LEGISLATIVE COUNCIL

Wednesday, September 18, 1974

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

PETITION: LOCAL GOVERNMENT

The Hon. C. M. HILL presented a petition from 292 residents of the District Council of East Torrens, expressing dissatisfaction with the first report of the Royal Commission into Local Government Areas and praying that the Legislative Council would not pass legislation to give effect to the recommendations of the report in relation to the District Council of East Torrens.

Petition received and read.

QUESTIONS

LOCAL GOVERNMENT

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to asking a question of the Minister of Health, representing the Minister of Local Government.

Leave granted.

The Hon. R. C. DeGARIS: As a result of many economic factors, local government authorities are finding it increasingly difficult to finance the essential services for which they are responsible. To illustrate some of the factors causing these difficulties, I point out that in the financial year 1973-74 the cost of living index rose in South Australia from an index figure of 131.6 to 151.7; wages for local government employees rose by over 30 per cent; and the impact of long service leave provisions, superannuation and workmen's compensation, too, has had a severe effect upon local government authorities. Because of these factors and the fact that many councils are at present rating close to the maximum permitted under the Local Government Act, local government will be unable to fulfil its function satisfactorily. Will the Minister of Health ask the Minister of Local Government whether the Government has any plans to assist local government authorities with some form of disability grant to enable them to overcome the severe financial difficulties that they face this financial year, many of which difficulties are directly caused by Government policies?

The Hon. D. H. L. BAN FIELD: I will refer the honourable member's question to my colleague.

NORTHFIELD HOSPITAL

The Hon. C. M. HILL: Is the Minister of Health aware of criticism in yesterday morning's *Advertiser* from Mr. R. F. Morley, General Secretary of the Australian Government Workers Association, concerning the situation at Northfield? Is he aware that the newspaper report in question included the following statements:

The future of the Northfield wards of the Royal Adelaide Hospital was bleak, a meeting of hospital workers was told yesterday.

Is the Minister aware that the General Secretary of the association was reported to have said:

Northfield hasn't received a cent of the $22 000 000 allocated to hospital projects in the last State Budget.

Has the Minister any statement to make on this matter, and can he say what are his plans to improve the situation at Northfield?

The Hon. D. H. L. BANFIELD: I am well aware of the report in yesterday's newspaper concerning Northfield. I point out that representations have recently been made to the Australian Government with a view to obtaining grants for hospitals in South Australia. I listened to the Budget speech last evening in which the Australian Government Treasurer indicated that that Government had accepted the report on hospitals throughout Australia and was making an additional grant of $28 000 000 to get the programme under way. I assume (I do not know yet) that our share must be at least $2 800 000 this year. I have not had a report on this from Canberra but, if as appears from what the Treasurer said last evening we receive the $2 800 000, I am confident that we shall be able to make a start on Northfield. The Public Works Committee has already approved the plans submitted, and as soon as we have some money in hand we can go right ahead.

MONARTO

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

Leave granted.

The Hon. J. C. BURDETT: Yesterday I asked the Minister whether, in the 1974-75 season, the Monarto Development Commission intended to grow wheat on land it had acquired, and I was told that the commission itself did not intend to grow wheat on that land during this season. Will the Minister now say whether, during the 1975-76 season, the commission, either itself or through contractors, intends to grow wheat on the land it has acquired?

The Hon. T. M. CASEY: I will have to obtain a. statement on this from the commission to see what is the exact situation. I should not think that the commission itself would be growing wheat; nevertheless, it could lease out the land in question to farmers in the area to grow wheat. In any case, I will check on the situation, see what is the present position and bring down a report.

WHEAT BOARD BORROWINGS

The Hon. A. M. WHYTE: I seek leave to make a short statement before directing a question to the Minister of Agriculture.

Leave granted.

The Hon. A. M. WHYTE: A recent announcement by Senator Wriedt, the Commonwealth Minister for Agriculture, decreed that the Commonwealth Government had agreed that the Australian Wheat Board could make borrowings outside the Reserve Bank for the payments to growers for wheat. As there seems to be some confusion about the exact terms of these borrowings and whether they apply to the current wheat pool, can the Minister tell me whether the borrowing will apply to money that is already owing; is it intended only for future pools, and at this stage has there been any negotiation by the Wheat Board to make such borrowings, and, if so, at what rate of interest?

