LEGISLATIVE COUNCIL

Wednesday, July 31, 1974

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

QUESTIONS

COMMONWEALTH PARLIAMENT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Agriculture, as Leader of the Government in this House.

Leave granted.

The Hon. R. C. DeGARIS: An article in this morning's *Advertiser* refers to the Queensland Government's intention to challenge in the High Court the legality of the joint sitting of the Australian Parliament planned for next week. The article states that Victoria will join Queensland in the challenge and that other States, including at least one Labor State, are expected to be involved in the challenge, as the States believe that the rights of the States are at stake. Can the Minister say whether the South Australian Government will be involved in this High Court challenge concerning the validity and legality of the planned joint sitting?

The Hon. T. M. CASEY: The Government has not yet given any indication one way or the other. However, as the Leader has raised the matter, doubtless my Cabinet colleagues and I will be discussing the matter and, whatever the decision is, I will notify the Leader.

MOTOR VEHICLES DEPARTMENT

The Hon. J. C. BURDETT: I seek leave to make a brief explanation prior to directing a question to the Minister of Health, representing the Minister of Transport.

Leave granted.

The Hon. J. C. BURDETT: I have received several complaints recently from constituents concerning delays in the office of the Registrar of Motor Vehicles. One example of these delays is a case involving a refund which was applied for early in June and which has still not been received, and another example involves special permits commonly granted for new vehicles pending registration, in one case registration papers not having been received until about a fortnight after the permit had expired. Another case relates to an application for a transfer of registration having been lodged in March and not yet completed. Will the Minister ask his colleague whether it would be possible for the Registrar to speed up the procedure in processing applications?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague. Also, I suggest that, if he gives me details of the specific cases, the Minister will be happy to look at them.

MONITORING SERVICES

The Hon. C. M. HILL: Has the Minister of Agriculture a reply to my question of July 23 about the monitoring services of the Government?

The Hon. T. M. CASEY: I am informed that no prerecording of any nature is at present being carried out. It is expected that a system providing a more efficient flow of information regarding Government matters to the radio stations and allowing journalists a greater opportunity to question Government Ministers will be installed within the next three months.

WORKLIFE UNIT

The Hon. C. M. HILL: As there had been some criticism in the press by influential trade union leaders about the worklife unit that the Government had set up, I asked a question about it of the Minister of Agriculture on July 25. Has he a reply to that question?

The Hon. T. M. CASEY: The Minister of Labour and Industry has informed me that no changes in Government policy towards, or in the personnel within, the Worker Participation Branch of the Labour and Industry Department have been made as a result of matters raised at the recent Australian Labor Party Convention.

PRIMARY EDUCATION REVIEW

The Hon. C. M. HILL: Has the Minister representing the Minister of Education a reply to my question of July 25 about the three-monthly review to be made in April about primary school education in this State?

The Hon. T. M. CASEY: My colleague states:

The primary school curriculum review is not yet completed. A considerable volume of information is being obtained from interviews, questionnaires, discussion groups, and submissions from teachers, pupils, tertiary institutions, subject associations, citizen groups, and parents. A preliminary report will be prepared at about the end of September, to be followed by a more detailed report later. Twenty parent meetings have been held in country and metropolitan areas, and parents in both areas have been selected at random and asked to complete a questionnaire. Parents were also invited to send in a submission singly or as a group and to apply for a questionnaire if they had not otherwise received one. The parent meetings were advertised in the press as well as by regional officers, inspectors of schools, and headmasters. Letters were also sent to heads of schools, chairmen of school councils, the editor of the *School Post* and of the *South Australian Institute of Teachers Journal* explaining the position of the primary school curriculum and the intention of the review.

LANDS DEPARTMENT

The Hon. C. M. HILL: Has the Acting Minister of Lands a reply to a question I asked yesterday about a report I had received that the mapping section of the Lands Department was to be transferred to Monarto?

The Hon. T. M. CASEY: Cabinet has decided that the whole department will be involved in the transfer, except for those sections of the department that are considered essential to provide a service in Adelaide.

The Hon. C. M. HILL: Is the Minister referring to the whole of the Lands Department? Further, will he in due course state the cost of the new building opened last year at Netley to house the planning section of the Lands Department?

The Hon. T. M. CASEY: I will get the information for the honourable member.

HAHNDORF SEWERAGE SCHEME

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Hahndorf Sewerage Scheme.

OMBUDSMANS RECOMMENDATION TO PARLIAMENT

Standing Orders having been suspended, the Hon. C. R. STORY (Midland) moved:

That in the opinion of this Council the Engineering and Water Supply Department should give effect to the recommendation of the Ombudsman that a 41-acre water licence in respect of section 290, hundred of Paringa, be granted to Mr. B. T. Kennedy of the Clovercrest Cattle Company.

The Hon. C. R. STORY: I thank honourable members for giving me the opportunity of raising this very important matter at short notice. It is with some considerable pride that I rise to speak on this matter, because the Ombudsman's recommendation is his first report to Parliament since Parliament created the office of Ombudsman, the watch-dog of the people of this State. It behoves Parliament to give special attention to the Ombudsman's first report to his master, which is Parliament, representing the people.

I am sorry that it has been necessary for the Ombudsman to bring down a report to Parliament on this matter. As I develop my argument it will be seen that the matter should have been dealt with departmentally; if it had, it would not have been necessary to bring it to Parliament at all. This recommendation is a very good example of the work Of the Ombudsman; it is typical of what can happen and, as all honourable members know, it does happen. As those honourable members with Ministerial experience would know, such a volume of work goes through Parliament and through a Minister's hands that it is not always possible to give that intimate attention to cases of hardship which one ought to give and to which people are entitled. It is therefore doubly pleasing that we have an Ombudsman, a watchdog of the rights of the people. I have moved my motion so that Parliament may try its luck and see whether it has any more success with the department than did the Ombudsman and those honourable members who have represented Mr. Kennedy. The complaint, made by Mr. B. T. Kennedy of the Clovercrest Cattle Company, has its origins in water licensing. Those of us who have been associated with water licensing for some time know that it is full of anomalies, and this is no exception. Late in February, 1967, the Walsh Government- found it necessary rigidly to apply the handbrake regarding water allocation. Overnight, the whole system that had operated in the past was brought to an absolute halt.

Water licensing was initiated as a result of propaganda, issued by the Premier's Department, which was supposed to convince the South Australian public that this was a State on the move. Unfortunately for the Government, the press release, which made headlines at the time and which stated that the Government was assisting a firm from Scotland (Scottish Bottlers) to plant 405 hectares of vines near Waikerie, backfired. It is unfortunate that there was little liaison between the Lands, Agriculture and Premier's Departments at the time, as the Lands Department, which is responsible for war service land settlement, was setting up an *ad hoc* committee to inquire into the over-production of wine grapes. Indeed, such an inquiry had been put in train. For this reason, the settlers considered that they could not pay the water rates that were about to be increased by the department.

At the instigation of the then Labor member for Chaffey (Mr. Curren), the Agriculture Department was also closely examining the over-production of wine. An inquiry, conducted by the then Minister of Agriculture (Mr. Bywaters) was then proceeding. In its efforts to sell South Australia, the Premier's Department was inviting people (which invitation was later tabled in Parliament) to come to South Australia and invest their money in the lovely sunshine State,. and to enjoy the good things, particularly the wine. This whole business of water licensing was therefore born out of a misadventure, and the situation has not changed in the whole time that it has been operating.

The Hon. R. C. DeGaris: It is still a misadventure, isn't it?

The Hon. C. R. STORY: Absolutely. We were told initially that water licensing was necessary because we in this State were running short of water. That was in 1967. There was a period of procrastination for nearly three years, when nothing happened regarding Chowilla dam, which was subsequently lost to this State. We are still waiting for Dartmouth. However, because of the efforts of the Liberal and Country League Government and the then Minister (Mr. John Coumbe), a much better deal for South Australia was negotiated, in that in 1967 it obtained an additional allocation of water for drought years. That has increased substantially this State's water allocation.

The position has improved since the 1967 impost, when no further water was to be allocated for irrigation. But look at what has happened in the meantime. Since 1967 two new mains have been constructed—one from Swan Reach to Stockwell and the other to increase the supply from Murray Bridge to Adelaide. The main to Whyalla has been duplicated, and we know, with some foreboding, that we are likely to have a new town at Monarto, which will impose an additional draw on the water. The Monarto scheme includes artificial lakes filled with water pumped from the Murray River, put through the lakes, polluted, and sent back to the river. All these things are happening in spite of the warning given in 1967, even with the additional allocation granted to the State in 1968.

This matter relates to one man on the Pike River adjacent to Paringa who was being denied the transfer from another person of 9.3 hectares of water licence. That is at the rate of 6 megalitres. What possible difference could that make when the Government is talking about new cities at Monarto and Red Cliff Point as well as the duplication of mains all over the State, as has taken place recently? This is a typical example of working to the rule book and of people who are not sure of themselves. Such people always get a set of rules, bind those rules in a book, and go straight down the line with that set of rules, never deviating in any way, crushing people on the right or the left who get in the way. This happens always with people who are not prepared to exercise the discretionary powers given to them. In this case the discretionary powers have been given to the Minister of Works for the specific purpose of his acting as his own ombudsman. That is one of the main features of the Westminster system: the Minister not only administers the department but has as one of his functions to act as liaison between the people and the permanent Public Service. He is the person who is supposed to look after the little people and see that they get a fair go.

The Hon. C. M. Hill: He is finally responsible.

