LEGISLATIVE COUNCIL

Tuesday, November 30, 1976

The PRESIDENT (Hon. F. J. Potter) took the Chair at 2.15 p.m. and read prayers.

CRIMINAL LAW CONSOLIDATION ACT AMENDMENT BILL

At 2.17 p.m. the following recommendations of the conference were reported to the Council:

As to amendments Nos. 1 and 2:

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

Clause 5, page 3, line 10—After "repealed" insert "and the following section is enacted and inserted in lieu thereof:

57a. Power to take plea without evidence—

(1) When a person is charged with sexual intercourse with, or an indecent assault upon, a person under the age of 17 years, the justice sitting to conduct the preliminary examination of the witness may, without taking any evidence, accept a plea of guilty and commit the defendant to gaol, or admit him to bail, to appear for sentence.

(2) The justice shall take written notes of any facts stated by the prosecutor as the basis of the charge and of any statement made by the defendant in contradiction or explanation of the facts stated by the prosecutor, and shall forward those notes to the Attorney-General, together with any proofs of witnesses tendered by the prosecutor to the justice.

(3) The Attorney-General shall cause the said notes and proofs of witnesses to be delivered to the proper officer of the court at which the defendant is to appear for sentence, before or at the opening of the said court on the first sitting thereof, or at such other time as the judge who is to preside in such court may order.

(4) This section shall not restrict or take away any right of the defendant to withdraw a plea of guilty and substitute a plea of not guilty."

and that the House of Assembly agree thereto.

As to amendment No. 3:

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

Clause 12, page 4—After line 18 insert new subsection as follows:

(5) Notwithstanding the foregoing provisions of this section, a person shall not be convicted of rape or indecent assault upon his spouse, or an attempt to commit, or assault with intent to commit rape or indecent assault upon his spouse (except as an accessory) unless the alleged offence consisted of, was preceded or accompanied by, or was associated with:

(*a*) assault occasioning actual bodily harm, or threat of such assault, upon the spouse;

(*b*) an act of gross indecency, or threat of such an act, against the spouse;

(*c*) an act calculated seriously and substantially to humiliate the spouse, or threat of such an act; or

(*d*) threat of the commission of a criminal act against any person.

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.

The managers from both Houses entered into this conference with the idea that a compromise could be reached. Much thought went into the discussions at the conference, each side trying to maintain what it thought its House desired but, at the same time, preserving a spirit of compromise to ensure that the Bill was not destroyed. Although the Council was adamant in some areas of the Bill, it took some time to arrive at the wording of a substitute amendment for amendment No. 3 that would be suitable to both Houses. The conference entailed over three hours of discussion, and I congratulate the managers from this Council, who stuck to the principles enunciated by this Chamber but at the same time acted in a spirit of compromise. There is nothing more for me to say except that I hope the Committee will accept the recommendations and agree to what has been done by the managers.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the views of the Minister. Generally, this Chamber's views were held in the conference. It was difficult to find grounds for compromise between the original Bill and the amendments finally passed in this Chamber. I refer to what I said in the second reading debate and in the Committee stage: this Bill now goes further towards the original Bill than I would have preferred; nevertheless, the recommendations made by the conference are a reasonable compromise between the views of another place and this Chamber. Apart from murder, rape is the most serious crime on our Statute Book. Many honourable members recognise that marriage is a situation where a consensual arrangement exists. Those two factors weighed heavily on the minds of some honourable members in relation to the Bill. I support the motion that the recommendations of the conference be agreed to. The recommendations are a reasonable compromise between the views expressed by the House of Assembly and those expressed by this Chamber.

The Hon. C. M. HILL: I speak to the controversial clause 12. The changes to which the Bill has been subjected have improved it immeasurably. Those constituents who wished to retain the consensual aspect of marriage and who, to preserve this ideal, were willing to overlook, in the real and practical sense, the cruelty and indignity that some wives suffer at the hands of bad husbands, can now be satisfied that, provided that certain conditions are not present, the law will not recognise the charge of rape.

Those conditions are, apart from the normal conditions constituting rape, that there must not be assault occasioning actual bodily harm, or a threat of such an assault, upon the spouse, or an act of gross indecency, or a threat of such an act, against the spouse, or an act calculated seriously or substantially to humiliate the spouse or a threat of such an act, or a threat of the commission of a criminal act against any person. Additionally, there were those who believed that the same acts or threats or at least any one of them, if committed by a husband, should pave the way for the husband to be charged with and be convicted of rape. In that case, such people held those feelings so strongly that they were willing to forgo the consensual aspect in their anxiety to improve the lot of genuinely ill-treated wives and place those ill-treated women on the same basis as all other women.

From the viewpoint of those legislators whose votes in this place have been vital in the Bill's reaching its present stage (and I am one of their number), their considerations have been directed at the measure before the Council at the time of the respective debates; that procedure is proper. The second reading of the Bill was carried, and that kept the Bill alive. As a result of the next debate, in the Committee stage, the Bill was improved by the principal amendment that was carried. Now, at this third stage, the Bill has come out of the conference between the Houses in yet a further improved form. All I ask is that this final compromise should be studied carefully by all reasonable

and interested persons. I hope that this final result, on such an important and deeply human social issue, will satisfy the great majority of such people.

The Hon. J. C. BURDETT: I, too, support the motion. This conference was certainly conducted with a considerable spirit of compromise on the part of the Assembly managers. The first two amendments (those relating to the right of the defendant to plead guilty at the commencement of a preliminary hearing into certain matters) sought to retain the right of an accused person in cases of carnal knowledge and indecent assault of minors to plead guilty at the commencement of committal proceedings, thus saving the victim the ordeal of giving evidence. As the Bill left this Council, we would have ended with two sections 57a. This anomaly has been removed, but the intention of the Council has been preserved in its entirety.

Regarding what the Hon. Mr. Hill called the controversial amendment, amendment No. 3, this amendment, as I have seen it from the outset, sought to establish two degrees of rape. One degree of rape could be called, in ordinary language, the more brutal class of rape, where there is serious violence or serious threats. The other type of rape is the type where all that there is that establishes rape is the lack of consent plus, of course, the necessary penetration. The amendment sought to allow the husband to be convicted of the rape of his wife in the more brutal category but, where all that there was was lack of consent, he could not be convicted. This has at all times seemed to me to be reasonable, because within marriage there is an obligation on the part of each spouse to accede to the reasonable sexual requests of the other; in this context the question of consent or lack of consent can sometimes come down to a fine line.

During the conference the class of more serious rapes has been extended; for example, the case where the consent of the wife has been induced through serious and substantial humiliation or the threat thereof has been included. These suggestions of the Assembly managers were readily accepted by the Council managers. The principle for which the Council has contended has been retained; namely, where the only aspect of the rape is lack of consent, the husband cannot be convicted. Finally, I congratulate the Chairman of the conference, the Attorney-General, on the manner in which he conducted the conference.

The Hon. ANNE LEVY: I, too, support the motion. I agree with other honourable members that it is a compromise that has been reached. One of the basic principles of the original Government Bill was that a married woman should be treated in exactly the same way under the law as are all other women. Although this principle has not been completely maintained under this compromise that we now have before us, I believe that the suggested additional subclause (5) referred to in conference recommendation No. 3, is a broad one that should cover all practical cases. Particularly important to me is paragraph (*c*) of that subclause, under which the idea of humiliation, and hence grave mental stress and strain, is given weight, so that mental as well as physical factors are allowed to enter into the criteria to be considered by the courts in deciding whether a husband is guilty of rape against his wife.

I am pleased indeed that we shall be leading the world in enabling a woman to lay a complaint of rape against her husband. This is surely expressing the principle that a married woman is not the property of her husband and that she has the right of control over her own body at all times. Personally, I reject the principle that marriage *per se* implies at all times consent to sexual intercourse. I believe that today is an historic occasion.

The CHAIRMAN: Before I put the question, I would like to say that the managers should be commended for the labours that they have put into this matter. It seems to me that the recommendation from the conference is only one short step back from the implementation of the full principle of the original Bill.

Motion carried.

Later:

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

QUESTIONS

POLICE FORCE

The Hon. M. B. CAMERON: I seek leave to make a statement before asking the Chief Secretary a question.

Leave granted.

The Hon. M. B. CAMERON: I have been watching with some interest the events in Queensland, where there have been considerable problems with the Police Force and alleged political interference therewith. It was with interest that I picked up a magazine called *Scope*, which is available in various places in Parliament House and on the back of which, I understand, are the words "Printed . . . for Tom Ryan of the Trade Union Publicity Council". The report in the magazine headed "Pulling Police into Line" states:

The South Australian Government is investi ating ways of bringing its authoritarian Police Force into line. Several progressive Ministers have been concerned at the behaviour of the Police Force, and the weak control of the police portfolio.

The police have set themselves up as a law unto themselves, and are especially defiant of the State's young Attorney-General, Mr. Peter Duncan. They have even made threats to "bust" Mr. Duncan on the basis of alleged offences. Mr. Duncan has been a solid force for reform in the South Australian Parliament.

He has introduced new legislation decriminalising homosexuality, and defining forced sexual intercourse between husband and wife similarly to rape. He has voiced special concern over police repression in the sexual offences area. Mr. Duncan also made his views felt on the recent police prosecution of a Flinders University student, Mr. David McPherson.

The South Australian police have waged a long vendetta against Mr. McPherson. When challenged publicly by Mr. Duncan, they resorted to the shield provided by the Minister for Police. The Police Minister has shown no inclination to do anything about the excesses of the force in a supposedly Liberal State social environment.