The Hon. T. M. CASEY: I have not been informed either by the Wheat Board or by Senator Wriedt on the matters raised by the honourable member, but I will endeavour to find out for him from Senator Wriedt what the exact position is. I know that the Wheat Board did make representations to the Commonwealth some time ago for moneys to be provided so that the growers could be paid an interim payment pending the sales of wheat overseas, which I understand have been held up for some time, and that the offer was refused. Perhaps the Wheat Board was told on that occasion that it could not get money from the Reserve Bank and was at liberty to go outside the Reserve Bank to borrow money. Nevertheless, I will try to get the information from Canberra for the honourable member and bring down a reply when it is available.

STURT HIGHWAY

The Hon. M. B. DAWKINS: I seek leave to make a short statement prior to asking a question of the Minister representing the Minister of Transport.

Leave granted.

The Hon. M. B. DAWKINS: Is consideration being given to improving the alignment of that part of the Sturt Highway that passes through the Barossa Valley from Gawler to Nurioopta via Lyndoch and Tanunda, on which there are many sharp corners? Further, has consideration been given to the suggestion previously made of renaming that portion of the Sturt Highway the Barossa Valley Highway, and incorporating in the Sturt Highway the more direct route from Gawler to Nuriootpa via Greennock and Daveyston?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague and bring down a reply when it is available.

KANGAROO APPLE

The Hon. B. A. CHATTERTON: It was with considerable interest that I read a report that the kangaroo apple was being grown in Europe for the production of steroid drugs. Can the Minister of Agriculture say whether his department is investigating the growth of this native plant in South Australia as a cash crop for producing steroid drugs which are, I believe, mostly imported?

The Hon. T. M. CASEY: I know of no scheme undertaken by the department to grow this kangaroo apple. Nevertheless, I will get information about it and bring down a reply for the honourable member.

WHEAT SALES

The Hon. R. A. GEDDES: With the general downturn of primary industries as regards wool and meat, there is also a fear about the future of wheat sales. Will the Minister of Agriculture obtain a report from his advisers on the expected demand for wheat and other cereals sold on the export market and on the financial strength of the market prices that can be expected for the 1974-75 season?

The Hon. T. M. CASEY: Yes.

PARKING

The Hon. C. M. HILL: I recently asked the Minister of Health, representing the Minister of Local Government, a question regarding the size of car parking areas adjacent to supermarkets and shopping centres. I asked whether these spaces were large enough to provide for proper and adequate parking. Has he a reply?

The Hon. D. H. L. BANFIELD: The Minister of Local Government reports that the parking of motor vehicles in car parks at supermarkets and shopping centres is controlled by the Private Parking Areas Act, under which the marking of spaces can be undertaken by the owner. However, there are Australian standards, which vary according to the layout used. All councils have been informed of these standards and, when council approval is given for a parking area, it would be subject to the standard size of parking bays being used. Most private parking areas meet the standards. Part of the problem of damage arises because motorists ignore the pavement markings in private parking areas and approach a parking bay from the wrong direction.

CAR-RAIL SERVICE

The Hon. C. M. HILL: Has the Minister of Health received from the Minister of Transport a reply to my recent question regarding the possibility of a motor-rail system being implemented between Adelaide and Melbourne? I am particularly interested in the reply, as I noticed in Melbourne recently that a motor-rail service had been established between that city and Sydney.

The Hon. D. H. L. BANFIELD: The Minister of Transport reports that negotiations for a motor-rail service between Adelaide and Melbourne have reached an advanced stage, and the provision of suitable equipment is now being examined.

HOUSING TRUST RENTAL HOUSES

The Hon. C. M. HILL: Has the Chief Secretary received from the Minister in charge of housing a reply to the question I asked last week regarding Housing Trust rental houses?

