LEGISLATIVE COUNCIL

Wednesday, March 26, 1975

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

PETITION: RUNDLE STREET MALL

The Hon. R. C. DeGARIS presented a petition from 97 ratepayers and traders in the special rate area as defined in the Rundle Street Mall Bill, which provides for a committee to be established to run the mall. In the opinion of the petitioners this committee should consist of six members, as follows: one appointed on the nomination of the Minister; one nominated by the council without restriction; and four trader and ratepayer representatives.

Petition received and read.

MINISTERIAL STATEMENT: NORTHERN ADELAIDE PLAINS WATER SUPPLY

The Hon. T. M. CASEY (Minister of Agriculture): I seek leave to make a statement.

Leave granted.

The Hon. T. M. CASEY: My statement concerns the water supplies in the Northern Adelaide Plains. The problems facing the people of this area are well known and have concerned all members for some years. It is therefore not necessary for me to go back over the history. The situation today is that the underground water of the area is being exploited to the extent of three times the annual intake of the basin, and water quotas have been introduced to limit the extraction of water to the present rate of usage. These water quotas have remained unchanged for the past two years. This underground basin is an important State asset which will be wiped out if the rate of withdrawal is not controlled. Indeed, there are already signs of increasing groundwater salinity on the fringes of the basin as a result of overpumping.

On the other hand, the Government has been particularly anxious to ensure the future of these people, a future consistent with their present way of life and skills. The Government therefore initiated studies into the sociological, agricultural, economic and technical aspects of this complex problem, and I am tabling the reports of those studies. At the same time, the Government has examined the availability of alternative resources to supplement groundwater supplies. The important findings of the studies are:

1. Further restrictions on groundwater use would have a serious sociological effect on the people of the area, particularly on the small market gardener.

2. The natural intake of the underground basins (7 400 megalitres a year) is only one-third of the metered usage from the basins (21 000 M*l* a year).

3. On present usage, the shallow aquifers will be depleted within 30 years but salinity problems, particularly in the fringe areas, will be severe within 10 years. Rapid deterioration of the deeper main aquifers will occur after 30 years.

4. At best, artificial recharge of the basin could only increase the intake to 10 500 *Ml* a year or about half of current usage.

5. Existing surface water resources are already important in the natural recharge of the basin, and their further development would not significantly increase water availability in the area.

6. The reclamation and re-use of Bolivar effluent offers the only realistic alternative to the water shortage problem in the Northern Adelaide Plains.

Agriculture Department studies have shown that the Bolivar effluent can be used on well drained soils to irrigate certain salt-tolerant crops such as lucerne, potatoes, glasshouse tomatoes and cucumbers, onions and vines. Disinfection of the effluent is necessary for those crops which may be eaten, raw. Two alternative schemes for using Bolivar effluent have been considered: first, the reticulation of Bolivar effluent throughout the Northern Adelaide Plains, and, secondly, the development of a compact effluent irrigation area. The first alternative would be the most convenient scheme for growers but has serious disabilities, namely:

(a) The reticulation system would be extremely expensive due to the scattered nature of irrigation in the area.

(b) Comprehensive drainage would not be feasible for the same reason, and there is the possibility that saline seepage from irrigating with effluent could increase the salinity of both the shallow and deep aquifers.

(c) Difficult management problems would exist to prevent cross connections with drinking water supplies and to ensure that the effluent is used only for approved salt-tolerant crops.

The preliminary estimate for this alternative scheme is $9 000 000, with annual costs of $2 000 000. Having regard to its inherent disabilities, the scheme seems unlikely to attract the necessary Australian Government financial assistance.

A defined Government-owned irrigation area incorporating comprehensive drainage as required overcomes the main problems associated with alternative No. 1, and is promising technically. This alternative contemplates the leasing of established irrigation and drainage works to individual growers to supplement their production from their own land where low salt tolerant crops could be grown with groundwater limited to the safe yield of the basin. The preliminary estimate for this second alternative is $7 600 000 (including land acquisition) with annual costs of $900 000. At this stage the Government therefore has two alternative schemes (one promising and one not so promising) which could provide some relief to the water problems of the Northern Adelaide Plains. The Director and Engineer-in-Chief has been instructed to prepare a comprehensive document covering the two alternative schemes, and including detailed designs, cost estimates, management procedures and environmental implications.

This document will be made available to the public, and the people of the Northern Adelaide Plains, in particular, will be invited to express their views and actively contribute to the selection of the best alternative. The Government then proposes to make a detailed submission to the Australian Government for financial assistance to implement the project. This could be expected to be favourably received in the light of the national water policy adopted by the Australian and State Governments, and which provides for "the development of waste water treatment facilities in conjunction with water supply systems and the encouragement of recycling and re-use where appropriate." These steps are expected to take about 12 months. In the meantime, it is necessary to reassure the people of the area regarding the availability of groundwater in the immediate future. The Government has, therefore, decided that the present level of groundwater quotas will be maintained at least until June 30, 1977. I wish to table these reports.

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

Leave granted.

The Hon. R. C. DeGARIS: All honourable members would have been interested in the information given by the Minister in relation to the water supply in the Virginia area, but practically all the information read to the Council in the statement made by the Minister is information that has been known since 1970. There is nothing new in the document. Can the Minister explain why it has taken the Government five years to bring down this report?

The Hon. T. M. CASEY: This matter has been debated in the Chamber on many occasions, and the statement I read only confirms what I have said previously. I am sure the Hon. Mr. Springett will agree when I say that one of the problems with the use of effluent water is that it can easily spread disease. This is of concern here as well as in other countries. We have initiated these studies. Admittedly, it has taken a long time, but with its limited resources the Agriculture Department has had a most exhaustive programme to carry out. I am hopeful that the matter can be looked at, as I explained in the statement, and that perhaps in a short time we will be able to utilise the water in the best possible way.

QUESTIONS

GOVERNMENT TENDERS

The Hon. R. A. GEDDES: The Director of Public Buildings has called tenders for alterations to the Institute of Medical and Veterinary Science buildings to convert an animal house to a poultry virus studies area. Tenders close at 2 p.m. on Friday, April 25. Will the Chief Secretary inform all Government departments that Anzac Day originated from the landing at Gallipoli on April 25, 1915, and has, by Act of Parliament, been a public holiday in this State since 1921? Anzac Day has also been recognised as a remembrance day since the end of the Second World War in recognition of the great sacrifices made by Australians during both world wars. Will the Chief Secretary order that an alteration be made to the closing date for the tenders to which I have referred?

The Hon. A. F. KNEEBONE: I will have a look at the situation and see what can be done.

BRAKING REGULATIONS

The Hon. C. R. STORY: Has the Minister of Health a reply from the Minister of Transport to my recent question regarding braking regulations?

The Hon. D. H. L. BANFIELD: Only two applications have been received for exemption from fitting brakes to the foremost axle of trailers where the laden mass of the trailer exceeds 10 tonnes. As the applicants, who are primary producers, did not give information as to the gross vehicle weight and gross combination weight limit of the trailers involved, the information is being sought from them. These braking regulations were adopted on July 1, 1974, and it is considered that by deferring their operation until July 1, 1975, sufficient time has been given for those concerned to comply with the regulations.

LOAD LIMITS

The Hon. M. B. DAWKINS: Has the Minister of Health, representing the Minister of Transport, a reply to the question I asked on March 5 concerning load limits?

The Hon. D. H. L. BANFIELD: My colleague informs me that the Road Traffic Board conducted a survey of vehicles carrying grain to silos throughout the State during the recent harvest, and is currently investigating the situation with the movement of grapes to wineries. As the data from these surveys is not complete, a policy for exemptions on load limits for carriers of primary produce has not yet been formulated.

YORKE PENINSULA ROAD

The Hon. M. B. DAWKINS: Has the Minister of Health, representing the Minister of Transport, a reply to the question I asked on March 18 regarding the realignment and reconstruction of the central Yorke Peninsula road?

The Hon. D. H. L. BANFIELD: My colleague reports that there are no plans for realignment and reconstruction of the central Yorke Peninsula main road. While this road was built some years ago, its standard and condition in relation to terrain and traffic use are such that it is considered satisfactory for some years.

MEDIBANK

The Hon. R. A. GEDDES: It is reported that a person admitted to a public hospital as a result of a workman's compensation case will be treated as a private patient and the benefits of the Medibank scheme will not apply in that case. However, bearing in mind that the South Australian rates for workmen's compensation are among the highest in Australia, will the Minister of Health reconsider the situation applying to these patients so that a portion of the compensation costs can be reduced?

The Hon. D. H. L. BANFIELD: The position is that this is not a State Government scheme, but I will examine the honourable member's question and see whether I can get the information.

The Hon. R. C. DeGARIS: Can the Minister of Health say how many subsidised and community hospitals in South Australia have accepted the Medibank proposals?

The Hon. D. H. L. BANFIELD: I do not have the figures. About 10 days ago a meeting was held with various hospital administrators, who then had to refer the proposals to their hospital boards. We have not yet received replies from all of them.

The Hon. R. C. DeGARIS: Can the Minister of Health say whether he was correct in saying on a television programme on Sunday night or Monday night that 98 per cent of hospitals favoured accepting the Medibank proposals?

The Hon. D. H. L. BANFIELD: Obviously, the Leader did not see the programme.

The Hon. R. C. DeGaris: I did.

The Hon. D. H. L. BANFIELD: Well, either the Leader did not hear the question or he did not listen carefully to my answer.

The Hon. R. C. DeGaris: Is this like the $20 000 000 grant?

The Hon. D. H. L. BANFIELD: The question was: does the Minister know how many subsidised country hospitals will become recognised hospitals for the purposes of Medibank? I replied, "No; I do not know the number, but I expect about 98 per cent to be in favour."

The Hon. R. C. DeGARIS: As 98 per cent of subsidised hospitals is all but one hospital, can the Minister say which is the one hospital that he does not expect to accept the Medibank proposals?

The Hon. D. H. L. BANFIELD: That was the figure that I expected I would get. I said on the television programme that I did not know exactly how many hospitals would be in the scheme, but I expected it to be 98 per cent.

The Hon. R. C. DeGaris: Which hospital would not accept?

The Hon. D. H. L. BANFIELD: I did not expect any particular one not to accept: I said I thought it would be 98 per cent that would accept. It could be 100 per cent, but it may be only 98 per cent.

TROTTING

The Hon. A. M. WHYTE: I seek leave to make a short statement prior to asking a question of the Chief Secretary.

Leave granted.