Can the Minister say, first, is the Government investigating ways to bring the Police Force in South Australia into line (whatever that may mean); secondly, does he consider the Police Force in South Australia as authoritarian; thirdly, has the Minister provided a shield for the Police Force against the Hon. Mr. Duncan; and fourthly, will the Minister give an assurance to the people of this State that he will ensure that political interference is kept right out of the Police Force in this State?

The Hon. D. H. L. BANFIELD: It is obvious that there is plenty of scope for improvement of the reporting in that article. The answer to the last question, which will automatically supply the answer to the other three, is that the Government does not interfere with the running of the Police Force.

The Hon. M. B. CAMERON: I wish to direct again one of the questions I just asked to the Chief Secretary. That question perhaps could be phrased in a way in which the

Minister might consider obliged to answer it. Is the Government carrying out any investigation into the Police Force as to whether it is authoritarian or not?

The Hon. D. H. L. BANFIELD: No.

FERRY SERVICE

The Hon. F. T. BLEVINS: I understand the Minister of Lands has a reply to a question I asked recently concerning ferry services to Kangaroo Island.

The Hon. T. M. CASEY: The Greek ship *Georgios Diogos* is about 750 gross tonnes of 60 metres overall length and was launched in 1970. The capacity of the vehicle deck is believed to be 48 motor cars, or a lesser number of trucks. It has a drop-down ramp at the bow which can be landed on a beach. The vessel could be described as a landing ship which would serve the same function as a conventional roll-on/roll-off ship. The owners would need a certificate of sea-worthiness from the Department of Marine and Harbors to operate the vessel and the Department would stipulate how many passengers could be carried and what lifesaving apparatus is required.

The investigation by the Transport Department has been concentrated on a conventional RO/RO ship of larger capacity to replace *Troubridge*. The investigation suggests that with the larger type of ship, no significant cost savings would be made in operating the vessel across a shorter route than at present. However, the service proposed for the smaller *Georgios Diogos* (twice daily in each direction) would be of a different nature. Whether it would be economic or not is a problem of a number of factors, including running costs and rates to be charged.

AGRICULTURE COURSE

The Hon. M. B. DAWKINS: On November 17, I asked the Minister of Agriculture, representing the Minister of Education, a question concerning a certificate agriculture course at further education level and the possibility of the expansion of that course into other areas. I understand the Minister has a reply to that question.

The Hon. B. A. CHATTERTON: I have a reply from the Minister of Education giving details of the course. I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

REPLY TO QUESTION

The Department of Further Education currently offers vocational training in agriculture at post-secondary level in more than 12 colleges throughout the State. The basis of this training is the Rural Studies Certificate which has been developed in consultation with the Department of Agriculture and Fisheries and with the rural industry. The certificate is conferred on students who successfully complete eight 50-hour subjects from a range of more than 40, which is continually being expanded. Two management subjects are considered compulsory and students are advised on the selection of other subjects by counsellors at the various colleges.

The Minister of Education informs me that the complete certificate course is presented only at the South East Community College, but it is possible for students at other locations to complete the required number of subjects for the certificate by a combination of correspondence and classroom attendance. The availability of the certificate is secondary to the function served by the individual subjects within the certificate. These may be undertaken in part or whole by all who have need of knowledge in a particular area and rural studies subjects are presented with a practical bias at a level consistent with that required for rural audiences. The Department of Further Education rural studies subjects have been accepted by other institutions providing courses in agriculture education as those most appropriate for farmer training. No overlap occurs into either the secondary school or college of Advanced Education area.

Access to the full range of rural studies subjects is currently restricted by the lack of resources at most country colleges of Advanced Education. The department has only three full-time country based lecturers, two at the South East Community College at Mount Gambier and one at the Riverland Community College at Renmark. Four other rural studies lecturers are located at the South Australian College of External Studies and are occupied in the vital tasks of expanding the range of subjects available by external study and in tutoring students currently undertaking rural studies subjects by correspondence. All other colleges throughout the State rely solely on the services of part-time instructors drawn mainly from field staff of the Department of Agriculture and Fisheries. Country principals are aided in the presentation of rural studies subjects by staff within the Department of Further Education's Curriculum Development Branch in Adelaide, whose main task is to co-ordinate rural studies activities throughout the State.

My colleague recognises that the present educational services offered to members of the rural community by the Department of Further Education are inadequate. More than one-sixth of the State's population lives in areas classified as non-urban, and a large percentage of this population would benefit from access to further education of both agricultural and general types. However, under the present financial stringencies, it is not possible to expand the existing services until such time as more resources become available mainly in the form of full-time rural studies lecturers for permanent appointment in country colleges.

PORT LINCOLN WHARF FACILITIES

The Hon. A. M. WHYTE: I understand the Minister of Lands has a reply to a question I asked recently concerning Port Lincoln wharf facilities.

The Hon. T. M. CASEY: The meeting in Port Lincoln on Monday, November 8, 1976, to discuss the embargo placed on the Port Lincoln bulk loading facility by a national conference of the Waterside Workers' Federation of Australia was attended by representatives of the Waterside Workers' Federation (the General Secretary and the local branch secretary), the Australian Employers of Waterside Labour, local stevedoring interests, and the Director of Marine and Harbors. As a result of these discussions, the Government is considering some of the proposals advanced and is hopeful that the problem can be satisfactorily resolved. It is not possible to be more specific about these matters until further discussions have been held.

STRATA TITLES

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

Leave granted.

The Hon. J. C. BURDETT: My question pertains to strata titles. The present position is that, if a builder builds a block of units with a view to seeking strata titles, he cannot apply for the titles until the building has been completed and approved. The time taken then to obtain the titles is generally about eight weeks. If the builder is paying interest, as he usually is in such cases, the interest bill during that period of eight weeks may be considerable, because he cannot sell his units until he can give title. In any way that we look at it, during that period of eight weeks the capital involved in the building is dead capital: it is not usable and is not producing anything. I have long accepted that it usually takes about eight weeks for the Lands Titles Office to process any title. Whether or not that is justified I do not know, but I have accepted that, and in most cases the period does not cause any hardship; it is mainly in these cases.

It seems to me that the problem could be overcome if the builder could apply for a strata title as soon as the foundations had been poured (because at that time, of course, the plans could not be changed without consent) and then during the building period the Lands Titles Office could process the strata titles and retain them and not issue them or make them available to the builder until the building had been approved and it had been certified by the council that it had been properly built in accordance with the plans, specifications, and approvals given. Will the Attorney-General consider this or any other means of overcoming the delay after building in the issue of strata titles?

The Hon. D. H. L. BANFIELD: I will refer the honourable member's question to my colleague along with the explanation given prior to the question being asked.

TRAIN TRAVEL

The Hon. JESSIE COOPER: I understand the Minister of Lands has a reply to my recent question about train travel.

The Hon. T. M. CASEY: On this particular occasion a number of sporting clubs were booked on the Overland, departing from Adelaide on October 8, 1976. They became very rowdy and it appears that they consumed large quantities of liquor from cans that were not purchased on the train. Because of their behaviour, the cafeteria car bar was closed prior to reaching Murray Bridge, and later the club car was also closed. The economy class cars were by this time in a very untidy condition because of empty cans on the floor and window sills and spilt beer on the floors, and other passengers were complaining of the behaviour and language of the persons concerned.

Police were called at Tailem Bend and a number of passengers were warned, but this had little effect as the nuisance continued *en route* to Serviceton, and the Victorian Police attended the train at Dimboola. Experience has shown that instances such as this tend to occur in September and October, when sporting teams traditionally have a celebration trip interstate, and to control these groups is not easy. The police will take direct action against passengers under the influence of liquor, but to press charges of unruly behaviour requires: (1) a railway employee who had been directly involved in the incident leaving the train and laying a complaint with the police who attend; (2) holding the train while police question witnesses and take statements. Obviously, this is impracticable.

The Hon. JESSIE COOPER: Following the Minister's kind reply, this is exactly what I asked, whether some measures could be devised with his opposite number in Victoria so that the police in question should not have to go through this long process involving the delay of the train. That was the purpose of my question. The Minister's explanation explains exactly the situation as I have already explained it; it does not give a solution to the problem.

The Hon. T. M. CASEY: I will refer the honourable member's question back to my colleague.

ROADS CLOSURE

The Hon. C. M. HILL: I understand the Chief Secretary has a reply to my question of November 10 about the daily cost of keeping a police car and crew on the roads.

The Hon. D. H. L. BANFIELD: The daily cost would naturally vary depending on circumstances. However, an estimated average cost would be approximately $214.

The Hon. R. A. Geddes: A day?

The Hon. D. H. L. BANFIELD: Yes.

CROWN LANDS ACT AMENDMENT BILL

The Hon. T. M. CASEY (Minister of Lands) obtained leave and introduced a Bill for an Act to amend the Crown Lands Act, 1929-1975. Read a first time.

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

That this Bill be now read a second time.

It provides for amendments to Part VIII of the principal Act, the Crown Lands Act, 1929-1975, relating to the Lyrup village settlement. The amendments are intended to clarify the powers and responsibilities of the Minister of Lands and the Lyrup Village Association with respect to the settlement, to enable the association to manage the settlement without recourse to the Minister, and to empower the Minister to make new rules governing the management of the settlement. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 82 of the principal Act, which sets out definitions for Part VIII. The clause strikes out the defininion of "inspector" as, in fact, there is not an Inspector of Villiage Settlements; nor will there be any need for one in the future. It also amends the definition of "irrigation works" to make it clear that drainage and domestic water supply are part of the irrigation works of the Association. Clause 4 is consequential to clause 5 which removes the limitation imposed by section 94 (7) on the size of holdings. The limitation is a vestige of the communal origins of the settlement, and is no longer appropriate.

