

LEGISLATIVE COUNCIL

Tuesday, June 10, 1975

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

ASSENT TO BILLS

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

Administration and Probate Act Amendment (General),
 Art Gallery Act Amendment (Board),
 Building Societies,
 Community Welfare Act Amendment,
 Control of Waters Act Amendment,
 Coroners,
 Crown Proceedings Act Amendment,
 Dog Fence Act Amendment,
 Electricity Trust of South Australia Act Amendment,
 Fences,
 Friendly Societies Act Amendment,
 Highways Act Amendment (Property),
 Impounding Act Amendment (Fees),
 Justices Act Amendment (Various),
 Land and Business Agents Act Amendment (Fee),
 Land Tax Act Amendment (Equalisation),
 Libraries and Institutes Act Amendment,
 Limitation of Actions Act Amendment,
 Listening Devices Act Amendment,
 Local Government Act Amendment (Amalgamations),
 Manufacturers Warranties,
 Margarine Act Amendment,
 Marine Act Amendment,
 Motor Vehicles Act Amendment (General),
 Planning and Development Act Amendment (Appeals),
 Road Maintenance Act Amendment (Contributions),
 Road Traffic Act Amendment (Inspections),
 Road Traffic Act Amendment (Major Roads),
 Rundle Street Mall,
 Savings Bank of South Australia Act Amendment,
 Shearers Accommodation,
 Statute Law Revision (Various),
 Statutes Amendment (Judges' Salaries),
 Statutes Amendment (Miscellaneous Metric Conversion),
 Statutes Amendment (Public Salaries),
 Teacher Housing Authority,
 Vertebrate Pests,
 Weights and Measures Act Amendment,
 West Beach Recreation Reserve Act Amendment,
 Wheat Industry Stabilisation Act Amendment,
 Wills Act Amendment.

CONSTITUTION ACT AMENDMENT BILL (SALARY)

His Excellency the Governor, by message, informed the Council that he had reserved the Bill for the signification of Her Majesty the Queen's pleasure thereon.

MINISTERIAL STATEMENT: PORTFOLIO CHANGES

The Hon. D. H. L. BANFIELD (Chief Secretary): I seek leave to make a statement concerning changes, in the Ministry, full details of which were circulated to members this morning, together with details of Ministers in this Chamber handling portfolios of Ministers in the other place.

Leave granted.

The Hon. D. H. L. BANFIELD: I do not propose to take up the time of the Council in reading all the information circulated this morning, more particularly as the order of precedence will be included in the *Hansard* weekly issues, but I should like to draw attention to the responsibility of Council Ministers to handle matters pertaining to the portfolios of their Assembly colleagues.

As Chief Secretary and Leader of the Government in the Legislative Council and as Minister of Health, I shall be responsible for the portfolios of Premier and Treasurer in this Chamber, the Attorney-General, Minister of Community Welfare and Minister of Prices and Consumer Affairs and also the Minister of Labour and Industry.

The Hon. T. M. Casey will be Minister of Lands, Minister of Irrigation, Minister of Repatriation, and Minister of Tourism, Recreation and Sport. He will be responsible for the portfolios of Deputy Premier, Minister of Works, Minister of Marine, Minister of Transport, Minister of Local Government, Minister for the Environment, Minister for Planning and Development and Minister Assisting the Premier.

The Hon. B. A. Chatterton will be Minister of Agriculture, Minister of Forests and Minister of Fisheries. He will be responsible for the portfolios of Minister of Education, Minister of Mines and Energy, Minister of Housing and Special Minister of State for Monarto and Redcliff. I want to take this opportunity to congratulate the Hon. Mr. Chatterton on being selected as a Minister. I know that he will apply himself diligently, and we are indeed fortunate to have a man of his type. We have seen him perform ably as a member of the back bench and I am pleased that he is now in the team on the front bench; we look forward to seeing him working in his new position as Minister of Agriculture.