The Hon. A. M. WHYTE: Early last year permission was granted by the Trotting Control Board for Globe Derby Park to conduct 12 meetings on a country-front basis. These meetings were for horses that had not qualified for city nominations and otherwise could not race at Globe Derby Park. This move was made to assist Globe Derby Park to hold better meetings to improve its financial situation and to assist generally in making metropolitan trotting a viable industry. However, a request was made, apparently without much authority, by the South Australian Trotting Board to increase the number of meetings to include 24 country fronts. People are now concerned that these country fronts will be spread over several meetings so that, instead of granting the 12 fronts that were originally designed to meet the needs of country fronts, it is apparent that there will be some country-front races held over several meetings. Members of the trotting fraternity believe that this is against the wishes of country trotting people, and that it is to their detriment. Has the Chief Secretary any knowledge of this situation, can he say how these country fronts will be applied, and will he obtain other information for me on this matter?

The Hon. A. F. KNEEBONE: I cannot fully answer the honourable member's question offhand. I will have to discuss the matter with the Trotting Control Board to see what is the situation. If the position is as the Hon. Mr. Whyte has described it, I will see what can be done.

GAWLER TO HAMLEY BRIDGE ROAD

The Hon. M. B. DAWKINS: Has the Minister of Health a reply from the Minister of Transport to my question of March 13 about the sealing of the Gawler to Hamley Bridge road?

The Hon. D. H. L. BANFIELD: No work, other than the sealing mentioned, is proposed on the Gawler-Wasleys-Hamley Bridge road in the foreseeable future. The road is under the care and control of the District Council of Mudla Wirra. Routine maintenance by council will continue.

PETROL TAX

The Hon. C. R. STORY: I seek leave to make a short statement before asking the Chief Secretary a question.

Leave granted.

The Hon. C. R. STORY: On March 18, I asked the Chief Secretary, representing the Treasurer, whether he could give me a reply to a question I had asked earlier concerning petrol tax. I have not yet had a reply. I point out that the new licensing system has now come into operation, and it is now illegal for persons to sell petrol without a licence. I asked what action the Government intended to take to endeavour to recover any of the taxpayers' money that had been collected by petrol resellers who did not continue in the industry after the system came fully into operation. I also asked what assistance would be given to any person commencing as a lessee halfway through the period, as he would be able to collect only half the necessary fee. I further asked whether the Government would consider extending the time in which such lessees could pay their licence fees, rather than causing petrol outlets to close down. Has the Chief Secretary replies to my questions?

The Hon. A. F. KNEEBONE: I. remember the honourable member's questions, but I regret that I have not yet received replies. I will chase up the matter and let the honourable member know in writing.

POLICE OFFENCES ACT REGULATIONS

The Hon. G. R. STORY (Midland): I move:

That the regulations under the Police Offences Act, 1953-1974, made on January 9, 1975, and laid on the table of this Council on February 18, 19,75, be disallowed.

The Subordinate Legislation Committee gave serious consideration to these regulations. It was alerted to the situation by the unpaid watchdog of regulations, Mr. G. L. Howie, who wrote to the committee as follows:

Dear Sir,

I refer to the regulations made on January 9 under the Police Offences Act, 1953-1974, and published in the *Gazette* of the same day on pp. 109 to 111 inclusive. "The Second Schedule" contains a number of items which are not offences or which are not offences to which the regulations apply. Some of these items are—

Riding a bicycle along Port Road in lieu of using the bicycle track contrary to the provisions of a by-law.

Riding a bicycle without an effective brake.

Riding a bicycle without a bell.

Cyclists obstructing pedestrians at intersections by encroaching beyond the stop traffic mark.

Erecting a hoarding contrary to the provisions of Model By-law No. 1.

Keeping bees contrary to the provisions of Model By-law No. IX.

(The model by-laws do not apply so as to constitute offences).

Leaving a vehicle in a loading zone.

Leaving a vehicle in a bus zone, etc.

There is no offence as leaving a vehicle in a "bus stop" or "loading zone" (both terms undefined) although by-law III of the City of Unley makes it an offence to stand a vehicle in a "bus stop". A close examination of the regulations and the Adelaide City Council's parking sticker have led me to believe the amendments were drafted by the Adelaide. City Council's solicitors.

I will not read the rest of the letter, because it will be tabled. The committee took pains in investigating the matter, and it has now recommended the disallowance of the regulations. The committee called Mr. K. T. Hockridge, Secretary for Local Government, who signed the original regulations. The following is an extract from the minutes of evidence of the meeting of the Subordinate Legislation Committee held on March 26:

THE ACTING CHAIRMAN: Would you like to comment on the letter received from Mr. Howie? . . . (MR. HOCKRIDGE) I have to admit that some of the offences mentioned by Mr. Howie are not now offences. Some of them are not offences but not all of them. These regulations contain one long list of offences. We went through them to see that they were up to date but unfortunately our going through was not as thorough as it might have been. Some of these offences are not now offences and in fact some of them are worded wrongly and there should be some alteration made to them.

The Crown Solicitor's representative, Mr. M. L. W. Bowering, gave evidence to the committee and, under questioning, admitted that the matters raised by Mr. Howie could be sustained.

An interesting point came out of the questioning regarding the certificate of validity in relation to these regulations that is given by the Crown Law Department. ' Most people generally accept that, if regulations bear the certificate of validity, they are valid and have been thoroughly checked by the Crown Law Department. However, that is not so. The department does not undertake to check every regulation to ascertain whether it has been drawn correctly: all it does is ensure that there is power under the Act to make regulations along certain lines. Therefore, it cannot be assumed that, because a certificate has been granted by the Crown Law Department, everything is in order.

This ought to be borne in mind not only by this Parliament but also, most certainly, by heads of department when they furnish Parliament with the explanatory note that goes to the Joint Committee on Subordinate Legislation.

If that committee decides that the minutes should be laid on the table of Parliament the report also is tabled, and, if the report is incorrect, Parliament is therefore misled. As it is beyond anyone's ability at present to check and countercheck every regulation that is laid before Parliament, much reliance must be placed on the efficiency, of the department bringing forward regulations. It is obvious not only from this case but also from many other cases that have been closely examined recently that not nearly enough checking is being done. Regulations are being brought forward much too quickly.

When this Parliament was instituted in 1857, practically all legislation was on the Statute Book. Over the years, certain powers (although not many of them) have been granted to the Administration to give it flexibility. However, after 120 years of responsible Government, one finds the tendency of subordinate legislation being far more important than the Statute. This is something of which honourable members have been complaining for some time, and it is occurring even more as time passes.

It would not be so bad if we were assured that the regulations had been carefully drawn and that they were being checked and amended carefully from time to time. The evidence before Parliament is that these regulations (and I should not single them out, because there are many others) are not being properly drawn and checked. If this matter is not watched carefully, the Administration will, in some cases unwittingly, be taking cases to court (as it probably has done in the past) that will meet the fate that one or two other regulations have already met.

I sincerely hope that the regulations, which are important, are improved and that similar regulations are referred to Parliament soon. They will then be laid on the table and considered again by Parliament when it reassembles in June. Having made those points, I feel justified in moving the motion. I now bring up the minutes of evidence taken this morning by the Joint Committee on Subordinate Legislation relating to regulations under the Police Offences Act so that they may be tabled and honourable members may have an opportunity to peruse them.

Motion carried.

REAL PROPERTY ACT REGULATIONS

Adjourned debate on motion of the Hon. J. C. Burdett:

That the fees regulations under the Real Property Act, 1886-1972, made on January 23, 1975, and laid on the table of this Council on February 18, 1975, be disallowed.

(Continued from March 19. Page 2979.)

The Hon. A. F. KNEEBONE (Chief Secretary): When moving the motion, the Hon. Mr. Burdett said that he would consider a firm undertaking by the Attorney-General that he would direct the office to retain only a small portion of the fee. After consulting with the Registrar-General, the Attorney-General has undertaken that, when an instrument is withdrawn, the Registrar-General will retain a portion of the fee not exceeding $6 (that being half the basic fee of $12 on registration of a transfer). It has been suggested that this undertaking be given in return for the Hon. Mr. Burdett's agreeing to withdraw the motion.

The Hon. C. M. HILL (Central No. 2): I was listed on the Notice Paper to speak to this motion, and I intended to support strongly the motion for disallowance because I thought the point made by the Hon. Mr. Burdett in moving it was valid and that the unfairness he pointed out had to be corrected; otherwise, the whole matter had to be disallowed.

The matter at issue was that, in case of a memorandum of transfer being withdrawn at the Lands Titles Office after being registered, and with the new regulations of the Government applying, half of the registration fee would be charged. As the Government had introduced a new system of registration fees (an *ad valorem* system) which would have meant that in some cases the cost of registering a memorandum of transfer might have been hundreds of dollars, half of that fee would still have been payable had the instrument been withdrawn.

Everyone would agree that that would have been totally unfair. I am pleased to hear the Chief Secretary indicate that the Government's intention is that in future the fee that will be charged when an instrument is withdrawn will be a standard fee of $6. That overcomes the objection I had.

The Hon. J. C. BURDETT (Southern): I move:

That this Order of the Day be discharged.

I do so because I am satisfied with the undertaking given by the Attorney-General.

Order of the Day discharged.

MINING ACT AMENDMENT BILL (LICENCES)

In Committee.

(Continued from March 19. Page 2981.)

Clause 3—"Grant of exploration licence."

The Hon. R. C. DeGARIS (Leader of the Opposition): When progress was reported I think agreement had been reached on where we intended to go, but some difficulty was being experienced in drafting. If the Chief Secretary has no further information for me I am willing to ask that progress be reported.

The Hon. A. F. KNEEBONE (Chief Secretary): I have no more information than I gave previously. I suggested that clauses 3, 4 and 5 were all right and that clause 6 needed consideration, being more suitable for pastoral legislation.

The Hon. R. C. DeGARIS: No, the point raised by the Chief Secretary regarding clauses 3, 4 and 5 was that the wording appeared not quite suitable for the Government. We had discussions with the Parliamentary Counsel, and my understanding was that the Government would look at this. I agreed to a redrafting, but as nothing has come forward I ask that progress be reported.

Progress reported; Committee to sit again.

WILLS ACT AMENDMENT BILL

Further consideration in Committee of the House of Assembly's amendments:

No. 1. Page 1, line 9 (clause 2)—Leave out "and inserting in lieu thereof the following subsections:''

No. 2. Page 1, lines 10 to 21 (clause 2)—Leave out all words in these lines.

No. 3. Page 2, lines 1 to 4 (clause 2)—Leave out all words in these lines,

to which the Hon. J. C. Burdett had moved agreement.

(Continued from March 25. Page 3148.)

The Hon. J. C. BURDETT: Yesterday, I moved that the House of Assembly's amendments be agreed to, and the Hon. Sir Arthur Rymill pointed out that, if they were agreed to, the definitions in section 3 of the 1972 amending Act would become redundant. This is true, but they would have become redundant in any case under the Hon. Mr. Potter's original Bill, which set out to repeal subsections (2) and (3) of section 17 of the principal Act as enacted in 1972; this repeal still remains.