Clause 6 amends section 101 of the principal Act to clarify the requirement that any lessee of lands forming part of the settlement must be a member of the association. Clause 7 amends section 102 of the principal Act and is declaratory of the fact that the irrigation works have for many years been vested in the association. Clause 8 substitutes a new section for section 104 of the principal

Act empowering the association to manage the irrigation works without Ministerial control and to impose charges for the provision of services connected with the irrigation works. Clause 9 substitutes a new section 105 for sections 105 and 106 of the principal Act. Again, this clause removes Ministerial control over the management of the association. Clause 10 repeals sections 108 and 109 of the Act, which are obsolete.

Clause 11 amends section 110 of the principal Act by removing Ministerial control over the management of commonage lands, and striking out subsection (2), which is obsolete. Clause 12 substitutes new sections for sections 111 and 112 of the Act. The new sections require that proper accounts be kept by the board of trustees of the association and audited annually, and that an annual report and the audited statement of accounts be submitted to members of the association at its annual general meeting and to the Minister. The settlement of disputes between members of the association, which is regulated by the present section 112, is to be regulated by the rules of the association. Clause 13 repeals section 115 of the principal Act, which is obsolete, and substitutes new sections for that section and section 116 of the principal Act. New section 115 provides for public inspection of the annual report and audited statement of accounts of the association, not all the accounts, as is the present requirement. New section 116 empowers the Minister to make rules for the purposes of Part VIII. As this is a hybrid Bill, it will have to go to a Select Committee.

The Hon. R. C. DeGARIS (Leader of the Opposition): I see no reason why this Bill should be delayed. As the Minister has said, it is a hybrid Bill which must go to a Select Committee. The Bill clarifies the powers and responsibilities of the Minister in relation to the Lyrup Village Association. As the Bill is to go to a Select Committee, it should not be delayed. I support the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hons. M. B. Cameron, T. M. Casey, M. B. Dawkins, N. K. Foster, C. M. Hill, and C. J. Sumner; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on the first day of next session.

The Hon. T. M. CASEY moved:

That Standing Order 386 be so far suspended as to enable a quorum of members necessary to be present at all meetings of the committee to be fixed at four; and that Standing Order 389 be so far suspended as to enable the Chairman of the committee to have a deliberative vote only.

Motion carried.

FISHERIES ACT AMENDMENT BILL

The Hon. B. A. CHATTERTON (Minister of Fisheries) obtained leave and introduced a Bill for an Act to amend the Fisheries Act, 1971-1975. Read a first time.

UNITING CHURCH IN AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from November 24. Page 2406.)

The Hon. R. C. DeGARIS (Leader of the Opposition): This hybrid Bill must be referred to a Select Committee. The Bill facilitates the union of various churches and the forming of a single church to be known as the Uniting Church of Australia. I do not intend to make any comment at this stage, because the Bill must go to a Select Committee. I support the second reading.

Bill read a second time and referred to a Select Committee consisting of the Hons. D. H. L. Banfield, J. C. Burdett, Jessie Cooper, J. R. Cornwall, R. A. Geddes, and Anne Levy; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to sit during the recess and report on the first day of next session.

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

That Standing Order 386 be so far suspended as to enable a quorum of members necessary to be present at all meetings of the committee to be fixed at four; and that Standing Order 389 be so far suspended as to enable the Chairman of the committee to have a deliberative vote only.

Motion carried.

EMU WINE COMPANIES (TRANSFER OF INCORPORATION) BILL

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

That Standing Order 386 be so far suspended to enable a quorum of members necessary to be present at all meetings of the committee to be fixed at four.

Motion carried.

CITY OF ADELAIDE DEVELOPMENT CONTROL BILL

In Committee.

(Continued from November 25. Page 2496.)

Clauses 2 and 3 passed.

Clause 4—"Definitions."

The Hon. M. B. CAMERON moved:

Page 2, after line 19—Insert "'the tribunal' means the City of Adelaide Planning Appeals Tribunal established under section 26a of this Act."

The Hon. B. A. CHATTERTON (Minister of Agriculture): The honourable member's amendment is acceptable, although I point out that the substantive amendment is to be moved later.

Amendment carried; clause as amended passed.

Clause 5—"Position of Crown."

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

Page 2, line 20—Leave out "does not bind" and insert "binds".

This is a principle I have argued on several occasions. I remember in 1965 the Government introduced its planning and development legislation, and I argued the point then, as I did when another important Bill (I think affecting the Building Act) was before this Chamber. I did not make much progress in this matter, but I refer again to the principle, because it is proper that the Crown should be willing to be bound by such legislation. It is ludicrous that the State Government, which purports to have respect for the Adelaide City Council, is not willing to have any of its own buildings conform to the requirements applying to the development of buildings that must be approved by the council, whereas the position concerning private citizens is the reverse. It is all very well for the Government to give assurances that it will always do its best to conform to legislation and that therefore there is no reason to worry about this matter.

The Hon. J. E. Dunford: The Government has a good record.

The Hon. C. M. HILL: I heard a story this morning, which I have not been able to confirm, that a Government department has extended a college of advanced education building in North Adelaide and that some Government members are upset because the plans were not submitted to the City Council. The City Council, likewise, was not given an opportunity to comment on the plans and specifications regarding that building. If that is a fact, it does not indicate a very good record.

The Hon. J. E. Dunford: It might not be true. I have heard many rumours. I have even heard a rumour about you trying to knock off the Hon. Mr. DeGaris.

The Hon. C. M. HILL: The honourable member, with a long, hard road ahead of us today, is not starting off well. It is right and proper for a State Government to be bound by legislation of this kind. Why is the Government not willing to bind itself? If it has nothing to hide, and if it intends at all times to proceed with its development and activity in certain zoning areas and to conform to City Council requirements, it should write into this Bill that it will be bound by the legislation. Why does the Government specifically add a clause to the Bill providing that the Government will not be bound?

From time to time we hear much about the responsibilities and the role of councils. Many of us wish to respect those responsibilities and that role; we wish to allow councils optimum freedom under the provisions of the Local Government Act which, after all, is the constitution of councils. If we hold to the view that councils should be given maximum play to develop initiatives and to run the third tier of government and its own activities, why should not the State Government write into paramount legislation of this kind (legislation on which the planning of the City of Adelaide will depend for years and years), that it will be bound? I fail to understand the reasons that are put forward by the Government whenever this principle arises. I suppose the same arguments will be put forward today, too.

Any Government, irrespective of its political colour, is insincere when it says, "We will see that all our buildings, developments and land use will conform to the principles in this legislation, but we are going to keep that little bit adrift from its provisions and will reserve the right not to be bound." This Government, which has been in power for some years now, has made strongly exaggerated claims that it is the great warrior for the cause of town planning in this State. If the Government wishes to justify those claims, it could do so in this clause. If the Government genuinely believes that everyone (from the most humble citizen to the State Government itself) should be bound by town planning legislation so that the best interests of the people at large are served and so that those people can live in the best possible environment, it can use this clause to justify those claims. Let us just imagine for a moment what would happen if the system broke down completely and the Government went its own way and erected a building that was completely out of scale, which did not conform to the principles of this legislation and the use of which was completely contrary to the land use specified in the principles of the legislation and its regulations. Ratepayers who live in the City of Adelaide, which represents them, would have no redress at all. I do not believe that the Government shows good faith to the people when it reserves for itself the right to do just that. It is as simple as that and, in principle, it is wrong that the Government should not be bound to the provisions of this legislation.

Recently I thought that this Government's approach to this question might be changing because, in the Sex Discrimination Act, which we passed last year, the Government did bind itself. That was the first evidence of change by this Government that I have seen since I have been in this Chamber. Last year, too, in the Shearers Accommodation Act, the Crown bound itself. If the Government can go that far and show its good faith, why should not the trend continue? For all those reasons, I ask honourable members to support the amendment. I should like to hear the Government's attitude in rebuttal of the points that I have made, because I believe that the Government should go on record on this question, which involves an important principle of town planning.

The Hon. B. A. CHATTERTON: The Government does not support the amendment, which would bind the Crown. Before dealing with the various principles involved, I should first like to say that the City of Adelaide Development Committee does not bind the Crown. This committee has been working extremely successfully in this area. The Government has referred major developments to the committee and has not been bound by the decisions of that committee. That is a practical example of planning that has been working extremely successfully. In this legislation we are attempting to continue the established practice of implementing planning decisions. The Government does not accept the creation of virtually a Government within a Government, which is the fundamental principle that would be created under the amendment, involving many problems.

The Hon. R. A. Geddes: What do you mean by "Government within a Government"?

The Hon. B. A. CHATTERTON: There would be one Government decision-making process bound up with a similar process. Whilst the Government accepts that major developments will be referred to the City of Adelaide Planning Commission, the definition of "development" in the Bill is extremely wide, and a situation could arise whereby minor alterations to Government buildings (alteration such as new partitioning, etc.) would have to be referred to the commission. That would create a bureaucratic nightmare of duplication. Another reason for opposing the amendment relates to an unfortunate situation that would be created on the commission itself. It would be virtually inevitable that the Government would look to the appointment of public servants as its nominees on the commission; these appointees would be bound by the Public Service Act to carry out Government decisions. That is not the way in which the commission should work; it should work more amicably. It would be unfortunate if the Government was forced into the situation of putting only public servants on to the commission as its nominees. For those reasons, I oppose the amendment.

The Hon. R. A. GEDDES: I support the amendment. In the next decade the State Government and possibly the Federal Government, through the provision of finance, will be involved to a greater and greater extent in building projects. The argument that the Government should be privileged in connection with rates and planning is inconsistent. This Bill is a bold Bill, designed to be flexible in connection with the future planning of the city of Adelaide. It would be ludicrous if, in years to come, an unsympathetic Government were to disregard completely planning regulations and the wishes of the City Council and if the Government were to erect structures that were contrary to the concept of city planning. The time has come when the Crown must consider itself as not having the total exemption that it had in the past.

