of the Day, Private Business, No. 2. The Hon. R. C. DeGaris to move:

That the Regulations under the Workmen's Compensation Act, 1971-1973 made on December 20, 1973, and laid on the table of this Council on February 19, 1974, be disallowed.

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That this order of the Day be discharged.

Order of the Day discharged.

LOCAL GOVERNMENT ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Minister of Health) I move:

That this Bill be now read a second time.

It makes miscellaneous amendments to the Local Government Act, and it can be best explained by reference to its various clauses. Clauses 1 and 2 are formal. Clause 3 amends the definition of "ratable property" in the principal Act. The only amendment of substance is that land held by the Crown under a lease will become ratable property under the new provision. At present, land held by the Crown under lease ceases to be ratable property for the purposes of the Local Government Act. Clauses 4 and 5 provide for the appointment of a deputy mayor who is empowered to exercise the powers of the mayor in his absence. Clause 6 makes a drafting amendment to the principal Act. Clause 7 makes an important amendment to the principal Act in regard to the time at which ordinary meetings of the council are to commence The amendment provides that such meetings must always commence in the evening unless the council by unanimous resolution resolves that they should commence at some earlier time in the day This amendment is of considerable significance, because it will enable ordinary working men and women, and men and women involved in carrying on small businesses, to serve as members of the council. Many are now excluded because the times al which the council meet are incompatible with their employment or their business commitments. Secondly, the amendment will enable more ratepayers to attend meetings of the council so that more people may become involved in civic affairs.

Clause 8 amends section 157 of the principal Act. The effect of the amendment is to ensure that an employee of a council who serves continuously under a series of councils will be regarded as having been in continuous employment for the purpose of computing long service leave. At present his service is only deemed to be continuous with one earlier period of service in the employment of another council. The amendments also provide that the new provisions relating to superannuation and long service leave will apply to controlling authorities constituted under Part XIX of the principal Act. A machinery amendment is inserted to enable the council to obtain details of the previous employment of any of its employees in the service of other councils so far as that is necessary to compute rights of superannuation and long service leave.

Clauses 9, 10 and 11 make drafting amendments to the principal Act. Clauses 12 and 13 provide that a council may insure the spouses of any member or officer of the council while acting in the course of official functions. Clause 14 makes a drafting amendment to the principal Act. Clause 15 provides that a council may, with the consent of the Minister, grant a licence for installing pumps or equipment on or near a public street or road for the purpose of conveying water. Clause 16 enables a council to grant licences for roadside restaurants and cafes Clauses 17 and 18 make drafting amendments to the principal Act.

Clause 19 empowers a council to borrow money for the purpose of enabling it to provide long service leave and superannuation to its employees. Clause 20 provides that a council shall not convert park lands that have been dedicated as such under the Crown Lands Act into a caravan park unless the Minister of Lands has consented to that conversion. Clause 21 provides that a council may lease park lands of up to 6 hectares in area and, with the consent of the Minister, may lease a greater area Clauses 22 and 23 deal with the supply of gas by a council The present provisions under which the council must itself own the gas works are eliminated. The Peterborough Council, for example, supplies natural gas reticulated from the pipeline operated by the pipelines authority. Clause 24 makes a drafting amendment to the principal Act.

Clause 25 provides that a hide and skin market, or saleyard, must be licensed if established within a district council district. At present a licence is required only if it is established within a township within the district. Clause 26 enables a council to maintain and conduct a market and saleyard. Clauses 27 and 28 make consequential amendments to the principal Act. Clause 29 provides that, where a council takes action to remove unsightly objects, it may recover the cost of its action from the owner or occupier of the land. Clause 30 makes consequential amendments to the principal Act. Clause 31 makes drafting amendments to the principal Act. Clause

32 provides that a copy of the valuation roll prepared under the Valuation of Land Act will be evidence of the Government assessment.

Clause 33 makes a drafting amendment to the principal Act. Clause 34 provides that a council may keep its records on microfilm, and the production of the microfilm record will be sufficient compliance with any requirement to produce the record in legal proceedings Clause 35 makes a drafting amendment to the principal Act. Clause 36 increases from 10c to $2 the fee that a council may charge for supplying details of unpaid rates and imposts on property within its area. Clause 37 makes drafting amendments to the principal Act. Clause 38 and the schedule convert references to measurements into metric terms.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

CROWN LANDS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Minister of Lands): I move

That this Bill be now read a second time.

It makes miscellaneous amendments to the Crown Lands Act, and it will be convenient to explain the Bill in terms of its various clauses. Clauses 1 and 2 are formal. Clause 3 makes various amendments to the definition section of the principal Act The first set of amendments relates to the definition of "Crown lands". At present Crown lands are defined as all lands in the State except (*a*) lands reserved for or dedicated to a public purpose, (*b*) lands lawfully granted or contracted to be granted in fee simple by the Crown; or (*c*) land subject to any agreement, lease or licence granted by the Crown, but includes land which, having been alienated, is subsequently acquired by the Crown.

It is not intended, however, that lands subject to a lease or licence granted under the Mining Act should cease to be Crown lands by virtue only of that lease or licence. An amendment is therefore made to the definition accordingly. The amendments also exclude from the definition land that has reverted to, or has been acquired by, the Crown where the lands are comprised in a certificate, grant or other muniment of title that has not been cancelled in pursuance of the principal Act. Some lands that are technically Crown lands within the meaning of the definition are in fact administered by other authorities. A practice of long standing has existed under which such lands continue to be comprised in the old certificate or grant, with a notation showing that the lands have reverted to the Crown. The discretionary power to cancel the certificate was not always exercised. Il is not intended that these lands should be subject to the administration of the Crown Lands Act The effect of the amendment therefore is to exclude these lands from the provisions of the Crown Lands Act. The definition of "public map" is amended to provide that only maps deposited in the Lands Department as public maps shall come within the definition. A new definition of "vermin" is inserted in order to make the Crown Lands Act consistent with the Vermin Act.

Clause 4 makes a metric conversion to the principal Act. Clause 5 amends section 9 of the principal Act This section empowers the Minister to withdraw Crown lands from sale or lease, and reoffer those lands for sale or lease after advertisement in the *Gazette.* At present paragraph (*c*) of section 9 provides that the lands must be advertised for one month in the *Gazette.* This limitation of time is felt to be inappropriate. The Government believes that the extent of advertising should depend on the value of, or demand for, the land.

Clause 6 repeals the present section 19 of the principal Act and enacts sections in its place. Under these new sections the board is granted more extended powers of entering land and of examining documents for the purposes of making surveys and inspections and obtaining information in relation to the land. These clauses together with clause 7, which follows, reflect the Government's decision that the Land Board should control and co-ordinate valuations in regard to the acquisition of land and buildings required by Government departments and to arrange for the disposal of land and buildings no longer required by Government departments. The provisions are roughly comparable to existing provisions of the Valuation of Land Act.

Clause 8 makes a drafting amendment to section 27 of the principal Act that is complementary to amendments made to the Act by the amending Act of 1969. Clause 9 is to be read in association with clause 14. The new subsection inserted by clause 9 does not actually involve the grant of any new power, but it does draw attention to the fact that the Government may in appropriate cases issue a perpetual lease on terms limiting the lessee's right of compensation in the event of resumption of the land. The amendments made by clauses 9 and 14 are proposed in relation to the issue of leases to sporting bodies and the like. Provided that the lease is issued subject to more limited rights of compensation than are included in the standard form of lease, it will be possible to make the land available at rentals related to the use to which the land is put.

Clause 10 amends section 41d of the principal Act. This section deals with the purchase of town lands at Whyalla. The first amendment repeals a provision dealing with personal residence It is consequential on amendments that were previously made in 1969. The second amendment does away with the condition that plans and specifications of building work on those lands should be approved by the Minister. It is considered that the Corporation of the City of Whyalla now has adequate power to deal with the building work that may be carried out on the Whyalla town lands. Clause 11 makes amendments that are consequential on metric conversion of the principal Act. Clause 12 amends the provision relating to minimum rental under a lease or agreement. It is felt that a minimum rent or instalment of an amount less than $5 cannot be economically justified when the cost of administration is considerable.

Clause 13 amends section 50 of the principal Act. This section enables the Minister to reduce the purchase money or rent payable under an agreement to purchase or a lease. The present provision provides that, where reduction is granted, any amount overpaid shall be credited against future commitments. It is considered equitable that, in cases where a substantial sum is involved, the money overpaid should be returned. Clause 14 is complementary to clause 9. Clause 15 repeals section 54 of the principal Act. This section deals with the reservation of minerals and is inconsistent with the Mining Act, 1971.

Clause 16 repeals section 55 of the principal Act. This section also is redundant in view of the provisions of the Mining Act. Clause 17 amends section 64 of the principal Act. This section deals with the service of notices, and the effect of the amendment is to make the procedure for serving notices on licensees the same as for lessees. Clause 18 amends section 66a of the principal Act. This section

empowers the Minister to add small areas of Crown land (not exceeding $2 000 in value) to the land comprised in a lease. It is felt that the restriction of $2 000 is too limiting, and the amendment therefore raises that amount to $4 000.

Clause 19 makes a corresponding amendment to section 66b of the principal Act which deals with the addition of Crown land to land granted in fee simple. A further amendment is made to subsection (4) of this section for the purpose of facilitating administration. Clauses 20, 21 and 22 make metric conversions. Clause 23 amends section 102 of the principal Act. The amendment exempts the irrigation works under the control of the Lyrup Village Association from statutory rates and taxes. This exemption is similar to exemptions available to similar bodies such as the Renmark Irrigation Trust. Clause 24 makes a metric amendment Clause 25 makes amendments consequential on the metrication of the principal Act.

Clause 26 amends section 206 of the principal Act. This section deals with the conditions of a new lease issued upon the surrender of an old lease. The effect of the amendment is to clarify the obligation of lessees under these leases. It is not appropriate in all cases that the conditions should be those governing the old lease, and amendments are made accordingly. Clause 27 amends section 225 of the principal Act. This section deals with the transfer of Crown leases. The provision that the notice of application for consent to transfer must be published for two weeks in the *Gazette* is deleted, and a provision that consent shall not be granted before the expiration of one week from the publication of the notice in the *Gazette* is inserted in lieu thereof.

Clause 28 amends section 228 of the principal Act. This section deals with the sale of Crown lands The present provision providing for the sale of any land not exceeding $400 in value is unnecessarily restrictive, and the sum is therefore increased to $4 000. Clause 29 amends section 228a of the principal Act. This section provides that any town lands may, if the Minister so determines, be offered at auction on terms that the buyer may at his option purchase the lands for cash or on agreement for sale and purchase. This provision is expanded to cover any lands offered for auction pursuant to Part XIII of the principal Act.

Clause 30 amends section 228b of the principal Act. The right of the Governor to sell Crown lands for cash to certain statutory bodies is expanded to cover the State Planning Authority and the Monarto Development Commission. Clause 31 enacts section 228c of the principal Act. This section enables the Governor to sell lands that have previously been held under licence to the holder of the licence On occasions it is desirable to grant the fee simple to the licensee where he has elected substantial improvements, or proposes to make substantial improvements to the land.

Clause 32 amends section 230 of the principal Act This section provides for the publication of a notice of an auction to be made in the *Gazette* for not less than four consecutive weeks. The reference to "four consecutive weeks" is deleted for reasons to which I have previously referred in relation to corresponding amendments Clause 33 amends section 232h of the principal Act. These amendments correspond to previous amendments made by the Bill and are inserted because the Corporation of the City of Whyalla now has adequate power to deal with building development within the city.

Clause 34 deals with the conditions subject to which town land may be sold. The conditions that the Minister may impose consist of a condition that the purchaser shall make improvements of a specified kind on the land, or a condition regulating or restricting the manner in which the land may be used. Clause 35 enacts section 234b of the principal Act. This section deals with the forfeiture of land to the Crown where a purchaser has failed to comply with a condition subject to which it was purchased. In case of such forfeiture, it may be just that the Government should make some refund of purchase moneys and this section accordingly empowers the Minister to do so

Clauses 36 and 37 make metric amendments to the principal Act Clause 38 provides for the annual renewal of a licence. At present, if the Act is strictly interpreted, a new licence should be granted in each year This would be administratively very cumbersome. Clauses 39 and 40 make metric amendments to the principal Act. Clause 41 deals with the case where land has previously been granted in fee simple and reverts to the Crown. In such a case the certificate of title may be cancelled under section 268. It would be administratively convenient to be able to revive the certificate if the land was subsequently again granted. The amendment enables this to be done.

Clause 42 makes metric amendments to the principal Act Clause 43 enables the Governor to make regulations in relation to the survey of land subject to the provisions of the principal Act. Clause 44 makes a drafting amendment to the principal Act. Clauses 45 to 50 amend the schedules to the principal Act. These amendments are consequential on the metrication of the principal Act and on certain previous amendments thereto.