Under the Hon. Mr. Potter's private member's Bill in the first place, section 3 of the 1972 Act and the definitions inserted thereby would have been redundant. I have spoken to the Parliamentary Counsel, who has said that next time we have a Statute Law Revision Bill the matter will be taken care of; it would simply mean that meanwhile we would have redundant definitions of "court" and

"registrar" in the Wills Act. It does no harm; it is simply untidy. It appeared too difficult to get through the necessary maze of suspended Standing Orders to try to remedy the principal Act at this stage.

The Hon. R. C. DeGaris: You are getting a private member's Bill through straight away.

The Hon. J. C. BURDETT: Yes. The difficulty does not lie with the amendments made by the House of Assembly; it was there anyway. If we pass the motion I have moved, the substantial matter that the Hon. Mr. Potter has set out to achieve will be achieved. He wished to avoid delays in the granting of probate in cases where beneficiaries or their spouses had attested to the will. That would be achieved, and the only minor disadvantage would be the redundant definitions, which would not matter very much, because the matter will be attended to in future.

Motion carried.

FOOD AND DRUGS ACT AMENDMENT BILL

The Hon. D. H. L. BANFIELD (Minister of Health) obtained leave and introduced a Bill for an Act to amend the Food and Drugs Act, 1908-1972. Read a first time.

The Hon. D. H. L. BANFIELD: I move:

That this Bill be now redd a second time.

It provides for amendments to the principal Act consequential on certain of the amendments proposed by the Health Act Amendment Bill, 1975. It provides that the audit and accounting procedures of county boards under the principal Act be brought into line with the requirements of the Local Government Act as is proposed by the Health Act Amendment Bill, 1975, with respect to county boards under the Health Act, 1935-1973.

Clauses 1 and 2 of the Bill are formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation. Clause 3 amends section 15 of the principal Act by providing that a county board elect one rather than two auditors; the accounts of a county board be audited in the month of December in each year; and the abstract of receipts and expenditure need not be published in the *Government Gazette.*

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

LAND TAX ACT AMENDMENT BILL (EQUALISATION)

Third reading.

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

That this Bill, with suggested amendment, be now read a third time and passed.

When we were talking about the Bill this morning, the Leader asked me to obtain additional information for him, and the Hon. Mr. Dawkins raised a point concerning a matter that I had apparently not answered. The major question was why the Government's concessions in relation to primary-producing lands were not based on the amount of tax payable, rather than on the valuation increases. The answer is that the Government has no executive control over land tax scales (they are fixed by Parliament), but it can control valuations to a limited extent and it has decided to exercise the power it has to keep increases in valuations on rural land down to a maximum of 100 per cent for the present financial year.

The Hon. M. B. Dawkins said that the proposed rebates were not shown in the Bill, and I believe that the Leader said something about this, too. I am told that these will be taken care of in the regulations and, when the regulations come before this Council, honourable members will have the opportunity, as they have always insisted on, to scrutinise the regulations. I hope that these answers I have given will clear up the points raised by the honourable members.

Bill read a third time and passed.

Later:

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

[Sitting suspended from 4.7 to 5.16 pm.]

BEVERAGE CONTAINER BILL

In Committee.

(Continued from March 18. Page 2911.)

Clause 1—"Short title."

The Hon. A. F. KNEEBONE (Chief Secretary): When this Bill was last before the Committee honourable members asked me to postpone consideration of this Bill until the resumption of the session in June. I then told the Committee that the Government was anxious to have this Bill dealt with. The Bill has been around for a considerable time. The Select Committee that inquired into this matter held lengthy sittings, it heard a multiplicity of people and collected a considerable amount of evidence, and all committee members had the opportunity to discuss the matter with everyone concerned and consider all the evidence put before the committee. I am sure that there was sufficient evidence and sufficient discussion for honourable members to make up their minds, and they did make up their minds on the matter. A report was made to this Council.

The Leader asked me to defer consideration of the Bill, and I have done that to give him the opportunity to see whether he wished to move amendments to it. I told the Committee that the Government wanted the Bill dealt with quickly, but that I would agree to the reporting of progress to give the Leader this opportunity, because I did not want to stop anyone from moving amendments if they decided to do so. I have left it as long as I could before we finished for the Easter break so that the Leader would have this opportunity. I would like the Committee to proceed with the matter.

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

That progress be reported and that the Committee have leave to sit again on June 11.

I thank the Chief Secretary for his kindness. There has been a tremendous amount of legislation before us, and this matter is extremely important. The overriding fact is that a report will be made to the Commonwealth authorities in July. I therefore believe that we should not proceed with this Bill until that report is made.

The Hon. A. F. KNEEBONE: I have expressed the Government's desire. I have been consideration itself in regard to this matter, and I am disappointed that the Leader has seen fit to move his motion. All I can do is oppose it.

The Committee divided on the motion:

Ayes (11)—The Hons. J. C. Burdett, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Noes (7)—The Hons. D. H. L. Banfield, M. B. Cameron, B. A. Chatterton, T. M. Casey, C. W. Creedon, A. F. Kneebone (teller), and A. J. Shard.

Majority of 4 for the Ayes.

Motion thus carried.

RUNDLE STREET MALL BILL

In Committee.

(Continued from March 25. Page 3139.)

Clauses 2 to 15 passed.

Clause 16—"Composition of the Committee."

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

In subclause (1) to strike out paragraphs *(a)* and *(b)* and insert the following new paragraphs:

(a) One shall be appointed on the nomination of the Minister.

(b) Two shall be appointed on the nomination of the Council.

(c) Four shall be persons—

(i) three of whom shall be nominated by the Retail Traders' Association of South Australia Inc., in this section referred to as the "Association"; and

(ii) one of whom shall be a person representing ratepayers who are not members of the Retail Traders', Association but who are paying the full Council levy.

I referred during the second reading debate to the question of the need for two committees—one responsible for the operation of the mall during trading hours, and the other responsible for the operation of the mall outside trading hours. I considered amending the Bill along those lines, but there are complications. The capital costs of the mall are to be shared equally between the traders, local government, and the State Government. The actual contribution for capital works will be $34 740 a year for 20 years. In connection with the operation, care, control and maintenance of the mall, a special levy on the traders will amount to about $141 000 or $142 000. The traders will be responsible for about 70 per cent of the total capital cost of the mall as well as its maintenance and care. It is of vital importance to the traders that they should have at least a majority on the committee. Other rate revenue will be expended in the normal course of events, but that is done now, anyway. As I see it, there will be no extra expenditure by the Government or local government in relation to the normal care, control and maintenance of the area. As traders will make an extra contribution of about $141 000 to $142 000 a year, it is essential that traders should have a majority on the committee.

As one knows, the Government and local government have other means, of other than numbers, of exerting influence. If one examines the matter in that regard, one can see that the proposal to change the composition of the committee is reasonable in all respects. This afternoon, a petition signed by Rundle Street traders, asking for a change in representation (although not along the lines I have suggested), was presented in the Council. Perhaps I should have waited until the petition came in. I was told that it was to be presented.

The amendment that I placed on file yesterday increases local government representation from one member to two members, which I think is reasonable. There should be two committees, one dealing with in-hours trading time and the other with out-of-hours trading time. When local government or the Government wants to conduct a function in the mall outside trading hours, which could involve considerable expense, it should not be the traders' responsibility. If one examines the financial arrangements (my figures show that the contribution by traders in relation to total capital involvement and maintenance is about five times that of local government and the Government), one will see that what I have suggested is reasonable.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government cannot accept the amendment. The committee, consisting of two Government representatives, two trader representatives and two council representatives, has been successful in bringing this matter to its present stage. There is no reason why it cannot continue to be as successful in the future as it has been in the past. The Government believes that the original basis of representation is the ideal balance, and for that reason the Bill provides accordingly. That the steering committee has been able to bring the mall to this stage of development illustrates clearly that it comprises the ideal balance. The Government has a high regard for the committee and what it has achieved. Of course, the mall is not being developed entirely for the benefit of traders: it is also for the benefit of pedestrians and other people who will be using it. I can see no reason for expanding the committee or why traders should have an extra member on it. The Government has no intention of accepting this amendment.

The Hon. R. C. DeGARIS: I cannot understand the Minister's attitude. If one looks at the financial responsibility involved, one will see that the amendment is perfectly reasonable. I have no doubt that the Minister supports the .views of his Commonwealth colleague, Mr. Uren, who said yesterday that the centre parts of all cities in Australia were virtually Commonwealth territory, a national heritage that should be taken over by the Commonwealth Government. It is a wonder that the Minister has not included one of Mr. Uren's staff on the committee.

The Hon. D. H. L. Banfield: You haven't moved that.

The Hon. R. C. DeGARIS: No, I have not, but, judging by the attitude that the Minister has adopted, this could be considered reasonable.

The Hon. D. H. L. Banfield: Well, give it a flutter.

The Hon. R. C. DeGARIS: No doubt the Minister supports his Commonwealth colleague's view regarding the encroachment of Commonwealth control into every part of this State, including the centre of Adelaide. If the Minister considers that there should be a different responsibility for out-of-hours trading time, I am willing to consider the appointment of a committee on which only local government and the Government are represented.

I do not believe that the out-of-hours area should be the financial responsibility of traders although, under the Bill as it is drafted, it will be their responsibility. I therefore believe that the Government is getting the best end of the stick in all ways. As far as I can see, there is no opposition amongst traders or local government to the concept of more trader representation: the Government only is complaining. I do not believe the Government should intrude too much in committees like this which are primarily the concern of local government and ratepayers. If no complaints are being made by local government or traders, why does the Government want this almost dominating position on a committee that is to run a simple thing like the Rundle Street mall? In that context, my amendment is reasonable and I ask the Committee to accept it.

The Hon. D. H. L. BANFIELD: At no time has the Government suggested that there should be an Australian Government representative on the committee. However, if the Leader considers that such an appointment should be made, he can move an amendment accordingly. The Leader has said that the traders are putting up most of the money, but where do they get their money from? Who will be paying for it in the final analysis: hot the traders but the people who use Rundle Street shops?

The Hon. Sir Arthur Rymill: Where does the Government get its money?

The Hon. D. H. L. BANFIELD: It, too, gets its money from the people, and that is why the Government considers that it should have equal representation on the committee. The committee comprising two local government representatives, two. Government representatives and two trader representatives has been able to advance the project to this stage. If the traders had had a majority on the steering committee, the project would not have reached this stage of development. Traders have repeatedly held up this project, which was promised by the Government at the last election and which was endorsed by the people. The Government is grateful to the steering committee as it is at present comprised, and it can see no reason why the representation should be altered.