The Hon. A. F. KNEEBONE: The honourable member should be aware that the Home Buyers' Association is a group of people concerned with interest rates being charged by financial institutions. It is making comments about the tenancy of Housing Trust houses purely as a side issue to its main thrust, which is an attempt to force the Government to legislate to prevent financial institutions from increasing their interest rates when the economic situation makes this a necessity. The honourable member has apparently misunderstood the method of tenancy used by the South Australian Housing Trust, which does not use leases as are found in the private sector. As Housing Trust tenants rent on a weekly basis, there is no case of leases coming up for renewal. The rent charged is calculated on the economic return from the time the tenancy is granted. This means that when any vacancy occurs a recalculation is made and the new tenant pays the rent that is applicable at that time.

The honourable member will also be aware that under the Commonwealth-State Housing Agreement, 1973, rents must be adjusted on an annual basis, and the first of such exercises was carried out earlier this year. The honourable member should also be aware that, under the 1973 Commonwealth-State Housing Agreement, a means test is applied to all tenants housed in Housing Trust accommodation. There is some flexibility in this, as the Government does not believe it is in the interests of a balanced community development entirely to eliminate higher income people from Housing Trust dwellings. To do so would tend to create ghettos of low income people with consequent sociological undesirable consequences.

K1NGSCOTE PLANNING REGULATIONS

Adjourned debate on motion of the Hon. R. C. DeGaris:

That the regulations made on March 14, 1974, under the Planning and Development Act, 1966-1973, in respect of interim development control, District Council of Kingscote, laid on the table of this Council on March 19, 1974, be disallowed.

(Continued from August 28. Page 717.)

The Hon. T. M. CASEY (Minister of Agriculture): I have listened attentively over the past few weeks to what honourable members have said about the proposed disallowance of these regulations. I can understand the concern of honourable members that nothing should defeat the whole purpose of planning for Kangaroo Island, because it is essential that some sort of planning should take place. I hope the pertinent points I shall make will satisfy those honourable members who have contributed to the debate.

The State Planning Authority at its meeting held on August 13, 1974, resolved to take no further action with

the draft planning regulations entitled "Environment Protection Planning Regulations", which were first exhibited publicly in 1972. The regulations were to apply only to the rural parts of the island. A considerable number of objections were received, mainly related to the proposed controls of development and the clearing of trees and bush land. Three members of the authority visited the island in 1973 and heard the objectors. The authority took its decision not to proceed further after receiving the report from its three members.

Control of development over the whole island was introduced on an interim basis in March, 1974. It is the regulation introducing interim development control under section 41 of the Planning and Development Act that is now being debated. The authority considered it essential that some control be introduced immediately in order to safeguard the character of the island pending further consideration being given to the type of permanent control that could be established in new, redrafted planning regulations.

The interim control is due to expire in June, 1976, and new planning regulations to replace the interim control must be introduced before that date. The Chairman of the State Planning Authority, Mr. Hart, has already had discussions with the two councils and taken steps to ensure that the new planning regulations will be drafted in conjunction with the councils. I believe that honourable members were concerned because they thought that councils were not being consulted, but I can assure honourable members that councils are being consulted. Before regulations are drawn up, the councils will be able to peruse them. At this stage, the authority considers that the regulations should apply both to the towns and to the rural parts of the island. The authority also envisages that the regulations would provide a framework within which the two councils could operate and only matters of major significance would be referred to the authority for decision.

In the meantime, the authority is administering the interim control provisions of section 41 of the Planning and Development Act. This section does not permit the authority to retain only matters of major significance: it must either retain the whole of the control or delegate all the control to the councils. The authority considers that it should retain control for this interim period ending on or before June, 1976, because of the unique character of the island and the known intentions of major developers.

The Government proposes to introduce legislation during the present session to enable variable forms of delegation to operate under section 41. If this amending legislation comes into operation, the authority could retain control of major matters and delegate all others to the councils. This would facilitate the introduction of the subsequent planning regulations and would be welcomed by the authority.

The Leader of the Opposition has said, "It would be foolish to disallow these regulations, because if they were disallowed there would be no control of any form on Kangaroo Island." That is true. The whole concept of section 41 is to enable controls to be established quickly and effectively for a short period while the consultations and public objection procedures involved in making planning regulations take place. I hope that my explanation has enabled honourable members to see that this matter is receiving urgent attention. Steps have already been taken, and I therefore ask honourable members, in view of what J have said, not to insist that the regulations be disallowed.