The Hon. C. R. STORY: He has the final responsibility as well as the responsibility to Parliament. If Parliament should direct the Minister along the lines of the Ombudsman's recommendations, it is hoped that the Westminster system will be seen to work. I should like to develop one or two points regarding the case of Mr. Kennedy. On May 10, 1971, Mr. Kennedy purchased, on behalf of the Clovercrest Cattle Company, a property- known as section 290 in the hundred of Paringa containing 25 hectares, for the sum of $16 000. He purchased that property from a trust. I shall not mention the name of the trust; suffice to say that it was created by the Supreme Court at the instance of the judge in awarding damages in a case in which a young man was severely injured and was not capable of looking after his own affairs. In awarding damages, the. judge suggested the setting up of this trust, and it finally became a court order that that would be the

way in which the money for damages should be handled. The parents of the boy became his trustees. They had this property for about 12 months. It became obvious that the boy was not capable of doing much work on the property, although it had been hoped that he would be rehabilitated there. As it was far beyond the capabilities of his parents to manage the property and work at the same time, the development that was foreseen did not continue as it had been thought that it would. To protect the interests of this virtual ward of the State it became necessary to dispose of the property, and for the money to be properly invested.

Immediately prior to the sale of the property a current water licence covering 16.59 ha existed in relation to the property under the Control of Waters Act, 1919-1925, and the regulations thereunder. Such water licences are not transferable; they expire annually on June 30 or on the transference of property, with the new owner or occupier of such property being required to apply for a new water licence.

On June 30, 1967, Mr. Kennedy applied for a licence for 16.59 ha of the property he had purchased, and on July 30, 1971, he was issued with a licence covering 7.69 ha, leaving 8.8 ha not being covered. Mr. Kennedy told the Ombudsman that the company intended rearing 150 breeders and 150 calves for beef production on the property, and this would have been possible with the licence covering the area originally applied for. However, with the licence granted it would be possible to rear only 50 breeders and 50 calves, making the property not economically viable. Mr. Kennedy believed that he had not received fair treatment from the Engineering and Water Supply Department. One of the most important parts of the Ombudsman's report concerns Cabinet policy. I draw the attention of honourable members to the fact that it was the Hall Government that introduced the policy to which I refer. On December 9, 1968, Cabinet approved a policy whereby, on the transfer of ownership of a property on which a current water licence existed, the application for a new water licence by a new owner or occupier should be considered in the light of the type and extent of plantings at the time of the transfer. Where the area was not developed to the full entitlement, the licence was to be reduced to cover only the developed area.

However, this policy was changed in 1969, still under the Ministerial control of Mr. John Coumbe. The relevant Cabinet decision governing the issue of water licences at the time of Mr. Kennedy's application was formulated on May 29, 1969, as a result of Cabinet consideration of a minute from the then Minister of Works, as follows:

> The present practice of transferring annual licences is that, in the event of the ownership of land changing, the existing licence is automatically cancelled. Normally, a new licence is issued upon application to the new owner or lessee only for an equivalent amount of plantings in existence at the. time of property transfer, irrespective of the acreage approved in the original licence. This practice has led to a number of cases of considerable hardship occurring, caused by drops in valuation of the properties only partly covered by a licence.

This is the first matter of hardship to which I refer. As far back as 1969 it was recognized that there were cases of hardship concerning the way in which licences were to be transferred. This is what Mr. Coumbe recommended to Cabinet, and this is what Cabinet approved:

> I recommend that approval be given to the Minister of Works—

The Hon. A. J. Shard: Are you sure that's right?

The Hon. C. R. STORY: Yes.

The Hon. A. J. Shard: Have another look. I'm afraid you may have made an unintentional mistake. I only want to be helpful.

The Hon. C. R. STORY: We have been helping each other for a long while. These are the words of the then Minister of Works (Mr. John Coumbe). I will repeat the words I mentioned earlier. He said:

> This practice has led in a number of cases to considerable hardship occurring caused by a dropping in the valuations of properties only partly covered by licences.

He continues:

> I recommend that approval be given to the Minister of Works to transfer licences to the full amount of acreage contained in the current licence upon property transfers where he thinks it proper.

This is the first reference to the Minister's discretion. The Minister was given that discretion by Cabinet on June 9, 1969, and the Cabinet decision and new policy were promulgated to the press. That Cabinet decision was current at the time when Mr. Kennedy's complaint arose, so there can be no argument whatsoever about what was the policy under which the Government was working. Indeed, that decision has never been rescinded. The current Government works under exactly the same policy as that created by the Hall Government in 1969.

Another interesting point concerns the position applying when a departmental head overrode a Cabinet decision. On October 20, 1970, the Director and Engineer-in-Chief of the Engineering and Water Supply Department (Mr. H. L. Beaney) issued an internal departmental administrative instruction, as follows:

> . . . that recommendations to the Minister should suggest that the discretion of the Minister be used to refuse transfer of water licences where there was no evidence of development of existing licences.

This completely reversed the position. The discretion that had been given to the Minister by Cabinet to make the position easier for small landholders where there was some doubt was, by an administrative act, by a departmental direction issued by the head of a department, reversed. Departmental officers were instructed, when making a report to the Minister, to use the powers vested in a manner completely opposed to the intention of the original policy. Such an instruction appeared incompatible with the Cabinet decision of May 29, 1969, but the Director saw no inconsistency.

Be that as it may, it was common ground that the governing Cabinet decision, irrespective of differing interpretations, was the Opposition decision made on May 29, 1969. The Ombudsman's investigation included an exchange of correspondence and discussions with the then Director and Engineer-in-Chief and an examination of departmental records. During the inquiry he reported he had had the complete co-operation of all officers involved. The departmental views of his contention in this case are set out largely in correspondence with the Director and Engineer-in-Chief, which is included in appendix A of the report tabled in Parliament. He also had the benefit of having an "amicable" discussion with the Minister of Works before deciding to send his report to the Premier. The Ombudsman's report states:

> Essence of the complaint (which is of vital importance) . . . The grounds on which I reached my conclusion that Mr. Kennedy's complaint was justified are set out in the reports which appear hereunder. In essence, my opinion is that the Engineering and Water Supply Department made a decision to issue a 19-acre water licence in respect of a property where a 41-acre water licence had been current

immediately prior to the purchase by Mr. Kennedy, and that in making that decision the hardship likely to flow therefrom was not taken into consideration, as I believe was required by the relevant Cabinet authority. To grant Mr. Kennedy's application would not have increased the previously existing commitment on use of the Murray River water.

This is of particular importance; this is the thing upon which the scales of justice should have been balanced by the Minister, but they were not, because there is no hardship on the department, on the State or on any person in the State except Mr. Kennedy, as that water had already been allocated to the property and it was part of the State's overall quota of water for irrigation. Therefore, nothing more was to be taken away from the State: it was merely a transfer of this water.

It can be further shown that much hardship has arisen throughout this case, and I draw the attention of the Council to various remarks which, if honourable members are interested, they will find in the three volumes of *Hansard* that I have before me now, in the form of questions, debates, and undertakings given by the Minister of Works, the Minister of Lands and, in some cases, by the Minister of Agriculture in the Walsh Government, and subsequently in the Dunstan Government, which followed in the last 12 months of the term of office of the Labor Government at that time. On February 28, 1967, at page 3273 of *Hansard* the Hon. Frank Walsh, in reply to the Hon. Sir Thomas Playford, explained the need for water licences. On April 28, 1967, a committee was appointed by the then Minister of Works (Hon. C. D. Hutchens) to inquire into and report on the State's water supply and on the water licensing it was thought might be necessary at that time. That report, which is at page 81 of a blue book published in 1967, was printed on September 28, 1967. The committee was under the Chairmanship of Mr. J. A. Ligertwood, a senior officer, of course, of the E. & W. S. Department, and the members were Mr. T. C. Miller, Chief Horticulturist of the Agriculture Department, and Mr. J. R. Dunsford, the Director of Lands. They brought down the report, as I say, on September 28, 1967.

The Control of Waters Act, 1919-1925, had not had very much attention given to it for a long time, but it was thought at that stage that the portion of the Murray River below Mannum should be brought under the provisions of that Act, in the same way as the upper reaches of the Murray River had been in 1919. The Hon. C. D. Hutchens, at page 1933 of *Hansard,* 1967, moved that a new proclamation be inaugurated in the House of Assembly, and that was duly done. I return to this matter of discretion as it is very important here, because the Hon. C. D. Hutchens (the then Minister of Works) had this to say on July 19, 1967, at page 675 of *Hansard,* in reply to a question by Mr. Curren, M.P.:

The Government has adopted the committee's recommendations.

They were the recommendations of the Ligertwood committee. The Hon. Mr. Hutchens continued:

Each application will be considered on its merits . . .

So he had no doubt in his mind that he would look at each one of those cases and, where merit was seen to exist, the person would get the benefit of any doubt that might be present. That was a Minister who showed some flexibility and qualities of a Minister. Two of the greatest qualities of a Minister are flexibility and the ability to be firm or from time to time to assess a situation and not run down the line on the rule.

A little further on in that volume of *Hansard,* at page 1160, the Hon. Mr. Hutchens, in reply to a question by the Hon. Sir Thomas Playford, again mentioned merit in dealing with these cases. The report of the committee on the diversion of water from the Murray River contains some findings which I think are relevant at present. The committee's first finding was:

(1) On the information presently available, the acreage under irrigation over the full length of the Murray River in South Australia should preferably not exceed 97 250 acres. This figure is based upon a water usage of 3.7ft. per acre per annum, which is the average quantity supplied in Government-controlled areas, which are the only ones from which reliable water usage statistics are available. However, arrangements already entered into or implied may and almost certainly will cause the above acreage to be exceeded. This position must be taken into account when future usage and supplies are being considered. Before any final assessment of acreage to be irrigated can be made the investigation of present and future water usage and supplies is essential.

That has been carried out. The committee's recommendations continue:

(2) The extension of the Control of Waters Act, 1919-1923, to cover the whole of the Murray River in South Australia is extremely urgent.