The Hon. A M. WHYTE (Northern): The Crown Lands Act is, I suppose, one of the most amended Acts on our Statute Book, and probably one of the most important. Each year it is amended, and it is with some displeasure that I see that amendments to the principal Act are placed before us so late in the session. I know we often say this of important matters being dealt with in the closing hours of the session, but I would appreciate a closer look at this amending legislation if we had the time. It can be called a Committee Bill, because most of it deals with various important sections that are to be amended. I ask honourable members to bear with me because I am a little handicapped to turn up the marginal notes quickly, which are all I have had time to study. It is so important that we do not rush the Bill through, perhaps to the detriment of leaseholders throughout the State.

Many aspects of this legislation are so important to those people who hold leases under various tenures and are responsible to the Crown for them that they should be safeguarded in as many ways as possible. There are leaseholders of several generations' standing who have converted virgin land into today's productive and valuable leases. This has happened throughout the Stale. Any alterations to leaseholders' tenure must be viewed seriously and studied at greater length than we have time available to do today. I can only do my best and hope that some of my more astute and learned colleagues will raise further matters for consideration later. Leaseholders in South Australia have contributed much to this State. Most land in South Australia is under leasehold of one tenure or another.

Under the *Hansard* heading of "Flooding" I have raised several times the plight of leaseholders who are presently isolated by floodwaters and who have suffered devastating losses, be they financial, or heartbreaking personal losses. They are still isolated by floodwaters and are living under difficult conditions. I have raised this matter in the Chamber because I believe there is no possibility of servicing these people with a regular mail service by

land. I have also said that the Government should, as the proprietor of these leases, consider selling up a mail service by air in this area. From time to time I have communicated with a friend in the flooded area, and I was staggered to learn recently that people in the area were paying $60 freight on a bag of potatoes and $40 on two cartons of canned fruit juice.

The Hon. G. J. Gilfillan: What is the cost price?

The Hon. A. M. WHYTE: The price to the producer is about $9 a bag.

The Hon. M. B. Cameron: A bag of potatoes costs $18 through the Potato Board.

The Hon. A. M. WHYTE: People in the area are paying $60 freight for a bag of potatoes at present. People living in the area do not ask much of the Government or, indeed, anyone else, as they are very independent. On this occasion, however, they are stuck with something they cannot alter by their own initiative, and apart from waiting for the floodwaters to subside they have no possible way of getting transport across the Cooper short of swimming a horse (and they cannot even do that at present). I have raised this matter again because I have done considerable work on behalf of these people and they would perhaps think it remiss of me if I did not mention their plight again when I have the opportunity. Perhaps the Minister is a bit sick of hearing me tell this story.

The Hon. A F. Kneebone: Not at all. In fact, I had a reply for you this afternoon during Question Time.

The Hon. A. M. WHYTE: However, I believe that the more I tell the story the more likely it is that the South Australian Government will receive Commonwealth aid for the people in the affected area. Other States devastated by recent flooding have received some assistance from the Commonwealth Government, because the Commonwealth classified the flooding in other States as a national emergency. It seems that as we have only one isolated area we are not receiving the assistance that we should be receiving.

At such short notice I shall attempt to deal with the clauses of the Bill. Clause 3 provides that not only will leases come within the definition of "Crown Land" but so also will licences. For some time it was necessary for the Lands Department to issue licences on an annual rental basis. That gave leaseholders only one year's tenure of security. Although legislation still exists enabling licences to be issued, they will now come within a broader concept and it will not be necessary to regulate rents from year to year. That will give leaseholders some security.

The definition of "vermin" in clause 3 excludes some of the pests from the original definition of "vermin" in the principal Act. If we are to comply with the wishes of conservationists, I suppose it is fair enough to delete reference to some pests. It would not matter much what I said, however, because the conservationists are a strong and vocal group and will influence not only this Government but the next one as well, a Government which I believe will be made up of the Liberal and Country League in two years' time. Conservationists will still have their say, rattle their tins and do other things as well as having more voting power than the seven or eight pastoralists about whom I have been talking. However, I doubt whether many conservationists will contribute as much as the pastoralists do to the State coffers. Nevertheless, I do not object to the amendments to be made to the definitions.

Clause 5 seeks to alter section 9 of the principal Act, which provides:

> The Minister, in addition to, but without limiting any other right, power, or authority vested in him under this Act, may—
>
> (*a*) cause auctions to be held at such times and places as he thinks fit, and appoint persons to preside over and regulate the same, after notifying in the *Government Gazette* the times and places and the lands to be offered thereat.

It then goes on to say that the Minister has to give one month's notice in the *Government Gazette.* Clause 5 provides that this practice will no longer be necessary. I wonder whether it is not necessary to give one month's notice for such objections if land is to be resumed and is about to be re-allocated and sold at auction. I believe any person affected should be given due warning, and the *Government Gazette* is, to my mind, the place where such notification should be given

The Hon A. F. Kneebone: How many people would see the notification in the *Government Gazette*?

The Hon. A. M. WHYTE: I think that most stock agents and financiers of the person from whom the land was resumed would have access to the *Government Gazette.* Possibly accountants and financial advisers who deal in land would all have a copy of the *Gazette* and watch it closely. The *Gazette* would be a good place for notification, and I wonder whether the Government will save much money by this amendment.

The Hon. A. F. Kneebone: This only gives the Minister a discretion.

The Hon. A. M. WHYTE: Yes, but I still contend that—

The Hon. A. F. Kneebone: It depends on the value of the property. If it was only a "pocket handkerchief", you wouldn't need to give notice.

The Hon. A. M. WHYTE: The amendment does not make it mandatory on the Minister to use the *Gazette,* whereas the Act does.

The Hon. A. F. Kneebone: It only strikes out "for one month".

The Hon. A. M. WHYTE: That is all it was in the first place.

The Hon. A. F. Kneebone: This amendment doesn't refer to the *Gazette.*

The Hon. A. M. WHYTE: Perhaps the Minister is right.

The Hon. A. F. Kneebone: It strikes out the time; it doesn't relate to the *Gazette.*

The Hon. A. M. WHYTE: Clause 6 repeals section 19 of the principal Act and enacts new sections in its place. New section 19 provides:

> (1) The board, or a person authorized in writing by the board, may—
>
> (*a*) enter upon any land and make any inspection, measurement or survey necessary or expedient for the purposes of this Act;
>
> or
>
> *(b)* put to the owner or occupier of the land, or any person thereupon, any questions necessary to obtain information in relation to the land required for the administration of this Act.

New section 19a (1) provides:

> The board, and any person authorized in writing by the board, shall have full and free access to all maps, plans, documents and books . . .

I wonder how much information the board will require when making a valuation If the man is a qualified valuer, surely it is his job to assess a property? What right has he to interfere with books of account or to inspect books of any kind?

The Hon. F. J. Potter: This means books or accounts in the power of the Government.

The Hon. A. M. WHYTE: I am grateful for the clarification. I thought that some learned honourable member would interpret this matter for me. Some

honourable members have had previous experience with the principal Act. I thought the provision applied to books of account, and I was dubious about that. Regarding new section 19 (1), which empowers the board, or a person authorized in writing by the board, to enter on any land, we have for a long time sought some protection from the various departments and authorities so that they must give warning when they intend to enter on land. The landholder has a right to be notified of any person's intention to enter on his land. I well remember various verbal scuffles we had with the Electricity Trust, the Highways Department and various other bodies whose officers entered on land and made surveys without giving notice to the landholder. The Minister of Lands would probably be conversant with this matter.

I think it would be appropriate if the board, when entering on land to make a valuation, were to give notice in writing to the lessee forewarning him that it was about to make a valuation I am having an amendment drafted that will cover this matter, and I hope that honourable members will accept it. Clause 7 amends section 21a of the principal Act. It is good that the Minister should be able to instigate a valuation not only for his own department but also for any department, so that there will not be a duplication of valuation In future, one valuation will suffice. Clause 8 amends section 27 of the principal Act which gives the Minister power to handle what has been a controversial issue for many years, namely, the personal residence provision. On many occasions appeals were lodged to vary this provision and to allow the lessee some laxity regarding his personal residence. This was necessary in developing areas where landholders lived some distance away and were developing new land. The Minister can now waive this provision, and that is a good move. Clause 9, which amends section 35 of the principal Act, is a new provision. New subsection (2) provides:

> Without limiting the generality of subsection (1) of this section, a modification may be made by the Governor to the terms of a perpetual lease providing for a more limited right to compensation in the event of resumption of land comprised in the perpetual lease than is prescribed in the third schedule.

Tn summing up, I should like the Minister to explain to me what is meant by "a more limited right to compensation". Compensation is provided for under the Land and Valuation Act. Previously lessees had the right of appeal and to appoint a referee on their behalf, as did the Minister; so, there was a certain amount of justice. When this provision was removed from the Act, compensation was sought through the Land Valuation Court. What is meant by a more limited right to compensation?

The Hon. A. F. Kneebone: You would see the answer if you read my second reading explanation.

The Hon. A. M. WHYTE: I have read it, but I am not satisfied. Unless the Minister can explain the matter more fully, I shall recommend that, when this Bill reaches the Committee stage, this clause be negatived.

The Hon. A. F. Kneebone: It enables smaller rents to be granted.

The Hon. A M. WHYTE: I comprehend that.

The Hon. A. F. Kneebone: Do you want us to charge higher rents? We could then give greater compensation.

The Hon. A. M. WHYTE: I am still concerned about this matter, because it could have far-reaching implications. Clause 10, dealing with Whyalla town lands, is reasonable, because Whyalla has grown considerably since the original legislation was passed. Clause 13 allows the Minister to refund moneys that are over-paid; this is a good provision which will have no great influence on Treasury funds. Other provisions take into account the fact that mining no longer comes under the supervision of the Minister of Lands. Having referred to the points that cause me most concern, I have no hesitation in supporting the second reading.

The Hon. C. R. STORY (Midland): I support the Bill, but I am concerned that we have not had much time to study it carefully. I believe that only one copy of the Minister's second reading explanation is circulating in the Chamber. So that honourable members can peruse that explanation and the Bill more carefully, I may seek leave to conclude my remarks. Regarding clause 6, I believe that people, particularly on broad acres, are entitled to know who is on their property. They may have valuable stock, buildings, tanks, dams and windmills. It is therefore essential that they know whether someone on their property is authorized to be there. If a red-blooded landholder finds a person (really an inspector) on his property and if the inspector resists too much, he may find himself on the end of a punch on the nose. I therefore suggest that, for the protection of both the landholder and the inspector, the Government should consider providing for some form of notification that an inspector will be on a property. If that is not possible, the inspector, as a matter of courtesy, should make his way to the homestead and let the landholder know what is happening. Some people do not make the slightest effort to acquaint the landholder with the fact that they are on his property on legitimate business.

Clause 9 deals with lands adjacent to existing irrigation townships, except Renmark. In order that a town can expand, from time to time the department may issue a notice of acquisition. People reading the Minister's second reading explanation may be confused about the question of compensation. I must point out that this would refer to a new lease. Once an acquisition order was placed on the land a new lease would have to be given, so therefore I think it would come within the order. However, I hope the Minister will comment. As I should like to check on one or two other matters and refer to the principal Act, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. C. R. STORY: Before the dinner adjournment, I was going through some of the clauses of this Bill. I have been given the opportunity of looking through the second reading explanation and at the Bill itself. As a result of doing that, I am satisfied that there are several matters I desire to speak on but, as they are the sorts of things I think the Minister of Lands would give me replies to, I can save much time by not speaking any more now. I shall adopt that course and later speak to the clauses of the Bill.

The Hon. A. F. KNEEBONE (Minister of Lands): The Hon. Mr. Whyte asked me two questions, as did the Hon. Mr. Story, about some of the clauses of the Bill. In reply to the references that the Hon. Mr. Whyte made to entry upon premises for the purpose of making an inspection, it is expedient for the purposes of this Act that the owner or occupier of the land, or the person upon it, should allow entry for the purposes of inspection. It is similar to the power contained in the Land Valuation Act, where the Valuer-General enters upon land but always gives notice before doing so. This provision is only in line with that provision in the Land Valuation Act, where the Valuer-General enters upon land to value the property.

I can tell the Hon. Mr. Whyte of some experiences we have had in this matter. For instance, in Coober Pedy one person who occupied a lease was using a bulldozer on his own block and tipping the earth on to other people's blocks, to the extent that a survey of the area was not possible. He was given notice that a valuer would be coming on to his property on a certain day to survey it. A punch-up resulted and, as a result of that, we could not do much about it He had had plenty of notice of the inspection. All people get notices before any attempt is made to go on to a property. An inspector does not suddenly appear on a property to value it. In the case of property that someone may want to buy from the Government, that is the normal procedure. The month's notice that the honourable member has indicated as an amendment to the Act is fairly long. The surveyor wants to get on to some properties fairly quickly. In other cases, houses may be wanted for the Education Department. If we start giving a month's notice that someone is going to look at the property—

The Hon. A. M. Whyte: It gives the valuer a chance to get there.