The Committee divided on the amendment:

Ayes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

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

Majority of 6 for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (17 to 31), schedule and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Legislative Council do not insist in its amendment.

This matter was canvassed when the Bill was considered by the Council. It concerns the composition of the committee. The Government considers that the original committee has worked satisfactorily in the past and it cannot see why it will not continue to work just as well in the future. With the present composition of the committee there is equal representation of traders, local government and the Government. The matter of an additional committee member was canvassed before a Select Committee, which did not recommend any increase in the committee membership. The same matter was canvassed in another place when the Bill was being considered there and it was decided there that six members was the ideal number as all the parties were equally represented on the committee. For those reasons the Government cannot accept the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I ask the Council to insist on its amendment. The Government's argument has not changed my view at all. It has not answered the question that the traders will be responsible for the costs of the mall to the tune of $140 000 or $150 000. Moreover, capital costs are to be contributed equally by local government, traders and the Government. I can see the increasing capacity of the Government to move into administrative areas where it should not be. Surely the running of a mall or a street is the prerogative of the ratepayers and the local council. That is where the responsibility lies, and the Government has made out no case for its inclusion on the management committee of this mall or any street.

This is a local government matter and, as I have pointed out previously, my contacts in local government support this view. It is only the Government that is demanding some form of control. A Government with two members on such a committee has far greater and far more powerful levers to use than have the traders or local government. Providing for one Government representative goes beyond what I consider to be reasonable and just. The Government should be out of this business altogether: it should not be involved at all. We have seen the Government attempting to interfere too much in the affairs of local government in the past 12 months. The Government is licking its wounds over its attempted interference in local government boundaries.

The recent statement by the Commonwealth Minister for Urban and Regional Development (Mr. Uren) in Perth leads us further along the line of interference in local government not only by the State Government but also by the Commonwealth Government. The same philosophy is involved in this Bill. I cannot see any reason why the Government should not be co-operative; it should accept the fact that it must decentralise power. Even on the question of the financial contribution, the amendment is reasonable. There is room for compromise: if the Government is not happy with the traders having majority representation, I am willing to consider, as a final area of compromise, equality of representation between the traders, local government, and the State Government. However, I cannot agree to the traders having financial responsibility to the tune of 71 per cent of the total contribution to the mall while they have only 33⅓ per cent of the say on the committee. For those reasons I oppose the motion.

The Hon. D. H. L. BANFIELD: If, as the Leader suggested, the Government had kept right' out of the matter, there would be no mail. The people want the mall, and it was the Government that had to take the initiative. If it had been left to local government and the traders, there would have been no move toward a mall; or, if there had been a move, progress would have been very slow. If the Government had kept out of the matter, where would the money have come from? The Government is involved because it must contribute toward the mall. Because the arguments of the Hon. Mr. DeGaris are not convincing, I appeal to the Committee to support the motion.

The Committee divided on the motion:

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

Noes (12)—The Hons. J. C. Burdett, M. B. Cameron, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, G. J. Gilfillan, C. M. Hill, Sir Arthur Rymill, V. G. Springett, C. R. Story, and A. M. Whyte.

Majority of 6 for the Noes.

Motion thus negatived.

Later:

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 8.15 p.m., at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, C. M. Hill, A. J. Shard, and C. R. Story.

Later:

At 8.10 p.m. the managers proceeded to the conference, the sitting of the Council being suspended. They returned at 10.20 p.m. The recommendations were as follows:

That the Legislative Council do not further insist on its amendments but make the following amendments in lieu thereof:

Clause 16. Page 6, after line 2—Insert new paragraph: *(aa)* one shall be a councillor representing the Hindmarsh Ward of the City of Adelaide;

Clause 18. Page 6, line 43—After "referred to in" insert "paragraph *(aa)* or"

and that the House of Assembly agree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

I congratulate the managers from this place. They did a good job, and eventually they were able to convince the managers from another place that there was room for compromise. Once the managers from the other place got that message, they were quite happy to accept the compromise, with the result that we have made this recommendation.

The Hon. C. R. STORY: I agree with one portion of the Minister's remarks: he said that after some time the managers got the message. I was most upset at the treatment the managers from this Council received at the hands of the managers from another place. It is well known in this place that the spirit of conference is set out in Standing Orders, and the managers go to a conference in a spirit of compromise in an endeavour to find a solution to a problem. On this occasion there was no compromise whatever. The conference was told that we had been called to the conference to enable the Chairman of the conference to tell us that there was absolutely no compromise.

I regret having to say this, but the whole system of compromise between the two Houses will be in jeopardy if this attitude is allowed to continue, and that would be a great pity. It will only make one House or the other refuse conferences in the future. I do not believe managers should be sent from this place to be insulted by a Chairman from another place. It revolves around the matter of what the Government thinks rather than what another place thinks.

The managers on behalf of the Legislative Council persevered for at least an hour in trying to find some way in which agreement could be reached, and finally the Chairman of the managers from another place agreed to accept one very small amendment which was significant from the point of view of this Council, but certainly nothing like the amendment that could have been accepted had there been thorough goodwill which would have been of great benefit to the management of the mall. The mall does not belong to the South Australian Government but to the people of the city of Adelaide. Surely the people who pay, the rates in that area are entitled, as the biggest ratepayers in this State, to be given a reasonable opportunity to be properly represented.

The Hon. R. C. DeGaris: They are the highest rated people in the whole of metropolitan Australia.

The Hon. C. R. STORY: That does not surprise me; the people of South Australia will be the highest rated in Australia before long, too. If one could project outside Parliament to the public the dictatorial attitude shown, tonight, it would give the public a much better idea of what is in store if they do not watch their voting at the next possible opportunity.

The Hon. J. C. BURDETT: In the short time I have been in this place I have had the privilege of being one of of the managers from this Council on a number of occasions in conferences with another place. On other occasions when the managers have reported back to the Council I have said that the conference was conducted in a spirit of compromise. I can recall many times complimenting the managers from another place, saying how ready they were to compromise. I can say nothing like that on this occasion; the opposite was the case. I cannot see why the other place called a conference. The purpose of a conference is to confer, to investigate calmly and quietly whether there are areas in which compromise can be reached, and for the parties to get together.

At the outset of this so-called conference (and that is all I can call it) the Chairman from another place simply informed us that there would be no compromise and that we had been called there so that he could tell us the attitude of the Government. It was stated that the point surely was the attitude of another place rather than that of the Government, but we were told that it was the same thing and that there would be no compromise. I should have thought the way of conveying the attitude of another place to this Council would have been by message, not by calling a conference.

If a conference is called, that implies some spirit of compromise and some willingness to discuss matters in an effort to reach some sort of compromise; it was not so in this case. Yesterday, in Committee, the Hon. Mr. DeGaris suggested an area of compromise; suggesting that instead of the traders having a majority there could be an equality, but this was completely rejected. During the conference I very much admired the valiant attempts of both the Hon. Mr. Hill and the Hon. Mr. Story to try to reach some area of compromise. This failed. I cannot agree, on one point, with what the Hon. Mr. Story said. I do not think the area where some minor compromise has been reached is significant. It was almost certain that one of the councillors would have represented Hindmarsh ward, anyway. I do not think this means very much, and I am constrained to say that while in future, when requests come from another place for a conference, I will try to deal with them on their merits at the time, my attitude is going to be somewhat hardened. I do riot think I can take any other attitude after such treatment, and I am going to find it much easier in future to vote against granting a conference than I have in the past.

I do not think I have voted against having a conference previously (I think I may have on one occasion). Generally speaking, it is my attitude never to refuse a conference, an olive branch. On this occasion the olive branch appeared to be held out. It was accepted by this Council, yet we were told we were brought to the conference not to confer, not to negotiate, but to hear the attitude of the Government. I oppose this motion and I shall vote against the Committee's acceptance of the recommendations of the conference. I told the conference that I disagreed with the compromise (so-called) that was agreed to.

The Hon. C. M. HILL: I agree with the criticism made about the treatment that the managers of this Council received at the conference. It is perfectly true that the managers from another place did not come to the conference with any intention of offering a compromise; that is completely contrary to the principles of conferences between the Houses. The managers of the House that calls the conference should attend the conference with a view to reaching a compromise, but that was not the attitude of the other place; that aspect is most unsatisfactory. However, we must keep our sights on the real priorities. What we are primarily concerned about is the Bill before the Chamber. This place previously agreed to the Bill with the exception of the matter of the committee of management that will function after the mall is completed.

The Hon. R. C. DeGaris: If the Bill is defeated, will it make any difference to the construction of the mail?

The Hon. C. M. HILL: I would assume it would make a tremendous difference to the construction of the mall.

The Hon. R. C. DeGaris: There is a steering committee working on the matter.

The Hon. C. M. HILL: People have worked on the matter for many years. If the Bill is defeated, it will make all the difference to the completion of the mall as it is envisaged in. this Bill. Further, it will make a difference to the financial arrangements and to the proposal for a car parking station on the Foy and Gibson site; The point of disagreement relates to the balance of representation on the committee that this place thought was proper. This place was concerned particularly about the representation of ratepayers who will be charged a very high rate.

It was originally proposed that there be on the committee two representatives of the traders, two representatives of local government, and two representatives of the State Government. Honourable members here thought that it would be better if there were four representatives of the traders, two representatives of local government, and one representative of the State Government. In an endeavour to compromise, the Hon. Mr. DeGaris said that, as a last resort, a compromise might be for the traders to have equal representation; that would have meant that the committee would have three representatives of the traders, two council representatives, and one State Government representative. That point was canvassed at the conference.

The final result of the conference stipulates that the City Council must nominate one person who is a member of that council and represents Hindmarsh ward, which is the ward in which the mall is situated. Further, it is the ward in which all the surrounding property, upon which extra rating will be imposed, is situated. So, the ratepayers there have a special interest in the matter.

If the council (and I think this would probably be the case) appointed this particular nominee, a person who is a trader there, the balance tends to come toward what was suggested earlier in this Chamber as a final compromise. The possibility of the council's nominating a trader would be very great; no doubt the traders will take an even greater interest in local government in the future than they have in the past, because of their extra commitment. So, this Council has tried very hard to be fair to all parties, including those who have big investments in the area and who will have to pay very high rates. This Council has fought hard in regard to the composition and balance of the committee. In practice, the results can work out satisfactorily; I ask honourable members to bear this in mind.

I think that those who want to shop in Rundle Street will benefit greatly from the car parking station on the Foy and Gibson site. There would be a strong possibility of that project falling through if this Bill fell through. The car parking station could be an extremely important facility which I would not like to see lost. I therefore intend to support the recommendations of the conference.