That has been carried out. The committee's recommendations continue:

(3) No new licences should be issued with the exception of (5) below until—

(a) The Control of Waters Act is extended to cover the entire river in South Australia; and

(b) All diversions below Mannum are fully known.

That has all been done. The committee's recommendations continue:

(4) A limit should be placed on the time of development of proposed plantings for which licences are issued.

We all agree with that. Of course, we do not believe that a man should receive 40 hectares of water licence and promptly "sit" on it, developing only 2 ha or 4 ha a year, because that is preventing someone else from developing an area. In this case there is a very short period between the transfer to the trust, to which I have referred, and the transfer to the person who is the subject of the recommendation. I think the period is not much more than 12 months. The committee's recommendations continue:

(5) Subject to (4) above, licences should be issued to all applicants who, in the past, have been given an assurance that water will be available and who have made commitments in consequence.

(6) Regulations under the Act should be considered to provide for the conditions under which transfer of licences to divert water may be permitted.

(7) All Acts appertaining to irrigation along the Murray be investigated and revised so that there is a clear definition of water rights throughout.

(8) Consideration be given for the issue of permits for diversions with temporary pumping plants for fodder crops for drought relief.

(9) Consideration should be given to—

(a) appropriate changes in the requirements for licensing in order that a more precise definition of water diversion rights may be introduced; and

(b) the metering of all plantings of 100 acres or over.

That is all clearly set out, and that is one of the subjects that the department did not take fully into consideration. The second point made by the Ombudsman is that there is no evidence at all in this case that the recommendation to the Minister took hardship into consideration. In his reasons for his opinion, the Ombudsman states:

(3) *(a)* There is no doubt that substantial hardship has been suffered by Mr. Kennedy as the purchase by him was based on the assumption that a water licence to the full amount of acreage held by the previous owners would be issued to him. You—

referring to Mr. Beaney—

informed me verbally that if Mr. Kennedy had personally approached your department prior to the purchase of the property, the position would no doubt have been made clear to him. Armed with such knowledge, Mr. Kennedy undoubtedly would not have entered into the transaction to purchase the property under those conditions; and with the reduced water acreage in prospect, inevitable and substantial hardship would have been thrust on to Mr. X, who was physically helpless to make any attempt to rectify the situation.

(b) In my opinion, it is not reasonable in the circumstances of this case that my complainant should have to resort to any legal action that may have been open to him nor do I consider it relevant to the administrative act under review.

He is saying that he believes that, if Kennedy had not purchased the property, it would have had to be sold in any case and, instead of being sold for $16 000, the trust that was set up under the court order would have sustained a considerable loss. The Ombudsman is not the only person who has dealt with this matter. The Government must have thought that there was some real merit in the case put forward by Kennedy, because previously the Government instructed the Attorney-General to carry out an inquiry into this whole matter. The inquiry was actually carried out by Mr. Byrne, a Government investigator. This occurred long before the matter got into the hands of the Ombudsman. Mr. Byrne came up with exactly the same sort of answer as did the Ombudsman and said that the Minister should give Kennedy a water licence.

The Hon. T. M. Casey: He got a licence, didn't he?

The Hon. C. R. STORY: He got a restricted water licence for 7.7 ha, not 16.6 ha. He should have received the original water licence. Had it been known that only a 7.7 ha water licence would be issued, the sale value would have been reduced by between $6 000 and $7 000, and this would make the position of the ward of the court very much more difficult. It would cause a loss of income of $560 a year if the trust invested the proceeds of the Kennedy sale. So, once again, there is hardship, and it falls on either Kennedy or the person for whom the court set up the trust. The Ombudsman's reasons for his opinion continue:

(5) The reason why the property was not developed to the full entitlement was because of Mr. X's parents' inability to handle the project. The consequence of the parents' inactions would not in any way materially affect them personally: the project, i.e., the purchase and development of the property, was part of a rehabilitation programme for Mr. X. This project was sanctioned, of course, by a Supreme Court order. To visit the apparent shortcomings of the parents upon the helpless child, the subject of the court order by failing to take the element of hardship into account would be in my opinion and in the language of the Ombudsman Act, 1972, "unreasonable, unjust and oppressive".

(6) It seems to me, taking all relevant factors into account, as one should in such a transaction, that my complainant's case fits precisely into the mould of the Minister's minute on which the Cabinet decision of May 29, 1969, rests, and that it is mandatory in the consideration of the issue of a water licence following a change in ownership of land to take hardship into account.

Once again, that has not been observed. The Ombudsman continues:

(7) Due cognizance has been taken of the opinion of the Assistant Director of Engineering Services expressed on May 28, 1971 (E.W.S. 2093/61) that the amount which could be recovered by present procedures is not likely to be significant in the overall total and the recovery is made generally at the expense of the department's goodwill.

I do not suppose any more famous words than that have been written. Great hardship will be inflicted on two lots of people if the present situation is permitted to continue. At the same time, the department is being denigrated and members are standing up in Parliament making speeches that would be completely unnecessary if a little of the milk of human kindness had been shown. The Ombudsman recommended as follows:

I recommend that Mr. B. T. Kennedy be issued with a form A document to make application for a 41-acre licence and that the Minister of Works approve such application. In terms of section 25 (4) of the Ombudsman Act, 1972, I should be pleased if you will notify me by February 11, 1974 "the steps that have been taken to give effect to the recommendation, and if no such steps have been taken the reasons therefor". As required by section 25 (3) of the Act, I am sending a copy of this report to the Hon. Deputy Premier and Minister of Works.

On March 27, the Ombudsman directed a letter to the Premier, setting out most of the things to which I have referred, but again emphasizing the matter I have raised: that a previous independent investigation had been carried out by an investigating officer from the Attorney-General's Department and that that officer had made the same recommendations, which suffered a similar fate. The Ombudsman said:

Frankly, I am staggered by such departmental intransigence.

He continued as follows:

I discussed the problem personally with the Minister of Works (Hon. J. D. Corcoran, M.P.), who expressed himself as unable to take cognizance of the type of hardship evidenced in this complaint and that to do so would create a precedent which he would feel obliged to follow in a number of other cases.

Why would he not follow that precedent if circumstances were exactly the same? Why would he not examine various cases and, if they had the same merit as this one does, let the person involved have the benefit of the doubt? Surely all this nonsense about South Australia's being short of water is nothing short of a sham when so much water is being used for other purposes. The Premier replied to the Ombudsman that the matter had been considered in Cabinet and that Cabinet had confirmed the Minister's policy that, whether or not hardship existed—

The PRESIDENT: Order! The honourable member's time has expired, and it is now necessary to call on Orders of the Day, unless the honourable member moves that he have leave to continue.

The Hon. C. R. STORY: I move accordingly, Sir.

The Hon. SIR ARTHUR RYMILL: Seconded, Sir.

Motion carried; debate adjourned.

The PRESIDENT: This matter will be called on again after Orders of the Day have been dealt with.

Later:

The Hon. C. R. STORY: I was referring previously to page 7 of the Ombudsman's report, and more specifically to a letter sent by the Ombudsman to the Premier on March 27, 1974, the last paragraph of which is as follows:

I respectfully request that this case be reviewed at Cabinet level at an early date before I consider the exercise of the power conferred on me by section 25(6) of the Ombudsman Act to report to Parliament. Of course, I should be very happy to discuss this matter with you at any time.

The following letter from the Premier to the Ombudsman is important:

Dear Mr. Combe, Thank you for your letter of March 27. This matter has been considered in Cabinet. Cabinet has confirmed the policy of the Minister that, whether hardship exists or not, no extensions of water diversions could be granted since to make any exceptions will require the making of a very large number of them and this would defeat the policy. If, in your view, it is necessary to report this matter to Parliament then, of course, that is a course you must take.

Once again, this is a complete misunderstanding of what was said in the report. The Premier has said that Cabinet had confirmed the Minister's policy that, whether or not hardships existed, no extensions of water diversions could be granted. However, this is not an extension but a transfer of an existing water licence, and it will not mean the use of another litre of water. The Premier and Cabinet have therefore misread the situation, the same as applied in the letter dated February 6 from Mr. Beaney, Director and Engineer-in-Chief, to the Ombudsman, the last sentence of which reads as follows:

I can see no reason to cover this deficiency by the issue of a new and extended licence.

There is no new and extended licence: this is merely a matter of the same licence being transferred from one person to another. The whole case therefore falls down simply because an iron hand has grabbed hold of the situation and there is no room in which to manoeuvre. This was nothing more than a departmental inquiry into this man's right to have an extension.

The Minister and Cabinet are given power to help in cases like this, and it now comes back to Parliament. I hope that Parliament will be able to view the matter with a much better perspective of its duty than that which has been apparent in the Ministerial and Cabinet decisions regarding this unfortunate man. It is Parliament's job to support the Ombudsman and to bring Ministerial and Cabinet decisions to the public's attention where it is considered that a reasonable case exists, as I believe it does in this instance. In reply to Mr. Kennedy's final plea and letter, the Minister said:

With reference to your letter received on November 20, 1972, I advise that the reissue of licence No. 559 has been treated in the same way as all other reissues on land ownership transfer. The information supplied in your letter does not warrant a change in my decision which is based on current policy. My decision in this matter is final.

There is therefore no hope of Mr. Kennedy's getting anything from the sources that he has already approached. I hope that what I have said will have the support of this Council and another place and that the Government will reconsider its attitude on the matter. I commend the Ombudsman on the excellent preparation of his report, and I congratulate him and his officers on the worthwhile job that they have done since the creation of his office.

The Hon. A. J. SHARD secured the adjournment of the debate.

ADDRESS IN REPLY.

Adjourned debate on motion for adoption.

(Continued from July 30. Page 117.)