The Hon. A. F. KNEEBONE: Sometimes the honourable member complains about delays caused by the Government but now he is trying to extend the time. The other point raised by the honourable member related to clause 9. There are numbers of sporting bodies that lease land from the Government, and fairly long leases are granted so that the club in question can have time to set up the necessary collateral to borrow money. That land will be used for sporting purposes only. Some of the valuable land around Adelaide is used for those purposes and there is also valuable land in the country that sporting clubs have leased from the Government; they have entered into long-term leases so that it will be worth their while to provide facilities on the land. In order that the sporting facilities can be provided, a concession rental is given. I know of one case where the rental is about one-seventh of what it would normally be if the land was leased for a purpose other than sport. As a result of this, the sporting body can operate with some viability and, because it has a long lease, it gets the necessary finance for building its facilities. If the lease is ever wound up, the club gets compensation for the facilities it has provided on the land, but the limitation on compensation applies if there is an increase in the value of the land if it is to be used for some purpose other than sport; and that is all. The club does not get compensation for the increased value of that land or because of inflation, and that is the sole reason for the limitation on the compensation.

The Hon. R. C. DeGaris: A club does not get an increase in value because of inflation?

The Hon. A. F KNEEBONE: Not on the land.

The Hon R. C. DeGaris: Why not?

The Hon. A. F. KNEEBONE: Because the club is getting the land for a nominal rental. The Government loses every year as a result of letting sporting bodies have land at nominal rentals. In some cases, the Government could get eight times more rental than it is getting.

The Hon. J. C. Burdett: Does not this clause apply to a perpetual lease only and not a long lease?

The Hon. A. F. KNEEBONE: That is true—a perpetual lease for the purpose of a club spending money on facilities If we resume the perpetual lease, as we do on occasions, they cannot then transfer the lease to someone else because they pay only a nominal rental. It was for the purpose of assisting sporting clubs: not for the purpose of their making money out of the land. That is all there is to it. Honourable members may wish to discuss the matter further during the Committee stage, and that is all right with me.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed

Clause 6—"Access to land, etc."

The Hon. A. M. WHYTE: I move:

In new section 19 (1) (a) to strike out "enter upon any land" and insert "after giving one month's notice to the occupier of any land, enter upon that land".

The amendment provides that landholders will receive some warning if a valuer is to enter on their land to make a valuation, as I explained during the second reading debate. In the past, authorities have often entered a lease without warning. I believe that, if a person is going to enter land to make a valuation, the leaseholder should have the right to know that he is coming. Perhaps I am being generous by making it one month, because that may be more time than is necessary. I would be prepared to amend it to 14 days notice.

The Hon A. F. Kneebone: If you make it 14 days, I might accept it.

The Hon. Sir ARTHUR RYMILL: Unless the Minister is averse to this procedure, I should like to suggest that the Hon. Mr. Whyte or another honourable member amend the amendment to read, "after giving reasonable notice to the occupier". As the Minister is a reasonable man I expect he will accept that. This would be a much more flexible amendment. If an occupier were away, 14 days may be insufficient, whereas if he were there, one or two days or even a telephone call may be sufficient. If we pin it to any particular time it could hinder a public servant's operations. I should think my suggestion would work well in law and I suggest to the honourable member (I do not wish to steal his thunder) that if he agrees he should alter his amendment in that manner.

The Hon. A. F. KNEEBONE: I am a reasonable man and, therefore, accept the word "reasonable".

The Hon A. M. WHYTE: I move:

In new section 19 (1) (*a*) to strike out "enter upon any land" and insert "after giving reasonable notice to the occupier of any land, enter upon that land".

I accept the new wording because it covers all that I wish it to do. After all, I did not draft the amendment, and since we now have legal opinion it is satisfactory.

The CHAIRMAN: The question is "That the honourable member have leave to amend his amendment in accordance with his latest motion".

Leave granted.

Amendment carried; clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—"Form and effect of perpetual lease."

The Hon. I. C. BURDETT: I am still not happy with this clause despite what the Minister said in reply. Clause 9 relates to section 35 of the principal Act and seeks to insert new subsection (2) after section 35 (1). Section 35 as it exists is as follows:

A perpetual lease shall vest the land leased in the lessee in perpetuity, and shall contain the provisions for rent and the reservations, covenants, and conditions set forth in the third schedule, subject to such modifications thereof or additions thereto as are required for giving effect to the provisions of this Act, or as the Governor thinks fit, and shall also contain such other provisions as the Governor thinks fit, together with a right of re-entry, and shall be lead and construed as if any reservations, covenants and conditions in the form in the third schedule had been expressed in the extended form in the fourth schedule, and the lessee and all persons entitled to any benefit of the lease shall be bound thereby.

The important portion of that section is "or as the Governor thinks fit". The power already exists to limit the right to compensation on acquisition by the Crown. The Minister acknowledged that in his second reading speech when he said:

Clause 9 is to be read in association with clause 14. The new subsection inserted by clause 9 does not actually involve the grant of any new power—

Why then insert this provision in the Bill? The Minister continued:

but it does draw attention to the fact that the Government may in appropriate cases issue a perpetual lease on terms limiting the lessee's right of compensation in the event of resumption of the land.

The power is already there. It is important to refer to the third schedule also because it sets out the covenants that shall be in the lease unless the Governor otherwise thinks fit. Paragraph (4) of the third schedule reads as follows:

The land may be resumed by the Crown for mining or for any public work or purposes, full compensation being made to the lessee for his loss.

That is ordinarily quite proper. Regarding section 35, which relates to the covenants of the lease (and this relates to new leases), the provision of new leases shall be as set out in that section or as the Governor thinks fit. Clause 9 seeks to add a new subsection (2), which provides:

Without limiting the generality of subsection (1) of this section, a modification may be made by the Governor to the terms of a perpetual lease providing for a more limited right to compensation in the event of resumption of land comprised in the perpetual lease than is prescribed in the third schedule.

I consider that "providing for a more limited right to compensation" is an amazing term. I do not like such a term to be set out in the Act. so that in certain circumstances a lease may provide for a more limited right to compensation" The Governor already has the power to do this and it may already be done in the case of sporting bodies. Why spell it out and give an invitation to perhaps a Liberal and Country League Government in 1976.

The Hon. A. J. Shard: Wishful thinking!

The Hon. D. H. L. Banfield: What State?

The Hon. J. C. BURDETT: South Australia. We may not always have this Minister: I have learned in my short time here to take more notice of the Bill than of the Minister's second reading explanation I am not suggesting that the Minister was insincere in what he said. I am sure that his reason for including this provision in the Bill was in regard to spoiling bodies, but sporting bodies are not referred to in the Bill. The power to limit in the lease the right to compensation on resumption is already there, because the covenants may be as the Governor thinks fit

I draw attention to a power to provide for a more limited right to compensation without being specific in whether it is for sporting bodies or anyone else. It could invite disaster and the limiting of compensation for all kinds of reason in the future. I am dissatisfied with the clause and I oppose it.

The Hon C. R. STORY: What the Minister is doing is giving land at low rental to sporting bodies I point out that the very thing the Minister is trying to do is to give a perpetual lease over a piece of land so that a sporting or similar body can borrow against the security of the land. I wonder whether a lending institution would lend on a theoretical value (which would be the same as the land tax value) if it knew that the body was paying a low rent and that on surrender the sum advanced by the institution would be covered only by what the department would pay for the piece of land.

The Hon. F. J. Potter: The institution would know by the lease.

The Hon. C. R. STORY: I do not think the Minister is helping the situation by including this provision.

The Hon. A F. Kneebone: I do.

The Hon. A. M. WHYTE: The clause is unnecessary and should not be in the legislation.

The Hon. A. F. Kneebone: But what's your objection?

The Hon. J. C. Burdett: Don't include it; it's unnecessary.

The Hon. A. M. WHYTE: It is not for us to review Ministers, but it is our task to ensure that legislation is properly drafted so that it will safeguard lessees The clause could easily rob the owner of any borrowing power he may have on the security of the land. No lending institution would be sure of what value to place on the improvements or the lease if the land was to be revalued.

The Hon. R. C. DeGaris: Do you think the clause applies to existing perpetual leases?

The Hon. A. M. WHYTE: I do not think it applies to existing leases but to leases that will be issued in the future. It seems unnecessary to have these onerous words "for a more limited right to compensation". What does that mean? I oppose the clause, unless the Minister can give a better explanation than the one contained in the second reading explanation.

The Hon. Sir ARTHUR RYMILL: I am not so sure that the Leader's interjection is not valid. The wording of the clause is that modification may be made by the Governor to the terms of a perpetual lease; it does not stipulate whether an existing lease or a new lease. "Words is words," as someone said, and I have no better illustration of that than something I copied from *Punch.* of April 11, 1973, a few moments ago and that is why I was late in reaching the Chamber. The quote is as follows:

There is an apocryphal story, some years old, about a golf match between Eisenhower and Khrushchev. *Pravda,* the story goes, reported the result like this: Amazing triumph for Premier. In a match with the President of the U.S., Mr. Khrushchev, playing golf for the first time, came second. The American President was next to last.

I should like to see written into the legislation an assurance that it cannot apply to existing leases. A State Legislature can do anything and it could well be that we would be giving the Governor the right to alter the terms of a perpetual lease.

The other point the Hon. Mr. Whyte referred to was that perpetual leases are now trustee investments. If my contention is right that this provision could apply to a perpetual lease, it would certainly undermine the availability of money for trustee investments because it would mean that it would sap the value of the security. Even if that is not so, it still means that a trustee is entitled to lend money on the existing value of a perpetual lease and he then finds that the Government has resumed it and did not have to pay its real value, but some lesser value because of the terms of the lease A prudent trustee would look into these terms but an unknowledgeable or a careless trustee would not, and he would have the full protection of the law. This is quite a serious matter, and I should like a reply on this point.

The Hon A. F. KNEEBONE: I thought I had already made it clear. I know it is possible for the Government to modify certain conditions of perpetual leases.

The Hon. F. J. Potter: When they are first issued.

The Hon. A. F. KNEEBONE: Yes, and by reducing the rental, by resuming, and so on. There is provision for the terms of a perpetual lease to be altered subsequent to its issue. My department has convinced me that it is essential for this to be specifically set out. We have sporting bodies working under perpetual leases Although some honourable members are not willing to accept this clause I ask the Committee to adopt it.

The Hon. R. C. DeGARIS: I support the Hon. Mr. Whyte and the Hon. Sir Arthur Rymill, and I do not think the Minister's explanation has been sufficient to allow the Committee to pass this clause. Only yesterday the Chief Secretary gave me a reply regarding the Else-Mitchell report, in which he said the Government was examining the report and would make a statement of its policy in relation to the report at some later stage When I read this clause I was convinced that the Government had decided to implement the parts of the report regarding land tenure. In my opinion, that is what this clause does. The Chief Secretary has not given sufficient evidence that it could not operate in the way outlined by the Hon. Mr. Whyte, the Hon. Mr. Burdett, and the Hon. Sir Arthur Rymill. It has been contended that this could apply to existing leases, but the Else-Mitchell report states that in any change in land use no compensation shall be payable. Thus the tie-up between the two clauses is obvious. To me, this is the first step in the implementation in South Australia of the Else-Mitchell report. Whether this is a deliberate attempt by the Government to introduce this part of the report, I do not know. The Chief Secretary has said it is to apply only to sporting bodies, but the clause does not say that.

The Hon. T. M. Casey: That could be spelt out.

The Hon. R. C. DeGARIS: That may be so, but the report has worried the life out of many people, and here we have a clause that fits hand in glove with this recommendation in that report. I have had a reply from the Government that it is examining the question and will announce its policy later. I would need a great deal more assurance than has been given, and I ask the Chief Secretary at least to be more specific in saying exactly what he wants. We may be able to assist, but I cannot support a blanket clause that cuts across so many principles, including the important question of trustee investments, a most important part of our whole structure that could be undermined by this clause.

The Hon. A. F. KNEEBONE: To enable me to get further information I ask that progress be reported.

Progress reported; Committee to sit again.

RATES AND TAXES REMISSION BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It gives effect to the Government's policy in regard to remission of rates and land tax outlined prior to the last election. There is no doubt that there are sections of the community to whom the payment of rates and land tax is a heavy burden, and it is just that some remission of this burden should be granted. The present Bill provides that the Minister, or his nominee, may by instrument in writing declare a certain person to be eligible for the remission of rates and land tax. This will normally be done where an application is made in the prescribed form setting out facts and circumstances which, according to criteria established by the Minister, show that a person is within a class of ratepayer to whom the payment of rates and taxes is likely to be a heavy burden. Where such a declaration is made, the person liable for rates and taxes obtains the remission prescribed in the various rating or taxing Acts.

Clauses 1, 2 and 3 are formal. Clause 4 establishes the procedure under which a person may be declared to be eligible for the remission of rates and land tax. Where he is liable for rates and land tax jointly with some other person who is not so eligible (not being his spouse) the declaration may state that he is entitled to a proportionate remission. Clause 6 provides that an eligible ratepayer is entitled to a remission of 60 per cent of his water rates or to a remission of $40, whichever is the lesser. Clause 8 provides a similar remission in respect of sewerage rates. Clause 12 provides a remission of 60 per cent of land tax or $80, whichever is the lesser. The provisions of section 58a of the Land Tax Act, providing for the remission of the metropolitan levy in certain cases of hardship, are abolished.