The Hon. J. C. BURDETT: I cannot support the amendment. The question of binding the Crown is always difficult. The basic concept of the Crown surely requires that in some respects the Crown must be above the law. In general, in this kind of legislation the Crown should not be bound. After all, the sanction is usually a fine—a prosecution of some kind. It is very difficult to prosecute the Crown. Examples were given of some Acts that do bind the Crown—the Sex Discrimination Act and the Shearers Accommodation Act. I point out that both these Acts grant rights to individuals. It could properly be argued that a person who is seeking employment in the Government should not be deprived of rights under the Sex Discrimination Act simply because the prospective employer is the Crown. Equally, shearers should not be deprived of their right to decent accommodation just because the employer is the Crown. However, under this Bill, if the Crown is not bound, no-one is deprived: it is simply that the Crown is not to be in the same boat as are other people. In general, and as far as is compatible with individual rights, we ought to preserve the principle that the Crown is above the law, particularly laws that require some sort of prosecution to enforce a sanction. Certainly the Crown should be subject to the civil law and, in general, it is. This Bill is basically not of a penal nature, and it would be inappropriate if the Crown was bound.

The Hon. M. B. DAWKINS: I hesitate to disagree with the Hon. Mr. Burdett, who has a trained legal mind, but I believe that in this case the Crown should be bound, and I therefore support the amendment. If we do not bind the Crown, the State Government can do exactly what it likes in many respects in connection with the City of Adelaide. If the City of Adelaide has rules binding its citizens, the State Government should not be above those rules.

The Hon. M. B. CAMERON: I understood the Minister to say that, if this amendment was carried, the Government would have to seek permission, for example, to shift partitions. Would that not be the case with private enterprise in the city? What would be the difference between the Government situation and the situation of private enterprise?

The Hon. B. A. CHATTERTON: The difference would be that private enterprise would go to the council, not to the commission. Most of the day-to-day administration would be carried out by the council. In reply to the Hon. Mr. Geddes, I point out that major development projects were referred to the City of Adelaide Development Committee.

The Hon. R. A. Geddes: What about future Governments?

The Hon. B. A. CHATTERTON: This Government intends to continue the practice of having the commission examine Government development proposals in appropriate cases, but it is undesirable that the Crown should be bound.

The Hon. M. B. CAMERON: The Minister said that the present Government would not carry out a major project if it was not within the principles referred to in the Bill. Where there is a major Government development, does the Minister believe that it must be referred to the commission?

The Hon. B. A. CHATTERTON: No. We are not willing for the Crown to be bound. The City of Adelaide Development Committee functioned very well. So, we have a practical example of the State Government and councils working together, and I do not believe that this sort of planning can work without that co-operation. The Government is not willing to accept the principle of binding the Crown.

The Hon. C. M. HILL: I am a realist in these matters. As numbers on each side of the Council are very even, it seems from what has been said, and considering the hard fact of life that all honourable members opposite vote as one on major matters of this kind, because they are not able to give their own views on such matters (the decision having been made behind the closed doors of a room upstairs) that—

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

The Hon. C. M. HILL: Is my statement being denied?

The Hon. T. M. Casey: Yes.

The Hon. C. M. HILL: The Hon. Mr. Cornwall has said that he does not have to be bound by a Caucus decision, but—

The Hon. T. M. Casey: You don't vote as a block, normally, do you!

The Hon. C. M. HILL: No. As has already been seen by the speeches that have been made on this matter, members on this side of the Council are not thinking as one. Opposition members have the right and privilege to vote as they think best, and that is a right that Government members have not got on anything other than conscience issues.

The Hon. N. K. Foster: Neither have you.

The Hon. C. M. HILL: We are exercising that right, right now.

The Hon. N. K. Foster: Your Leader has told you that, if you don't toe the line, you'll be denied pre-selection.

The Hon. C. M. HILL: That illustrates the political hypocrisy of honourable members opposite. On this issue Government members are certainly bound, as decisions are made in the Caucus room behind closed doors.

The Hon. T. M. Casey: What's wrong with that?

The Hon. C. M. HILL: It is interesting to hear the Minister ask that. I am merely saying that, because one honourable member on this side of the Council has displayed his independence and said that he opposes my amendment, I know that I cannot get my amendment carried, numbers being as they are in this place. However, that does not deny me the right to propound the principle behind this amendment (which I believe is right and just) that the State, as well as its most humble citizens, should have to abide by the planning laws of any local government body. For a State to keep itself out of that situation, and thereby reserve for itself the right to do what it likes, despite the will and the interests of the people who live in the area in which a development might occur, is wrong in principle.

The Minister said that we would be creating a Government within a Government. On this question we have the principle of separation. There is a separation of interest when the Government is an applicant to use or develop certain land, and it should be prepared to get in the queue at the Adelaide City Council office and to wait for its consent and abide by its planning laws, as all other citizens must do.

The Minister also said that the machinery of the commission proposed in the Bill might become rather complicated because public servants were being placed on the commission. Having much respect for public servants, I know that they can act in a separate and different role from time to time.

I should like the Government to give an undertaking that it will bind itself in each of its developments, as well as on the matter of land use, to the principles applying within the council district. Surely that is not too much to ask. If the Government will not be bound by the Act, surely it should give an undertaking that it will conform to the provisions of the Act. If it is not willing to give that undertaking, the situation becomes serious indeed.

This will mean that the Government can build something that is outrageous aesthetically. If this clause is passed, the Government will have the right to build a commercial building in a residential area. Surely, it will give an undertaking that it will not do so. That is not too much to ask, and it would go a certain way at least to reassure those who are interested in the principles of planning.

The Hon. T. M. Casey: That would satisfy you as a developer, would it?

The Hon. C. M. HILL: No, it would not totally satisfy me. The only way in which I could be satisfied would be for my amendment to be carried. However, it cannot be carried today because of the way that the debate has gone. I am not being critical on that score. The next best thing would be for the Government, before this clause is passed, to give an undertaking that it will conform, at least in principle, to the requirements obtaining in relation to any of its plans within the City of Adelaide.

The Hon. R. C. DeGARIS (Leader of the Opposition): This question poses a difficult problem for the Committee to decide. The Minister has given a verbal undertaking not only on this occasion but on previous occasions that, when the Crown intends to undertake a developmental project, it will take advice from or refer the matter to the appropriate authority. However, someone said that speeches made extemporaneously are not worth the paper on which they are written. That applies also to verbal undertakings made by any Government. There are any amount of examples in this State where strong undertakings have been given in the Council, as a result of which amendments have been withdrawn, and thereafter those undertakings have been forgotten.

The Hon. C. J. Sumner: What are the examples of that?

The Hon. R. C. DeGARIS: I could quote quite a few. I refer, for instance, to *Hansard* of September 16, 1970, where honourable members will find that many amendments were placed on file by honourable members in relation to the State Government Insurance Commission legislation. Those amendments were not ultimately insisted on by the Council because of the faith that honourable members here placed in a promise given by the Chief Secretary (Hon. A. J. Shard). The honourable member can read *Hansard* if he so desires. The Chief Secretary, genuinely I believe, told the Council that he would prefer the amendments not to be written into the Bill but they would be agreed to in principle by the Government. I refer to page 1733 of *Hansard* of 1970 and the pages following, and in particular I refer the Hon. Mr. Sumner to the second paragraph at the top of page 1735 where the Hon. Mr. Shard (the then Chief Secretary) made a categorical statement to this effect, and at the bottom of page 1737 there is testimony as to the sincerity of his statement concerning the amendments which the Council moved. The Council did not pursue those amendments and yet, following that undertaking, unfair and devious practices have been undertaken by the State Government Insurance Commission with the withdrawal of those amendments.

The Hon. C. J. Sumner: What were the amendments?

The Hon. R. C. DeGARIS: The amendments placed certain constrictions on the operation of the S.G.I.C. so that it would be in the same competitive position as a private insurer.

The Hon. C. J. Sumner: They should have been given the right to write life assurance.

The Hon. R. C. DeGARIS: If the Hon. Mr. Sumner would like a list of the matters which the S.G.I.C. have carried out since that undertaking I will go through them for him. I will quote one. In the second paragraph in column two, page 1733 of *Hansard*, the Hon. Mr. Shard said:

The commission, being a trading concern, would not ordinarily qualify for exemptions from sales tax.

The Hon. Mr. Casey admitted that the S.G.I.C. had been exempted from sales tax and he said he could see no reason why it should not take advantage of that. I can give many other examples of undertakings given to the Council which have not been fulfilled by the Government or its instrumentalities. Therefore, I have a certain feeling towards the amendment of the Hon. Mr. Hill because, whatever undertaking is given in this Council by the Government, there is nothing binding to hold the Government to that particular promise. The Hon. Mr. Hill spoke of the development in North Adelaide of the Education Department building where, I am informed, probably by the spy system, that even the Premier is upset by what has happened there, where the department has proceeded to do something outside the guidelines of planning for the City of Adelaide.

The Hon. C. M. Hill: It still goes on.

The Hon. R. C. DeGARIS: Yes, it still goes on. I have great sympathy for what the Hon. Mr. Hill has moved in his amendment. On the other hand I believe the slightly stronger argument is the argument put forward by the Hon. Mr. Burdett in this matter and I, on balance, lean to the belief that the Crown should not be bound. I make the point strongly that there can be no absolute reliance on any undertaking—

The Hon. C. J. Sumner: You have only given one example.

The Hon. R. C. DeGARIS: I have given the example of the S.G.I.C. and the question of the Education Department work in North Adelaide.