The Hon. M. B. DAWKINS (Midland): I support the motion and, in so doing, reaffirm my loyalty to Her Majesty the Queen, and express my thanks to His Excellency for the Speech with which he opened Parliament. I also express my regret at the death of His Royal Highness the Duke of Gloucester, who visited Australia in 1934 on a Royal visit and who was, of course, Governor-General of Australia from 1944 to 1946. I am sure that every honourable member regrets the death of His Royal Highness.

I should like briefly to mention Mr. E. R. Dawes, C.M.G., who was for three years a member of this Parliament and who was better known for his work over many years with the Australian Broadcasting Commission. I refer also to Mr. E. C. A. Edwards, who was a member of another place from 1968 to 1970 and who also had associations, as a director, with Co-operative Bulk Handling Limited. Mr. Edwards was a sincere and painstaking member of another place. I join with other honourable members in expressing my condolences to the relatives of these deceased people. I want to refer to a number of matters in His Excellency's Speech, the first being in paragraph 9, as follows:

A greater priority for national highways and a somewhat reduced rate of spending on roads in the Adelaide metropolitan area are the predominating features of the Highways Department's programme of work in the immediate future. In keeping with this trend, work on three major national road links will be accelerated. These are the Eyre Highway, the South-Eastern Freeway and possibly the Stuart Highway.

With the possible exception that there will be a reduced rate of spending on urban roads, that statement is not inconsistent with the present Government's policies. I well remember when the Liberal Government was last in office visiting many councils (in fact, practically all district councils and corporations in Midland District), when the various clerks were concerned about their ability to spend, by the end of the financial year, the money that they had received from the Highways Department and Commonwealth rural areas grants.

In recent years, however, the opposite has been the case: although councils' costs have been escalating, their grants have been very much reduced. Latterly, secondary highways and district roads have been neglected, as have district councils. One of the reasons for the report that was issued recently is that in many cases councils have been denuded of funds and are no longer economic propositions. Many councils fail to see that it is the policy of the present Governments, Commonwealth and State, of taking away the independence of councils and their ability to construct roads, and to concentrate on main highways (which are very necessary) that has to a considerable degree caused the problems with which they are now confronted. Also in paragraph 9 of his Speech, His Excellency made the following statement regarding railways:

Agreements have already been entered into between my Government and the Australian Government—

I prefer the word "Commonwealth", which it is—

for the construction of a standard gauge rail link between Adelaide and Crystal Brook and the construction of the Tarcoola to Alice Springs line. Legislation to ratify these agreements will be placed before you, and in the meantime the necessary planning of the projects is proceeding.

I wish to record my pleasure that these projects are finally to proceed, but, far from the present Commonwealth Labor Government assuming the credit for these projects, it is well known that the early planning and some of the surveying of the Adelaide to Crystal Brook line and the Alice Springs line have been in progress for a long time; the projects were in fact in train before the election of the

present Commonwealth Government, and even back in the days when the Hon. Mr. Hill was Minister of Roads and Transport in this Parliament.

On the subject of local government, I want to have a word to say about paragraph 10 of the Speech, which states that the report of the Royal Commission into the boundaries of local government areas in this State will be presented to Parliament. In recent days, all honourable members have received a copy of this first report of the Royal Commission. I do not wish to go into details of that matter at present, because no doubt it will be debated fully in due course. However, I have had numerous complaints by telegram, letter, and telephone calls from many areas. To name a few, I could mention Minlaton, Freeling, Pinnaroo, Beachport, and Warooka. Without going into details I want to say that, by and large, I am disappointed with the report, because I believe the number of councils is to be too drastically reduced and that we are in danger of losing the word "local" from the term "local government". Suggested council areas, as I see them in the report, in many cases are too large, and I do not believe it is a good thing for large country cities and the large country towns to have annexed to them considerable areas of rural land. In my opinion, in most of those cases the town will take precedence and the rural land will be an afterthought. For that reason I express my disappointment at the framework of the report. I believe that in due course there will be further discussion on this matter, but I do not think it is a good thing that relatively large towns such as Port Pirie and Mount Gambier should have annexed to them large areas of rural land. Further discussions must be held on this matter.

I notice, too, that a Local Government Act Amendment Bill is to come before us. I know that letters were sent to all councils explaining, from the Government's point of view, why the previous Bill did not become law. We in this Council know that there was only one reason why it did not become law: because the Minister refused to accept a perfectly reasonable amendment, and rather than accept that amendment he was willing to let the whole Bill go out the window. Referring now to paragraph 12 of the Speech, I am pleased to see that the Electricity Trust of South Australia is continuing with a vigorous programme of developmental work. It would be strange if this were not so, because the trust has been a most successful enterprise and a most efficient body, extremely well managed over many years. Recently I was able to visit what is essentially the Electricity Trust town of Leigh Creek, where I was shown around the coal mine and the rail loading facilities. I was interested to have confirmation of what I was told at that time: new coal handling, rail loading and other facilities are being constructed at Leigh Creek. As His Excellency said, I believe this will ensure a continuing supply of coal for many years for the power station at Port Augusta.

I was interested but not surprised by the contents of paragraph 17 of the Speech in which His Excellency indicated, from A to Z, some of the Bills to which our attention will be drawn during this session. I have always known that the overriding motto of a Socialist Government is the word "control". In this list of Bills (and I have not bothered to count them, but there must be 50 or 60), the word "control" is obviously the "in" word with the Government. The motion for the adoption of the Address in Reply was moved and seconded by my friends the Hon. Mr. Chatterton and the Hon. Mr. Creedon. My Leader, the Hon. Mr. DeGaris, said they did better than last year, and I agree; I think perhaps it would be a little difficult for them not to do better than they did in the previous year, so I agree with the Leader's comment. My friend the Hon. Mr. Creedon, after indicating that it was his privilege to second the motion, made this comment:

> I am pleased to be associated with this programme that I know will keep us hard at work, justifying the claim that the South Australian Parliament has the reputation of being the most active and progressive State Parliament in Australia.

That is rather a strange statement from a gentleman who, a little later, said that he did not have much time for State Parliaments anyway. It was an interesting statement that the programme was going to keep us hard at work. It took me back to a certain occasion in 1966 when a fairly new member of this Parliament, after 12 months or so of occupancy of a seat, made a public statement, reported in the press, criticizing the members for Midland as a whole, indicating that they did not pull their weight. It was interesting to examine the situation after this statement had been made. My three colleagues in the Midland District at that time were the Hon. Mr. Story, the Hon. Mr. Hart and the late Hon. Mr. Rowe. Let me say at this point that I am pleased to know that the valuable work in this Chamber of the Hon. Mr. Hart has been recognized by his being given the right to continue to use the prefix. Those honourable members all pulled their weight in that Parliament and in the District of Midland, which contained, at that time, eight House of Assembly districts. They travelled through the district regularly as circumstances required. When we look at the results and examine in *Hansard* the reports of what happened at that time, we find that the members for Midland in that session of Parliament made collectively 160 speeches, an average of 40 speeches each. The late Hon. Mr. Rowe and my good friend the Hon. Mr. Story exceeded the average, while the Hon. Mr. Hart and I were a little below it.

The Hon. T. M. Casey: Were they good speeches?

The Hon. M. B. DAWKINS: I think many of them were, and, if the honourable Minister had taken the time to read them, they might have enlightened him somewhat.

The Hon. C. M. Hill: He was only a new member then, anyway.

The Hon. M. B. DAWKINS: That may have been so, and the honourable member may not have had time to become enlightened. The person who made that criticism made only five speeches in that year. Perhaps it is a coincidence (and I do not say that unkindly) that the Hon. Mr. Creedon made only five speeches last year and the Hon. Mr. Chatterton 10 speeches.

The Hon. T. M. Casey: Were they good speeches?

The Hon. M. B. DAWKINS: I will leave that to the honourable Minister, to work out for himself.

The Hon. T. M. Casey: You're being unkind.

The Hon. M. B. DAWKINS: I am not being unkind. However, I want to draw the attention of all honourable members to a situation that needs to be rectified. Last year, when the Hon. Mr. Story was sick for some time (and I know all members here are pleased to see our colleague back with us, 100 per cent on form, as he was earlier today), the members for Midland made less than half the number of speeches I mentioned earlier. If my figures are correct concerning honourable members to my left, the Hon. Mr. Story and I made the great bulk of those speeches. Therefore, I say to these new members representing Midland that I hope they will make a greater contribution in this Chamber in the coming session. The Hon. Mr. Creedon mentioned the programme keeping us

hard at work. Indeed, I hope that programme will keep both the Hon. Mr. Chatterton and the Hon. Mr. Creedon hard at work. If it does, doubtless we will disagree with them more than we did in the previous session, but at least Parliament will then be working more effectively. In a small Chamber such as this, if only two or three members do not pull their weight, it is felt immediately. Indeed, a Chamber comprising only 20 members cannot function successfully unless all members pull their weight, even if they disagree on many matters.

The Hon. Mr. Chatterton is a young man in a fortunate position, but unfortunately he seems to have a chip on his shoulder. He referred to wealthy farmers, and I gather from what he has said that he regards any farmer receiving more than $10 000 annually as falling into that category, or nearly so. He referred to poor farmers, too, who were having difficulties.

The Hon. T. M. Casey: Like Boyd Dawkins.

The Hon. M. B. DAWKINS: Like the honourable Minister probably was before he entered Parliament. The Hon. Mr. Chatterton expressed concern about farmers experiencing difficulties, and I agree with those comments. Over the years the Land Settlement Committee has endorsed the establishment of many settlers under the Rural Advances Guarantee Act on a marginal basis. These people, who would not otherwise have been able to get the funds to set themselves up in primary production, have been assisted under that Act. Perhaps the Hon. Mr. Chatterton, who is so rightly concerned about the plight of the small farmer, should concern himself with those people who have been established on the recommendation of that committee and who now, through the inflationary policy of the Commonwealth Government (which the Hon. Mr. Chatterton supports), have to pay increased interest rates. As a result of that inflationary policy, they must also pay more for manures and, in some cases, pay still more because of the deliberate removal of the superphosphate subsidy that has been foreshadowed.