The Hon. M. B. CAMERON: I have been somewhat surprised and disappointed to hear the complaints voiced about what occurred at the conference. Some hint of the attitude of another place could have been gauged from the reasons given for disagreement to this Council's amendments in the first place—that the amendments destroyed the intent of the legislation. Actually, in no way did the amendments destroy the intent of the legislation. If one had read that point carefully, one would have realised that there was a harder line than usual. I have been in this Council not much longer than has the Hon. Mr. Burdett, and it has always been a pleasure to see the way in which the two Houses have sorted out their differences, except in the case of the conference on the State Government Insurance Commission Bill. It is a great pity to see the spirit of compromise lost. I do not agree with the Hon. Mr. Burdett that the Bill should now be lost.

The Hon. J. C. Burdett: I did not say that. I said I would vote against the motion.

The Hon. M. B. CAMERON: The honourable member said that we should stick to our amendments. The Bill would be lost if we continued with that line. I intend to support what the conference has achieved (if it can be called an achievement). Actually, I believe it is an achievement, because this is what would have come out of a two-two-two balance on the committee, anyway. I do not agree with the Hon. Mr. Story's statement that the mall belongs to the traders.

The Hon. C. R. Story: I did not say that.

The Hon. M. B. CAMERON: It belongs to the people.

The Hon. C. R. Story: That is what I said.

The Hon. M. B. CAMERON: The people who use the mall will determine whether it is successful. While it is in the interests of the traders to have representation, it is also in the interests of the people to have representation, and that must inevitably come through a Government representative, although I am not at all sure that the Opposition will have much say in who the representative will be. I hope the Bill will not be destroyed. I support the recommendations of the conference.

Motion carried.

Later:

The House of Assembly intimated that it had agreed to the recommendations of the conference.

BUILDING SOCIETIES BILL

Adjourned debate on second reading.

(Continued from March 25. Page 3141.)

The Hon. C. R. STORY (Midland): I support the legislation, which is a massive Bill and which comes to us, like sb many other measures, in the last days of the session. It is not possible in the time available for any honourable member to peruse 89 clauses of a most complicated piece of legislation involving the welfare of hundreds of thousands of people. One can only rely on the fact that the building societies, established under the existing law, have perused the legislation. They have taken part in the discussions, they have had some part in the drafting of the legislation, and it has been reported to me that, although they have not got everything they want by any means in this legislation, by and large they are happy about it. They consider that it offers a protection to the public, and that it makes amendments to the existing legislation to bring it up to date. That, of course, is extremely important because the legislation in relation to building societies goes back to 1881.

One can only admire the manner in which building societies have operated in the main in South Australia. They have played a big part in providing housing for people who, in other circumstances, would not have been able to provide it for themselves. It is the policy of my Party and part of its political philosophy (and it always has been) that people should be allowed to own their own houses. This has been largely possible through the efforts of the building societies. The Government has acknowledged, at least in the case of the two larger societies (South Australian Co-operative Building Society and Hindmarsh Building Society), their solidarity by giving them trustee status. Such status is not conferred lightly. I believe that other societies have also proved themselves capable of having such status conferred on them.

I believe criteria is laid down, or was laid down, by the Hall Government setting out the amount of business a society must do before it could be granted trustee status by the Government. As I have said, I believe that there are other societies now eligible for this status. It is important for the well-being of building societies that they should be able to offer this additional service to their shareholders. I will not attempt to bore the Council by going through this legislation clause by clause. The measure has passed another place with one minor drafting amendment, and I have studied what was said by the Minister in that place. I have conferred with some of the principals of the building societies, and I am assured that the legislation that is before us in the best traditions of the principles of building societies, that improvements have been made and that the public can be reassured that investing in these societies in South Australia is a good investment. The public can be further assured that its money is safe. Therefore, I support the Bill.

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

VERTEBRATE PESTS BILL

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

HIGHWAYS ACT AMENDMENT BILL (PROPERTY)

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

FENCES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1, 2, 3 and 5 and had agreed to amendment No. 4 with an amendment.

Consideration in Committee.

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

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

I have discussed this matter with the Parliamentary Counsel, and I understand that the amendment made by another place does not alter the Bill's intention, as it is merely a drafting correction.

Motion carried.

FRIENDLY SOCIETIES 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 to some extent consequential upon the new provisions relating to the formation and regulation of building societies. The Bill provides that, where a friendly society, or a number of friendly societies, have formed a building society in accordance with the provisions of the principal Act, and the society so formed has paid-up share capital in excess of $500 000, the Public Actuary may permit the building society to offer its shares for public subscription. At present the membership of any such building society is confined to the friendly societies that contribute to its formation, and the members of those friendly societies.

Clauses 1 and 2 are formal. Clause 3 enacts new provisions in section 12 of the principal Act. By virtue of these new provisions, the Registrar is empowered to exempt a building society that has been formed by friendly societies from the restrictions upon its membership contained in that section.

The Hon. C. R. STORY (Midland): As honourable members realise, this Bill has just been received in the Council. Having read the Minister's second reading explanation, I cannot see any worries about it. Although I have not had a chance to match it with the Act, it seems that the Bill was drafted in 1968 with the intention of bringing it before Parliament at that time. Indeed, in, the photostat copy of the Bill "1968" has been crossed out and "1975" inserted. However, for some reason the Bill was not introduced then. As a Liberal and Country League Government was in office at that time, I should like to know why the Bill was not introduced. Because I would like an opportunity to examine certain matters, I ask leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. C. R. STORY (Midland): I have discussed the subject matter of this Bill with people outside and with the Parliamentary Counsel, and I believe that it is important to one particular friendly society. Consequently, although my copy of the Bill is only a photostat copy, I am willing on this occasion to stretch a point and to deal with it. I would not normally do this, because I believe that copies of Bills should be available to honourable members before a debate is commenced. This Bill is in double harness with the Building Societies Bill, which is also on today's Notice Paper.

The Bill now before the Council enables friendly societies that form building societies with more than $500 000 in shareholders' funds to apply to the Public Actuary for permission to offer building society shares to the public; if permission is granted, the societies can operate in the same way as established building societies. Friendly societies which have been established for many years and which at present are getting a rough deal as a result of Medibank will need another outlet for their substantial funds. Because this Bill will assist such friendly societies, I am willing to support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank the Hon. Mr. Story for the attention he has given to the Bill, and I regret that printed copies of the Bill are not available. The Hon. Mr. Story said that this matter had been raised in 1968, and he also said that it resulted from Medibank. Obviously, the Opposition thought of introducing Medibank in 1968. The Hon. Mr. Story was incorrect. Clause 1 provides:

This Act may be cited as the "Friendly Societies Act Amendment Act, 1975".

Because the Hon. Mr. Story referred to Medibank, the only conclusion I can reach is that he thought that Medibank was being planned in 1968.

Bill read a second time.

In Committee.

Clause 1—"Short title."

Progress reported; Committee to sit again.

Later:

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Mode of investment of funds."

The Hon. C. R. STORY: I should like to allay any doubts that honourable members may have as a result of the garbled version by the Minister of Health of what I said in the second reading debate. I reiterate that friendly societies will definitely be affected by Medibank. True, I said that the Bill had been corrected, "1968" having been struck out and "1975" inserted in lieu thereof, and that the Party of which I am a member was in office in 1968. However, there is no connection between what

I said and what the Minister said regarding friendly societies. My Party has never considered that it would embrace anything like the Medibank scheme.

I also said previously that friendly societies would experience a tough time as a result of Medibank. They will have to find other ways of investing money, and this clause provides one way in which they will be able to do so. Friendly societies have fulfilled a useful function over the years: they have taught thrift and prudence, two things that it is a pity many Government members did not have inculcated into them in their youth. Had that happened, we would not have Medibank being foisted on us at great cost and inconvenience.

Clause passed.

Title passed.

Bill read a third time and passed.

PLANNING AND DEVELOPMENT ACT AMENDMENT BILL (APPEALS)

Adjourned debate on second reading.

(Continued from March 25. Page 3139.)

The Hon. C. R. STORY (Midland): As we have been treated to some excellent speeches on this Bill, I do not wish to take up much time in the second reading stage, especially as some agreement has been reached (I do not know whether it is complete or partial agreement) on some of the more controversial parts of this legislation, which agreement will result in a more expeditious passage for the Bill through this Council. Like other honourable members, T am perturbed that legislation of such magnitude should be introduced in Parliament without being first referred to the principal actors in the whole scene: I refer to the Royal Australian Planning Institute, South Australian Division. I have a letter from that body and I quote just the following small section:

> The institute was unaware of the proposed amendments until after its introduction to Parliament, and, notwithstanding a direct approach to the Minister's office for a copy of the Bill, it has still not been received.

This letter is dated March 26. It is extremely difficult when a body such as this well-established institute does not know what is in the Government's mind. I wonder how the Government will get the necessary balance required for good legislation if it takes advice only from its own advisers and does not consult with the people who must make the Act work.

I am interested in this Bill because I find it difficult to understand, in considering the amount spent in South Australia on conservation and the amount allocated to parks in this State, why some of our natural beauty is being destroyed by the same Government that seeks to protect it. This situation is sad. I refer especially to recent press reports regarding about 364 ha of vineyards at Yatala Vale and Modbury. However, I am especially astounded that anyone could be so short-sighted as to take over the Ewell vineyards at Marion merely to provide a concrete-paved bus depot. This area of vineyard goes back to the very genesis of South Australia so far as the white man is concerned. It was established and developed as one of the great historical places of the wine industry. Indeed, I believe it was the first or the second vineyard established in that part of the State.

The wine produced there is a wellknown brand, and any other State having vineyards within about 8 km of the city centre would not sacrifice such an area merely to provide for a metropolitan bus terminal. We repeatedly hear what is being done in South Australia for tourism; we hear that we have become the cultural centre of Australia, that we are the little Venice of down-under, and all sorts of other magnificent things, yet we are now to take this natural area, one of the best vineyards in the metropolitan area, and turn it into a concrete jungle. The same position will apply to the Wynn's, Angove's and Tolley's vineyards extending from Modbury to Golden Grove. Those areas will be taken over by the Land Commission and turned into housing estates.

If any State has adopted a short-sighted policy regarding the preservation of its natural heritage it is South Australia. From the point where the Torrens River comes through the Gorge on to the Adelaide Plains we had magnificent market gardens that were unique. In any season we have always provided the best celery in Australia. Although that celery was of world quality, what has been done with that area? Tick-tack, six-room or seven-room houses have been built on the most fertile piece of land that we had in the metropolitan area. The same sort of thing has been done on the lower reaches of the Torrens River and the Sturt Creek, especially at Marion.