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Minister for the information he has given the Council on this matter. The Minister was right when he quoted from *Hansard* my speech in moving this motion. I repeat what I then stated, as follows:

It would be foolish to disallow these regulations, because if they were disallowed there would be no control of any form on Kangaroo Island. However, under section 41, the Government has the power to delegate its authority to the councils of Kingscote and Dudley.

The problem appears to be the Government's interpretation of section 41. It believes that the powers under that section can be delegated only as a whole, or not at all. No doubt that is the legal opinion given to the Government. However, my opinion (for what it is worth) is that that is not the correct interpretation, but I am merely a layman arguing against people who properly know the law.

I accept the point made by the Minister that the Government will introduce during this year legislation to amend section 41 of the Planning and Development Act to allow the delegation of part of the power, provided under that section, to the councils concerned. That is exactly what the people of Kangaroo Island seek, and that is the exact position I wanted to obtain by moving my motion. After reading a letter from Mr. G. H. Ayliffe, which I considered summed up the position better than anything I could have said myself, I stated, when moving my motion at page 300 of *Hansard:*

I could not have given a better summary of the position than that which is contained in that letter, which every honourable member of this Council and, indeed, of the Parliament has received. The interesting point is that in the original draft regulations the control of Kangaroo Island went so far as to be utterly ridiculous and, rightly so, the people rebelled against it. Now, the regulations have been dropped and the Government is assuming interim control over the whole island. This is necessary because of the repeal of the Building Act, which repeal left the towns of Kangaroo Island without any satisfactory building control. I consider that I must do all in my power to see that the clear expression of opinion given by Mr. Ayliffe on behalf of Kangaroo Island's citizens is given effect to.

The people of Kangaroo Island are not arguing about the need for control: they argue that on many matters they are best fitted to administer control over many parts of the island. They are not interested in controlling large developers with new developments, and they believe that, in relation to planning as far as the rural sector is concerned, and planning as far as buildings in the towns are concerned, they are perfectly capable of carrying out that function.

I hope that, when the Act is amended, co-operation will remain between the people of Kangaroo Island and the State Planning Authority so that a reasonable resolution of the implementing of control measures on Kangaroo Island is obtained. In case I have overlooked anything, and as I should like to read the Minister's reply, I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SUPERANNUATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 938.)

The Hon. A. F. KNEEBONE (Chief Secretary): I think every honourable member who spoke in the debate on this Bill raised one or two points, although most members supported the Bill. The questions asked were mainly those raised by the Leader, and I have a reply for him which, I think, will cover also matters raised by the Hon. Mr. Potter. Members of the Superannuation Board are remunerated by an annual payment, and although no annual payment has been yet provided for members of the trust it is likely that their remuneration will be on the same basis. If it was necessary to appoint a deputy for,

say, one or two meetings, the deputy would be paid a sitting fee for those meetings, and the annual remuneration of the member would not be affected. However, where it is apparent that a member will be absent for some period, the payment will not be made to the member for that period and the deputy will receive the amount that would otherwise be paid to the member. The short answer is, then, that in general "double payments" are avoided.

With great respect, I cannot agree with the Hon. Mr. DeGaris's analysis of sections 49 and 50 of the principal Act. Section 50 is in the nature of a transitional provision and was inserted to cover the situation of people who, immediately prior to the commencement of the new Act, had made arrangements to enter the Superannuation Fund, having generally been contributors to other funds. Section 50 provided that they would enter under the present Act on much the same financial terms as those on which they would have been able to enter the Superannuation Fund under the repeal Act. In the nature of things, such a provision will be shortly exhausted. It would, therefore, be quite impossible (to use the Hon. Mr. DeGaris's words) to "lie section 49 of the principal Act to section 50", since there is really no relation between the two sections.

Again, I indicate to the Hon. Mr. DeGaris that by "the attribution of contribution months" there is no means of ensuring that a person gets more than the maximum pension. After all, contribution months are in one sense a euphemism for a member's period of service and, under the present Act, a man with 40 years service gets exactly the same pension as a man with 30 years service. Any contribution months in excess of 360 (representing 30 years service) simply do not enter into the calculation of a pension.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Remuneration of President, members and deputies."

The Hon. R. C. DeGARIS (Leader of the Opposition): I thank the Chief Secretary for the information on this clause. I am quite satisfied now with the clause as it is. It is not intended to duplicate the payments, and that is what one would have expected.