The Hon. C. J. Sumner: That was not in contravention of any guarantee given in this Council.

The Hon. R. C. DeGARIS: A guarantee was given when the City of Adelaide Development Bill was passed, I think in the first place, that the Crown, although not bound, would conform to the principles of the City of Adelaide Development, and it has not done that. The Hon. Mr. Sumner cannot deny that what I am saying is right because it is exactly correct. I repeat the statement, I think of Churchill, that verbal undertakings are not worth the paper they are written on.

The Hon. F. T. Blevins: He was a high Tory on other things.

The Hon. R. C. DeGARIS: I would not care what he was. He was a very brilliant man. On balance, I come down on the side that the Crown should not be bound for the reasons advanced by the Hon. Mr. Burdett. Nevertheless, I stress the point again that, if the Crown in this matter does not conform to the general principles, the Government will hear more about it in this Chamber at some stage in the future.

The Hon. A. M. WHYTE: I support the amendment. I believe strongly that there are occasions when the Crown

should be bound, despite what legal people will say that it is difficult to bind the Crown regarding local government matters. Irrespective of the urgency and necessity over the years to involve the Crown in paying its fair share of costs towards local government, I know that on some occasions we have exempted the Crown to our regret. One I believe is in the Fences Act, where we exempted the Crown and we are now going through all types of negotiations to see whether the Crown will come to the party on a basis of discretion to fulfil its obligations. Later today I intend to speak about binding the Crown concerning the country fire services. I believe there are occasions where the Crown should be bound as far as local government is concerned—

The Hon. R. C. DeGaris: It is a difference between bearing responsibility and binding the Crown at the same time. That is the distinction you must make.

The Hon. A. M. WHYTE: That is a good point. If the Crown was going to meet its obligations there would be no need to bind it. We can never be sure of that because Governments alter and the personnel of Governments alter and their attitude to obligations alter. We are dealing with legislation and this is one piece of legislation in which I believe the Crown should be bound. I support the amendment for that reason.

The Hon. B. A. CHATTERTON: I said previously that the Government would continue the practice of referring development proposals to the commission, and I can give that assurance again to the Hon. Mr. Hill, that that is and will continue to be the practice. The example that has been quoted concerning North Adelaide is a complete red herring. It is going before the present City of Adelaide Development Committee and being treated in the same way as any other matter.

The Hon. C. M. Hill: Is construction under way?

The Hon. B. A. CHATTERTON: The proposal is going to the committee and is being treated in no different way to any other development.

Amendment negatived; clause passed.

Clause 6 passed.

Clause 7—"Amendment of the Principles."

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

Page 2, line 32—Leave out "and shall if requested by the Minister".

I tried to stress as much as I possibly could during the second reading stage that I believe, and I am very strong in my beliefs on this point, that the interference by the State Government as the result of this legislation in the affairs of the City of Adelaide is far too great. Here, we have an example of this involvement by the State which, in my view, is completely unnecessary and improper, because it is unwarranted interference in the affairs of a council.

This whole picture will evolve more and more as we pass through these amendments, because we see this clear picture of this State Government, in effect, assuming a position of control. It becomes the controlling body over the Adelaide City Council. That is totally wrong in principle because councils should be left as the third tier of government to handle their own affairs.

The Adelaide City Council and other councils are now obtaining funds from State and Federal Governments, but that is no reason why State and Federal Governments should seek control over local government. Not only do I believe in that principle, but the Minister of Local Government in this State must agree with that principle because, a few weeks ago, he shouted to high heaven when there were suggestions from Canberra in the Commonwealth legislation concerning allocations of money as local government grants that some strings or conditions were to be attached to them.

He said at that time that that principle was wrong. Therefore, I do not accept that, because the State Government comes to the aid of local government in funding, it has any right to control the affairs of local government. In this clause, the State Government can on its own initiative decide, for example, that the land use around one of our busy squares should alter; it has the right under this clause to say to the council, "Will you consider changing your principles so that they do not read that the current use around that square shall be such and such?" If the Government brings it to the notice of the council, the council must act and set the machinery in motion to bring about a change in such zoning. The clause states:

(2) The council may, and shall—

I stress the word "shall"—

if requested by the Minister, from time to time, prepare amendments to the principles.

This is unwarranted interference; it is totally unjustified and is clear evidence of the control that the Government is obtaining over the City of Adelaide. I do not know what justification the Government submits for such power over the council. Therefore, this clause should be amended so that it simply gives the council the right, on its own initiative, to set in motion the machinery to amend its principles. The heavy hand of the State Government should not be placed upon the council in this way. I oppose the principle involved.

The Hon. B. A. CHATTERTON: I do not accept any of the arguments put forward by the Hon. Mr. Hill, especially the argument about the heavy hand of the State Government in relation to the council. That is an incredible exaggeration of the situation. The honourable member must admit to the continuing role of the State Government within the City of Adelaide, in the centre of the metropolitan area, and it is unrealistic to think that the City of Adelaide can operate completely independently. This legislation confirms the sensible and workable situation operating in the city area. In this amendment, I cannot see how the honourable member draws this sort of interpretation from the clause. He is suggesting that, because the Minister requests the council to do something, it will do that; but there is nothing in the clause that has that implication. The Hon. Mr. Hill suggested that, if the State Government wanted to change the land use around a city square, or something of that nature, by requesting the council to amend the principles, that would happen That is not in the clause, and I oppose the amendment.

The Hon. R. C. DeGARIS: I cannot quite follow what the Minister said in relation to this amendment when he said that, if the Minister requested it, the council did not have to make that alteration. Subclause (2) provides:

The council may, and shall if requested by the Minister, from time to time, prepare amendments to the principles.

The preparation of those principles has some way to go; nevertheless the word "shall" means that the council must prepare those amendments and must accept them. I want to deal with Part II in general, both in relation to this amendment and also in relation to some references to the general principles in Part II. First, in this Part II, we are really approving the principles as laid down in a certain document. There would not be more than one or two members of this council who would know what was

in those principles. I challenge any honourable member opposite to stand up and tell me what is in them; no-one would know.

That is exactly what we are doing in Part II: we are giving statutory recognition to a set of principles that not one honourable member on the Government side, apart from the Minister, can explain to me. What worries me about this is: why go to all the trouble of approving these principles when the Minister can request changes to them? To me, the whole thing seems ludicrous when we have a set of principles included not in the Bill but in another document—*Principles of the Development and Control of the City of Adelaide*—which we are virtually approving in this legislation. The first attack on this has been made by the Hon. Mr. Hill, who says that the Minister should not be able to request and the council should not have to prepare amendments to the principles requested by the Minister. That is perfectly justified.

If the council does not like what the Minister requests, why should it move amendments to the principles? Looking at the principles as an indenture, the only body that should approve a change in them is Parliament itself, because Parliament, if this Bill passes, is approving principles in a document other than a schedule to the Bill. If anybody is to have any say about changes to those principles, it should be Parliament and not the Minister. The attack on this is two-fold, with the amendments of the Hon. Mr. Hill and my own. As a first step, I support strongly the Hon. Mr. Hill's amendment.

The Hon. C. M. HILL: The Minister said I was exaggerating, but I deny that completely. In the case of an amended principle, the council has no alternative, because the clause provides that it shall set about the machinery to amend such principles. If honourable members read the principles they will see that around some of the city squares the principles provide that there shall be predominantly residential growth mixed with some commercial activities. The Government, without any reference to the council, may decide that more commercial activity should be centred there and could initiate a change in those principles if the clause is left as it stands. The Minister said it was wrong to suggest that the council can go on operating independently—

The Hon. B. A. Chatterton: Completely independently.

The Hon. C. M. HILL: I refer to the history of the council, which has operated completely independently and which can be justly proud of its record. I recall that the council told the Highways Department that it did not need any of its aid. For many years City of Adelaide ratepayers bore the cost of arterial roads running through the council area, including North Adelaide, while suburban councils were having their arterial roads paid for by the department. The council has enjoyed such independence, and the major development work of the City of Adelaide in the last 25 years has been initiated completely and paid for by the council itself. I refer to the beautification of park lands in the mid-1950's and the redevelopment of Victoria Square, which was expensive. These were basic and proper local government projects, and the council has managed to carry out those and other projects without the partnership of the State Government. Indeed, it has not a partnership with the State Government under this Bill at all: it merely becomes subservient to the State Government, which is taking over power and control. It is completely wrong. This clause highlights the position, and the council should not have to initiate and move for such change when requested to do so by the Minister.

The Hon. B. A. CHATTERTON: The honourable member has referred now to the initiating process involved, but he did not refer to this aspect initially. The clause initiates the considering of amendments to the principles but it does not compel them. If the clause is read in context, especially subclause (6), the council has to have regard to representations made, and this is only the initiating process in amending the principles. That was the point I was making. The Minister cannot say that these are the amendments to the principles that should be made. The Minister should have the power to initiate the process under which the principles are amended and request that the council begins the process of amendment. This does not bind the council, because that process must be gone through. For those reasons I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable further consideration to be given to this matter by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10—"Consideration of amendments."

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

Page 3, lines 27 and 28—Leave out all words in these lines and insert "proclamation and a copy of that proclamation shall forthwith be laid before each House of Parliament and upon confirmation of that approval by resolution of each such House the principles shall be amended in accordance with that approval".

Under Part II, the principles laid down in Parliamentary Paper No. 123 are approved. I draw an analogy with an indenture; if an indenture Bill passes this place and if the parties to that Bill with the Government have the right to alter the principles of that indenture without reference to Parliament, we have an untenable situation. My amendment provides that, when alterations are made to the principles, a copy of the proclamation making those alterations shall forthwith be laid before each House and, upon confirmation of that approval by resolution of each such House, the principles shall be amended in accordance with that approval; that is perfectly logical. Only a resolution of Parliament should alter those principles.