Clause 15 deals with the remission of rates under the Local Government Act. In this case the remission is 60 per cent of the rates or $80, whichever is the lesser. "Rates" are, for this purpose, defined as the aggregate of the rates payable by virtue of any general rate, special rate, separate rate, or minimum amount payable by way of rates, declared or fixed under Part XII of the principal Act, and include any fees fixed for garbage disposal under section 537. Where a council fixes an effluent rate under section 530c of the principal Act, then the eligible ratepayer will be entitled to a remission of 60 per cent of those rates or $40, whichever is the lesser. Where a council remits rates under the new provisions, the Minister reimburses the council from the general revenue of the State. Clause 17 enacts similar provisions in the Irrigation Act. The remission is again 60 per cent of the rates or $40, whichever is the lesser.

The Hon. M. B. DAWKINS (Midland): I support this Bill, which gives effect to the Government policy of remission of rates and land tax to people in necessitous circumstances. Such people should receive special consideration, and therefore I do not oppose the concept of the Bill or its aims, although I may query certain portions of it. Some clauses of the Bill are formal or semi-formal, naming the five Acts to be amended: the Waterworks Act, the Sewerage Act, the Land Tax Act, the Local Government Act, and the Irrigation Act. Those Acts are all affected by the provisions of the Bill.

In his second reading explanation, the Minister referred to most of the operative clauses which establish the procedure under which a person may become eligible for the remission of rates and taxes and also indicate the proportion of rates and taxes that may be remitted The procedure is established by clause 4, while clause 6 provides that a ratepayer is entitled to a remission of 60 per cent of water rates or $40, whichever is the lesser Similarly, clause 12 provides for the remission of 60 per cent of land tax or $80, whichever is the lesser. The provisions of section 58a of the Land Tax Act providing for the remission of metropolitan tax in certain cases of hardship are abolished as a consequence of the Bill. Clause 15 deals with the remission of rates under the Local Government Act, and here again the remission is 60 per cent of the rates or $80. whichever is the lesser amount. Where a council is required to remit rates under these provisions, the Minister is obliged to reimburse the council from the general revenue of the State.

The Hon. R. A. Geddes: What obligation has the council to collect the rates?

The Hon. M. B. DAWKINS: The Bill lays down the council's obligation I do not think a council has any discretion in this matter. It will fix a rate under the Act as at present applying and must rebate the amount provided if the person concerned is established as being eligible for the remission of rates. I have had brought to my notice that people in necessitous circumstances and living in their own homes are eligible for these concessions, but people who are in old folks homes, cottage homes, or similar institutions are not eligible; nor are the bodies concerned.

I know that some of these bodies are at present in considerable difficulties. I have before me some details regarding Cottage Homes Incorporated and, while I have no particular brief for that organization, I believe it is a worthy organization. Other organizations, equally worthy, provide homes for elderly, poor and necessitous people. In those cases the rental is set as low as possible, and I understand that, in the case of the organization I have mentioned, rentals can be as low as $4 for a cottage. No capital donation is required, but people occupying these homes would be eligible for concessions if in their own homes. In the circumstances I have mentioned they are not eligible, nor is the organization of Cottage Homes Inc. In some other instances similar cottages are provided by organizations approved by the Commonwealth Government, and a capital donation is required. In such cases the occupants may be said to have some share in the ownership of the building while they live there. There again, I understand that those people are not eligible for the concessions, nor is the organization.

I commend the Government for its desire to help people in necessitous circumstances, and I am sure every honourable member would do likewise. A further review should be made of the situation where some people are being helped by voluntary organizations which, in many cases, are in very great difficulties because of the assistance they are endeavouring to provide. I shall approach the Parliamentary Counsel to see whether an amendment can be included to enable the Government to assist people who at the moment, as the legislation stands, cannot be assisted, but who would be equally deserving of assistance.

The Hon. R. C. DeGaris: Those people have not got a vested interest, have they?

The Hon. M. B. DAWKINS: No, they have not. If such an amendment could be drafted, I am sure the organizations that might benefit would have the support and the admiration of the Government, and I am sure the Government would be aware of the difficulties of these various bodies and of their desire to keep rentals as low as possible.

The Hon. D. H. L. Banfield: Do they get any Government subsidy now?

The Hon. M. B. DAWKINS: They get some Government subsidy, but I have recently received a letter about the situation in which these bodies find themselves. Costs have risen considerably, but the Commonwealth Government subsidy has not been increased and will not be increased at the moment, so their situation is most difficult. I suggest that the Government seriously consider an amendment that would enable it to give the further assistance I have suggested. I support the second reading.

The Hon. R. A. GEDDES secured the adjournment of the debate.

CATTLE COMPENSATION ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

The urgent need for this short Bill has been demonstrated by the parlous state of the Cattle Compensation Fund, established under the principal Act, the Cattle Compensation Act, 1939-1972. In fact, this fund in the financial year 1972-73 required a Treasury subvention of $110 000 to meet its obligations during the current financial year. Clearly, two steps are immediately necessary. First, it is necessary to relieve the fund of its obligations to make contributions towards the national brucellosis/tuberculosis campaign. At present, these contributions are running at the maximum permitted by the principal Act, that is, $25 000 a year. I hasten to point out that relieving the fund of its obligations will in no way prejudice the eradication campaign, since appropriate funds will be found from other sources, both State and Commonwealth.

The second step, which has been agreed to by the industry, is to increase from July 1 next the levy under the principal Act. At the moment this levy stands at 5c for cattle or carcasses having a sale price of up to $70, and 10c for cattle or carcasses selling at over that figure. At current market prices, this has been an effective levy of 10c a head. It is now proposed to increase this levy to 5c for each $20 or part thereof of market value up to a maximum of 50c. This will result in a beast or carcass having a market value of $200 or more attracting the maximum levy, and this accords with the maximum market value of $200 on which compensation is payable.

Clause 1 is formal. Clause 2 brings the measure into operation on July 1, 1974. Clause 3 relieves the fund of the obligation referred to above. Clause 4 increases the levy payable under the Act.

The Hon. C. R. STORY (Midland): I support the Bill. I was not surprised to learn from the Minister's second reading explanation that the Cattle Compensation Fund is in financial difficulties; a warning was issued when the 1967 amendments were made that this could well occur. The fund was tampered with and, after some arguing, the Government agreed to pay interest. The interest was to be in connection with money taken from the fund and used for specified purposes in connection with the 1967 amendments. If I remember correctly, $25 000 was allocated annually from that time to get the brucellosis and tuberculosis eradication scheme under way; that has been quite a drain.

I do not strongly object to the Bill as long as there are no objections from the people who have made large contributions over the years. In the early days, under the Playford Government, the tuberculosis eradication work was financed out of general revenue, and it was not until the advent of the Labor Government in 1967 that the money was taken from the Cattle Compensation Fund to step up the work of eradicating brucellosis and tuberculosis. In 1972-73 the Treasury had to provide $110 000 to meet its obligations. Of course, the Commonwealth Government is assisting the State Government in the eradication work. Now that this is being done, the producers who paid large sums into the fund should never be put at a disadvantage. I cannot see why amounts to be paid to the fund should be increased at this stage. If the fund had been allowed to continue as in the past I do not think there would have been any need for this money to come from general revenue: the amount in the fund would have covered the compensations quite adequately.

However, the fund has been eroded by being used for purposes other than those for which it was originally set up. An obligation rests squarely on the Minister and on the Government to sec that no-one is disadvantaged as a result of the 1967 amendments. I should like to know the amount required to date in the current financial year. If the figure was $110 000 for the financial year 1972-73, I expect that the Government has had to put in additional amounts during the current financial year, and I should like the Minister to indicate the position.

The increase to be contributed by the producers is quite considerable, from what I have been able to gather in the short time I have had to study the situation. Instead of 5 cents for carcasses having a sale price of up to $70 and 10 cents for carcasses selling at more than that figure, on current market prices this represents an effective levy of 10 cents a head; under the new system it is intended to increase the levy to 5 cents for every $20 or part thereof of market values, with a maximum of 50 cents.

The Hon. M. B. Dawkins: That will be an effective levy of 40 cents a head.

The Hon. C. R. STORY: Yes. This will result in carcasses having a market value of $200 or more attracting the maximum levy, and accords with the maximum market value of $200 on which compensation is payable. Clause 1 of the Bill is formal, and clause 2 provides that the measure will come into operation on July 1, 1974. Clause 3 relieves the fund of the obligation previously mentioned; that is the obligation the Minister mentioned in the second reading explanation. Clause 4 increases the levy payable under the Act. We are all conscious of the need for our beef and dairy cattle to be in the best possible health consistent with the facilities available. No-one begrudges the work being done by the Agriculture Department, in conjunction with the Commonwealth Government, in cleaning up two persistent diseases as well as others mentioned in the Act.

The only thing I want to be sure about is that people who have been prudent in agreeing to set up the fund are not disadvantaged in any way because the Government of the day thought it knew better than those people who established the fund. As long as the Government is willing to see that these people are properly compensated for animals lost through these diseases at slaughter (and apparently it is), I do not have a great deal of complaint. I simply feel sorry for the taxpayer who is now being called on to dip into the common pool; I do not think that was necessary when the producers were willing to look after their own fund.

The Hon. M. B. DAWKINS (Midland): I intend to support the Bill, but I agree with the comments of the Hon. Mr. Story and share his concern for the unsatisfactory situation of the fund. Over the years I have been privileged to be in this Council, I have had considerable interest in the Cattle Compensation Fund and I have watched the situation which obtained for a number of years I was as concerned as was my colleague to hear the Minister say that the fund was now in a parlous state Until a few years ago, honourable members were glad to know that the Cattle Compensation Fund and the Swine Compensation Fund were in a buoyant position and able to provide compensation for any difficulty or outbreak that might occur. Surely, the main reason for these funds is to provide compensation to breeders in such difficulties as an outbreak of disease

I express the concern I felt when I heard the Minister say that the fund was in a parlous state. He said that two steps were necessary immediately, and in my opinion they have been necessary for some considerable time. The Minister said that it was necessary to relieve the fund of its obligation to make contributions towards the national brucellosis and tuberculosis campaigns, and he indicated that those contributions are presently running at the maximum allowed under the principal Act, $25 000 a year. I am pleased that the Minister said relieving the fund of this obligation, which should not have occurred, would not prejudice the eradication campaign and that appropriate funds would be available from other sources.

However, I am concerned at the situation of the fund. The Minister has said that the levy has, on present prices, been an effective levy of 10c a head. Now it is intended to increase the levy to 5c for each $20 or part thereof. With the price of commercial cattle as it has been in recent times, this could mean increasing the levy by as much as 400 per cent. The maximum increase to 50c is five times what is, in effect, the present levy, and in many cases it could be 40c, which is four times the present effective levy. I do not suggest that this increase will greatly affect the cattle breeders of South Australia but, nevertheless, it is a considerable increase which should not have been necessary had the fund been handled more correctly. Whilst I will probably support this Bill to enable the fund to be in the black again and to be a buoyant fund, available when necessary, I reiterate my concern at the present situation and at the mismanagement which has occurred. I personally support it with some misgivings because of the way in which the fund has been managed, or rather mismanaged, over the last few years.

The Hon. A. M. WHYTE (Northern): I support this Bill, which I believe has become necessary because of short-sightedness. It does no good, perhaps, to say, “I told you so”, but I well recall the opposition mounted against any decreasing in the contribution necessary to carry out a programme of compensation that could effectively assist the cattle industry with the eradication of tuberculosis and brucellosis. But all our warnings went unheeded, and now the Cattle Compensation Fund has had to borrow $110 000 from the Treasury. That would not have been necessary had the fund been left in its original concept. Also, contributions are necessary from the compensation fund towards the eradication campaign, which of course belongs as much to the whole nation—to the Commonwealth Treasurer, the State Treasurer, and every man in the street, as it does to the cattle producer. Therefore, that contribution of $25 000 a year should not have been taken from the fund towards the eradication campaign. However, there is little point in saying, “I told you so”; it never serves any great purpose. We are now faced with a position that means that we must raise further money and continue with our eradication campaign, and people must be compensated for their losses.

The Hon. T. M. CASEY (Minister of Agriculture): I thank honourable members for their deliberations on this Bill. It is all very well to say “I told you so”, but honourable members must remember that we have held a fairly tight rein on the Cattle Compensation Fund in South Australia over the years, because South Australia is possibly the most advanced State regarding the eradication programme. In Queensland, there is no cattle compensation fund, and there is real trouble in that neck of the woods. The Cattle Compensation Fund has worked well in South Australia. It was set up to do a specific job, which it has done. There has been an increase in the numbers of cattle, and this has resulted in a considerable

drain on the fund. The $110 000 borrowed from the Treasury is normal in many circumstances. The money has to be obtained from somewhere, and the Government was happy to let the fund have it, at a favourable interest-bearing rate; but this money will be paid back as time goes on.

The Hon. M. B. Dawkins: Do you know what is the interest rate?