Clause passed.

Clauses 8 and 9 passed.

Clause 10—"Attributed contribution months."

The Hon. R. C. DeGARIS: Once again, I thank the Chief Secretary for the information he has given on this clause. The Superannuation Act, 1974, is a most complex Statute. I have sweated over this for several days trying to understand it, and I do not think I fully understand it now; nor do I think other honourable members in this Chamber understand it fully. I suggest that one of the complications with the principal Act relates to the fact that it is a transitional measure, which contributes to its complexity. If one looks at the definitions clause, one sees such a wealth of definition and such a wealth of different categories of contributor, contribution percentage, contribution months, new contributor, contribution units, and so on, that reading the principal Act is quite a difficult process.

I suggest that the Chief Secretary should take up this matter with the Government. Probably in two or three years, when the transitional period is over, the whole of the principal Act should be redrafted so that it is easier to read and less complicated. This clause amends section 49, and section 49 states:

The Minister may, upon the recommendation of the employing authority of a contributor, by notice in writing to that contributor attribute one or more contribution months to that contributor.

Section 50 states:

(1) Where pursuant to section 45 of this Act a prescribed new contributor purchases one or more contribution months there shall be deemed to be attributed to that contributor pursuant to section 49 of this Act . . .

This becomes extremely complicated. Even when replying to the debate, the Chief Secretary said that section 49 and section 50 were in no way connected, yet one reads in section 50 the words "pursuant to section 49". I am pointing out the difficulty in trying to understand the concept of the Superannuation Act, 1974. I am still not quite happy about section 49, because I am still not satisfied that it limits the maximum. It is claimed that under section 49 the number of contribution months could not be greater than the number under section 69. I agree that section 50 is in no way related to section 49, yet section 49 is mentioned in section 50, which makes it even more complicated. I do not think section 49 is restricted by section 69. I am still not clear whether section 49 is tied to section 69 or to any other section, but I have been assured by the experts that there is a maximum in section 49. L am prepared to accept that for the time being, although I am not completely satisfied with the Minister's explanation. The Superannuation Act is so complicated that I urge the Government as soon as possible, when the transitional period is over, to re-examine the whole Act with a view to framing an Act not so complicated.

The Hon. A. F. KNEEBONE (Chief Secretary): I thank the Leader for his comments and for the fact that he now accepts the position although not quite satisfied with the explanation he has been given. I agree with him that the formula is complicated; it takes an expert to understand it, and I do not profess to be an expert. I note what the Leader has said about reconsidering the legislation when the transitional period is over: we will look at it and see whether we cannot simplify it. I will refer this matter to the people concerned and see what can be done. I shall not be here when that time comes, but someone else will deal with the matter.

Clause passed.

Remaining clauses (11 to 15) and title passed.

Bill reported without amendment. Committee's report adopted.

ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 939.)

The Hon. A. F. KNEEBONE (Chief Secretary): All honourable members who spoke in the debate supported the proposals in the Bill except in one or two instances where some honourable members had second thoughts and questions were asked. First, the Hon. Mr. Burdett wanted to know whether, when the Act came into operation, it would be retrospective. Because he said he wanted some clarification of the matter, I now propose to introduce amendments that will remove any doubt in that respect. The Hon. Mr. Geddes asked whether the point he raised could be covered by an amendment. It is not necessary to cover the point he made, that any person entering into an agreement should be told by the people proposing the agreement that he had the right to go either to arbitration or to the courts. I do not know whether we can go to that extent (I do not propose to, anyway). I think a person entering into an agreement should be aware of his rights without the need for a provision in the Bill that he should

be informed of his rights in this regard. If the Hon. Mr. Geddes wants to move an amendment of that nature, that is his right; but I see no need for it. I think that just about covers the area of doubt.

The Hon. R. C. DeGaris: What about the points I raised in the debate?

The Hon. A. F. KNEEBONE: I regret to say I have here no references to the Leader's queries but, if he raises them in the Committee stage and I cannot answer them, I shall be prepared to report progress to get the answers. The fact that we are amending the Act in this way does not prevent people going to arbitration if they so wish, but they will not be prevented from going to court if they want to. They are now forced to go to arbitration before they go to court.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Certain agreements to be void."