The Hon. B. A. CHATTERTON: The Leader and the Hon. Mr. Hill have taken extraordinary attitudes. Actually, the Leader's amendment would put the City of Adelaide on a much more restricted basis than any other council. I thought the tenor of the Hon. Mr. Hill's remarks was that the City of Adelaide should be given greater independence but, instead, the Leader's amendment restricts the council. I do not accept the analogy between the principles and an indenture; it is an inappropriate analogy. It would be much more appropriate to refer to an authorised development plan. Such a plan does not come before Parliament. Because we must have a more flexible planning process for the City of Adelaide, I oppose the amendment.

The Hon. J. C. BURDETT: I support the amendment. The principles are expressly approved by the Bill, and there is much merit in saying that those principles should not be

changed, except with Parliamentary approval. The principles are referred to in several places in the Bill; they will affect the interpretation of the Bill, and they were intended to do so. That being so, they should not be changed without Parliamentary approval. It is ludicrous to ask Parliament to pass a Bill which approves a set of principles that affects the interpretation of the Bill, and then say that someone else can change those principles later.

The Hon. B. A. CHATTERTON: Honourable members seem to be hung up on a name. If this had been called an authorised development plan, would honourable members opposite have opposed it?

The Hon. J. C. Burdett: In view of its contents, yes.

The Hon. B. A. CHATTERTON: The same procedures that take place in connection with an authorised development plan are envisaged in this Bill. There is the same process of public consultation. We need flexible guidelines for the City of Adelaide, which is in a different situation from other councils. Because they have been called principles instead of an authorised development plan, there seem to be considerable objections.

The Hon. J. C. BURDETT: The Minister has hit the nail on the head: because of the different situation applying in regard to the City of Adelaide, a different word has been used. The Planning and Development Act, which potentially binds the whole State, is one thing, but here we have a unique Bill which is designed for the Adelaide City Council area only. If we are to have a special Act for the City of Adelaide and if it is to be interpreted according to a set of principles, Parliament should have continual scrutiny of those principles.

The Hon. R. C. DeGARIS: It is ludicrous that we should be solemnly approving principles relating to a limited part of the State and saying that those principles can be changed without reference back to Parliament. The amendment is reasonable.

The Hon. B. A. CHATTERTON: I maintain my opposition to the amendment. The Adelaide City Council requested this type of legislation. If we dispensed with it—

The Hon. R. C. DeGaris: Do you want to do that?

The Hon. B. A. CHATTERTON: No. This type of planning is desirable. For some reason, the Leader believes that something embodied in the principles is fundamentally different from an authorised development plan. The principles are more appropriate for the City of Adealide, and they have been the subject of a long period of public comment and representation. The Bill contains a provision setting out how this sort of representation must be implemented. I oppose the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable this matter to be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 11—"The City of Adelaide Planning Commission."

The Hon. M. B. CAMERON: I move:

Page 3, line 33—Leave out "seven" and insert "eight".

My amendment will enable the Adelaide City Council to have equal representation with the Government representatives on the commission. This seems to be a fair and reasonable situation, and I ask the Committee to accept the amendment.

The Hon. B. A. CHATTERTON: The amendment relates to a whole series of amendments designed to change the composition of the commission, and the Government accepts this change.

Amendment carried.

The Hon. M. B. CAMERON: I move:

Page 3, line 34—Leave out "three" and insert "four".

This is a consequential amendment.

Amendment carried.

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

Page 3, lines 33 to 43—Leave out all words in these lines and insert:

(2) The commission shall consist of—

(*a*) the Lord Mayor of the City of Adelaide, who shall be Chairman;

(*b*) an Alderman of the council, nominated by the council;

(*c*) a Councillor of the council, nominated by the council;

(*d*) the City Planner of the City of Adelaide;

(*e*) the Director of Planning under the Planning and Development Act, 1966-1976;

(*f*) the Director-General of Transport in the Public Service of the State;

and

(*g*) a person nominated by the Treasurer.

Page 4, lines 1 to 20—Leave out all words in these lines and insert:

(3) Where—

(*a*) an Alderman referred to in paragraph (*b*) of subsection (2) of this section ceases to be an Alderman he shall thereupon cease to be a member of the commission;

(*b*) a Councillor referred to in paragraph (*c*) of subsection (2) of this section ceases to be a Councillor he shall thereupon cease to be a member of the commission.

Although the Hon. Mr. Cameron's amendment has improved the clause, I think my amendments improve it even more. The Hon. Mr. Cameron's amendment, which has been accepted by the Government, changes the commission from a seven-man to an eight-man commission, on the basis of four persons being nominated by the Government and four by the Adelaide City Council. I am pleased indeed that that change has been made.

However, I believe there is no justification for the commission's having equality of numbers between the Adelaide City Council and State Government. I revert to my general thesis that the State Government is, in this Bill, seeking control over the Adelaide City Council. I do not believe that even equality of numbers is reasonable.

The only way in which a reasonable commission can be constituted (if there is a need for a commission of this kind) is for the Adelaide City Council to have a majority of members on it. After all, the Government's involvement, despite what the Minister said earlier, has occurred basically because it is recognised that the Government will have to fund the Adelaide City Council in years ahead to keep it solvent. That funding is occurring now; indeed, I believe that funds have been promised for the forthcoming year.

Therefore, it is accepted that this is to be an ongoing process. Basically, for that reason, the State Government originally sought a majority of members on the commission, although now it is saying that it is content with an equality of members thereon. If that is the State Government's

involvement, I believe that it should be satisfied with a minority membership on the commission.

If there is a minority of State Government members, and therefore a majority of Adelaide City Council members, on the commission, it will truly be representative of the ratepayers of the city of Adelaide. Their representatives will have a majority on the commission, and suggestion and involvement can still apply in relation to the State Government.

However, the representation will certainly not exist in such a proportion that it will ensure that the requirements and wishes of the State Government shall prevail. I believe that there should be a majority of Adelaide City Council members on the commission, and that it is proper that, although appointees to the commission should not be named, the offices they hold should be named. In this way, Parliament will have some assurance regarding the qualifications of the people appointed to the commission.

In the last five or six years, during the period of the Labor Administration in this State, there has been a growing tendency in legislation that has come before this Chamber to dispense with these requirements when committees are appointed. More and more, we see Bills in which it it provided that a committee shall be set up and that it shall comprise so many nominees appointed by the Minister, and it is left at that. Years ago when I looked through the interstate legislation (and it still applies in those States) I noted that the qualifications and the offices from which such people came were stated, and it is far better legislation, in my view, if essential interests are laid down or a specific office is stated and the holder of that office is a nominee. For that reason, I have been very keen to try to change the architecture of this clause so that Parliament is assured to a certain and reasonable extent as to whom the Government nominees on the commission shall be.

Honourable members will see that one nominee should be the Director of Planning under the Planning and Development Act, 1966-1976. Does the Government query that? Does the Government say that the Director of Planning should not be on this commission? If it disagrees with that, I would like to know its reason. I have also stated the Director-General of Transport in the Public Service of the State shall be a member of this commission. The involvement of public and private transport from the point of view of the city of Adelaide is recognised by everyone interested in planning.

The transport systems and transport generally come to this central core of the total metropolitan area, and transport is a vital ingredient to the well-being of the ratepayers within the city of Adelaide as well as of other people who come to and go from the city of Adelaide area. I think the contribution made by the chief public servant in charge of the Transport Department in this State would be invaluable. If the Government believed that the holder of such an office, whoever he might be, should not be on the commission I would like to know the reason why.

The third Government nominee that I place in my amendment is a person nominated by the Treasurer. Acknowledging that the Government will be funding the city in the years ahead in an ever-increasing proportion, I think it is only proper that the Treasurer should have a nominee on this commission. Unless we specify qualifications of that kind (I think I said at the second reading stage that I am not saying the present Government will make any such appointments), it will be possible for future Governments to use a commission such as this and adopt the principle of jobs for the boys.

Of course, these appointments will carry a fee of considerable proportion compared to the fees obtained by people on committees of this kind associated with the Public Service and general semi-government activities throughout the State. I do not want to see legislation passed through this Chamber which would give any Government, irrespective of its political colour, the opportunity of appointing a nominee to a commission of this kind simply because that person might be a particular friend of the Government of the day. I think it is bad legislation that can lead to that possibility, or even lead to the charge that in fact that has happened, because often, as we know, those charges are made and there is not any real ground for them to be made.

Nevertheless, if the possibility can be covered and appointments of that kind cannot occur, then surely that is the best possible legislation. Because I have specified whence appointments from the Government sector should come it is proper that I should specify also whence City Council appointments should come. Honourable members will see I have said that the Lord Mayor of the City of Adelaide shall be the Chairman; one nominee shall be an alderman of the council, nominated by the council; one shall be a councillor of the council nominated by the council; and the fourth nominee shall be the City Planner of the City of Adelaide. I think the latter staff appointment is absolutely essential, and it therefore divides the other three up amongst the elected members of the council.

I think that is a fair spread of representation from that local government body. I believe that a commission appointed on this basis of four to three in favour of the Adelaide City Council, and a commission appointed on the basis that its nominees should come from the areas I have specified, is the best possible commission in the interests of the ratepayers of the city of Adelaide. It may not be the best commission in the opinion of the Government and it may not be the best commission in the views of other people, but I am satisfied that the members and the qualifications I have suggested will indeed provide the fairest and best commission that can operate under this new legislation.