However, it will not be long before the vineyards adjacent to Flinders University are taken over and exploited by the Highways Department either for a depot or for widening South Road. Magnificent gums that run through the old apple property are always under threat from departments that have their greedy eyes on this land. These great resources are not man-made but are there by nature, and they cost absolutely nothing to maintain.

I cannot think of a nicer way of giving people open space than preserving the vineyards established at the historical Penfold winery, or at the Stonyfell, Ewell, Angove, Tolley or Wynns wineries. Once those vines are removed, it will not be long before people will have to be taken say, 80 kilometres farther away from Adelaide to see such beauty spots, despite the Government's spending thousands of dollars a year on advertising tourism and stressing that South Australia is the wine State. Wine will be brought here by tankers, and people will not even know that wine comes from the grape. This is absolutely appalling and I plead with the Government to ensure that this matter is not exploited even further.

Reference has been made to the hills face zone. Let us bring it even closer to the sea and take in a much wider band through the wine areas of Reynella and to the south. The wines from these areas have a unique characteristic. We must maintain the high quality of wines at present produced in South Australia and, to do this, we must have blending wines. If two or three areas were taken out of production, the character of our product would be stripped. This matter is worthy of the closest consideration by our planners to ensure that the rape of our natural heritage ceases. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

Later:

The Hon. C. R. STORY: I hope that this Bill will further strengthen this State's planning legislation and make it .more equitable, without inhibiting those people who have in the past played and will continue in future to play a tremendous part in the planning of our metropolitan area. Some people who have got themselves nicely ensconced on the hills face zone criticise this legislation. However, Parliament must examine the matter carefully to ensure that, on the one hand, a rape of the city's backdrop, which is as beautiful as anything in the world, does not occur and, on the other hand, that every square centimetre of land is not taken up. It is wrong for one to think that any land that is grabbed will be held in posterity in its natural form, because the system just does not work in that way.

We have so many introduced pests in this country that, if land is neglected in any way, the natural herbage and trees will disappear and we will find ourselves with only gorse, blackberries and African daisy left. We must therefore strike a balance in our planning legislation between the two extremes. The Bill and the amendments that have been placed on file will go a long way towards striking as near a balance as possible at present. I believe the best way to tackle this legislation is to deal with the clauses in Committee, honourable members having placed several amendments on file. I support the second reading.

Bill read a second time.

In Committee.

Clauses 1 to 9 passed.

Clause 10—"Determination and order on appeal to be communicated to parties."

The Hon. C. M. HILL: This clause, and clause 11, deal with the matter of appeals from the Planning Appeal Board. The Bill provides that there can be a further appeal on matters of fact and on questions of law from the Planning Appeal Board to the Land and Valuation Division of the Supreme Court, and that there can then be a further appeal from that court to the Full Court on questions of law.

The Government's proposal in the Bill is that there will not be a further appeal on fact from the Planning Appeal Board, which I regard as being a form of tribunal, and that there will be a further appeal on questions of law not to the Land and Valuation Court but to the Full Court. It seems to me that the proposed change is not in the best interests of applicants who are not satisfied with the findings of the Planning Appeal Board. If such persons are dissatisfied regarding questions of fact, they will have no further right of appeal. I do not favour that system; nor is it one that I have, in principle, ever supported. I therefore oppose the clause.

The Hon. J. C. BURDETT: I support what the Hon. Mr. Hill has said. The matter of appeals is more important and ought to be retained as it exists in the principal Act, which provides for a system of appeals from the Planning Appeal Board. There is a general appeal to the Land and Valuation Division of the Supreme Court and, from there, an appeal on questions of law to the Full Court. The Bill seeks to take away any appeal on questions of fact so that the Planning Appeal Board will be the final arbiter on questions of fact, and there will be an appeal to the Full Court on matters of law only. This seems to be a denial of natural justice, particularly in important matters such as this, which can be most important to the individual. Regarding the matter of individual rights, if the individual is denied the right of general appeal on matters of fact, it seems to me to be a denial of natural justice, particularly when one studies clause 6, which inserts a new paragraph *(b)*, in section 23, as follows:

> The board shall not be bound by the rules of evidence and may inform itself upon any matter in any manner it thinks fit.

In the debate on the Coroner's Bill, I referred to a similar clause. Although I voted for the clause, I expressed some doubt; but that was a different matter, because in proceedings before the coroner it is unlikely that individual rights will be adversely affected. However, in matters of appeal tinder the principal Act, to be amended by the Bill, matters that are important monetarily and because they affect individual rights come into the question. If we have a tribunal which is not entirely professional, which is not to be bound by the rules of evidence, and which may inform itself on any matter in any manner it thinks fit, it seems to me that there should be some general appeal on questions of fact.

The parties concerned may not even know in what manner the Planning Appeal Board has informed itself. The parties may not even know in what matter; so, it seems to me that there should be some form of general appeal. This is supported by the way in which the Land and Valuation Court has so far conducted itself. That court is constituted by His Honour Mr. Justice Wells. In the case of *Santim v city of Woodville*, in 1971, he expressed clearly that he would not lightly interfere with the decisions of the board on matters of fact. That is a general principle. Appeal courts usually say that the court of first instance is better equipped to judge matters of fact than is the appeal court. It is only when things are obviously wrong that it will interfere on questions of fact. His Honour made this clear, and it has been clear in all his decisions that he would not lightly interfere in matters of fact. Therefore, there is no question that the board is going to be constantly appealed against on matters of fact or lightly set aside on matters of fact. It seems to me that the previous system in the principal Act is sound and just, namely, there should be a general appeal from the board to the Land and Valuation Court and, thereafter, an appeal on matters of law to the Full Court.

The Hon. T. M. CASEY (Minister of Agriculture): In introducing the Bill, what the Minister in another place was trying to achieve was a streamlined effect so that appeals could be dealt with as expeditiously as possible. I think the Minister explained that he believed that the Planning Appeal Board was sufficiently constituted to deal with appeals, apart from the question of law. However, if there was any doubt regarding that process, the appeal could go to the Full Court. I know that the Minister has consulted with Opposition members who have spoken this evening and, if the amendment pleases them on the points of law that have been expounded this evening, I believe that the Minister will agree to revert to the old procedure.

Clause negatived.

Clause 11—"Board to hear appeals, etc."

The Hon. C. M. HILL moved:

To strike out paragraphs *(c)* and *(d)*; and in paragraph *(e),* in new subclause (5), to strike out "Full Court" and insert "Land and Valuation Court".

Amendments carried.

The Hon. C. M. HILL: I move:

In paragraph *(e)*, in new subsection (5) *(a)*, after "decision", to insert "or purported decision".

The amendment makes more clear the wording in the clause.

Amendment carried; clause as amended passed.

Clauses 12 and 13 passed.

Clause 14—"Power of the Crown to intervene in proceedings before the Planning Appeal Board."

The Hon. C. M. HILL: I oppose this clause in its entirety. It deals with the power of the Crown to intervene in proceedings before the Planning Appeal Board and with the costs of the parties resulting from such intervention by the Crown. It seems to me that this provision could introduce considerable unfairness into the planning procedure for people who are involved in proceedings before the board and who live under the shadow of the threat of the Crown's stepping in at any time and intervening simply in the cause of a question of law of major public importance. That is not an easy matter to define, and it could mean that the ordinary processes could be upset, and upset unfairly, as a result of the Crown's interfering with proceedings before the board.

Regarding costs, it may well be that parties acting for the principals, and advocates before the board, might have to wait for procedure involved with the intervention by the Crown, and the costs laid down in those instances might be unfair to the parties concerned. The Royal Australian Planning Institute is strongly opposed to the clause. I support its argument and contentions, and oppose the clause.

The Hon. T. M. CASEY: The Government, and particularly the Minister, have examined this matter and are pleased to agree to the clause being negatived.

Clause negatived.

Clause 15 passed.

Clause 16—"Appeal to board against certain acts done pursuant to planning regulations."

The Hon. C. M. HILL: I move:

In paragraph (c), in new subsection (2a), after "answer", to insert "in writing".

The amendment deals with the question of the authority or a council allowing an opportunity to answer objections that had been made to an application within the specified period of 10 days. It would seem to be a better procedure if it was required that the answer be made in writing.

Amendment carried.

The Hon. C. M. HILL: I move: .

In paragraph *(f)*, in new subsection (8a), to strike out "section" and insert "Act".

It would seem that this was an improvement to the Bill.

Amendment carried; clause as amended passed.

Clause 17—"Recommendations for the making of planning regulations."

The Hon. J. C. BURDETT: I join issue about this clause. The Minister of Agriculture said there was a sort of informal conference, which there was, between the Minister, members of the Government, and members from this side. There was a spirit of compromise in that informal conference that was absent in another conference to which I referred recently. This clause seeks to amend section 38 of the principal Act. That is a good section, because it enacted a most important principle of some sort of public control and power of public objection in the matter of planning regulations. Planning regulations are most important; they have a most important effect on people in areas in respect of which they are proclaimed. Planning regulations can have a great effect on private interests, the rights of landowners, and other people.

Section 38 sets out a most democratic and excellent system whereby, when planning regulations are proposed, they have to be gazetted and published in a certain manner set out in the section. Such regulations must be available to the people concerned for a specified time for public inspection. During that time people can object to the proposed planning regulations. A procedure is set out in section 38 for hearing and determining objections, so that people who will be affected by the planning regulations will have a fair chance to object. Clause 17 sets out to insert new subsection (6a) in section 38, as follows:

> Where the authority or a council proposes to recommend the. making of a planning regulation amending some prior planning regulation the Minister may, on application—
>
> *(a)* by the authority;
>
> or
>
> *(b)* by the council supported by the recommendation of the authority, exempt the council or the authority from compliance with, or waive the requirements of, any of the provisions of subsections (2), (3), (4), (5) and (6) of this section subject to any conditions that the Minister thinks fit to impose.

This means that, subject to those conditions, the authority or council could skip out from under the provisions of section 38; they would not have to comply with the provisions, that is, to advertise or make the planning regulations available for public inspection. The authority or council would not have to go through the procedure of objections and other matters. I acknowledge that, having had the motives for this clause explained by the Minister of Environment and Conservation, I do not think there is any sinister thought behind it. I understand that the reason for the clause is to enable various minor matters to be dealt with without going through the full procedure. However, if this clause is enacted it will be possible in future for the authority or a council to keep planning regulations under wraps until they become law, thus denying the public any knowledge of them, so that there will not be any advertisement, the planning regulations will not be open to public inspection, and people will not have access to the objection procedure they have at present.

While I am sure that that was not the intention of the Government, this clause, and for that matter, the whole Bill if it passed, will become law and in future it will be possible for a council or a planning authority to keep important and major planning regulations under wraps and aside from the public eye and from objections being taken until the planning regulations become law. I strongly believe that such a practice is undesirable. I understand that the Government no longer insists on this clause and has no objection to its being deleted. I intend voting against it.