The Hon. T. M. CASEY: I think it is 10 per cent. I am not sure of that; the honourable member had better not hold me to that. The industry has had a good look at this matter, and it was its suggestion that the levy be increased to meet what was necessary because of the diseased cattle coming in. This does not arise because of brucellosis: until we come to an arrangement with the Commonwealth Government on compensation for brucellosis, that is a separate exercise altogether. Eventually, I think we shall have to combine the two so that we have a single brucellosis and tuberculosis eradication campaign.

The Hon. A. M. Whyte: Do you think it a good thing that money from this fund should go towards the eradication campaign rather than to compensation?

The Hon. T. M. CASEY: No; it will not do that. We hope to get money from the Commonwealth and the States. Contributions have been increased in the past two years. From memory, contributions have gone from $9 000 to about $43 000: as a matter of fact, $63 000 would be closer to the figure. On the revenue side, the Treasury is willing to do something about it and I am pleased that the industry, too, is ready to play its part.

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

LOCAL AND DISTRICT CRIMINAL COURTS ACT AMENDMENT BILL

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

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That this Bill be now read a second time.

It amends the Local and District Criminal Courts Act in two respects. First, amendments are made to the provisions covering the award of interest in judgments from a date prior to the date of judgment. These amendments are entirely parallel to the amendments proposed to the corresponding provision in the Supreme Court Act. The second set of amendments relates to the enforcement of orders for costs. It has happened occasionally in the past that a successful plaintiff has proceeded immediately to take enforcement proceedings in relation to an order for costs before the defendant has had the opportunity to ascertain what is the amount of the taxed costs for which he is liable. The amendments are therefore designed to ensure that the judgment debtor receives notice of the amount of the taxed costs before the judgment creditor proceeds to enforce the order.

Clauses 1 and 2 of the Bill are formal Clause 3 amends section 35g of the principal Act which deals with the award of interest in judgments. The amendments are, as I have mentioned, exactly parallel to those recently proposed to the Supreme Court Act. Clause 4 requires a judgment creditor to inform a judgment debtor of the amount of the taxed costs before he takes enforcement proceedings in relation to an order for costs.

The Hon. J. C. BURDETT (Southern): As the Minister has said, the first part of the Bill simply enacts, in relation to the Local and District Criminal Courts, exactly the same provisions regarding interest as we have recently enacted in relation to the Supreme Court. The second portion of the Bill makes it necessary for a judgment creditor, after having taxed his costs, to inform the judgment debtor before taking proceedings. Certainly, it has happened in the past that an over-anxious judgment creditor has taxed his costs and has simply issued a warrant or an unsatisfied judgment summons, or has taken other recovery proceedings. It is only just and reasonable that the judgment debtor should be informed of what he owes as costs before this is done. I support the second reading.

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

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 26 Page 2681.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill does three things, or, shall I say, the Government has given three reasons for its introduction. First, it changes the name of the authority from "Natural Gas Pipelines Authority" to "Pipelines Authority of South Australia". I do not think it is a change that anyone objects to. Secondly, the Bill widens the definition of "petroleum". Thirdly, it changes the people who will be serving on the authority, or, shall I say, it removes the right of representation of certain producers and users who have, under the present legislation, a right to be on the authority.

I admit that the Bill, in the changes it makes in the representation on the authority, does not preclude representation of producers or users, but it does not give them any right to be on the authority. In my opinion, the producers have a right to representation, if for no other reason than to have some say in the exercise of proper control over expenditures. The expenditures on the pipeline are wholly the responsibility of the producers. It seems to me rather ironic that we are dealing with a Bill where the producers, under the principal Act, are required to meet all expenditure for repairs, extensions, service, and maintenance of this line; and then they are excluded from any right to representation on the authority.

Perhaps I should go back to the second reading explanation and then to the relevant passage of the second reading explanation of the original Bill. The second reading explanation states:

> At the present time both users and producers of the product transported (that is, natural gas) are represented. With the best will in the world, the economic interests of producers and users of a product may well be in conflict, and indeed this is a natural situation. This then is one good reason for drawing the membership of the authority from a wider field. An even stronger reason is that, as the number of products transported by the pipelines of the authority increases, so will the possible producers and users proliferate to the extent that separate representation on the authority would just not be feasible.

Let me go back now to quote what was said by the Hon. F. H. Walsh when the original Bill was introduced in 1967. In introducing the legislation for the construction and operation of the first major natural gas pipeline in Australia, specific mention was made by him of Santos Limited and Delhi-Australia Petroleum Limited as being responsible for making the legislation possible. The original reasons for making the representatives of Santos Limited and Delhi-Australia Petroleum Limited members of the authority then still hold good today and, contrary to the statement made in the second reading explanation of this Bill, it is my opinion that the interests of the producers recognized by membership of the authority in

the principal Act ensure that the pipeline is operated efficiently and economically for the benefit of the South Australian public as well as the ultimate consumers.

I quote again the last part of my previous quotation from the second reading explanation of this Bill. It is as follows:

> An even stronger reason is that, as the number of products transported by the pipelines of the authority increases, so will the possible producers and users proliferate . .

Under the existing petroleum legislation, only Santos Limited and Delhi-Australia Petroleum Limited are constituted, and will constitute, the holders of petroleum production licences within the meaning of section 3 (1) of the Natural Gas Pipelines Authority Act of 1967. So, in view of the "stronger reason" that the second reading explanation gives for removing from the authority the two producers who were referred to by the then Premier (Hon. F. H. Walsh) in 1967 as making the pipeline possible, there cannot under the legislation be more than two petroleum production licences. So the fear of proliferation of producers appears to be quite groundless.

Also, there are contractual commitments to the existing purchasers that the producers have to make for the delivery of natural gas through the pipeline. Perhaps my best approach to this matter of contractual commitments already entered into by the producers would be to direct a question to the Minister: what is the position of the producers if the new authority does not have upon it any representatives of the producers and if contractual agreements are broken that are existing between purchasers, users, and producers? What would be the position of the producers, who are completely responsible, as I pointed out, for the maintenance, servicing, extension, and everything else, of the pipeline if contractual agreements outside the authority are broken by authority decisions that may be made? That raises an important question that the Government must answer; it also strengthens the case I am putting to this Council that the producers in particular (I agree that users should have some representation, too) have a very strong case for representation, or a right to representation, on the authority.

I suggest that clause 4 (*d*) and the definition of "producer company" in clause 3 (1), which I have already quoted, should be maintained and not deleted from the principal Act. Clause 10 of the Bill, which strikes out section 13 of the principal Act, is also tied to this matter and to the comments I have just made. The producers have been and continue to be responsible, as I have pointed out, for meeting all costs and expenses relative to the construction, operation, and maintenance of the existing pipeline, and of the administration of the authority's affairs. In recognition of this situation, section 13 of the original legislation provided that the use of the pipeline by any other party would be subject to the existing Act, accruing liabilities and obligations of the authority under any agreements, which clearly indicates the liabilities and obligations of the producers under the terms of the gas transportation contract of December, 1968. The preferential right to the use of the existing pipeline, as embodied in the gas transportation contract and safeguarded by the provisions of section 13 of the principal Act, must be preserved in order that the producers may be assured of the ability to comply with delivery obligations undertaken by them in their gas sales contract. This is a particular concern of mine in the light of the Minister's statement made during the second reading explanation, when he said:

> Section 13 places an unnecessary restriction on the powers of the authority in that it may deprive the authority of its discretion in making available its facility.

In my opinion any such discretion must be subject to the rights of the producers. I believe clause 10 should therefore be amended to recognize the rights of producers under the terms of the gas transportation contract. Clause 10 deletes section 13 of the principal Act. Section 13 is most important to this whole concept. By reason of the intended expanded scope of the authority it is apparent that it will be responsible for the installation and operation of the pipeline from Moomba to the proposed petrochemical complex at Redcliff. Negotiations, as we all know, are proceeding currently with a consortium on the basis that the producers will deliver feed-stock to the consortium at Redcliff by means of a pipeline system. By the deletion of section 13 of the principal Act, as opposed to its expansion to include the right to the use of a liquids pipeline, the producers will be left in doubt as to their ability to effect such delivery and hence to continue negotiations on a meaningful basis. Accordingly, I suggest that clause 10 be amended to demonstrate the right of the producers to the use of the intended liquids pipeline.

By way of general comment on the effect of clause 10, I draw attention once again to the statement of the then Premier (Mr. F. H. Walsh) in his second reading explanation of the original Bill where he indicated clearly that section 13 of the principal Act was designed to equate the authority as far as was practicable to a common carrier of gas through its pipeline. The Bill before us constitutes a fundamental departure from this concept. That there is in existence an authority which will act as a common carrier is an essential element in the incentive to further petroleum exploration in South Australia and adjoining regions. Without that assurance to deliver petroleum products to market, additional complications will be introduced in any attempt to promote further exploration activity in South Australia.

I could touch on other matters, but I believe this question is one of considerable importance. I do not wish to challenge the Government on this matter but I believe that the full facts are not before the Chamber in relation to the reasons for this Bill. One can think of many reasons why this should be done, but I believe that the Government has not given the full reasons for requiring these changes. I believe the reasons given in the second reading speech are groundless. I have already shown that in relation to the principal Act. Why is the Government trying to assume total control or total authority over the pipeline? Also, what considerations have been given to the people who originally financed the pipeline which, if the Government had been left to its own resources a few years ago, could not have been achieved? Suddenly we have had this Bill placed before us. Someone said by interjection recently that the people mentioned in the Bill could come entirely from the Commonwealth; however, that may or may not be the reason—I do not know. I do not believe that the reasons given by the Government are at all convincing: that is why I say that they are groundless.

I do not wish to be difficult about this Bill, but I do believe that some important principles are involved, important principles involving people who are required under the principal Act to be totally and financially responsible for all expenditure, maintenance, repairs and extensions, and who have no right of representation on the authority. I am prepared to support the second reading, but I should like to hear what the Government has to say in reply to the questions I have raised, or I will place amendments on file.

The Hon. G. J. GILFILLAN secured the adjournment of the debate.

STATUTE LAW REVISION BILL (AMENDMENTS)

(Second reading debate adjourned on March 26. Page 2709.)

Bill read a second time.

In Committee:

Clause 1 passed.

Progress reported; Committee to sit again.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 26. Page 2694.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I find this a somewhat curious Bill and I am not sure whether I should congratulate the Government on it. I am certain that it could be interpreted by some people as a means of investing State money in oversea countries to take advantage of their cheap labour markets. That interpretation has been placed on the Bill by some people, and I think that in some people's minds it is a reasonable conclusion. Apart from that, it seems that the Government, through public finance, will enable people to invest money to establish or develop oversea industries; that is how I read the Bill.

The Bill is somewhat confusing in its terms, but that is how I understand it; perhaps the Chief Secretary will correct me if I am wrong. The Bill appears to give the Government, through the corporation and the Parliamentary committee, the right to provide money to develop industries in oversea countries. The only oversea countries that will be affected will be those the Government will proclaim as proclaimed countries. That, too, is a curious provision, because surely if we want to make use of the techniques, skills or cheap labour available it should not matter much what country it is.

Why should the Government be able to proclaim a country at its wish in which the State will invest money for development so that it may take advantage of any matter it believes an industry in this State may wish to take advantage of?

The last matter I raise is the constitutional position. What is the constitutional position with regard to South Australia and the Federal Constitution in investing taxpayers' money in the development of industry overseas? We do not know which countries may be involved, because there is nothing in the Bill about that matter. It could be Soviet Russia; there is nothing in the Bill to prevent that. What would be the constitutional position regarding any country which the Government wishes to proclaim in relation to this matter? That, too, is a question the Government should answer. I am willing to support the second reading, with reservations, of this very curious Bill. If the matter was not to be referred to the Parliamentary committee, most assuredly I would oppose the Bill, but Parliament will still have some control under joint Party representation.

The Hon. A. M. Whyte: Do you think they might get in touch with Jim Shannon or Bob Hawke?

The Hon. R. C. DeGARIS: I tried to ring Jim Shannon, because I always take due note of the views of the Trades and Labor Council. The first point I raised was the interpretation one could place on the Bill. The Bill could be a means of using cheap labour instead of the labour available in this State. I am not saying that this is the Government's intention, but that construction could be placed on the Bill. I agree with the Hon. Mr. Whyte's point in his interesting interjection. The Bill is a curious measure, about which the Government should have given more information to Parliament.

The Hon. A. F. KNEEBONE (Chief Secretary): I was interested in what the Leader had to say about the Bill. He said that he did not know whether to congratulate the Government regarding its proposals in the Bill. It is important that we seek oversea markets for the development of South Australian industries, and the Bill is one of the means by which the Government can do this, particularly in Malaysia. Regarding the Leader's suggestion that the Government might take advantage of cheap labour, that is not the Government's idea behind the Bill.

The Hon. R. C. DeGaris: It could be used for that though, couldn't it?

The Hon. A F. KNEEBONE: I hope it will not be used for that purpose. The suggestion is that a joint operation take place so that South Australian industries will participate in developing industries in, say, Malaysia and that assistance be given through the Industries Assistance Corporation guaranteeing money for developmental purposes. The Leader said that he did not know whether or not to praise the Bill, but a prominent member of his Party in another place said that this new provision would be welcomed by industry and that South Australian manufacturers are fortunate that the Government is willing to enter into this field.