The value of this subsidy in monetary terms is much less than the support provided by protective tariffs to secondary industry; yet in terms of value to the country it is worth so much more. These people who have been assisted in settling marginal areas and into primary production have been given a chance on a marginal financial basis by the Land Settlement Committee. The report on which the recommendations are usually based states that those people concerned have a good chance of success, if everthing goes right. Currently, the chances of these people are minimized, if not completely eliminated in some cases, by the very Commonwealth Government which the honourable member supports.

Some time ago, as Chairman of the Land Settlement Committee, I tried to obtain an undertaking from the banks involved in this scheme (the Savings Bank of South Australia and the State Bank) that no increase in interest rates would apply to previously granted long-term loans. Although it was not possible for this suggestion to be put into force in every case, I believe that further consideration of these people's plight was given. If a person goes on the land with a long-term loan at an interest rate of 5½ per cent, it can be expected that he will manage. However, if that interest rate is increased to 7½ per cent, 9 per cent or higher, any project initiated on a basis of an interest rate of 5½ per cent no longer remains an economic proposition. I believe that both the Commonwealth and State Governments must accept a considerable portion of the responsibility.

The Hon. T. M. Casey: What about the Commonwealth Opposition?

The Hon. M. B. DAWKINS: It will do its best to clean up the mess when it gets back into power and, considering the way the Commonwealth Government is going, that will not be so long. I suggest to the Minister that he will find that the more he interjects the longer it will take for his legislation to be passed in this Chamber. This fact has been found out by others in the past, but they found out more quickly than the Hon. Mr. Casey is likely to do.

So far, three other honourable members have referred to the Redcliff project. Along with my colleagues, I am concerned about the problems related to that project. Although I do not intend to go into the detail covered by my colleagues, I say that I expect the Government to provide an answer, and a considered answer, concerning the problems mentioned. The Government should give these matters due consideration. The honourable Minister who is now having a well deserved oversea trip sometimes said that matters referred to in debate would be dealt with in the future, and he left it at that. However, the problems of the Redcliff project demand an answer, and I ask that the Government give it full consideration.

I hope that the Minister is as concerned about the South Australian Meat Corporation and the escalation of costs associated with that enterprise as I am. I commend a *Chronicle* journalist, Mr. Keith Martyn, on his recent article about Samcor. Mr. Martyn made the following comments:

> In pursuing its aims, Samcor has achieved much which is creditable and praiseworthy.

That comment is fair enough. He continues:

> An honest review, in fact, reveals very real progress towards getting Gepps Cross back on to its financial feet. That's on the credit side. On the debit side, however, there is concern that Samcor, in pursuing its specific charter, may ultimately do telling harm to the State's meat industry, by eroding industry confidence, loading industry costs, sapping consumer incentive, blunting private enterprise initiatives. The ultimate responsibility for this, however, would have to lie at the Government's door. It was the Government which set up Samcor and which drew up its charter. Thus it is vital that the Government review its decisions and attitudes—and decide whether in being penny wise it is not also being pound foolish.

Samcor does not affect only the producers of the State: it affects the consumers, who are a wide cross-section of the public. Mr. Martyn also made this comment:

> As a guide to the economics of private versus public abattoirs, S.A. has only to look at the Victorian situation. Melbourne's 2 000 000 consumers are mainly supplied by private meat companies; and they enjoy lower retail prices in the main than their counterparts in Adelaide. Equally important is the fact that producers supplying those private works are enjoying higher returns for their stock. There has to be a moral in these facts. Encouragement of the private sector to establish regional abattoirs would have several advantageous effects on both the community and the State's overall economy. Competition between private companies invariably results in better returns and greater industry efficiency. Regional development, in turn, means decentralization, more job opportunities and a broader social environment choice for the individual.

The Hon. T. M. Casey: Is Mr. Martyn an expert?

The Hon. M. B. DAWKINS: He has some common sense. The Minister would do well to take note of his sensible comments.

The Hon. T. M. Casey: Is he an expert?

The Hon. M. B. DAWKINS: I do not know whether the Minister is an expert; sometimes I doubt it. I think Mr. Martyn made some good comments, which I am bringing forward, for what they are worth.

The Hon. R. C. DeGaris: He is a knowledgeable commentator, isn't he?

The Hon. M. B. DAWKINS: I am sure he is. That should have permeated the Minister's mind by now. We are in the difficult position at the moment of there being very much lower prices for stock and very high slaughtering costs. Not only is the producer getting a poor return compared to what he was getting a few months ago but the housewife is not getting the advantage of the lower prices that the farmer has to put up with. Prices are at present half, and in some cases less than half, of what they were last year, and the housewife is not getting the benefit of this because of Samcor's very high charges.

It is all very well (it may be a laudable object) to try to make Samcor, which is a service abattoir, viable, but it is at the expense of the producer and the consumer. I did not intend to say as much as I have about this, because I believe the Hon. Mr. Story will deal with this matter in more detail later in the debate. I am concerned that it is still difficult to get a copy of the Callaghan report. I know the Minister laid it on the table, yesterday I think it was; it is very much overdue and it is a great pity that, although it has been laid on the table, only odd copies are available and all honourable members have not had the opportunity of looking at that report in detail.

The Hon. T. M. Casey: Your Party has a copy; I handed it to the Leader of the Opposition.

The Hon. M. B. DAWKINS: It is difficult for all honourable members to look at one copy at the same time. I am sure, from the comments I have heard about it, that it is a valuable document that should be in the hands of all honourable members. I shall now mention one or two other matters briefly. First, I congratulate the Hon. Mr. DeGaris on his summation of the voting systems in various Parliaments, particularly in relation to one man one vote one value. I thought the Leader excelled himself in his summation against what is an attempt at a mere mathematical formula. I agree with what the Leader said, and I have always said that an attempt to secure one value in terms of service to the electors is much more to the point and much more important. A member can serve 20 000 electors within an eight-kilometre radius far better than another member can serve 12 000 electors within a 160-kilometre radius.

Inequalities in actual numbers exist in almost every country. Some years ago, I quoted the case of Great Britain, where at that time (I have not had time to check the figures since) the variation in numbers in the House of Commons electoral districts ranged from about 27 000 electors to about 104 000 electors. I do not suggest that that is ideal, but I use it as an indication that a variation in numbers occurs all over the world, and there are few cases where any attempt to secure what my friends opposite talk about as one vote one value has been successful. Not only that, but unequal numbers do not have the dreadful effect that the Australian Labor Party would have us believe they have, because the A.L.P., when it was voted into Government in 1965, got a much more accurate percentage of seats compared with votes cast than it did when it was voted into office in 1970, when the boundaries were supposed to be so much better. The accuracy of the reflection of the voting in 1965, under the old boundaries, which indeed needed changing, was better than the reflection of the percentage of votes it polled in 1970.

The Hon. D. H. L. Banfield: We didn't do too well with our percentage when we got 53 per cent or 54 per cent, did we?

The Hon. M. B. DAWKINS: The Minister's idea and my idea of what the percentages were vary. If we discount all the informal votes and all the people who did not actually vote, his percentage is somewhat higher than mine. However, if the Minister had been here a little earlier, he would have heard me say that he would get business through the Council more quickly if he interjected a little less. Although he does a splendid job on the front bench, sometimes (and only sometimes) there is a little bit too much from the front bench.

The Hon. D. H. L. Banfield: I am only trying to help.

The Hon. M. B. DAWKINS: It is sometimes doubtful what the Minister's help means. I turn now to superphosphate. Not only areas affected by the Land Settlement Committee but also many other areas of light marginal lands have been built up in fertility, not only in this State but in other States, by large dressings of superphosphate, trace elements, and the nitrogenous fixation of clovers. With the escalation in the cost of superphosphate and the reduction or withdrawal of the bounty, it will no longer be economic to put those large dressings on to light land. This same land, if this economic climate persists, will soon revert to an uneconomic lower fertility situation. It must be the policy of the Labor Party to reduce the possibility of people building up land and its fertility. This will tend to ruin the country, with a short-sighted, ignorant policy. This action taken by the Commonwealth will affect all the States detrimentally—and most of all, I believe, South Australia and Western Australia, where there are considerable areas of light land which need heavy dressings of superphosphate and trace elements.

The Hon. D. H. L. Banfield: Was the subsidy taken off by the previous Commonwealth Liberal Government?

The Hon. M. B. DAWKINS: The subsidy has been a great benefit to the industry.

The Hon. D. H. L. Banfield: Has it been taken off before by a Commonwealth Government other than the Labor Government?

The Hon. M. B. DAWKINS: I am not aware of that. However, I know that, if the Labor Government takes it off now, it will be a detrimental move, as it will affect the total output of Australia.

The other day I heard a gentleman having a little pipe dream and talking about a Leader in this State who had 69 per cent of the confidence of the people, according to a public opinion poll. I know that at the last election the Labor Government in this State polled nearly 51 per cent of the vote. I know, too, that at the more recent Commonwealth election the Labor Party polled 48 per cent of the House of Representatives vote and 47 per cent of the Senate vote. It is getting less all the time. It would behove the State Labor Government and the Commonwealth Labor Government to try to do something constructive in connection with the dire problem of inflation, which I do not think the Minister or anyone else would try to minimize.

If the Government endeavours to pull in its horns financially and if it tries to contribute toward solving the problems facing Australia today, it will have the full support of the Opposition in connection with any responsible and sensible moves in that direction. I support the motion.