I also want to express my appreciation to the members of my Party who chose me as Leader in this Council. It is a position that I am very proud to have been selected to fill. It is also true that at the moment I am a little bit nervous and possibly a little subdued. The "subdued" part might not last very long; nevertheless, I am proud to have been elected to the position of Leader in this Council. I look forward to working in with every member in this Chamber. There is no reason why we cannot go along as smoothly in the future as we have in the past.

I cannot let the opportunity go without saying a few words regarding the Hon. Frank Kneebone. It is a long time since he has sat on the back bench, but I express my appreciation of the way in which he handled the affairs of the Council while he was Leader. I look forward to receiving support and guidance from him in the future and, while we are not happy that he has relinquished his position, we hope that he will enjoy the remainder of his term in Parliament and that he will not be so frustrated on the back bench as he was from time to time on the front bench. I am fortunate in not being completely outflanked by ex-leaders; on my right I do not have an ex-leader, but in front of me I have the Hon. Mr. DeGaris, to my left I have you, Sir, as an ex-leader, and I have two ex-leaders behind me. I am almost hemmed in, but there is still room for manoeuvre and I look forward to manoeuvring when I can.

The Hon. C. R. STORY: I should like to take this opportunity on behalf of all the members of the Council to congratulate the Hon. Mr. Chatterton, who is the new member of the Ministry, and the Hon. Mr. Banfield, who has been chosen by his Party to lead this Council. I also

congratulate the Hon. Mr. Casey, who is assuming responsibility for the important portfolio of Lands. We are extremely pleased to be associated with the congratulations that these honourable members have doubtless received from many people. However, I regret that the title of Leader of the Government in the Council appears to have been changed somewhat, because I notice in the printed sheet that has been circulated that the Minister is described as the Minister of Health, first, and that he is described incidentally as Chief Secretary.

I would have preferred to see the position in reverse. To me, the position of Chief Secretary is one of the landmarks and tenets of our society, at least so far as South Australia is concerned. To me, the breaking down of that office in this place represents the equivalent of replacing the President's Chair with a tubular steel chair. I believe in tradition; I believe in the institution of Parliament. Therefore, I believe that offices such as that of Chief Secretary have great significance. In other words, you can redecorate the building but, please, do not remove the foundations.

I look forward to cordial relations with this Ministry, as we have had in the past. I know that it will not always be straight sailing for any of us working here but, provided we all observe the accepted customs, I believe that our debating will continue as in the past and South Australia will continue to be well governed. I congratulate those honourable members who have moved on in position and those who have recently joined the Ministry, not only in this place but also in another place.

QUESTIONS

MEDIBANK

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

Leave granted.

The Hon. C. R. STORY: In asking my question of the Minister of Health, I point out that the Tasmanian Government has decided to allow a full debate in both its Houses of Parliament regarding the signing of the agreement for the establishment of the Medibank scheme. Can the Minister of Health say whether it is the South Australian Government's intention, in view of the report that the Minister has already signed a 10-year agreement with the Australian Minister for Health in Canberra, to allow members of Parliament and the public to participate in an open discussion on the merits or otherwise of the Medibank scheme?

The Hon. D. H. L. BANFIELD: First, I want to thank the Hon. Mr. Story for his kind words of congratulation, and I want to thank other members who have congratulated me both privately and here today. Secondly, an agreement has not yet been signed between the South Australian Government and the Australian Government. I do not intend to table the agreement and I do not intend to open the matter for general discussion by members of Parliament. The position is that it is merely a working arrangement between the two Governments. However, when the agreement has been signed (and I expect it to be signed within a fortnight), honourable members can make arrangements with me to peruse it. I invite them to have a cup of tea with me, and I shall be happy to show the agreement to them.

The Hon. M. B. CAMERON: What about the public?

The Hon. D. H. L. BANFIELD: They can come and have a cup of tea with me, too.

OPEN SPACES

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister for Planning and Development.

Leave granted.