Some members of the Leader's Party and some manufacturers think that the Bill is a good idea. The Government has been trying to develop this market for some time. In discussing this matter with a Minister from Malaysia, the Government thought of this kind of co-operative effort in developing our markets. As a result, the Government is trying to achieve some of its aims as soon as possible. This matter has been fully discussed with the Commonwealth Minister for Overseas Trade, who has given his full support to what has been suggested. I hope that the Council will support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. R. A. GEDDES: The Chief Secretary has not answered the question that I asked last night when I spoke on the second reading. What would be the position if money from this State was invested in an oversea industry that went bankrupt or was unable to continue? What procedures would the State Government take to recover that money? What would happen if an industry was set up in good faith by the Industries Assistance Corporation in another country and the company involved, with foreign ownership and control, sold out or was taken over without the knowledge of the South Australian Government?

The Hon. A. F. KNEEBONE (Chief Secretary): I would expect that the Industries Development Committee and the Industries Assistance Corporation would look very closely at any guarantees they gave and would carefully consider the liabilities of the company before providing any money or any guarantee. The committee and the corporation would ensure that there were adequate means to cover the situation that the honourable member described. I realize, of course, that that is not always possible. Even the Industries Development Committee has occasionally backed the wrong horse in Australia. It is unfortunate that this can occur, but every precaution will be taken to avoid it

Clause passed.

Remaining clauses (4 to 8) and title passed.

Bill read a third time and passed.

SUPERANNUATION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

PARLIAMENTARY SUPERANNUATION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

LICENSING ACT AMENDMENT BILL (MISCELLANEOUS)

Adjourned debate on second reading.

(Continued from March 26. Page 2708.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I am now ready to proceed with the Bill as I have had a chance to look at it. It makes a number of miscellaneous amendments to the Licensing Act. Most of them are drafting or clarifying amendments and I see no reason to delay its passage through this Council. Clause 3 removes the definitions of "previously unlicensed premises" and "premises previously unlicensed". There are several amendments to other clauses consequential upon this Clause 4 deals with the restriction on the right of certain persons to hold licences under the principal Act. Clause 5 deals with the granting of special licences to certain organizations. When the Licensing Act was opened up in the last session by an amending Bill, this Council introduced an amendment to, I think, section 18 of the principal Act dealing with the matter of various festivals of historic, traditional, or cultural significance.

If honourable members recall, there was a whole list of these things in the licensing Act and, every time a body wanted an annual licence, there would be an amendment to the principal Act and that body would have its name enshrined in the Statutes of this State. That seemed to me to be a foolish provision, so we drafted what we may call a "grandfather" clause to cover that whole area. At the time, the Government strongly opposed that proposal, but we persisted; and now the Government has removed mention of the various bodies in the principal Act and we have the one clause in respect of various specified festivals of historic, traditional, or cultural significance. It is a wise provision, which was initiated in this Council.

In other sections of the principal Act there is a similar situation, not dealing with festivals of historic, traditional, or cultural significance but dealing with a series of special licences granted to special people for special purposes. For instance, the Adelaide Festival Centre pays a licence fee, under the Act, of $50 a year, which is quite inappropriate. Then there is a licence for the British Sailors' Society (at home and abroad) Incorporated, so we are back in the position of having a whole range of bodies mentioned. Many bodies are mentioned in the Act as having the grant of a licence. Once again, this should be looked at as a matter of having one set of conditions applying to organizations that can apply for special licences The reason for such application should be left in the hands of the court, and it should not be the position that every time a body wants a special licence it should have to come to Parliament. The Government should examine this matter and introduce an amending provision to cover sections 16, 17, and 18 of the principal Act.

Clause 7 is a minor amendment of clarification, by which from a licensed club liquor may be purchased and removed up to 30 minutes after the licensed hours of the club. That is different from the position that obtained when the original legislation went through. Obviously, clarification was needed there, as is provided for in this Bill. Clauses 9 and 10 seek to overcome technical difficulties in relation to the exhibition of notices prior to the grant of a licence in respect of certain premises. I find that acceptable. Other amendments, up to clause 20, are consequential upon previous amendments in regard to definitions. Clause 20 was dealt with by the Hon. Mr. Story. It enables the court to vary the hours pertaining to a licence granted to premises situated west of 133 degrees of longitude The second reading explanation states:

> Thus, where premises are situated west of Penong the court may provide that liquor may be sold within hours which it deems appropriate.

I do not know of any hotel or licensed club west of Penong, but I suppose there are some. The Government should consider extending this provision to cover other areas on Eyre Peninsula where there is already an in-built daylight saving of one hour at any time of the year, and the addition of another hour when daylight saving is in operation makes two hours of daylight saving in that area. It does not start to get dark on the West Coast until 9.30 or 10 o'clock in the evening during daylight saving time. The Government should examine this matter from that point of view, because special consideration should be given to the West Coast.

The Hon. D. H. L. Banfield: Where would you draw the line?

The Hon. R. C. DeGARIS: How did the Government come to draw that line west of Penong? It is not reasonable to think about drawing lines. It is a matter of leaving it to the court to decide where, in special circumstances, a licence can be extended beyond normal hours. That is a reasonable request. I do not know where 133 degrees of longitude is: it may go right alongside a hotel or through a hotel, for all I know. It is not satisfactory to talk about drawing lines, the court should determine any application for extension of hours. I point out again that on the West Coast there is a natural in-built saving of one hour of daylight all the year round, but in summer time, with daylight saving, that increases to two hours of daylight saving. There are no other matters in this Bill that need comment.

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

[Sitting suspended from 5.4 *to* 7.45 *p.m.]*

CLASSIFICATION OF PUBLICATIONS BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments

Schedule of the amendments made by the Legislative Council to which the House of Assembly had disagreed:

No. 1. Page—In the Title—After "publications;" insert "to amend the Police Offences Act, 1953-1973;".

No. 2. Page 1 (clause 4)—After line 16 insert new definition as follows:

> "legal practitioner" means a person admitted and enrolled as a practitioner of the Supreme Court of South Australia:

No. 3. Page 2, lines 22 and 23 (clause 5)—Leave out subclause (2) and insert new subclause (2) as follows:

> (2) The Board shall consist of six members appointed by the Governor of whom—
>
> (*a*) one shall be a legal practitioner;
>
> (*b*) one shall be a person who is, in the opinion of the Governor, a suitable representative of the major churches in this State;
>
> (*c*) one shall be a person who is, in the opinion of the Governor, a suitable representative of publishers;
>
> (*d*)one shall be a person skilled in the field of child psychology;

(e) one shall be a person nominated by the Minister of Education; and

(f) one shall be a person nominated by the National Council of Women.

No. 4. Page 5, line 16 (clause 12)—Leave out "or public".

No. 5. Page 5, lines 23 to 25 (clause 12)—Leave out "exercise its powers in a manner that will, in the opinion of the Board, achieve a reasonable balance in the application of those principles" and insert "given priority to the principle that members of the community are entitled to protection (extending both to themselves and those in their care) from unsolicited material that they find offensive".

No. 6. Page 7, lines 33 and 34 (clause 16)—Leave out "any classification or conditions assigned or imposed by the Board to or in respect of a publication" and insert—

(a) any classification or conditions assigned or imposed by the Board to or in respect of a publication; or

(b) any decision by the Board to refrain from assigning a classification to a publication.

No. 7. Page 7—After line 39 insert new clause 16a as follows:

16a. Appeal to Minister—(1) A person who is dissatisfied with any decision of the Board to impose any prohibition or conditions or to assign or refrain from assigning a classification may appeal to the Minister against the decision.

(2) An appeal must be instituted within three months after the day on which notice of the decision was published in the *Gazette* by notice in writing, addressed to the Minister, setting forth in detail the grounds of the appeal.

(3) The Minister shall consider any appeal under this section and may affirm, reverse or vary the decision of the Board as he thinks fit.

(4) Notice of any decision of the Minister upon an appeal under this section shall be published in the *Gazette.*

(5) An appeal under this section does not suspend the operation of the decision against which the appeal is instituted.

No. 8. Page 8, line 5 (clause 17)—Leave out "by the Board" and insert "under this Act"

No. 9. Page 8, line 9 (clause 17)—Leave out "by the Board" and insert "under this Act".

No. 10. Page 8 (clause 17)—After line 16 insert new subclause (4) as follows:

(4) No person shall sell or distribute any copies of a restricted publication that are not wrapped in accordance with the regulations. Penally. Five hundred dollars.

No. 11. Page 8, line 26 (clause 19)—After "19" insert "(1)".

No. 12. Page 8, line 33 (clause 19)—Leave out "or".

No. 13. Page 8 (clause 19)—After line 35 insert:

or

(d) to have sold, distributed, delivered, exhibited or displayed a publication during a period specified in a certificate subsequently given under subsection (2) of this section in respect of the publication.

No. 14. Page 8 (clause 19)—After line 35 insert new subclause (2) as follows:

(2) Where an application has been made to the Board for the classification of a publication, the Board may certify that it is satisfied that during a specified period commencing on the day on which the application was made and ending on or before the date of the certificate appropriate restrictions upon the sale, distribution, delivery, exhibition and display of the publication have been generally observed.

No. 15. Page 9—After clause 21 insert new clause 22 as follows:

22. Amendment of Police Offences Act—The Police Offences Act, 1953-1973, is amended by striking out subsection (4) of section 33.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Council do not insist on its amendments.

Because I have previously spoken at length on the amendments, I shall not repeat my reasons for opposing them.

The Hon. R. C. DeGARIS (Leader of the Opposition): I oppose the motion. One thing that always amuses me about messages from the House of Assembly is the reason shown in the schedule why the Assembly disagrees to the Council's amendments.

The Hon. F. J. Potter: The reasons are becoming stereotyped.

The Hon. R. C. DeGARIS: Yes. The reason given is that the amendments negate the policy on which the Government was elected and defeat the objects of the Bill. The only change from the usual reason given in such circumstances is the dropping of the word "nugatory". Regarding the Council's amendments, what on earth has the spelling out of who shall be members of the board got to do with (he objects of the Bill or the policy of the Government? The amendments are practical. The Government wants the membership of the board to be totally nominated by the Governor, and we say that the Governor shall nominate the members, but he shall nominate them from specified groups of people; that does not defeat the objects of the Bill, and it has nothing to do with the policy on which the Government was elected. It is amazing that the Government is not in a mood to accept the amendments, which are extremely good. This matter was carefully studied by several honourable members, who did a great deal of work in preparing the amendments.

When the Bill was introduced in this Council, it provided for a board, to be appointed by the Governor, which would be responsible for classifying publications, and there was to be no appeal against the classifications. We built in an appeal to the Minister, but that has been rejected by the House of Assembly. Also, we have said that, where the board refrains from classifying a publication, there is no restriction on that publication being sold, but the full effect of the Police Offences Act applies to that publication This is a perfectly reasonable compromise between the present unsatisfactory position and the general views of this Council. I am surprised that the Government has seen fit to reject completely all the amendments. As a matter of fact, even my very close friend (I think I can call him that), Mr. Max Harris who, as everyone knows, does not believe in any censorship whatever, agrees that the Minister should be finally responsible. He agreed with that on television.

The Hon. T. M. Casey: What is that supposed to mean?

The Hon. R. C. DeGARIS: It means that a person totally opposed to any form of censorship agrees that the Minister should be the one who is finally responsible for what happens So, a prominent commentator agrees with some of the provisions in this Bill, yet the Government has rejected every amendment made by this place.

The Hon. J. C. BURDETT: I, too, oppose the motion. The amendments made by this Council were reasonable, moderate, and necessary to prevent moral pollution. Since the Bill was last in this Council I thought that the amount of publicity concerning publications might have convinced the Government that our amendments were reasonable and necessary. The question is not a question of whether to control or not to control (there was control in the original Bill) but where the line should be drawn. The amendments draw the line in a reasonable place.

The Hon. M. B. CAMERON: I supported one of the amendments, but I am now being asked to vote on a motion relating to all the amendments. Is it essential that the motion relate to all the amendments?

Motion negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room on Thursday, March 28, at 9.30 a.m. at which it would be represented by the Hons. J. C. Burdett. B. A. Chatterton, C M. Hill, A. F. Kneebone, and F. J. Potter.

FILM CLASSIFICATION ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

STATE GOVERNMENT INSURANCE COMMISSION ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments

Schedule of the amendments made by the Legislative Council to which the House of Assembly had disagreed:

No. 1. Page 1, lines 9 and 10 (clause 2)—Leave out the clause.

No. 2. Page 1, lines 11 to 17 (clause 3)—Leave out the clause.

Consideration in Committee.

The Hon. A F. KNEEBONE (Chief Secretary): I move:

That the Council do not insist on its amendments

I do not believe that the Leader could disagree with the reason given as to why the other place did not agree to the amendments. The reason is that the amendments defeat the objects of the Bill, and I should think that the Leader could see that that reason was valid. The prime object of the Bill was to extend the operations of the State Government Insurance Commission into the life insurance field. In my second reading explanation of the Bill I strongly urged honourable members to support it. I shall not go into all those details again; they are recorded in *Hansard.* I ask the Committee not to insist on its amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): Once again, I cannot agree with the Chief Secretary (which is sad, because for many months we have agreed on most occasions) on the reason given in the schedule: "Because the amendments defeat the objects of the Bill." That means there must be at least two objects of the Bill, so the schedule is not accurate if there is only one object. The Council's view of this Bill was firm. I reiterate there is no valid reason for the Government's entering the business of life insurance purely because it thinks it will be profitable. This statement was made time and time again in debate.