The Hon. JESSIE COOPER (Central No. 2): I support the motion and I, too, express my thanks to His Excellency the Governor for so graciously opening Parliament. I voice the wishes, I am sure, of all honourable members when I say that I hope that His Excellency may continue to enjoy good health and have the strength to carry out the many duties that he is called upon to perform as the representative of Her Majesty the Queen. We can gladly repeat His Excellency's

terms of tribute to His Royal Highness Henry, Duke of Gloucester, the only member of the Royal Family to have made continuing official residence in Australia. His term of office as Governor-General was one which did great honour to Australia and which was carried out with considerable sacrifice on his part, in that he was required to absent himself for three years from his native land and from many of his kith and kin. The women of Australia remember the charm and friendliness of Her Royal Highness the Duchess of Gloucester and think of her in her sorrow of losing her husband so soon after the tragic death of her eldest son.

Paragraph 4 of the Speech states:

Throughout the State generally there has been an excellent opening to the current agricultural season, with the sowing of all cereals well advanced, and pastures have made early and prolific growth in most districts.

Regrettably, the same seasonal hope is not available to us for secondary industry. The chaotic condition at present existing in the field of secondary industry bids strongly to damage the welfare of the State, and that more than compensates for the good being produced by the favourable season together with the hard work of our primary producers. What may well be looked upon as the Government's tendency to sponsor industrial anarchy and chaos will be referred to later in my speech, under the reference to the Industrial Conciliation and Arbitration Act.

Paragraph 5 of the Speech states:

The close attention of the Coast Protection Board is being directed to the protection, restoration and development of our coastline, particularly in the metropolitan area, where a number of projects have been completed or are in progress. A plan is being developed for the future management of the natural and man-made assets, recreational facilities, areas of ecological significance, and similar aspects of the coast from Port Gawler to Sellick Beach.

The immediate and urgent area needing attention is not referred to in this planning and protection scheme. Of course, I refer to the northern part of Spencer Gulf, where, with the combination of the operations of Whyalla to the west and the petro-chemical project at Red Cliff Point to the east, together with the possibility of a uranium enrichment plant, disaster seems to be imminent. The recommendation by the Environment and Conservation Department for the form of an inquiry has not yet been carried out by the Government, as honourable members were told last week by the Hon. Mr. DeGaris. The fears of innumerable people have been expressed. Well-founded statements as to the results of this petro-chemical operation in the gulf have been made and left unanswered by the Government. It would seem that the Government is rushing to conclude its attempts to sell out South Australia and its environment, and that the Government will not pause to answer these public doubts and fears. With all due respect, I ask the Government to think again and answer the questions raised by so many honourable members in this debate. We have heard *ad nauseam* from the Labor Party of other people selling out Australia's resources and facilities.

We are informed in paragraph 6 of His Excellency's Speech that shortly the Government proposes to ratify an indenture with the other parties involved. This will be the biggest sell-out of Australia's environment and rights ever attempted by any South Australian Government. These operations, together with the Government's proposal for a uranium enrichment plant on the same Spencer Gulf, will probably convert the northern part of the gulf into overheated, poisoned waters which will wipe out what is probably the State's largest fish nursery, and they will almost certainly reduce the fishing industry in South Australia. Apparently Spencer Gulf is to become the sink hole for all South Australia's pollutants and the watering place for any fouling industries that no-one else from Japan to Patagonia will accept. Future generations will curse the guilty men in Government in South Australia today.

Paragraph 6 of the Speech states:

During the forthcoming year it is expected that plans for the new city of Monarto will be further developed. Public participation will continue to be a feature of the planning process.

This will be an interesting exercise, as public participation and consultation have so far been close to that almost mythical mathematical quantity—the infinitely small. We have been told that we are to have Monarto willy-nilly, despite the fact that there has been no industrial or social requirement for its establishment. May I suggest that it is not too late for this Government, always so keen on talking about the democratic decision and the desirability of referenda, especially in the Commonwealth sphere, to hold a referendum on this issue—namely, whether the people desire this city in the desert and whether it is the wish of any part of industry or any part of an obviously reluctant Public Service to be banished to that area.

The Government might ascertain next whether any social unit could be found that would more conveniently serve the people of South Australia than that remote wilderness. Or, I ask honourable members, is this a political operation with the aim of swamping the votes of the primary producers of the Murray lands area with the votes of a collection of imported shop stewards and their satellites in a new Jerusalem? We will need another William Blake, I should think.

I refer now to paragraph 8 of His Excellency's Speech. At present we in Australia generally, and not the least in South Australia, are suffering inflation of a serious and dangerous type. Irrespective of what the various economists have recommended as a means of restraining inflation, and irrespective of the Government's statements about its determination to fight inflation, I find in this legislative programme no proposals whatsoever that would appear to be designed to defeat, or even to retard, the inflationary progress. It seems that political opportunism is the guiding principle involved when preparing the legislative programme placed before honourable members.

Despite the fact that, disagreements notwithstanding, virtually every intelligent person realizes that more work and the production of more goods is the immediate and most practical way of reducing the price of goods and of putting at least one nail in the coffin of inflation, what do we find in the Government's proposal? Not, as is professed, an attempt to bring about better industrial relations and a more stable working machine, but alterations to the Industrial Conciliation and Arbitration Act to reduce the power of the courts and to make industrial anarchy, damage and chaos free of all penal provisions, at a time of history in which South Australia has never had so many stoppages, strikes and breakdowns in the supply of goods and services.

The Government's proposed action regarding the right of the community and industry to expect honest observation of agreements is disastrous and will obviously create chaos. In fact, it looks like an effort to pour kerosene on to troubled fires.

Once again, in paragraph 9 of His Excellency's Speech, we are presented with that heart-warming proposition that the Government is to do something about the standard gauge railway links in part of

South Australia. Honourable members will realize that this thought has been presented to us as a modicum of progressive thought in a sometimes otherwise barren programme. One might be excused for praying for a little more real action in this sphere rather than for a constantly delaying tactic because of some real or imagined shortage of funds.

Honourable members will recall that the Chowilla dam was planned, promised and agreed to with other States and the Commonwealth. Indeed, work had commenced on it when the Government, with the same old plea of shortage of funds, virtually brought the work to a halt until the Commonwealth Government and the other Governments slipped out of the agreement and we lost it altogether. If the Dunstan Government repeats that process in this present matter with more talks, agreements, and modifications, then we will also lose the standard gauge rail links. Let us have a little more action and work done on this matter now.

A special matter to which I wish to refer relates to the description of what is the Federal Government of the Commonwealth of Australia. I find throughout His Excellency's Speech frequent references to the Australian Government. It would be reasonable to ask which Australian Government, because there are seven of them at present. Although I am well aware of Canberra's reasoning and thinking on this matter, I consider it ill-advised, to put it mildly, for the States to follow this precept and to use this insufficiently precise term.

The States are sovereign units, despite what the Hon. Mr. Creedon believes, and they are entitled to the respect of outside countries as having their own Governments. It was a federation, not an amalgamation, that was formed in 1901. It is logically understandable that our Commonwealth Government members should wish to give the impression that their Government is the all-powerful Government of Australia and, indeed, the only important one. Equally however, the States should be at some pains to emphasize that they are part of a federation, and that the States are self-governing with the exception of some limited numbers of powers that have substantially been given to the Commonwealth Government under the Constitution.

There is no such thing under the Constitution as the Australian. Government. There are two official terms under the Constitution for the Parliament to which we are referring: it is the Federal Parliament or the Parliament of the Commonwealth. There is authority for referring to the Federal Executive Council, and it follows therefore that there is authority for this Government, to which we are referring, to be the Federal Government. The term "Australian Government", which is constantly thrust at us, is not one of particular convenience; nor is it one that has any authority to support it. But it is one designed and devised to denigrate the importance of the States, and it is used by those who wish our States' structure to be forgotten or eliminated, and this for very doubtful motives.

My last point is as follows: in the years during which I have served in this Council, I have constantly been aware of the striving of honourable members to use the English language with dignity, accuracy and mostly with a consciousness—indeed an awareness—of the power of the spoken word. Language changes from time to time, but how often do we find it necessary to refer to the authorities for clarification on some pronunciation which suddenly swims into our orbit? There was an amusing episode last week when one of our most learned members dangled a bait concerning the pronunciation of the proper name "Verdun", and he actually caught a fish. I am therefore led to raise the matter of that new/old word "kilometre", which has been in use for almost 200 years.

Already, in this Council and daily on television and radio, one hears this word pronounced "k'lometre", which is incorrect but which will undoubtedly become the accepted pronunciation within a few weeks, if no-one objects. If this pronunciation does become the custom, what will happen to all the other measures? Will we then hear of "k'lograms" or "k'lo-w'ts"? Will we be told by the Australian Broadcasting Commission or the Engineering and Water Supply Department that our daily consumption of water in a summer heatwave has increased by so many "k'lolitres"? Heaven preserve us from such abortions of our language. On this more or less lighthearted note I shall end my words in support of the motion.

The Hon. G. J. GILFILLAN (Northern): In supporting the motion, I join with other members in expressing my regret at the death of His Royal Highness the Duke of Gloucester. I well remember him in his capacity as Governor-General of Australia, and I think the people of Australia felt his appointment was a recognition of the importance of this country. I did not know Mr. Edgar Rowland Dawes. He was a member of Parliament before I attained the age of voting; nevertheless, I offer my sympathy to the members of his family. To the family of Mr. Ernest Clifford Allan Edwards I also offer my sympathy. He was a colleague of mine, representing the District of Eyre which is, of course, in the Legislative Council District of Northern. I got to know Mr. Edwards quite well. He was a hard worker for his district and took his Parliamentary duties most seriously. He was also an asset to the various organizations belonging to Parliament; for instance, he was a keen member of the Parliamentary bowling club and, if I remember correctly, that is where he first started playing bowls. In a short time he became quite proficient.