The Hon. B. A. CHATTERTON: I cannot accept the amendments. Earlier I accepted the amendment of the Hon. Mr. Cameron providing for an equality of representation on the commission. I am not prepared, on behalf of the Government, to accept these amendments by the Hon. Mr. Hill which give the majority on this commission to the Adelaide City Council. I think I have gone through the arguments fairly well previously. The Adelaide City Council cannot have a complete control. The city of Adelaide is the pivot of the whole metropolitan area, and it is not a valid argument to put forward that only ratepayers of the Adelaide City Council should be the people who control the development of the city. The requirements and needs of the whole of the metropolitan area must be reported on this commission. The city of Adelaide is not only the centre of our transport system (both road and rail) but also the centre of business employing many thousands of people, and the cultural centre, etc. The commission as proposed, with equal representation from the City Council and the State Government, seems to be an equitable way of carrying out the planning decisions in this area. I cannot accept this alteration put forward by the Hon. Mr. Hill.

The other thing surprising to me is that the Hon. Mr. Hill first asks for greater independence for the Adelaide City Council and is then putting in this legislation a mass of

details as to whom the City Council shall put on that commission. I think that there is a considerable inconsistency in his arguments. On the one hand, let us not bind the City Council; let it have independence; and, on the other hand, he says that the members of the commission should be these people he has specified. Whilst one could say the present people holding office might be very suitable people indeed, I should not think that one could always say that that would be the case. We might see the situation where the Lord Mayor of Adelaide might not want to be Chairman of the commission. An alderman could hold this position. We do not want to lay down in the legislation who shall be the members of the commission. The same sorts of things apply to the Government nominees. While the present holders of this office may be very suitable people for the commission, we do not know what will happen in the future: there may be more suitable people either inside or outside the Government organisation who can be Government nominees on this commission. I do not accept the amendments.

The Hon. M. B. CAMERON: I find myself in a rather odd situation, in that the Government has accepted an amendment I moved and now probably more desirable amendments, from the point of view of the City Council, have been moved. We must be realistic in these matters. I appreciate that the Hon. Mr. Hill is attempting to do the best he can for the City of Adelaide in this Bill, in which I believe there are considerable advantages to the City of Adelaide; we have to accept the situation that the legislation must work. A position of equality (four members to four members) will mean that a consensus must be arrived at by both the Government and the City of Adelaide; that, in the long run, is the ideal situation. So, while recognising that this is, from the point of view of the City of Adelaide, a more desirable amendment than my amendment, which was accepted, that is the one that will have to be used, viewing it realistically. For that reason, I do not support these amendments.

The Hon. C. M. HILL: I am surprised and disappointed at the honourable member. If the amendment that he moved successfully produces a four to four situation, with no provision for the Chairman having a casting vote, how that amendment will work when big issues arise, with four Government and four City Council members, I do not know. Yet, this Committee seems to think that this commission is preferable to one on which there must at least be a majority vote. The commission should comprise an odd number of members so that a clear-cut decision can be arrived at. That is another reason why I think my amendment is a considerable improvement on the previous amendment, which the Government accepted.

The Minister stated that my amendment was complicated or complex, or words to that effect. That I completely deny. It is clear, from reading the amendment, that it provides for a simple commission of seven persons and it lays down clearly and precisely where each of them shall come from. However, in view of the trend of the debate, I do not intend to divide the Committee but, if this Chamber was able to set about establishing the best possible legislation for the Adelaide City Council to conduct and manage its own planning affairs, it should come down on the side of the commission I propose. It seems that the heavy hand of the Government is being effective, in that the Government has accepted the Hon. Mr. Cameron's amendment but has given no ground at all in the interests of the Adelaide City Council. It is a great pity that my amendments cannot be accepted.

Amendments negatived; clause as amended passed.

Clause 12 passed.

Clause 13—"Chairman, etc."

The Hon. M. B. CAMERON: I move:

Page 4—

Line 29—Leave oue "four" and insert "five".

Lines 33 and 34—Leave out "consideration of that matter shall be adjourned until the next meeting of the commission" and insert "the matter shall be decided by the Minister and for the purposes of this Act such a decision shall be deemed to be a decision of the commission".

The first of these amendments provides for a quorum for the new commission of eight.

The Hon. B. A. CHATTERTON: I accept the amendments.

Amendments carried; clause as amended passed.

Clauses 14 to 16 passed.

Clause 17—"Delegation."

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

Page 5, line 14—After "powers or functions" insert "in relation to matters of a minor nature".

This amendment deals with the delegation of powers or functions from the commission to any member of the commission or the Secretary or any officer or employee of the commission. The Government could not very well object to this amendment because, as I envisage the commission, it will be dealing with matters of a major nature and, therefore, for a commission established under this Bill to have the power to delegate matters that still remain matters to be described as being of a major nature should not be the intention of the architects of this Bill. Therefore, Parliament should restrict the delegation of powers to activities that could properly be described as matters of a minor nature.

The Hon. J. C. BURDETT: Although I support the amendment I indicate that, whether the amendment is carried or not, I shall later oppose the clause. I support the amendment because I believe it improves the clause. In the second reading debate I suggested that the clause may have been inserted in the Bill by mistake or without regard to its effect. Regarding the powers and functions of the commission, as opposed to the council, there is no need for a power to delegate, and such a power would be wrong. The commission has the power only to consider various major matters, such as matters of policy, and it would be improper if it could delegate that power to anyone else. Although I support the power to delegate on the part of the council, because that would enable various minor matters to be dealt with expeditiously at low cost by council officers, I cannot see how there would be any disability or disruption to the functions of the commission or to the Bill's intention if the power of delegation of the commission were taken away altogether.

I have discussed this matter with several people and no-one has suggested that the deletion of this power will be of any detriment. The commission should be responsible to exercise the important and general functions allocated to it. In supporting the amendment, which makes the Bill better than it was, I shall later oppose the clause.

The Hon. M. B. DAWKINS: I rise to agree with the views advanced by the Hon. Mr. Burdett. The Hon. Mr. Hill's amendment improves the provision as it limits the power of delegation, but I believe this clause is unnecessary and is inadvisable. I will support the amendment for the reasons outlined by the Hon. Mr. Burdett but I will later oppose the clause.

The Hon. B. A. CHATTERTON: I oppose both the amendment moved by the Hon. Mr. Hill and the opposition to the clause by the Hon. Mr. Burdett. Regarding the opposition to the clause, I point out that there is a need for a power of delegation. I refer to clause 19, under

which the council is required to furnish information to the commission. The power of delegation is required so that the commission can instruct one of its members to seek that information. Regarding the matter raised by the Hon. Mr. Hill, the term "minor matters" can raise problems involving definition. The Government is confident of the commission's ability to use and delegate its powers only in suitable circumstances. We do not consider the amendment to be necessary, because the term in question is not easily defined. Therefore, I oppose the amendment.

The Hon. J. C. BURDETT: The Minister's reference to clause 19 is entirely without validity. That provision does not require any delegation of power, as the commission has only to inform the council that it wants the information.

The Hon. C. M. HILL: The Minister said that the term "minor matters" could be difficult to define. That argument could have some validity, but in clause 19 the Government refers to the question of "substantial interest". The same argument could be used regarding that definition. Such phrases in planning legislation are not out of place. True, some quarrels could develop about such definitions, but it would not be long before the situation would be clarified through precedent as to what would normally be acceptable as a minor matter, as would apply regarding the term "substantial interest". The Minister did not give a strong rebuttal. If the commission intends dealing with matters of substantial interest and of a minor nature, it indicates what has been intended all along. I hoped the Government would indicate clearly that it did not expect the commission to be handling many matters at all.

I hoped that the Government would indicate that it had complete faith in the council, which was to be left in almost all matters of applications and zoning classifications to conduct its own affairs, and that only a few matters would be referred "upstairs" to the commission. If the Government were acting in good faith it would foresee the commission dealing with a few major matters only. Why is it objecting to the power of delegation dealt with in the amendment? I cannot accept the arguments advanced by the Minister, and I press for support of the amendment.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. To enable the matter to be considered by the House of Assembly, I give my casting vote in favour of the Ayes.

Amendment thus carried.

The Committee divided on the clause as amended:

Ayes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (10)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

The CHAIRMAN: There are 10 Ayes and 10 Noes. Although it might sound a little contradictory, I give my casting votes in favour of the Noes to enable the House of Assembly to decide whether or not it wishes to restore the clause.

Clause as amended thus negatived.

Clause 18 passed.

Clause 19—"Information in relation to development applications."

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

Page 5, line 30—After "determination" insert "and the Commission shall forthwith deal with the application".

I am interested particularly in subclause (2), which again shows the heavy-handed Government using this old process. The Minister has only to declare that an application is such that the Government has a substantial interest in it, with all the doubts that will raise (at least in the minds of)—

The Hon. B. A. Chatterton: It refers to "grounds".

The Hon. C. M. HILL: Nevertheless, a decision must be made about "substantial interest".

The Hon. B. A. Chatterton: The grounds must be stated.

The Hon. C. M. HILL: Yes, and a final decision must be reached, which could present difficulty.

The Hon. B. A. Chatterton: It cannot just be done capriciously.

The Hon. C. M. HILL: True. The definition of "substantial interest" must be queried in some respects, because the Minister in charge of the Bill said a moment ago the words "minor nature" would provide grounds for doubt about their definition. The same argument could be used regarding "substantial interest". I have received correspondence from the Builders, Owners and Managers Association of Australia Limited (South Australian Division), an association that I do not know personally; however, the members of that association made written representations to me about this Bill. Many of their submissions were practical and realistic. The association has gone to great lengths to investigate this measure and to make suggestions that try to improve the Bill. Regarding clause 19, the association states:

We disagree in principle with development control being taken away from the council on such a vague criterion "substantial interest" of the Government, which could be construed to apply to every development in the City. There should be better definition of "substantial interest", for example, could it refer to anything that affects parking demand, pedestrian flow, public transport, etc.? In any event, it is impracticable to expect the proper inquiry and consultation, which should precede any formal development application, if the applicant cannot know by which body the application will be determined.