The point we took strongly was that, with large mutual societies operating in this field, where all the profits go back to the policy-holders, the Government should not operate there. There are competition, service and expertise, but there is no profit to the society. If the Government's motive is to enter the field purely for the sake of profitability, it has no right to enter at all because there should be no profit to the Government from life insurance, the profit should go to those people who take out policies with the office of any society.

The Hon. A. F. Kneebone: Does this happen with the companies that are not mutual?

The Hon. R. C. DeGARIS: I agree some companies are not mutual but the amount of profitability of those companies that goes into shareholders' funds is very small In the case of the largest of the private companies, only about 2 per cent goes to the shareholder.

The Hon. A. F. Kneebone: Why is it greater in the mutual society?

The Hon. R. C. DeGARIS: Because the only shareholders are the policy-holders; all profit goes to the policy-holders. That can be seen from an examination of the State Government offices in the life field where the policy-holder does not get as good a deal as he does from a mutual society. I appreciate that this is, shall we say, a matter of doctrine of the Australian Labor Party.

The Hon. A. F. Kneebone: It is also a matter of policy.

The Hon. R. C. DeGARIS: The Chief Secretary has substituted "policy" for "doctrine" for the time being. It is a matter of doctrine.

The Hon A. F. Kneebone: It was in the policy speech prior to the last election.

The Hon. R. C. DeGARIS: Yes; it was also stated at that time that the State Government Insurance Commission had been extraordinarily successful in losing $1 000 000 a year, so that can hardly be part of the policy speech However, apart from the policy speech, there was a finely researched statement three years ago by the Treasurer that a Government life office could not operate to the best advantage of the policy-holders in South Australia because it would be a very small life office. All the reasons given have been refuted and I see no reason why this Committee should change its mind about the evidence put before it by the Government. I oppose the motion

The Hon. G. J. GILFILLAN: My attitude to the Bill now is even stronger than it was when it was before the Council, on further reflection and on information I have since received. As the Hon Mr. DeGaris has said, it is obvious that the people of South Australia are well served by the present mutual insurance societies. I do not know the percentages of business but I imagine the bulk of it would be with mutual societies which have not only given security to their policy-holders but have also shared their profits. In addition, they have financed many important enterprises in this Stale, and so have been a valuable asset to the State. Their officers have given their policy-holders sound advice, which has led to many a successful business, but I question whether policy-holders would have the same freedom under a Government life insurance office. I am becoming more and more concerned about the intrusion of the Government into the private sector and the private lives of people on an ever-increasing scale.

I was perturbed to hear from a reliable source that a person who wished to borrow money from a Government instrumentality to buy a house was told that the money would be available if he insured with the State Government insurance office but that, if he did not, it could take him up to eight months to obtain that money. Since then, I have had confirmation of that from an entirely different source. I can readily see this type of thing, if it does happen, growing considerably in the life insurance field because any person wishing to raise money, either through a Government instrumentality or through any other source where financial aid is given, can easily be told that further collateral is required and that it is necessary to take out a lite insurance policy with the Government office. I should like to know which Government departments and instrumentalities act as agents for the Government insurance office and what directions have gone out to the various instrumentalities and Government departments about insuring not only the assets but also the employees of those departments and instrumentalities, and in some cases clients and applicants. If there was a need for more service in this field, the position would be different, but the whole field of life insurance is well covered by companies and societies whose first loyalty is to their policy-holders. I oppose the motion.

The Hon. Sir ARTHUR RYMILL: This Bill has two parts to it The first authorizes the State Government insurance office to indulge in life insurance; that is the prime object. The second part enables the State office to invest any of its moneys in any investments, whether trustee securities or not. We have agreed to the first part, but to the second part we have dissented It seems to me that on this matter there is no room for compromise either the Stale Government Insurance Commission is authorized to indulge in life insurance or it is not. There is no half-way house.

I always like to think a step ahead. What will happen is that this Bill will be returned to another place and, unless that place accepts the Council's amendments (which I imagine is unlikely), the Bill will be returned to the Council with a request for a conference. Then, Sir, we shall be in the usual difficulty (because the Government in another place is likely absolutely to condemn the Council on any occasion that it has the opportunity to do so) because, if the Council refuses the request for a conference as honourable members believe there is no room for compromise, it will be considered to have dumped the Government Bill and the investment part of it as well, for which the Council will get the total blame. Although I am perfectly happy to accept that situation, as indeed are my colleagues, it is galling for one to be blamed for something that is not entirely one's own fault.

On the other hand, if the Council agrees to a conference, the first thing with which its managers will be confronted in the conference room is the question: "If you say that there is no room for compromise, why did you agree to a conference?" If honourable members do not believe what I am saying, I can tell them that for about the first 15 years of my membership of the Council I was on practically every conference that was held, and I confronted this argument many times.

Once again, the Council finds itself in the position that whatever it does it will be criticized, in my opinion unjustly. I point out to the Government that, if a conference on this matter is refused, it will lose the investment clause and, indeed, the rest of the Bill. If the Government does that, knowing that there is no room for compromise regarding the life insurance aspect, it will be dumping the investment aspect as well.

The Hon. J. C. BURDETT: Private life insurance societies, which are almost entirely neutral, have in the past performed a service to the community, and the Government has not seriously suggested that there is a legitimate complaint against them. There is plenty of competition between them. Otherwise, it would be different: if these companies were a monopoly, it would be a legitimate cause for the Government to enter the private sector. However, that is not the case, and in those circumstances there is no justification whatever for the Government's seeking to enter the private sector. Certainly, the belief that these companies might make a profit or improve their investment position is no excuse for the Government's entering the private sector. It should only do so if in a certain industry a service is not being given, there is room for adequate complaint, or there is insufficient competition. As these circumstances are not present, I, too, oppose the motion.

The Committee divided on the motion:

Ayes (6)—The Hons. D. H. L. Banfield, T. M. Casey, B. A. Chatterton, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Noes (11)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, F. J. Potter, Sir Arthur Rymill, C. R. Story, and A. M. Whyte.

Majority of 5 for the Noes.

Motion thus negatived.

Later:

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

That a message be sent to the House of Assembly granting the conference as requested by that House; that the time and place for the same be the Legislative Council conference room at 10 p.m. this day; and that the Hons. T. M. Casey, R. C. DeGaris, R. A Geddes, A. F. Kneebone, and C. R. Story be managers for the Council.

The Hon. R. C. DeGARIS (Leader of the Opposition): I do not intend to oppose the motion, although I cannot see any value in a conference, because, as I see the matter, it is purely one of "Yes" or "No". I will not oppose going to a conference, because at least we should give the House of Assembly the opportunity to put to the managers of this Council any compromise suggestion they may have. I cannot see in the issue any area of compromise, but at least we should go through the motions.

The Hon. A. J. Shard: They might convince you that you are wrong.

The Hon. R. C. DeGARIS: I think that is impossible: the arguments have all been given. However, I think we should go to the conference at least to see what compromise the House of Assembly has to offer.

Motion carried.

BEVERAGE CONTAINER BILL

The House of Assembly intimated that it did not concur in the Legislative Council's request for the appointment of a Joint Select Committee on the Bill.

Consideration in Committee.

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That Standing Orders be so far suspended as to enable him to rescind forthwith the resolution passed by the Council on Tuesday, March 26, 1974, requesting the concurrence of the House of Assembly in the appointment of a Joint Select Committee to report on the Beverage Container Bill.

Motion carried.

The Hon. R. C DeGARIS moved:

That the resolution passed on March 26 requesting the concurrence of the House of Assembly in the appointment of a Joint Select Committee be rescinded.

Motion carried.

The Hon. R. C. DeGARIS moved:

That this Bill be referred to a Select Committee of the Council consisting of the Hons. D. H. L. Banfield, B. A. Chatterton, R. A. Geddes, C. M. Hill, A. F. Kneebone, and F. J. Potter; the committee to have power to send for persons, papers and records, to adjourn from place to place, to sit during the recess, and to report on the first day of next session.

Motion carried.

The Hon. R. C. DeGARIS moved:

That Standing Order 389 be so far suspended in relation to the Select Committee on the Bill as to enable the Chairman of the Select Committee to have a deliberative vote only.

Motion carried.

JUVENILE COURTS ACT AMENDMENT BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendment.

Consideration in Committee.

The Hon. A. F. KNEEBONE (Chief Secretary): I move:

That the Legislative Council do not insist on its amendment.

I agree that the amendment is unworkable and involves expenditure of public money on a wrong principle, as has been stated by the House of Assembly. The amendment provides that, where a person has escaped and has caused damage as a result of his escape, or by any other escapade while on leave from an institution, the Minister has to prove to the court's satisfaction that he has not been negligent in the matter. I strongly argued that it could be said that, if a person had escaped, it was because the Minister had been negligent It could be proven on every occasion a person had escaped that the Minister had been negligent, because if proper care had been taken, according to the Opposition's ideas, the person could not have escaped

The only way of solving this problem would be by locking all people up in maximum security accommodation so that they could not escape and so that the Minister could not be accused. The amendment would restrict all rehabilitation measures, because people would have to be kept in maximum security accommodation to prevent them from escaping.

The Hon. T. M. Casey: Under lock and key!

The Hon. A. F. KNEEBONE: Yes, and they could not be granted weekend leave. The amendment is wrong in principle and is against all rehabilitation principles. I ask the Committee not to insist on the amendment.

The Hon. J. C. BURDETT: As I have already answered in advance most of the points the Chief Secretary has raised, I do not intend to go over them again.

The Hon. T. M. Casey: They were not very satisfactory.

The Hon. J. C. BURDETT: They may not have been to the Minister.

The Hon. D. H. L. Banfield: Would it affect a foster child under the Minister's care?

The Hon. J. C. BURDETT: I will confine myself to the Bill. I have already answered most of the matters raised by the Chief Secretary.

The Hon D. H. L. Banfield: Why not answer this one?

The Hon. J. C. BURDETT: I do not agree with the House of Assembly's reason for disagreeing to the amendment. namely, that it would involve the expenditure of public money on a wrong principle. It is by no means a wrong principle to require the Government to compensate people injured as a result of the actions of negligent public servants.

The Hon. Sir ARTHUR RYMILL: I voted for the Government when the Bill was before the Council previously and I explained that I found there was competition between two principles: first, that of the rehabilitation of most juvenile offenders and, secondly and on the contrary, the public interest of a comparatively few members of the public. I consider that to insist on the amendment would undermine to some extent the principles of rehabilitation. As I believe that such principles should be paramount, I support the motion.

The Hon. F. J. POTTER: I, too, voted with the Government when this Bill was before the Council and I agree with what the Hon. Sir Arthur Rymill has said. I also acknowledge what the Hon. Mr. Burdett has said, namely, that it is not a wrong principle for the Government to pay compensation for a negligent action on its part, but I think that is confined to the negligent action, of an employee, and I do not think we can place people who are in the custody of the Government or the Minister on the same basis as we place a Government employee. Therefore, I will continue to support the Government on the issue and vote for the motion.

Motion carried.

PRISONS ACT AMENDMENT BILL (WARRANTS)

Returned from the House of Assembly without amendment.

SEWERAGE ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

WATERWORKS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

LIBRARIES AND INSTITUTES ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time

The object of this Bill is to put into effect the Government's undertaking to make the State Librarian an *ex officio* member of the Libraries Board. Numerous advantages will, of course, accrue from the creation of this liaison between administration and the governing body. I shall now deal with the Bill in detail. Clause 1 is formal. Clause 2 fixes the commencement of the Bill on a day to be proclaimed. Clause 3 increases the membership of the Libraries Board from seven to eight, so as to include the State Librarian as a member.

The Hon R. A. GEDDES (Northern): I support this Bill. Although it is short and its implications are not of nation-rocking substance, the debate affords me the opportunity to comment about what I hope the Government will do soon to amalgamate all the various libraries and institutes in the State so that we shall have a common State Library Board and a system of distribution of books in all walks of life throughout the State I also hope that the common board will be subscribed to by the State in a better way than we have now. At present we have the Institute Council, the Libraries Board and the State Lending Library, and all these bodies are doing a job that one board could control and administer. I know some of the Government's thinking in this regard, and I hope it is implemented soon. I understand that the composition of the State Library Board has been altered slightly and, as the State Librarian has attended board meetings but has not had a vote, it has become necessary and right that he should be offered the responsibility and privilege of being allowed to vote at those meetings.

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

KINGSTON COLLEGE OF ADVANCED EDUCATION BILL

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

The Hon T. M. CASEY (Minister of Agriculture): I move:

That this Bill be now read a second time.