The Hon. C. M. HILL: Before giving my explanation, I join with the Deputy Leader of the Opposition in this Council (Hon. C. R. Story) in the congratulatory remarks he extended to Government members on the front bench. I refer to some publicity given a month or two ago concerning the Premier's desire to conserve open spaces in the fringe areas of the metropolitan area and in some areas outside metropolitan Adelaide for the use of vineyards and for other existing uses. At the time, remarks were made concerning the McLaren Vale area and the open spaces in the Golden Grove region. An announcement was made that the Government would look into ways and means of maintaining the land as open space, and there was considerable comment by landowners in those areas and by people interested in the subject, such as conservationists and town planners. I have since been informed that a committee concerned with the preservation of land for horticultural purposes has been established by the Government. As some of the interested parties to whom I have referred continue to make inquiries as to what is happening regarding this matter and continue to express concern regarding it, can the Minister say who are the members of that committee, what are its terms of reference, and whether the public can make submissions personally or in writing to the committee, so that proper participation and involvement of those interested can be achieved before the committee's findings are brought down?

The Hon. T. M. CASEY: I will refer the honourable member's question to my colleague and bring down a reply.

STATE FINANCE

The Hon. JESSIE COOPER: I seek leave to make a short statement before asking a question of the Chief Secretary.

Leave granted.

The Hon. JESSIE COOPER: In directing my question to the Chief Secretary, I would like to say that I am pleased to know that he will coo as sweetly as a turtle dove during his term of office. I would also like to say that I am sorry that the order of precedence in the Cabinet now has the Chief Secretary at No. 4; when I first entered Parliament the Chief Secretary was No. 2. In the Estimates of August, 1974, the receipts from State taxation were given as \$208 921 000 for 1974-75. In view of the altered financial situation in this State and the application of some new taxes, will the Chief Secretary inform the Council of: (1) the latest assessment of State taxation, on the same basis as the figure I have quoted, for the current financial year; and (2) the rate per capita of State taxation, on the same basis, for the five financial years ending with 1974-75?

The Hon. D. H. L. BANFIELD: I do not remember saying that I would coo like a dove, although that is what I will do. I thank the honourable member for her remarks and I will seek the information she has requested and bring it down.

NURIOOTPA BY-PASS

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

Leave granted.

The Hon. M. B. DAWKINS: My question refers to the Greenock-Nuriootpa by-pass. Honourable members will be aware that there are some very dangerous situations in the area of the main road from the township of Daveyston to the other side of Nuriootpa. In the interests of road safety and of through traffic, there has for some time been a plan to by-pass these towns. Will the Minister say what progress has been made on the Greenock-Nuriootpa by-pass and, if there has been a delay (as seems to have been the case), what has been the cause of the delay? Also, will the Minister say whether the time table for the completion of this by-pass has been altered and, if so, in what way?

The Hon. T. M. CASEY: I will obtain that information from my colleague and bring down a reply for the honourable member.

TEACHERS

The Hon. G. J. GILFILLAN: I ask leave to make a statement before asking a question of the Minister of Agriculture, representing the Minister of Education.

Leave granted.

The Hon. G. J. GILFILLAN: I, too, congratulate the Ministers in this Council on their recent appointments. My question concerns various reports that have from time to time appeared in the press on the number of teachers available in our departmental schools. It has been stated that there are sufficient teachers to staff our departmental schools. It has also been stated in the press that there is a surplus of teachers in other States, and I understand that recruiting of teachers within Australia and overseas has been curtailed, somewhat at the direction of the Commonwealth Government. However, my attention has been drawn to a shortage of teachers at the Whyalla High School. According to my information, there are three groups of geography and social studies students that do not have an assigned teacher. First, will the Minister take up the matter with his colleague in an endeavour to alleviate the position at Whyalla, if that is possible, and, secondly, make available to Parliament a report on the present teacher position in South Australia, as well as on future planning in our education system?

The Hon. B. A. CHATTERTON: I thank all honourable members who have congratulated me on my appointment as Minister of Agriculture. I will convey the honourable member's question to the Minister of Education, and bring down a report as soon as possible.

FARMING ASSISTANCE

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. R. A. GEDDES: I also wish to join in congratulating the Minister of Agriculture on his appointment to this important position in Cabinet, as well as the other Ministers in the Council on their changes in portfolio. The Minister was reported in this morning's press as having said:

It is not sufficient for them—

that is, farmers—

to ask for assistance on the basis that they are farmers which, unfortunately, they have been doing for the past few years.