The Hon. Sir ARTHUR RYMILL: When practising as a solicitor, I had a little to do with the Arbitration Act, especially in relation to agreements where the values of properties had to be fixed by arbitration. An agreement sale at a price which is not fixed is not enforceable, so there must be some way of ascertaining the price, and this is normally done by providing that the valuation shall be referred to arbitration under the Act. This is about the only way in which an agreement can be made enforceable.

The Minister has tabled an amendment, which he has not yet moved, and I am grateful to the Hon. Mr. Burdett for pointing out that that amendment may be aimed at this precise point I am making. Although I may be premature in referring to this matter, this is an important function under the Arbitration Act, and I should like an assurance from the Minister that one's right to obtain valuations by arbitration is to be preserved.

The Hon. A. F. KNEEBONE (Chief Secretary): I am afraid that, without obtaining advice, I cannot give the honourable member a reply that will clarify the situation. It may therefore be suitable if I ask that progress be reported to enable me to obtain the relevant information.

The Hon. Sir ARTHUR RYMILL: I imagine that there is no urgency about this Bill. Perhaps in those circumstances it would be a good idea that progress be reported, as this is a tremendously important function under the Act. Although this seems to be a simple question, it may not be a simple one to which to reply. However, I should like a reply to it.

The Hon. R. C. DeGARIS: I have an amendment that comes before the Chief Secretary's amendments. Perhaps it would be suitable for me to move my amendment now so that honourable members can be acquainted with the whole situation.

The Hon. A. F. KNEEBONE: That would be the most sensible course.

The Hon. R. C. DeGARIS: I move:

To strike out subclause (2) and insert the following new subclauses:

(2) An agreement—

(*a*) to submit to arbitration a claim, difference or dispute arising out of an agreement for the performance of major building work; or

(*b*) to submit to arbitration a claim, difference or dispute where the circumstances on which the claim is based have occurred, or the difference or dispute has arisen, before the agreement is made,

shall not be rendered void by the provisions of subsection (1) of this section.

(3) In this section—

"building work" has the meaning assigned to that expression by the Building Act, 1970-1971:

"domestic building work" means building work in relation to a dwelling house or proposed dwelling house or the curtilage of a dwelling house or proposed dwelling house but does not include any such building work where the consideration for which it is to be performed exceeds in amount or value fifty thousand dollars:

"major building work" means any building work except domestic building work.

In the second reading debate I said I had no objection to removing the right to arbitration clauses in contracts concerning insurance matters. This has already been done in Victoria, and it will be done in other States. Indeed, New South Wales will soon do this. However, neither Victoria nor any other State, to my knowledge, is moving into the building field in relation to arbitration clauses. I should like some information from the Chief Secretary regarding the determination of the Attorneys-General, who have discussed this matter from the point of view of achieving uniformity in relation to building contracts throughout Australia. Many builders today operate on a national basis, and it would be desirable to have some degree of uniformity between the States on this matter.

Having considered this matter carefully, I have moved my amendment, which provides that, if a building contract relates other than to a house, or if a contract involves more than. $50 000, the law will allow an arbitration clause in the contract. This is the most sensible way of approaching the matter at this stage, first, because of uniformity and, secondly, because when contracts involve more than $50 000, arbitration, particularly on technical matters, is the most satisfactory way of overcoming any dispute that arises.

In contracts of this type one side at least generally employs an architect. Also, on large multi-storey contracts, there is a financial urgency to solve a dispute and get on with the job as soon as possible. Although I support the views expressed by other honourable members, I consider that the approach I have made in my amendment is reasonable, and I hope the Government will accept it.

The Hon. A. F. KNEEBONE: I ask that progress be reported.

Progress reported; Committee to sit again.

EXPLOSIVES ACT AMENDMENT BILL

In Committee.

(Continued from September 17. Page 940.)

Clause 4 passed.

Clause 5—"Regulations."

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

In new paragraph XXIIIg, after "and" first occurring, to insert "making provision for or in relation to"; and in new paragraph XXIIIh, after "and", to insert "providing for".

These are merely grammatical corrections.

Amendments carried; clause as amended passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

MOTOR FUEL DISTRIBUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 938.)