It continues the process of converting colleges of advanced education in this State to autonomous, self-governing colleges. This is in pursuance of the State Government's

policy and also that of the Australian Government, which will make funds available for colleges that are self-governing. The Act will convert the Adelaide Kindergarten Teachers College into a college of advanced education under the name of Kingston College of Advanced Education. It was necessary to change the name of the college, for members will recall that the former Teachers College is now renamed the Adelaide College of Advanced Education.

It was also desirable to drop the word "Kindergarten" from the title, as the general policy for all colleges of advanced education is that they shall gradually become multi-purpose institutions. This may be difficult to achieve on the present site at North Adelaide in the case of the Kingston College, but provision must be made for this eventuality. In selecting the name Kingston, the Government is not only honouring a great South Australian but is continuing a trend in nomenclature that has been adopted in the case of Murray Park. Sturt and Torrens Colleges of Advanced Education. Members will recognize that this Bill largely follows the pattern of the Bills introduced in 1972 in converting the former teachers colleges to Colleges of Advanced Education.

Under clause 4 the college is established as a body corporate and given the usual authorities of a body corporate. Clause 5 places emphasis on the functions of the college in providing advanced education and training for those who seek to practise the profession of teaching in pre-school education. This, of course, has been the strength of the Kindergarten Teachers College for many decades. It is intended to add to the college and strengthen its enrolments in an endeavour to supply more teachers so that a greater proportion of pre-school children may benefit from a year of pre-school education in established kindergartens.

Under clause 6, the college is granted the same kind of powers to award degrees, diplomas and other awards recognized and approved by the Board of Advanced Education. In this provision, and in others, the college is given the same standing with regard to the Board of Advanced Education as are all other colleges of advanced education in South Australia. Clause 7 removes any possibility of discrimination on racial, religious or political grounds and also on the grounds of sex. Members will note that it does make provision for the college to make special provision for students overcoming some cultural or educational disadvantages.

Clause 8 provides for the management of the college by a council of the normal pattern which provides for participation of staff and students together with other people experienced in education and some persons from the general community. This last provision is vitally important to any college which must exist within the community which it serves. Clauses 9, 10 and 11 are largely the usual machinery clauses covering the operations of the council.

Clause 13 sets out the authorities of the council and appoints it as the governing authority of the college. The college is required, under clause 14, to co-operate with other bodies which are active in the tertiary area of education, whilst clause 15 makes provision for the council to determine the internal organization of the college. Clause 16 makes provision for the council to appoint a Director and determine his duties. The Director will, of course, be a member of the council *ex officio.* The college is urged to promote the development of an active corporate life by clause 17.

Clause 18 provides for the college to hold its own lands, including such Crown lands as may be vested in the college by the Crown. Provision is also made to transfer the present properties occupied by the college from the ownership of the Kindergarten Union of South Australia Incorporated to the college. This provision is in pursuance of an agreement entered into with the Kindergarten Union for the independence of the college. I may say in passing that the Government has in mind legislation to constitute the Kindergarten Union of South Australia Incorporated under Statute. A small mortgage on one of the properties will also be transferred from the union to the college.

Clause 19 is an important clause which guarantees continuity of employment to college staff who were, of course, originally appointed and are employed by the union. Protection is given by the clause, which provides that the status and salary of each staff member shall not be reduced on transfer to college employment. Members will note also that existing and accruing rights with respect to various kinds of leave are also guaranteed As the Kindergarten Union has operated a superannuation fund for its own employees, members of the college staff will have the right to elect to remain as contributors to that fund or become members of the Superannuation Fund of South Australia The college will be required to meet the employer responsibility with respect to superannuation but the staff member will decide the fund to which he will contribute.

Clause 20 gives the college the power to make statutes covering the normal operations of the college, and clause 21 enables the college to make by-laws for the protection of college property and the movement of people and vehicles therein. These provisions are normal and follow the general powers given in this respect to all other colleges. They incorporate the usual safeguards in that the statutes and by-laws must be placed before Parliament within a stated time. Clause 23 requires the council of the college to prepare an annual report on the operations of the college for presentation to the Governor and to Parliament.

Clause 24 makes provision for the audit of the accounts, and clause 25 makes provision for the finances of the college subject to the recommendations of the Board of Advanced Education in exactly the same way as applies to other colleges of advanced education, whilst clause 26 grants a borrowing power which is subject to the approval of the Treasurer. Clause 27 places the college in the same position as other colleges of advanced education in granting an exemption from certain taxation.

The Hon. JESSIE COOPER (Central No 2): Where on earth would we be without a major Bill from the Minister of Education always at the end of the session? I can never see the reason for this, but I expect it is a sort of one-upmanship. Certainly this is no time for long speeches. Perhaps the Minister knows this and thinks the least said the soonest mended. I say this is a major Bill, since it heralds a new era in pre-school training in South Australia. I have no doubt this will please many people. I trust it will be of great benefit to present and future children of South Australia.

At the same time, one does not easily forget the history of the past 70 years. The Kindergarten Union was founded in 1905, nearly 70 years ago. Although I have not been able to obtain reports of the union for those early years, I have reports in the past 25 years. As they contain some interesting material, even allowing for the lateness of the session, I will refer to them. The 1946-47 report contained the following information:

How you can help the work of the Kindergarten Union of South Australia Inc :

1. By offering your services on one of the local kindergarten committees.
2. By giving voluntary service at one of the kindergartens or play centres.
3. By visiting kindergartens to observe and understand the work being done for pre-school age children.
4. By interesting young girls to take up kindergarten training as a career—

sex discrimination, I am afraid—

5. By interesting trusts and similar organizations to include the Kindergarten Union of South Australia in charity distributions.
6. By contributions of money and kind—groceries, fruit, vegetables, eggs, dried fruits, picture books, short ends of sheeting and covers for small beds, packing cases, magazines with coloured or black and white pictures, cotton reels and other waste material.

In those days, 25 years ago, for the sum of 50c one could become a member of the union, and for the princely sum of $20 one could become a life member. The latest report of the Kindergarten Union lists similar aims, although there has been a little streamlining in the ways in which people can help the work of the kindergarten as follows:

1. By visiting kindergartens to observe and understand the work being done for pre-school age children.
2. By interesting young girls to take up kindergarten teaching as a career.
3. By interesting trusts and similar organizations to include the Kindergarten Union of South Australia in charity distributions.
4. By notifying us if you can contribute to our waste materials store for the use of children in the kindergartens. Cotton reels, spools, bottle tops, corks, boxes of all sizes, materials, off cuts of soft timber, etc., are most acceptable.
5. By contributing to the general funds of the union for the extension of the work.

That gives honourable members an idea of the type of method that was used to finance the union for all those long years. When the Karmel committee met, three or four years ago, already the problems of pre-school education in South Australia were considered, the financial aspects causing the most intense study. The recommendations of the committee, on the subject of pre-school education, were as follows:

(*a*) There should be a substantial increase in Government financial support for the provision of pre-school education, both to permit an expansion in the number of places and to provide adequate staff at appropriate salaries.

(*b*) The Kindergarten Union should continue for the present to be the major agency for the running and supervision of Government-assisted kindergartens.

(*c*) The Board of Management of the Kindergarten Union should be augmented by three members appointed by the Minister of Education.

(*d*) A pre-school committee responsible to the Minister of Education should be appointed by the Minister to plan the overall development of pre-school education, to decide on priorities between areas in the allocation of public money for kindergartens, and to determine where kindergartens need to be provided at public expense, where it is reasonable to expect some degree of parental initiative and contribution, and what the level of that contribution should be.

Paragraph 10.59 of the Karmel committee's report states:

The financial burden of erecting kindergartens, at present borne entirely by parents, should be shared by the Stale where total responsibility is not accepted by it.

Paragraph 10 62 states:

Although we think it important that the Education Department's experience should be used in the siting of kindergartens, and that arrangements should be made which will facilitate continuity of educational experience between kindergarten and school, we have, for several reasons, not recommended that the department should run the free kindergartens, at least in the immediate future, or have sole responsibility for siting them.

So, it is an interesting development that now, in 1974, we have reached the stage where the Kindergarten Teachers College is achieving the status of a college of advanced education, and this Bill will set it in motion. Clause 7 (1) provides.

The college shall not discriminate against or in favour of any person on grounds of sex, race or religious or political belief.

I can see that, but it seems to me that this is a strange thing to spell out. Is it a fact that there are men in Adelaide who are frustrated because they are not able to enter the Kindergarten Teachers College to become kindergarten teachers? I cannot believe that any men would want to do that, but perhaps I am wrong.

The Hon. T. M. CASEY: Mr. President, I think *Hansard* is having great difficulty in hearing what speakers are saying.

The PRESIDENT: I am glad that that has happened to someone else. It has been applying to me all day. The Hon. Mrs. Cooper.

The Hon. JESSIE COOPER: I assure you, Mr. President, that it was not my fault. There has been an infernal din since the moment I started to speak. Clause 8 sets out the composition of the college council. There are to be 16 members of the council, and there is power to co-opt additional members. The Minister, I think, has a very great advantage in that he has the opportunity to appoint six of the 16 members of the council. This is strong-arm stuff: I hope it works and wish it well, but it seems to me to be heavily laden with Ministerial control. We have got used to this idea, but I still deplore it. Clause 13 is the type of provision that we often debate in this Council. Subclause (2) provides:

The Council may. at any time delegate any of its powers under this Act to any committee or board appointed by the Council—

fair enough!—

or to any members, officers or employees of the Council. I do not approve of that. I know that it will be said that it may be necessary to delegate powers to a groundsman so that he can stop intruders, but it is a dangerous principle. I would have dealt with this matter more fully if we had been given notice of the Bill earlier. I support the Bill.

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

PSYCHOLOGICAL PRACTICES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

JURIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 26. Page 2707.)

The Hon J. C. BURDETT (Southern): I support this Bill. The Chief Secretary said its principal object was to provide a new system whereby a common pool of jurors could be established for the Supreme Court and the Local and District Criminal Courts. As honourable members know, some time ago a part of the work load of the Supreme Court, both in the civil and in the criminal jurisdictions, was removed to the Local and District Criminal Courts, so that jurors had to be provided for the criminal jurisdiction of that court as well as for the Supreme Court. To date, there has not been a separate pool of jurors. This Bill does make sense in providing for a common pool. It obviously would be much more convenient if this were done, and possibly it would enable a smaller jury panel overall to be empanelled. I throughly support this portion of the Bill.

The other principal part of the Bill concerns the computation of the time during which the jury is deliberating. It was suggested in the Chief Secretary's second reading explanation that the Bill sought to clarify some doubts that had arisen about what time was to be taken into account in computing the time during which the jury was in deliberation. Section 57 (1) of the principal Act provides:

> Where a jury in any criminal inquest not being an inquest for a capital offence has retired to consider its verdict, and remained in deliberation for at least four hours and ail the jurors are then unable to agree upon their verdict, the decision of ten of such jurors shall be taken as the verdict of all; and if after four hours' deliberation ten of such jurors are unable to agree upon their verdict the jury may be discharged from giving a verdict.

So, the importance of computing the four-hour period of deliberation is from the point of view, that it is only after such time that a majority verdict can be accepted, or alternatively that the jury may be discharged. It was suggested by the Minister that some doubts had arisen regarding rest periods, such as time for taking refreshments, and so on. I have found it is not so much that doubts have arisen in this regard, but I have heard some judges express doubts regarding time spent by the jury when, at its own request, its members come back into the jury box and ask to have portions of the evidence read to them. I know some judges consider that, during that period, the jury is very much in deliberation and that that time should be taken into account in the four hours. On the other hand, some judges consider that during that period the jury is not in deliberation. It may appear that this point is not important, and that the easy way out would be to let them remain longer than four hours to make sure the situation is right, but one difficulty is that a judge might act on his understanding of the position and an appeal could be taken if it were maintained that four hours had not been spent in deliberation. The Bill clears up the matter, and I support this portion of it.

The only part of the Bill to which the Minister did not refer in his explanation was the minor portion that means that in future summonses to jurors will be forwarded by registered mail, whereas previously they could be forwarded by prepaid mail. This is a sensible requirement to make sure that the juror really gets his summons. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 33 passed.

New clause 33a—"Amendment of third schedule to the principal Act."

The Hon. A. F. KNEEBONE (Chief Secretary): I move to insert the following new clause:

> 33a. The third schedule to the principal Act is amended by inserting, after the passage "University professors and lecturers, and the registrar of", the passage "Academic staff of any college of advanced education, and the director or the registrar of".

The effect of this amendment is to exempt academic staff, directors, and registrars of colleges of advanced education from jury service. This exemption parallels the exemption that is presently provided for people of equivalent status at the universities.

New clause inserted.

Remaining clauses (34 to 36) and title passed.

Bill read a third time and passed.

CONFERENCES

The Hon. A. F. KNEEBONE (Chief Secretary) moved:

> That Standing Orders be so far suspended as to enable the conferences on the State Government Insurance Commission Act Amendment Bill and the Classification of Publications Bill to be held during the adjournment of the Council and that the managers report the results thereof forthwith at the next sitting of the Council.

Motion carried

ADJOURNMENT

At 9.52 p.m. the Council adjourned until Thursday, March 28, at 2.15 p.m.