Clause negatived.

Clause 18—"Where land is declared to be subject to interim development control."

The Hon. T. M. CASEY: I move:

In paragraph (c), in new subsection (5b), to strike out "subsection (5a) of".

Under section 41 of the principal Act the authority may delegate to a council its powers relating to interim development control. The purpose of the amendment is to make clear that the power to revoke a delegation will apply to a delegation made either before or after the commencement of the Bill.

Amendment carried.

The Hon. C. M. HILL: I move:

In paragraph *(c)* to strike out subsection (5c) and insert the following new subsection:

> (5c) Where the authority has delegated to a council its power under this section to grant or, refuse consent to an application for such consent, and the council fails to exercise the delegated power in relation to an application within a reasonable time after the application was made, the authority may itself act in the matter and determine the application.

This deals with the question of the delegation of partial power to local government from the authority. The Bill as drafted provided that the delegation of power was to be granted but, at the same time, the authority reserved unto itself the right to act in any matter. That would seem to give the opportunity to two entities (the council on the one hand and the authority on the other hand) to administer interim development control over the same matters and in the same place.

The effect of my amendment is to allow the council, once it has been given that right, ample opportunity to put its plans in train, and only if the council fails to exercise the delegated power within a reasonable time can the authority step in and take over control. I suggest that the amendment improves the Bill.

The Hon. T. M. CASEY: I accept the amendment.

Amendment carried.

The Hon. C. M. HILL: I move:

In paragraph *(e)*, in new subsection (9), after "authority", to insert "or the council by which the condition was imposed".

This amendment will clarify the provision.

Amendment carried.

The Hon. A. M. WHYTE: Although, by the agreement of the Minister, the clause has been amended successfully, it still contains sweeping powers for the authority. I think that all members agree that we need planning throughout the State for the future. However, it is hoped that the authority will exercise its power with some mercy and discretion. Clause 18 deals with the right of the authority to delegate power to a council. However, I wish to refer to an area which is not controlled by local government and in respect of which interim development control has been exercised by the authority. The people of the Northern Flinders Range, in consultation with the authority, rightly or wrongly assumed that the powers would be vested in the Pastoral Board to administer interim development control. This proved to be incorrect. When the matter was examined, it was found that one department could not delegate its power to another. In consultation with the Minister and the Chairman of the State Planning Authority (Mr. Hart), it was decided that the Pastoral Board would be consulted on matters relating to pastoral land. By leave of the Committee, I should like to read an undertaking drawn up by Mr. Hart and approved by the Minister.

Leave granted.

The Hon. A. M. WHYTE: The undertaking is as follows:

Interim development control was imposed in the Northern Flinders Range by regulation on November 14, 1974. This provision was introduced as a major environmental measure to protect the natural beauty of the Northern Flinders Range from damage, particularly due to undesirable developments associated with tourism. As this was the first occasion on which such a wide-ranging form of control had been imposed on an area of land without local council representation, it was appreciated that problems could arise in its implementation. Consequently, members of the State Planning Authority and the officers advising them toured the area and, in particular, several officers recently attended a meeting with the Stockowners Association in Marree. Further, a close liaison has been established with the Pastoral Board who are, of course, expert in the problems which pastoralists face in all their work. This liaison is working well and will continue in the future. It should be remembered that interim development control affects the operations of mineral exploration companies, tourist operators, and all forms of commercial development in addition to station owners. During the period of some four months during which control has applied, the experience gained by officers and members of the authority has shown that there are no overwhelming difficulties in implementing this form of control in this particular area. However, a careful watch is being kept on the implementation of the control programme to ensure that no unnecessary delays are imposed on well justified developmental proposals within the area. Certainly, no restrictions on normal pastoral activity have been envisaged nor have any been reported, nor is it anticipated that there will be delays in granting approval for the construction of buildings associated with such normal pastoral activity. The Minister is aware of the points made herein and concurs with them. In particular he stresses that the role of the Pastoral Board in advising on possible problems of the pastoral industry will continue and their advice taken account of at all times.

I am grateful for that undertaking.. I suppose that it does not mean much, since the authority can delegate power or take it away so quickly under the provisions of this clause. However, the undertaking is about as good a compromise as could be achieved.

Clause as amended passed.

Clauses 19 to 23 passed.

Clause 24—"Land within the hills face zone."

The Hon. C. M. HILL: This controversial clause deals with present subdivision in the hills face zone. I have on file an amendment that would introduce a system by which owners of land in the hills face zone would be given the opportunity to offer the land to the State Planning Authority. During a period of time after the date of such an offer, the authority would negotiate to purchase that land.

I would intend that the authority would hold that land for posterity as open space land forming a natural and most beautiful rural backdrop to the metropolitan Adelaide area for all time. As the Minister of Agriculture has said, some discussions have been held with the Minister in charge of this Bill in another place, and this subject has been discussed at great length with him and his senior officer.

I am cognisant of the problems and difficulties that would arise if an amendment such as I have described were carried. One main problem is that of finance. Another problem is whether or not it is the policy of the Government of the day to own, or have one of its authorities own, the land, as I foresee it should be owned.

I acknowledge that when the question of finance is considered it is not probable (although it is possible) that a great area of land could be offered suddenly to the authority, resulting in financial embarrassment. One must be practical, but at the same time I am determined that I will not give up my endeavours and my hope that, on the one hand, this area will remain open space for the benefit of Adelaide and that, on the other hand, those who own land in this area shall receive ultimately fair and just compensation for it.

Pursuing that twin goal is something that cannot be challenged or questioned. I understand that, as a result of the amendment having been placed on file, and as a result of the discussions to which I have referred, the Minister and the Government are prepared to amend the Bill, first, to give the authority the right to purchase by private negotiation land in the hills face zone. The authority has not got that right at present. In my view, that is a start to the process I hope ultimately will come to fruition.

Secondly, I understand the Government is willing to apply to the Commonwealth Government for funds to acquire land in the hills face zone. That, I think, is a tremendous breakthrough in this general plan I have in mind. Clause 24 (5) perhaps could be used by some owners of land in this area to receive, by negotiation (through the medium of resubdivision), compensation such as I think those people are entitled to receive.

Leaving that aside, I believe that, to be practical, it is not possible for me to achieve the passing of the amendment I have placed on file. If I were fully supported in this matter (and if I pursued the question I think I would be), the whole problem could lead to a disagreement between the Houses and ultimately would lead probably to the dropping of the Bill in totality. That would cause much concern, because elsewhere in the Bill are most important changes that are necessary if town planning is to be kept up to date in South Australia.

In these circumstances and in view of the situation in which I am placed and which I have explained this evening, I do not intend to move the amendment on file, but I ask whether the Minister will give an undertaking that the Government will apply to the Commonwealth Government for funds to acquire land in the hills face zone. Later in the Committee stages of this Bill I intend to move for the insertion of a new clause to give the authority the right for the first time to purchase land within the hills face zone.

The Hon. T. M. CASEY: I am pleased that the honourable member is not pursuing his amendment. I was interested in some of his remarks in summing up why he does not intend to do so. He spoke about open spaces. I hope we can keep this area as an open space for many years; let us hope it will be there always. I draw the attention of honourable members to some of the remarks made this evening by the Hon. Mr. Story when he said that it was all very well to talk about open spaces, but that someone had to control them or we would be inundated with blackberry bushes, African daisies, and all the rest of the weeds. To keep it as agricultural land would be the object of the exercise. Whether the Minister in another place would agree, I would not know. The only way this can be managed is for the owners of the properties to farm them, whether for grazing or cultivation. That would be in the best interests of the hills face zone. That is my personal opinion. I think I can give an undertaking to the honourable member, as he asks, that the Minister in charge of the Bill will make representations to the Australian Government to see whether money can be made available for the purchase of land in the hills face zone.

Clause passed.

Clause 25—"Penalty for dividing land otherwise than in accordance with plans."

The Hon. J. C. BURDETT: This clause relates to section 59 of the principal Act, and it had seemed to me that there were discrepancies between sections 44 and 59 of the principal Act. It was my impression that section 59 was redundant. I had placed on file an amendment, the effect of which would have been to repeal section 59. However, as has been said, discussions have taken place between members on this side of the Council and members of the. Government and, in view of the co-operation and the measure of agreement reached, I do not propose to move the amendment on file in my name. I support the clause as it stands.

Clause passed.

Clauses 26 and 27 passed.

New clause 27a—"Acquisition of land within hills face zone."

The Hon. C. M. HILL: I move to insert the following new clause:

27a. The following section is enacted and inserted in the principal Act immediately after section 63a:

63b. (1) The authority may, with the approval of the Minister, acquire land by agreement within the Hills Face Zone.

(2) In this section—

"the Hills Face Zone" means the Zone shown as the Hills Face Zone on the Metropolitan Development Plan or any Zone that, by virtue of a planning regulation relating to the Metropolitan Development Plan, supersedes that Zone.

The Minister of Agriculture advocated that land in the hills face zone could be used for agricultural purposes. If he has a say in the matter, I make a plea to him that he should see to it that, when land is purchased by a Government authority, the existing scrub land is not cleared—certainly not for agricultural purposes. Conservationists in this State are very anxious to see minimal clearing of natural scrub in the hills face zone. Because the Minister is a little biased toward agriculture, he has perhaps overlooked the fact that many agricultural pursuits on such land are difficult, because of the possibility of damage caused by dogs and vandals and because of the nearness of the metropolitan area.

The State Planning Authority is quite capable of administering land in the hills face zone. If and when it acquires such land, the Government of the day can decide which authority should be in charge of that open space. It may be the National Parks and Wildlife Commission or an entirely separate authority responsible for this specific project. I hope that in the relatively near future the Government will begin purchasing some of the land.

The Hon. T. M. CASEY: I accept the new clause.

New clause inserted.

Clauses 28 and 29 passed. .

Clause 30—"Law governing proceedings under this Act."

The Hon. J. C. BURDETT: I move:

In new section 82 to strike out subsection (1) and insert the following new subsection:

(1) Subject to subsection (2a) of this section, where an application is made to a planning authority for a consent, permission, approval, authorisation, or certification that it is empowered to give under this Act, the law to be applied by the authority in deciding the application, and the law to be applied in resolving any issues arising from the decision in any proceedings (whether brought under this Act or not), shall be the law in force as at the time the application was made.

after subsection (2) to insert the following new subsection:

(2a) This section does not apply in respect of an application for approval of a plan of subdivision or re-subdivision relating to land within the Hills Face Zone, and after subsection (3) to insert the following definition:

"'the Hills Face Zone' means the Zone shown as the Hills Face Zone on the Metropolitan Development Plan or any Zone that, by virtue of a planning regulation relating to the Metropolitan Development Plan, supersedes that Zone."