Does the Minister imply in that statement that, because of changing circumstances in the agricultural world (and there are always changes), organisations representing the farming community should not apply to the Government

for assistance in any form? Does it mean it could be inferred that even trade unions should not apply to the Government for changes where they consider changes should occur? Will the Minister give a considered reply to this question?

The Hon. B. A. CHATTERTON: I think the meaning of what I said is made clear in the context of the whole statement. I was merely pointing out that any requests for assistance by farmers to any Government, either the State or the Commonwealth Government, should be based on factual information and well-documented evidence. I was making the point that in the past there has been a tendency by farming organisations to base some of their submissions on emotional arguments rather than on factual, well-documented cases. I am pleased to see that this trend is changing, and I think probably the inquiries before the Industries Assistance Commission have speeded up this change, because they have been very penetrating inquiries, and have required all the organisations that have presented submissions to look carefully at their objectives and the data they have presented. This is the sort of submission that I hope farming organisations will continue to present in future.

The PRESIDENT: I respectfully point out to honourable members that there are no secrets in this Council. Honourable members seem to be getting quieter and quieter as they go along, and I should be pleased if they would speak up so that the Chair can hear what is going on.

PUBLIC SERVICE APPOINTMENTS

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

Leave granted.

The Hon. M. B. DAWKINS: Before asking my question, I wish to add my congratulations to the Ministers in this Council on their new appointments. I assure them of our co-operation and also our active probing into anything that we consider needs improvement. My question concerns certain positions in the Public Service that are vacant. We have three that I can think of, two of which would concern the Minister to whom I am addressing this question. There is an Acting Director of Agriculture and also an Acting Director of Fisheries at present. There is also an Acting Director of Lands, but I will leave that one to one side for the moment. I would like to know whether the Minister intends to appoint a senior officer as Director of Agriculture in the near future, and also whether he intends to make a new appointment as Director of Fisheries. If this is not to be the case, will the Minister tell the Council why these positions are being left vacant for so long?

The Hon. B. A. CHATTERTON: As all honourable members are well aware, I was appointed as Minister of Agriculture a little after 10 o'clock this morning, so I think it would be better if I obtained a full report on this matter for the honourable member and brought it down later.

DAIRYING AGREEMENT

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

Leave granted.

The Hon. C. R. STORY: My question concerns the Marginal Dairy Farms (Agreement) Act, 1971. I think the Minister would be acquainted with the provisions of

this legislation, concerning which negotiations were initiated during the period in office of the Hall Government, and were ratified in the Commonwealth Parliament in 1970 and by an agreement of the Minister's Government in 1971. The legislation was amended in 1974. Under the provisions of the dairy reconstruction legislation, provision is made for the changeover from cans as containers to the bulk system, with provision for refrigeration in bulk tanks. An application has been made to the Minister's department for assistance under the Act, and a reply has been received indicating that the department approves the granting of a loan of \$5 000 under the Act in respect of one 300-gallon bulk milk vat, involving an amount of \$4 595 and, with insulation, electrical wiring, and housing for the refrigeration unit, totalling \$5 067. The conditions under which the loan will be granted are that it will be interest-free and repayable by 84 monthly instalments of principal, commencing three months from the date of payment by the authority on behalf of the borrower. The loan is to be secured by a procuration order, a bill of sale over the bulk milk vat, and a first mortgage over the lands comprised in certificate of title volume 772, and so on. The borrower will be required to insure the bulk milk vat and the refrigeration unit and to produce a copy of the policy, with the interest of the Minister of Lands endorsed thereon, at settlement. The borrower has been informed that if he desires to proceed with the loan he should agree to what I have outlined.