I join with other members in wishing well His Excellency the Governor (Sir Mark Oliphant). He is performing his duties in a most conscientious manner, and anyone reading the daily newspapers must realize what a busy life he leads. In referring to the Speech made at the opening of Parliament, we are referring not to a personal speech of His Excellency but to one prepared for him by the Government, outlining its programme for the session. I found the programme uninspiring, containing few clues as to what the Government was going to do about solving some of the problems within the State. We were given a long list of Bills without any explanation as to what was involved, and we also had the implication that taxes and charges could be raised quite considerably.

During this debate many members have spoken and most of the subjects mentioned have been canvassed in detail. However, I shall refer to some of the speeches that have been made, because some points in them will bear clarification. First, I refer to the speech of the Hon. Mr. Chatterton which, I think, was an attempt to defend the Commonwealth Government's present rural policy. If the rural policy of the Commonwealth Government had been introduced about two years earlier it would probably have sent the State's rural industry bankrupt. It was fortunate that, when the present Government took office and changed the then existing rural programme, we were in a period of world demand for our products.

The Hon. Sir Arthur Rymill: It was caused by Mr. Whitlam, according to the Labor Party advertisements.

The Hon. G. J. GILFILLAN: By Gough, yes. I was fortunate in 1972 to have an oversea trip as a representative of this Parliament. I arrived back in Australia in June of that year to see the demand for our products increasing rapidly. The price of wool escalated, too, but of course it has since receded somewhat. I cannot quite understand the argument of the Hon. Mr. Chatterton: it appears to me a theoretical one and almost a hypothetical one, suggesting that the large wheatgrower is faring so much better and that therefore the wealthy have been receiving the benefits of consumer subsidy at the expense of those less fortunate.

Under the wheat stabilization scheme, the consumer to some extent does subsidize the producer in years of low prices, while in years when the prices are high, such as this year, the reverse situation occurs. The consumer then is being supplied at about half the world market price and, for the surplus over and above the standardized price, the grower is paying into a stabilization fund. It is unlikely that the consumer will be involved in stabilizing the wheat-growing industry for some considerable time. It has see-sawed backwards and forwards. After the war the grower subsidized the consumer very substantially for quite a long time.

However, the Hon. Mr. Chatterton took the period of three years from 1969-70 to 1971-72 to illustrate his point. That was during a period of rural recession, and many people on the land actually worked at a loss in some of those years. The people often most affected by substantial losses were those operating in a big way, particularly those producers primarily involved in the production of merino wool. To say that the big grower is wealthy and the small grower somewhat financially embarrassed is not a hard-and-fast rule. Most farms in South Australia are mixed farms, and a small landholder can be a comparatively large graingrower, concentrating his operations on the growing of grain. In some cases he could be a share-farmer or a small farmer who also share-farms. This man quite often is the purchaser of large and expensive machinery.

In my experience, a survey such as this is based purely on theory. The present Government policies in relation to the man on the land are acting to the detriment of agriculture in Australia. If we take as an example superphosphate, I think we will see a large down-turn in its use, even if the bounty is retained, because of the steep increase in its price. Certainly, it would be used on cash crops, but in many parts of the State production can be achieved without the use of superphosphate on pastures.

In this context alone, I think we will see an area of great hardship created in the high rainfall districts that are low in production without the heavy use of superphosphate, whereas in some other areas, where it is not so essentia], we will see producers reducing the amount of superphosphate they use, reducing their stock numbers, and carrying on as best they can. The argument of the Hon. Mr. Chatterton is mostly theoretical, being based on years when some producers actually lost money. I know of people who had substantial assets just prior to the recession and who actually carried heavy stock mortgages at the time these figures were taken out.

I was especially impressed by the Hon. Mr. Burdett's speech, including his reference to succession duties. I was one of the managers from this Chamber when the Bill dealing with this matter was dealt with at a conference between members of this Chamber and another place. That conference started at 5 p.m. and continued until the following morning in an attempt to obtain agreement or a compromise with the Government on that Bill. Some of the points raised by the Hon. Mr. Burdett were considered then. However, it is well known that at such conferences neither side gains everything it desires. On this occasion, in many areas a fair compromise was reached. The honourable member referred to points that I believe should be reconsidered.

Certainly the matters of joint tenancy and tenants in common (and both were discussed at the conference) should be reconsidered. Under the old Act a joint tenancy was assessed as a separate estate and therefore did not attract as much duty as it would have done if aggregated on to the full estate. A tenant in common under the old Act was excluded in terms of the primary producer rebate, and I have never understood the reason for this. A tenant in common has an independent asset that can be sold, whereas a joint tenancy is a different matter altogether. Certainly, the exclusion of a tenant in common from the rebate, involving stock and plant, can cause needless hardship.

The Hon. R. C. DeGaris: It is not always stock and plant.

The Hon. G. J. GILFILLAN: It is the total rural rebate, including stock and plant where it is not held by the person who died. The rebates applying to the family home and also to life assurance need further attention, because inflation in recent years has been so great that a person who would qualify for a full pension could be required to pay substantial death duties when the estate passed over to the spouse, depending on where the ownership lay. We have seen the price of houses, even those sold without contents, increase dramatically and, as the rebates currently stand, many people in needy circumstances will find themselves in a position of real hardship. I could continue referring to succession duties at length, but all members are already aware of the position applying here. However, we are reaching a situation where the very people the Government claims to help are being hit by this duty. I urge the Government to reassess the position and introduce an amending Bill to provide relief through an increased rebate.

The Hon. Mr. Burdett referred to the dumping of raw sewage and industrial waste from Mount Gambier into the sea, and I share his concern in that matter. Sewage from Mount Gambier is pumped to a high point, and then it flows by gravitation to the sea and is discharged a short distance from shore. It is intended to duplicate or replace this pipeline, which, as it is currently too small to cope with the load and is deteriorating, could, if it burst, allow sewage to run back towards Mount Gambier. As Mount Gambier is located in a soil and limestone area where the high water table is used for domestic water consumption, a dangerous health situation could be created.

The sewage entering the sea is not treated in any way, and the prevailing winds, blowing from the north-west and the south-west, often cause effluent to be blown back towards the shore. With the construction of the new pipeline it is intended to extend the point of discharge farther out to sea, but this does not answer the questions raised by the Hon. Mr. Burdett. This beach is dangerous for those entering the water, and anyone catching fish in a large area near the outfall will find their fish contaminated.

I now refer to the comments made by the Hon. Mr. DeGaris about the Prices and Consumer Affairs Branch, whose function, I believe, should be reconsidered. However conscientious branch officers may be, I believe it is completely wrong that any reason they have for rejecting a price increase application is not conveyed to those concerned. Some people can find themselves at a disadvantage

and cannot carry on their businesses and compete in the labour market, involving over-award payments and other payments being demanded of them. If a price rise is refused without the reason being stated, only one course may be open to a person: that is, reduce the size of his work force, and this certainly is not acting in the best interests of all concerned.

I question the value of the Prices and Consumer Affairs Branch, because prices in South Australia are starting to lead those in other States. I believe our bread is the dearest in Australia and, in comparing prices of other commodities, I know of no area where the branch is actually restraining price increases. However, I believe the branch has influence as regards the threat of an investigation into the activities of certain operators.

Prices are escalating and consumer goods in department stores are marked up regularly to keep pace with the increased cost of new stock. We see wage earners anticipating future rises in prices by making wage demands, and I believe we see retailers anticipating wage rises before they occur. This is a dangerous state of affairs, and I ask that the Government do something about providing information for people who apply to the Prices and Consumer Affairs Branch for these increases.

I want to refer to something else that the Hon. Mr. DeGaris said about the closing of the last Parliamentary session. I agree with him that undue pressure was put on this Council to complete the legislative programme. I also agree with him that that should not be repeated. In no way do I blame the Ministers in this Council, because they make every effort to ensure that honourable members of this Council have a copy of the Bill and the second reading explanation as soon as they are available. The problem occurs in another place, where the Government has a majority. If it cannot conduct its affairs with reasonable speed there, I think we should sit for another week to give this Council more time to consider legislation.

As regards his remarks about Bills not being before the Council, I made sure, with the co-operation of the Ministers in this Council, that all honourable members had copies of the Bill before the second reading explanation was given; but at the rate that Bills came into this Council, they could easily have become mixed up with other papers on honourable members' desks. The fact that a copy was not available for you, Mr. President, on one occasion was an oversight, because the Bills had been distributed in this Council. I am prepared to give the Government every co-operation in dealing with legislation in this Chamber, but I will not support the passing of any measure about which there is any doubt if it is brought into this Council in the last few days of the session. For instance, I am concerned that we passed the Red Cliff Land Vesting Bill on the last sitting night, with very little information available to us.

The Hon. R. C. DeGaris: That was in December.

The Hon. G. J. G1LF1LLAN: Yes, the night before we rose. It was investigated by some members of the House of Assembly. I took the responsibility of speaking to it here, as it appeared to be straightforward. There was no map on the notice board, and I believe that information that should have been forthcoming was withheld. Again, I do not blame the Ministry in this Council but I do blame the Minister, whoever he was, responsible for the drafting of that Bill, because certain facts were not brought before Parliament, and members of Parliament and others who inspected the site were led to believe it was waste land, practically useless for grazing purposes, and the whole area was not shown to them. Particularly it was not brought to light that there was a freehold block of land in it that was being, and was intended to be, developed as a tourist proposition.

The person concerned, Mr. A. W. Reilly, had every reason to feel that he had been cheated in having no indication that his land was to be acquired. It was known to several Ministers who had been on his block and seen what he had done, yet none of this information was put before Parliament, and, in the short time available to honourable members, we could not obtain that information. Mr. Reilly is entitled to substantial compensation, because his was intended to be a long-term project, in association with his son, on his retirement from his present position. I know he can appeal against any compensation that has been offered, but he intended to develop this area and he would have much preferred to have the land instead of the compensation. I share with other honourable members their concern about this area.