New section 82, as it stands at present, seems to be unjust. A person may apply to the State Planning Authority, and his application may be delayed for a number of reasons, particularly if it is known that a change in the law is likely to occur. Under the provision as it stands, the law is to be the law in force at the time of a decision. If the law is changed between the time of the application and the time of the decision, the board is to apply the law at the time of the decision. This seems to be unjust, and it is opposed to the general practice of the civil courts, where the law is the law as at the time an action is brought. The same principle should apply to proceedings under this legislation. A person can make his application only on the basis of the law as it is at the time of the application.

It has been pointed out that it was known that this Bill would be introduced and that the hills face zone would be affected; some people, knowing that the hills face zone would be proclaimed, got on the band waggon and made applications to the authority. It is not fair that they should be able to take advantage of that. The amendments preserve the principle I have outlined but, in regard to the hills face zone, this shall not apply and people, having heard about this matter, shall not have the opportunity of getting on the band waggon. So, people who have got in quickly with their applications will get no benefit.

The Hon. T. M. CASEY: I accept the amendments.

Amendments carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday, June 10, at 2.15 p.m.

Most honourable members know that it is my intention to stand down from the Ministry before Parliament reassembles, and I cannot let this occasion pass without expressing my appreciation of the way in which all honourable members have treated me and assisted me while I have been Leader of

the Government in this Chamber, and indeed even before that, when I was one of the back-bench members in this place. Although I am not retiring from Parliament at this stage, I intend to step down from Cabinet before we return in June. I thank all honourable members for their assistance in dealing with the business of the Council this session as expeditiously as we have been able to deal with it. In this latest part of the session we have established an all-time record for the number of Bills and motions handled, and the way in which we have been able to do that has been a credit to every member.

On some occasions I have been a little bit terse, and I have appreciated the way in which honourable members have borne with me. We have had to cope with difficult circumstances, but despite our problems we have got through the work extremely well. During last week and the present week I had some doubts as to whether we would be able to complete this part of the session without one of those "all-nighters" we used to have. I have done everything possible to avoid them while I have been Leader of the Government here. Honourable members have co-operated and. we have achieved good results. I think the latest sitting since I have been Leader was the recent night when we sat until 2 a.m., but most members who have been here as long as the Hon. Mr. Shard and myself will recall that we have sat for 20 hours or 22 hours on the last night of some sessions. To me, that is madness. I hope that, when I am no longer here, and even when I am a back-bencher, we will be able to avoid such late sittings.

The Hon. R. C. DeGaris: You might have more to say as a back-bencher.

The Hon. A. F. KNEEBONE: I might be able to interject more often. I have learnt from the Hon. Bert Shard that a telling interjection can be more effective than a long speech. It has been a joy to me to lead such a compact group as I have had behind me in these past two years. I realise the difficulties the Hon. Mr. Shard had when there were only four Labor Party members in the Council; it has been much easier for me with six. I appreciate the help they have given me, especially the help I have had from my two colleagues on the front bench. I could not have wished for greater support, and that goes for all my group. The Hon. Bert Shard has been a great help and a great support. Sometimes he has prompted me and I have called for a division when otherwise I might not have done so, but we have worked well together and it has been a most enjoyable experience.

I have appreciated working under you, Mr. President, and we could not have wished for more help than we have had from the Clerk and his assistants in this Chamber. I am grateful to all members of the Opposition, and especially to the Leader. Although we are on opposite sides and we do not agree on everything, I much appreciate the friendship I have received from them as well as the help they have given me in getting the work through. On occasions such as these, I do tend to become rather emotionally upset, and I hope no-one will say anything about me. I simply say, because it comes from my heart, "Thank you very much."

The Hon. R. C. DeGARIS (Leader of the Opposition): In seconding the motion, I thank the Chief Secretary for his reference to members of the Council. However, he made one mistake in saying he found it easier with six A.L.P. members than the Hon. Bert Shard had found it with four. The Hon. Mr. Kneebone has as many people supporting him in this Chamber as had the Hon. Bert Shard. I think every member in this Chamber, in trying to do his job, had a great respect for the Hon. Bert Shard, and also had the same respect for the Hon. Frank Kneebone in his position as Leader of the Government.

With the exception of an emergency sitting, which is always liable to happen and which can be called at short notice, this will be the last day on which the Hon. Frank Kneebone will be Chief Secretary and Leader of the Government in this Chamber. I should like to place on record my appreciation, and that of all the members I have the honour to lead, of the work of the Chief Secretary as Government Leader in this place. I am fully appreciative of his hard work, his calmness, and his humility. The Hon. Mr. Kneebone's example is an example for any future Leader of the Government in this Council, irrespective of which Party he may come from. His able leadership is appreciated, and I believe that he is the ideal type of person to lead a second Chamber, whether in Government or in Opposition. During the whole time that the Hon. Mr. Kneebone has been Leader of the Government in this Council I do not remember any time when he has been other than the complete gentleman, nor do I remember any time when he has uttered a single word to which any honourable member could take exception.

I object to personalities and personal abuse entering into debates. I know that we debate vigorously on occasions, and I do not object to vigorous debate. It does not do anyone any harm; indeed, it adds a little bit of colour occasionally. I close by saying that I express the genuine appreciation of myself and the honourable members I lead to a Minister whom we have always held in high esteem.

The Hon. G. J. GILFILLAN (Northern): I do not think I have ever spoken in this Council on the motion for adjournment. Probably I, as Opposition Whip in this Council, have worked with the Chief Secretary more closely than has anyone else in arranging speakers on Bills and in arranging the working of the Council. I completely support what the Hon. Mr. DeGaris has said: the Hon. Mr. Kneebone is an object lesson for any future Minister or Leader in this Council. I will go further and say that he is an object lesson for any Minister or Leader in any House, not just this Council. He has achieved more in the way of handling Bills within a time limit than can be managed in another place where there is a Government majority; he has achieved this because he has the co-operation and trust of honourable members on this side of the Council. In our dealings together, the Chief Secretary has been completely honest. He has never made any attempt to deceive in arranging the working of the Council. This has contributed tremendously to what has happened under his leadership. We had the same understanding with the Hon. Mr. Shard when he was Leader. The Hon. Mr. Kneebone's integrity of character has done much for the smooth working of this Council. I add my best wishes for his semi-retirement and, ultimately, for his retirement from politics.

The Hon. D. H. L. BANFIELD (Minister of Health): I wish to express my appreciation to my Leader. I worked as a back-bencher very well with the Hon. Mr. Shard, who did a magnificent job as Chief Secretary. However, I embarrassed him from time to time; he did not realise that I was helping him all the time. When the Hon. Mr. Shard stepped down from the Leadership, I came on to the front bench, and I have behaved myself ever since! The Hon. Mr. Kneebone is a very good Leader, and I have been proud to work under him. He

has given me a great deal more help than I ever gave him. It has been a great experience to work under him for the past two years, and I trust our friendship will continue.

The Hon. T. M. CASEY (Minister of Agriculture): During my membership of this Council I have worked under the Hon. Mr. Shard and the Hon. Mr. Kneebone. I have known the Hon. Mr. Kneebone for a number of years because we came into Parliament at about the same time. I entered Parliament in December, 1960, and the Hon. Mr. Kneebone entered Parliament in 1961. He is a favourite with members of my family, who have always looked to him as being the ideal uncle. People in the Printing and Kindred Industries Union regard the Hon. Mr. Kneebone highly, and I have yet to meet anyone who does not speak highly of him. I sincerely wish the Hon. Mr. Kneebone well in the future when he is on the back-bench; this is quite a step for anyone to take. The Hon. Mr. Shard took the same step. I am sure those gentlemen have the interests of the Party at heart. It is a credit to them that they have stood down to allow others to come on to the front bench to get experience prior to a full session; that is a feather in their cap. I thank the Hon. Mr. .Kneebone for the help he has given me. I agree with the Hon. Mr. DeGaris that the Hon. Mr. Kneebone is the ideal gentleman to get on with. He is not bombastic, as some of us are. He seems to have accomplished his task with a fair amount of ease, and I respect him for it.

The PRESIDENT: I wish to associate myself with everything that has been said. Having had many years of experience in this Council, I have been able to observe the behaviour and temperament of honourable members. I can speak of many Leaders in this Council. Indeed, I myself have been a Leader here, but there was one difference in those days: my main opposition came from the Leader of my own Party, the late Sir Collier Cudmore. His philosophy was that, because this was a House of Review, it was the responsibility of honourable members here to examine and expose all the ramifications of legislation. Sir Collier Cudmore was a fighter; we had many altercations outside the Chamber, yet there was no-one whom I respected to a. greater extent. I missed him when he went, because of his principles.

The Opposition's job has always been to analyse legislation clause by clause. That is still being done in the same atmosphere in this Chamber. Although the Government has experienced vigorous opposition in this Council, there has prevailed in this place an atmosphere that is envied by many other Parliaments. Visitors pay many compliments regarding the standard of the debate and behaviour in the Council. Of course, this atmosphere can be created only by honourable members themselves, and this is where we have been fortunate.

I remember the Hon. Frank Condon, who had something to do with the training of some honourable members who are on the Government benches today. Indeed, I can remember that, whenever there was a change of representatives in Central No. 1 District, the Hon. Frank Condon would say "He is a good boy. Although he is a bit wild, he will be all right." Frank Condon had such a way with him that he soon received the co-operation of all his colleagues. Although they were all keen fighters, a feeling of friendship and respect prevailed among all honourable members over the problems experienced in the Council.

You, Mr. Chief Secretary, have displayed, to the greatest possible degree, all the qualities that make for a good Leader. You are always calm and collected, and you always play it cool when in a difficult position. As a consequence, you have gained the respect of all members. Although I do not like the word "sympathy", a certain amount of sympathy goes with the respect that one has for a person who is fighting a losing battle, albeit temporarily, in relation to any matter. You have those qualities and have maintained dignity in your position as Minister in charge of the Council. Your integrity has gained you the respect that enables you to retire feeling fully satisfied with your record as a member of this Council.

All honourable members will indeed miss you on the front bench. However, you will find it a break merely to sit back, as the Hon. Mr. Shard (who bursts out occasionally, finding it difficult to remain silent) has done. We wish you every happiness, and look forward to having you with us for as long as a few others of us remain members of the Council. There will be a big change in the personnel of the new Council, and we hope that the friendship and respect that exist among honourable members now will continue for a long time. .

Motion carried.

At 12.57 a.m. the Council adjourned until Tuesday, June 10, at 2.15 p.m.