The Lands Department is asking a person to encumber the whole of his assets for a loan of \$5 000. If the property is not at present encumbered and the person falls on evil times at any point during the course of the 84 monthly repayment period before the loan is discharged, there is a first mortgage over the whole of his land, making it extremely difficult for him to get finance through any lending institution. The giving of a bill of sale or a procuration order, the insuring, and probably offering sufficient collateral to cover the \$5 000 surely would be sufficient to satisfy the terms of the agreement. Will the Minister look at this case and others like it and investigate the terms of the agreement? If the agreement stipulates that this position must obtain, will the Minister take action to see whether his counterpart in Canberra will agree to an easing of these rigorous conditions of the agreement?

The Hon. T. M. CASEY: I shall be happy to comply with the honourable member's request. However, I think he said that the marginal dairy farms rehabilitation scheme was first operated in 1970 by the Hall Government. I remember that, as Minister in the following Government, I had to renegotiate that agreement made by the Hall Government. After conferences with officers from the Commonwealth Public Service Board and Ministers in Canberra, I was able to get a very good agreement and scheme for South Australia. It was a difficult one—

The Hon. C. R. STORY: That could be where the muck-up occurred.

The Hon. T. M. CASEY: No, it was not. No muck-up occurred there at all. The difference between the original scheme and the one I negotiated arose because South Australia was in a different position from the other States in that we had to negotiate for two different areas. One area related to whole milk in the Adelaide Hills and the other related to the southern part of the State. That had not been looked into by the Hall Government. I just wanted to correct the honourable member, because I think it is a most important point. However, I shall do as he asks. He has made his points very well and I will look at them as a matter of urgency.

TAXI STANDS

The Hon. C. M. HILL: I seek leave to make a short statement before asking a question of the Minister of Lands, representing the Minister of Transport.

Leave granted.

The Hon. C. M. HILL: I have been approached by a taxi operator who has expressed grave concern that there will be a loss of taxi stands (I am told the number is five, but I have not had an opportunity to verify that figure) as a result of the closing of Rundle Street for the mall project. What alternative arrangements are being made for new taxi stands near Rundle Street to compensate the taxi industry and the public for the loss of the Rundle Street taxi stands?

The Hon. T. M. CASEY: I shall refer the honourable member's question to my colleague and bring back a reply.

INSURANCE

The Hon. C. R. STORY: I seek leave to make a brief explanation before directing a question to the Chief Secretary.

Leave granted.

The Hon. C. R. STORY: I am not sure to whom I should address this question, but as it concerns a matter of Government policy I address it to the Leader of the Council. During the passage of the State Government Insurance Commission legislation through Parliament, we were assured that no pressure would be placed on anyone applying for loans from any of the institutions associated with the Government. I refer particularly to the State Bank and the Savings Bank of South Australia. It has come to my notice that an elderly woman approached the Savings Bank of South Australia, was granted a loan, and was told that the property concerned would have to be insured. She said she would undertake to do that. She had been insured with a company for many years, but she was informed that unless she put her business through the State Government Insurance Commission the loan would not be available. Can the Minister say whether this is Government policy and whether any direction has been given along these lines to any instrumentality associated with the Government? Does the Government condone the action of the Savings Bank in this case?

The Hon. D. H. L. BANFIELD: Bearing in mind that this concerns a matter of policy, I will obtain a reply for the honourable member.

PUBLIC WORKS COMMITTEE REPORTS

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

Ottoway—Rationalisation of Engineering and Water Supply Department Workshop Activities,
Port Pirie High School (Redevelopment)—Stage II.

COAST PROTECTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 13. Page 2870.)

The Hon. I. C. BURDETT (Southern): I support the second reading of this Bill, and I sympathise with the sentiments expressed in the Minister's second reading explanation; that is to say, I am entirely in sympathy with the preservation of parts of the coast for their aesthetic value. However, this Bill would give the Coast Protection Board rights to compulsory acquisition, and I question whether it

is necessary for the board to have a power of compulsory acquisition. In a free society the right to private property should be jealously guarded, and powers of compulsory acquisition should be carefully reserved for cases where they are absolutely and demonstrably necessary in the public interest; for example, acquisition for a highway or other public utility.