The Hon. Mr. DeGaris must be commended for bringing the matter of Redcliff before us in so much detail. I am becoming even more concerned about the whole proposition. I know it was hailed with delight in the area because it could have meant an answer to the unemployment problem in places such as Port Pirie. It sounded a grandiose scheme, a multi-million dollar scheme, but too little work has been done not only regarding the pollution of the area but also on its effect on the population and the quality of life there.

The area (I have a map of it here) is about 2 830 hectares and from the map it appears that almost half of the usable part of it will be taken up by the oxidation lagoon. Mr. Reilly had done some development there, certainly by way of surveying and building a road, and that of course will be taken into the complex. This lagoon is immediately adjacent to the mangrove swamp and the small inlets that flow into that area. I agree with the Hon. Mr. DeGaris that a very real risk is involved of these chemicals seeping through into the gulf. Petro-chemical plants have proved to be a hazard throughout the world. Intense pollution has occurred in many areas, with complete loss of flora, and also it has had a serious effect on human health, in some instances, the responsibility for which the companies concerned have admitted. There appears to be no doubt about that. One of the most dangerous of these chemicals is the one mentioned by the Hon. Mr. DeGaris—ethylene dichloride. It is claimed that, with modern knowledge, a petro-chemical works can be designed that is reasonably safe, but of course no such plant or system can be developed that is free from accidents. It can be safe in certain circumstances. For instance, ethylene dichloride, which is so poisonous, will be shipped away from Australia. It takes only one ship to run aground or collide with another ship or some object to risk the complete destruction of the whole of the gulf. There appears to be no doubt about that. This very toxic material could get into our gulf waters, which do not receive a large flushing from the ocean. The action could destroy the gulf, as we now know it.

The Hon. R. C. DeGaris: It would not take even a boat load, would it?

The Hon. G. J. GILFILLAN: I understand it would not. It would need only some unforeseen accident, because this is meant to be a plant to export the product to other countries. This matter has been canvassed thoroughly by the Hon. Mr. DeGaris and the Hon. Mr. Geddes and I think enough has been said on it, because our knowledge is not as great as we should like it to be. We have not

been given the information, and I hope it will be forthcoming. Let us look again at the so-called benefits that this massive plant is supposed to bring to the area. Initially it will take a fairly large work force to construct it, and constructing it will take some time.

There is an opinion in some circles that, with advances in technology, some of the plant's products may not be needed in the future for the manufacture of plastics, because some other substances will take their place. If that opinion proves to be correct, perhaps the petro-chemical plant will not have such a great future. If we accept that it has a great future, we will have an influx of people to build it and, once it is built, a smaller number of people will be required to operate the plant. It may be necessary to bring people with special skills from overseas, because only such people will have had the necessary experience.

We could find that we will have a number of displaced people. How will it affect the area when we try to place the displaced people in employment? It must be remembered that employment opportunities are limited in such an area. So, in addition to pollution, we must consider the welfare of the employees and of the people in the three adjacent cities, and we must also consider the danger from gases emanating from the plant only a few kilometres away. Beyond the top of the Flinders Range is some of the most productive country in the State. As the Hon. Mr. DeGaris has said, the damaging effects of the fumes will spread over a wide area.

I believe that Parliament needs much more information about the project. A committee of inquiry should be set up comprising experts in the many spheres that may be affected, including not only the petro-chemical plant but also marine life and ecology. Parliament should be fully informed, because Spencer Gulf supports a large part of our fishing industry. I believe that a nursery for the fishing industry is in the northern part of the gulf. When we are considering the petro-chemical plant and its by-products, we must bear in mind the lasting damage that could be done to the area, and we must remember that future generations are involved.

The Hon. Mr. Dawkins referred to the Royal Commission into Local Government Areas, which has worked conscientiously. Many councils will object to some of the Royal Commission's recommendations, but some of the larger councils will be pleased that their areas are to be enlarged.

The Hon. R. C. DeGaris: Some of the larger ones are not happy, either.

The Hon. G. J. GILFILLAN: That is so. I am alarmed at the dwindling financial grants to councils. This is not State Government money that is handed over to councils as a gift: actually, the provisions relating to the Highways Fund are being carried out. The Highways Department has to administer that fund and see that councils use it properly for roadworks.

We have moved further and further away from this concept until we now have the Highways Department becoming the major constructing authority, and we now have councils receiving less and less from the Highways Fund. I stress that the moneys in the Highways Fund are not Government funds in the true sense: they belong equally to local government, because the revenue is collected mainly from the motoring community. More debit order work would assist councils very much. Rates are increasing rapidly and there is a limit to people's ability to pay higher rates. Councils should receive their due share of other revenue, to which the motoring community contributes.

Finally, I wish to refer to one other subject contained in the Governor's Speech. I believe that taking certain matters out of the hands of the civil courts and passing them to the Industrial Court would be a very bad move. Some organizations still seem to have respect for the civil courts but they have very little respect for the Industrial Court. Leaving certain matters in the hands of the civil courts may contain strike action.

The Hon. R. C. DeGaris: One could not take a tort action to the Industrial Court, anyway.

The Hon. G. I. GILFILLAN; I agree. We are now seeing senseless strikes, and I refer particularly to demarcation disputes, which result from a power struggle between union officials. Disputes such as the current demarcation dispute at the B.H.P. steel wharf at Port Adelaide create serious disruption in the community. The shortage of steel in South Australia is very serious and could affect the employment of many people. Further, it could drive industry and orders to other States. Somewhere along the line a solution will have to be found. I know that it is not easy for the Government, which has to some extent been a pacesetter in spending as regards over-award payments, service pay and workmen's compensation. I do not want to cause any hardship to a person who is insured and is entitled to compensation, but the present legislation has gone too far and has caused a very big increase in costs to industry. Nowadays we see applications for increases in wages of, say, $25. Some people may not think that $25 is enough. Obviously, sometimes the people who receive it do not. However, to that must be added many other costs, especially pay-roll tax and workmen's compensation. Regarding the latter, the extra premium would be about $2.50 a week if $25 a week was involved. All this adds up to additional costs which, in turn, have an effect on runaway inflation.

I hope that the right of tort does not have to be used in future. However, I would not like to see it removed from the Statute Book, because it is one of the few recourses left to people who have no other way of receiving justice. The public has suffered unnecessarily in some foolish demarcation issues. If I remember correctly, a dispute between two unions, regarding the union to which a certain crane driver belonged, occurred on a building site in Adelaide. After a loss of time, with the crane driver obtaining another position until the strike was over, it was finally decided that he had a dual membership. This is what I was told. I realize the difficulties with which a Government, particularly a Labor Government, is confronted. The trade unions have a major voice regarding the preselection of members of Parliament and it is, therefore, a difficult situation. However, I am sure that the Government would have the support of Opposition members in any reasonable attempt that it made to get the State moving again. I support the motion.

The Hon. V. G. SPRINGETT secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

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

The Hon. D. H. L. BANFIELD (Acting Chief Secretary): I move:

That this Bill he now read a second time.

It is introduced as a matter of urgency to cover points arising in a recent judgment of the Full Court. In the case before the court (*Willing v. Watson*) questions were raised as to the legality of the procedure normally adopted

by councils in relation to the expiation of offences. The court held that section 64 of the Police Offences Act requires that a report be laid before the council before action can be taken requiring or inviting the payment of an expiation fee.

Of course, the common practice, which has been adopted for many years, is for a council officer to leave a notice on a motor vehicle, alleged to have been involved in the commission of an offence, requiring or inviting payment of the relevant expiation fee. This procedure is administratively much simpler than the procedure that section 64 of the Police Offences Act requires. The purpose of the Bill, therefore, is to provide statutory authorization for the kind of procedure that has been adopted in the past, and to protect the council against claims that could arise by virtue of the irregular procedures.

The provisions of the Bill are as follows: clause 1 is formal. Clause 2 amends section 64 of the Police Offences Act. The amendment to subsection (2) is purely consequential. The existing subsection (4) is removed and new subsections are enacted. These new subsections provide that an authorized officer of the council may give notices inviting payment of the appropriate expiation fee where he believes or suspects that an offence to which the section applies has been committed. New subsection (4a) specifically authorizes the giving of reminder notices. New subsection (4b) deals with the manner in which the notice is to be given. In particular, provision is made for giving the notice by affixing it to a vehicle involved in the commission of the alleged offence.

New subsection (4c) deals with the time within which the expiation fee is to be paid, and it corresponds to an existing provision in the repealed subsection (4). The wording is, however, modified to enable a council to require payment "within a period" specified in the notice. It is normal practice for the expiation notice to require payment of the fee within a specified period after the date of the notice. The amendments to subsection (5) are purely consequential. New subsection (8) protects the council against actions that may arise from the irregular procedures, and new subsection (9) merely inserts a definition required for the purposes of the new provision.

The Hon. C. M. HILL secured the adjournment of the debate.

ROAD TRAFFIC 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 is introduced in view of the decision of the Full Court in the case of *Willing v. Watson.* Section 44 of the Road Traffic Act provides that a person shall not drive, use or interfere with a motor vehicle without the consent of the owner. This provision was not involved in the case to which I have referred. However, the Government considers it desirable to amend the provision in view of the fact that it is possibly arguable (hat a council inspector, in affixing notices to vehicles, is interfering with the vehicle without the consent of the owner.

The purpose of the Bill is, therefore, to make it clear that a person acting in pursuance of statutory power or duty is not caught by the provisions of section 44 of the Road Traffic Act. The provisions of the Bill are as follows: clause 1 is formal. Clause 2 provides that the provisions of section 44 prohibiting a person from driving, using or interfering with a motor vehicle do not apply to any person acting in the execution of any statutory power or duty.

The Hon. C. M. HILL secured the adjournment of the debate.

ADJOURNMENT

At 5.7 p.m. the Council adjourned until Thursday, August 1, at 2.15 p.m.