The Hon. G. J. GILFILLAN (Northern): The principal Act sought to control the number of petrol retail outlets in this State by a form of licensing directed mainly toward the owner of premises. Since the passing

of the original legislation it has been found that some lessees are being disadvantaged; as the licence is in the hands of the owner of the premises, some lessees have been asked to make a greater contribution in return for the owner's renewing the lease.

It is unfortunate that this Bill has been submitted to Parliament without full consultation with all the people concerned. The Bill was in the other place for a short time, and the second reading explanation was given in this Council only yesterday. In the very brief period I have had to investigate it, people directly affected by the Bill have not been able to obtain a copy of it from the Government Printer. I arranged for them to obtain a copy only this morning, and they have not yet had an opportunity to give their views. Fortunately, the opportunity will be given to other honourable members to speak on this Bill and, because of the time involved, the people concerned will have the opportunity of examining the Bill.

In the interests of confidence in the Parliamentary system and in the Government, those organisations affected by legislation should be given the fullest opportunity to examine it in detail. This Bill brings two new categories into the principal Act. Originally, the legislation referred to the owner of premises, and this Bill refers to "prescribed lessee" and "prescribed interest". "Prescribed interest" is defined as follows:

> "prescribed interest" in relation to premises means an interest in those premises recorded by the board pursuant to section 17a of this Act as being a "prescribed interest":

New section 17a provides:

(1) Where a person satisfies the board in relation to any premises the subject of a licence or permit—

> *(a)* that he is the owner of any premises in respect of which a prescribed lessee is the holder of a licence or permit;
>
> *(b)* that he is the prescribed lessee in respect of any premises;
>
> or
>
> *(c)* that he has any interest in the premises arising under any lease, licence, agreement or arrangement entered into before the commencement of the Motor Fuel Distribution Act Amendment Act, 1974,

the board shall cause that interest to be recorded in the name of that person as a prescribed interest in the records of the board relating to those premises.

(2) The Secretary shall take such steps as are reasonably necessary to notify the holder of a prescribed interest in relation to premises of . . .

New section 17a then enumerates the provisions that deal with an owner's failure to renew a licence, applications to vary licences, and other applications required under the principal Act. I shall not go into them in detail, because to do so could be confusing. It is sufficient to say that the provision protects the interests of a person with a prescribed interest; if a person holding a licence for premises does not comply with the provisions of the legislation, the board will notify a person with a prescribed interest, and that person will be able to make personal representations. "Prescribed lessee" is defined as follows:

> "prescribed lessee", in relation to premises, means the lessee under a lease from the owner of those premises being a lease entered into before the commencement of the Motor Fuel Distribution Act Amendment Act, 1974, and includes the lessee under any renewal or extension of such a lease:.

It is clear that the provisions of the Bill will apply only to those leases that were in operation prior to its coming into force. The Government has accepted the proposition that anyone entering into agreements after the commencement of the legislation does so in the full knowledge of its provisions. The distribution of motor fuel is complex, involving many outlets. There are several methods of ownership and of leasing of service stations, one of which, I believe, has been the main reason for this Bill being introduced. There is a system by which one oil company in particular leases the premises and in turn has someone else conduct the business. This means, of course, that the original owner of the premises under the existing Act is the licence or permit holder, and he rents to the lessee, so we have the lessee and then the third person, the person with a prescribed interest.

Some oil companies (probably most) are the owners of the premises, which are in turn leased to operators. Generally. these operators are hard-working people, often working on only a small margin of profit, and they are therefore required to apply much effort to make a reasonable living in the economic conditions now applying in their industry. I understand that the term of leases applying in this industry is generally short, so that the future of these operators is not always clear, especially in regard to planning their future business operations and, to some extent, these operators are at the mercy of the owner of the premises.

Certainly, this Bill affords these people greater protection. It affords some protection, which is lacking in the Act, to all people with a prescribed interest, although it gives the administering board greater influence in the direct control and sale of motor fuel. I have in mind the lessee of a service station who, in the event of a strike at the petrol refinery or in petrol distribution areas, says, "I am not going to keep my premises open if I am not allowed to keep my staff and myself occupied." In that instance, the board would have greater influence over such a lessee, because of the more direct control that can be exercised.