It has become a tradition in this Council to examine carefully powers of compulsory acquisition and their extent. A recent example was the Natural Gas Pipelines Authority Act Amendment Bill, in connection with which the Council appointed a Select Committee to inquire into the necessity for the extension of powers of compulsory acquisition. This present power to acquire only for the purpose of the preservation of the aesthetic value of an area is an extension of the power of compulsory acquisition. The power does not exist in the National Parks and Wildlife Act. As with all powers of compulsory acquisition, one would have no fears if one could be certain that they would be moderately and properly used, but this does not always happen. A case relating to acquisition in Burbridge Road, which was the subject of a Council resolution in the earlier part of this session, is a case where one could not be happy about the exercise of powers of compulsory acquisition.

Also, it should be said that many private owners of coastal land have certainly been most conscious of the need to protect the beauty of the coastline. I have visited areas on Yorke Peninsula and Eyre Peninsula where landowners have provided facilities and have admitted the public to beautiful areas of the coastline upon payment of a modest fee. I certainly hope that, if this Bill is passed in its present form, we will not see a rush to "nationalise" these areas, where the owners are already protecting them and making them available to the public. The relevant definition of "coast" in the principal Act is land above and within 100 metres of the mean high water mark. It is notable that, if this Bill had been in force at the relevant time, it would not have assisted in connection with the Hallett Cove issue, because of the distance involved.

It must be remembered that land, legally, includes buildings. A distance of 100 m above the mean high water mark along metropolitan beaches would take one well back into the residential and building areas. Thus, the board would have the power of compulsory acquisition of these areas, provided that it claimed that the acquisition was for a purpose consistent with the functions and duties assigned to, or imposed upon, the board. It would not be hard for the board to make out a case that this proviso had been complied with.

This wide power to acquire land, including buildings, becomes particularly frightening when one considers that the amending Bill contains a power (unlimited, save for the consent of the Minister) for the board to sell, lease or otherwise dispose of areas compulsorily acquired. I certainly do not suggest any sinister or ulterior motives on the part of the Government; I am sure that it has no such motives. However, if the Bill is passed in its present

form, it would certainly be possible to make a collusive arrangement whereby the board compulsorily acquired premises and subsequently sold them to a pre-arranged buyer. I have placed on file an amendment to delete the general compulsory power of acquisition. I will listen with interest to the rest of the second reading debate before I decide whether to proceed with the amendment. However, I am disturbed about this further extension of powers of compulsory acquisition. New section 33 (4) provides:

Where the board, acting in pursuance of its powers under this Act, acquires land within the area of a council the board may recover from the council as a debt, a contribution, determined by the board not exceeding one-half of the cost incurred by the board in acquiring the land.

One would certainly hope that the board would exercise this somewhat astounding power reasonably. However, it is quite unfair to local government that the board should have the power to spend thousands of dollars (there is no limit in the Bill) on the acquisition of land and recover as a debt (by legal procedures, if necessary) up to one-half of the cost from the council. A council could be ruined by such a practice. I believe that about 40 councils in the State have some coastline within their areas, and it would mean that the finances of a substantial proportion of councils could be thrown into confusion. I am not suggesting any such sinister pattern, but I see no reason for this power. I do not see why councils should be told by the board to spend their money on specific projects. Councils already have the power to spend money on items such as this if they wish, and I do not see how this provision in any form can add anything useful to the principal Act. I support the second reading of the Bill.

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

FOOD AND DRUGS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from March 26. Page 3193.)

The Hon. V. G. SPRINGETT (Southern): The part of the principal Act amended by this Bill deals with administrative matters. The purpose of the Bill is to bring into line with the Local Government Act various audit and accounting procedures of county boards. Clause 3 amends section 15 of the principal Act by providing that a county board shall elect one auditor rather than two auditors. Further, the Bill provides that the accounts of a county board shall be audited in the month of December in each year. In addition, it will be unnecessary to publish in the *Government Gazette* the abstract of receipts and expenditure. I support the Bill, and I see no reason to delay its passage.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ADJOURNMENT

At 3.23 p.m. the Council adjourned until Wednesday, June 11, at 2.15 p.m.