The Bill is self-explanatory. Certain protections are written into it in respect of the prescribed lessee and the person with the prescribed interest concerning the renewal of licences and permits, the cancelling of licences and permits, and any other area where such a person's livelihood may be prejudiced by an unfair action by either the board or the principal owning the premises. As this Bill will be subject to further scrutiny, and as the opportunity to examine it further will be given to those who are interested but who have not already been consulted, I conclude my remarks by indicating that I support, in principle, the main objects of this Bill.

The Hon. J. C. BURDETT secured the adjournment of the debate.

NATURAL GAS PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from September 17. Page 946.)

The Hon. V. G. SPRINGETT (Southern): Many honourable members have already spoken on this Bill, and they have drawn attention to the threat implied as a result of the widened definition of petroleum. All honourable members who have spoken in this debate have drawn attention to the fact that the Bill gives the Government wellnigh a free licence in respect of all fuels, coal, oil, and gases, and other hydro-carbons. I subscribe to the views put by other honourable members on this point. However, I should now like to draw the attention of the Council to the question of the future of fossil fuels. Should we not be thinking almost entirely of a post-oil age? I believe such a time is just around the corner.

Coal, gas, and oil (all the fuels currently in use throughout the world) are the results of millions of years of sunshine and chemical changes that have taken place in the

world. Against this framework, man has existed for about 1 000 000 years and has drawn his source of power from the sun, a source that still exists. Fossil fuels have been used by man for fewer than 1 000 years. True, it was only about 1 000 years ago that man discovered that coal could burn. About 100 years ago (certainly, not much longer than that), he discovered that coal could be augmented as a source of energy by both oil and gas.

We often hear today that the world is experiencing a fuel and energy crisis. Surely we must agree that the world is facing such a crisis. Indeed, such a crisis has been foreseen by many people, but their predictions have not been heeded, except by a small minority. The world at large has been too busy taking everything for granted and seeking an easier life at the lowest possible cost. However, it is a sobering thought to recall that 75 per cent of all coal and 95 per cent of all petroleum ever produced by man through his mining, research and chemical knowledge have been produced in the period between 1900 and 1947.

The free world has made ever-increasing demands and accelerating demands on the world's fuel resources. However, the earth's deposits of fossil fuels are finite and are not renewable. The end result must be that they will ultimately be completely depleted. If the world is to avoid a dearth of energy supplies and energy sources, we must think, in wider terms of the types of power available, for example, geothermic (getting heat from the earth), and the sun's potential through the harnessing of its heat. Solar energy provides the major part of the earth's energy resources, and I believe that we must find a solution to the problem of using and storing solar energy.

The Hon. J. C. Burdett: What about the use of nuclear power? Is that a partial answer?

The Hon. V. G. SPRINGETT: Yes, it is a partial and important answer. We must learn to use nuclear energy forces for the good of man, and not to regard them with suspicion as a source of potential danger as a result of its war-time usage. The major difficulty is to make people realise that tomorrow is almost with us. Honourable members will be aware of the recent press report of the difficulties encountered by a professor from Flinders University who, in studying solar energy and its uses, was denied even the cost of secretarial assistance when he applied for a grant to carry on this work. In 1956, when I lived in England, I was interested to know that a certain gentleman in the village where I lived had drawn up plans for the supply of heat and energy from the sun for a complete farm unit. He got in touch with various people in the political Parties, but no-one was interested. In due course, that man gave up the unequal struggle against all the forces that seemed to be against him and migrated to another part of the world.

I do not know what he is doing now, but I still have copies of his work and it is almost identical with the sort of thing spoken of and written about today. It seems something of a hollow mockery, when one thinks of the world's needs for energy power, that we talk about making more pipelines, as if that is the answer to our problem. It is a short-term answer, not a long-term one. Perhaps all Parliaments would be better engaged in the near future in looking a longer distance ahead instead of at the oil age, which has almost finished.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

STATE BANK REPORT

The PRESIDENT laid on the table the annual report of the State Bank for the year ended June 30, 1974, together with profit and loss account and balance sheets.

ADJOURNMENT

At 3.37 p.m. the Council adjourned until Thursday, September 19, at 2.15 p.m.