I should like the Minister to comment on this matter, because the point is well taken, irrespective of the definition of "substantial interest". It is a fact of life today that applicants who are about to apply formally for consent refer to officers representing the various bodies through which the applications must pass. In trying to overcome any minor problems that may be encountered in such a procedure, certain red tape could be dispensed with thereby causing less trouble and wasting less time for the applicant and the commission, which must consider the application.

These people take a very good point, in that they do not really know to whom they have to make that original inquiry, because they do not know whether the council or the commission will deal with the matter. This clause gives the Minister in certain circumstances the right to tell the council that it must not consider a certain application any further: it must refer the application to the commission. The Minister may like to comment on this point.

Difficulties are being encountered in connection with finding ways and means of overcoming delays and complexities associated with the Planning and Development

Act. If the council is forced by the Minister to refer an application to the commission, the commission should be bound by the law to deal with the matter expeditiously; my amendment ensures that.

The Hon. B. A. CHATTERTON: The amendment is acceptable to the Government. Regarding the honourable member's concern that people may be confused as to whether a matter will be dealt with by the council or the commission, I point out that, because the Secretary to the commission will be located in the City Council's offices or some other accessible location, there should be no problems in that connection.

Amendment carried; clause as amended passed.

Clause 20—"Application by Council for approval."

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

Page 5, after line 42—Insert "(2) The Commission shall forthwith deal with the application of the Council made pursuant to subsection (1) of this section."

This clause deals with a situation where the council itself intends to undertake a development. In this case, the council must refer the matter to the commission. In these circumstances, I believe that the commission should be bound to deal with the application as quickly as possible.

The Hon. B. A. CHATTERTON: The Government accepts the amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 23 passed.

Clause 24—"Applications for approval."

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

Page 7, after line 4—Insert:

(1*a*) The Council shall cause the substance of each application received by it under this section to be published at least once in a newspaper circulated throughout the State.

(1*b*) Any person may object to the proposed development and the Council shall hear and consider the objection.

Line 9—After "development" insert "and any objection thereto".

This amendment concerns third party appeals. Representations have been made to me since the second reading debate that third party appeals are certainly not viewed with great favour by those involved in the planning profession. The Adelaide City Council itself has indicated to me that, because of the very fair way in which third parties are given opportunities to be aware of applications under consideration, the council believes that there is no need for this approach to be written into the Bill. I respect the council's views. However, when I first spoke on the Bill, I said that the only way in which legislators could guarantee that the best possible planning provisions were written into the Statute Book was to base decisions on certain principles. Some such principles are very dear to me and are important in the interests of the little people whose lifestyles are affected by town planning to a greater and greater extent as time goes by. We have a responsibility to ensure that legislation is as fair as possible to the individual citizen more than to any other party involved in the planning process.

There is a strong principle associated with third party appeals: any citizen who at least is near any proposed development and whose interest may be adversely affected by that proposed development ought to have a lawful right to make representations and to become involved in the planning process prior to the ultimate decision of the planning body on an application. If any honourable member opposite disagrees with that principle, I should like to hear from him. As a principle, it should not be refuted by any legislator. I recognise that, in embodying that principle in legislation, problems can arise as regards the time factor. From time to time, this privilege of third parties can be used improperly.

Some people who are third parties in these matters can use their rights simply to delay and almost to make mischief in the whole process. I have no time at all for that kind of person. However, I am interested in the genuine and sincere citizen who should be involved where zoning changes and developments that could adversely affect his life are about to occur.

Accordingly, I have on file amendments of which this is the first and which requires the Adelaide City Council to advertise in at least one paper circulated throughout the State, and at least on one occasion, the fact that developments are under consideration, and that people have an opportunity to present their case to, and for any objections to be heard by, the council.

This Government has said (and it certainly did this with great emphasis in 1965 when it introduced the present Planning and Development Act) that this State leads Australia in the whole area of town planning. If the Government thinks that it is a leader in relation to town planning in this State, it has got lost along the way, as it has forgotten the rights of the individual citizen.

If the Government has those rights paramount in its consideration, it must give individual citizens an opportunity to take a full and complete part in the planning process, by giving the people the right to have their voice heard before consent is given to any development or before zoning changes occur that can affect the lifestyle of the people. So, on the basis of principle, and because it is fair and proper that the ratepayers of this city should have this right and opportunity (I do not altogether know whether it is a privilege), I ask honourable members to support the amendment.

The Hon. B. A. CHATTERTON: I cannot support the amendment, although I can understand the principles that the Hon. Mr. Hill has enunciated. However, I think we must have a practical system that will work. I believe that the honourable member's amendments will create a ridiculous situation in which even such minor applications to which I referred earlier concerning alterations to and partitions in buildings would have to be published in newspapers and circulated throughout the State.

This would be a direct and a significant cost to the council but, more important, it would create unnecessary delays. I do not believe the amendments are necessary, as I think the Adelaide City Council's policies concerning the rights of third parties are quite adequate already. The council advises all adjoining owners of any such applications, and it also advises neighbouring owners that the owner of a certain building intends to alter the facade of that building. Also, agenda are available. Indeed, the press and interested resident associations regularly attend the planner's office to see such agenda.

The Adelaide City Council is aware of this problem, and is carrying out a policy that covers the problem. It is interesting to note that earlier in Committee the honourable member expressed much confidence in the Adelaide City Council and its ability and independence. However, he seems no longer to have any confidence in it, trying as he is to tie up the legislation with provisions that would cause unnecessary delays and add unnecessary costs to the whole procedure.

The Hon. J. C. BURDETT: I support the amendment, as third parties can be affected. I believe that the right of appeal, a procedure to look after the rights of individuals,

should be written into legislation and not left to the will of the council. I have had explained to me the council's policy, which is an excellent one.

Probably at present that policy is sufficient protection, in most cases, to the individual. However, policies can be changed and, as the Hon. Mr. Hill said, legislation that we are passing should be correct in principle, and we should insist that necessary principles are written into legislation. It seems to me that this is a matter of individual rights on the one hand and of expedition on the other hand.

I accept that, if these amendments are carried, some delays will be caused. However, this will not happen in every case. I find it hard to balance individual rights on the one hand against expedition on the other hand, as both are good things. However, in balance I come down on the side of individual rights, and I therefore support the amendment.

The Hon. M. B. CAMERON: I do not support the amendment. From a purist's point of view, there is no doubt that it would be ideal if everyone in the community could put his point of view on any development. However, from a practical point of view we would quickly run into the situation in which the Adelaide City Council would be unable to operate because of the number of appeals that could be lodged regarding certain developments.

I understand that this idea was written into the Planning and Development Act in 1971 but that it was removed in 1972 because it got out of control, too many appeals having been lodged on trivial grounds. Because of the Adelaide City Council's attitude regarding developments, I believe that the situation will work if the Bill is passed in its present form. For that reason, I cannot support the amendment.

The Hon. C. M. HILL: I point out to the Minister that the matter of each application for partitions could certainly be tidied up in such a way that it could refer to applications of a substantial nature. I do not think that that is a sufficiently substantial argument for the Government to reject the whole point.

In reply to the Hon. Mr. Cameron, who said that so many individuals would lodge appeals that it would clog up the whole works, I point out that citizens residing within the Adelaide City Council's area are well organised in relation to their residents' action committees. There is one such association in North Adelaide, another in the south-eastern corner of the city proper, and I think there is also a third group representing other residents. It would be expected that the citizens would tend to work more through these associations in this area of third party appeals than they would as individuals. Therefore, the complexity contemplated in relation to appeals would not come to fruition. The organised associations would themselves take over from the individuals.

In a properly organised manner these appeals would be made and the council would treat with the particular resident's association. I do not accept those two points that this amendment should be rejected on the basis that applications of a minor nature would cause too much work and that also individuals would appeal and by their numbers create problems. I do not think those two arguments are strong enough. The general principle certainly outweighs arguments that have been put so far.

I appeal to the Hon. Mr. Cameron to give further thought to his decision that he has just disclosed to oppose this amendment. I would like to hear from some members on the Government side on this particular question. I often see honourable members opposite at the various associations that have meetings within the City of Adelaide. These members are, and I commend them for it, taking great interest, in a public spirited way, in community activities at a fairly high level, and I would like to know their views on this principle and whether or not they place the rights of the individual citizen higher in this particular area. If honourable members do not want to respond to that I want to make the point that I am surprised that I have not heard or we have not been able to read in the press any objections from those resident associations to which I have referred on this particular question.

The Hon. N. K. Foster: Silence is assent.

The Hon. C. M. HILL: This is the point I am making. If those resident associations, by not making their views known on this particular question, now assent, as the Hon. Mr. Foster just said, to this principle and now believe that third party appeals should not be retained in legislation, my faith in those citizens who make up those groups is very much shaken. I thought that they held the individual rights of citizens of this city in very high regard from the point of view of town planning, and it has surprised me that their views have not been heard in recent times objecting to this particular aspect of this legislation.

The Hon. R. C. DeGARIS: There would be certain people who would be objecting if the boot was on the other foot.

The Hon. C. M. HILL: I agree with the Hon. Mr. DeGaris. Following the point the Hon. Mr. DeGaris has made by interjection, I cannot help but say that if a Liberal Government was in power at this moment and joined in partnership with the Adelaide City Council in producing legislation identical to that which is before us now, all hell would break loose from certain people who come to mind immediately.

The Hon. N. K. Foster: Who?

The Hon. C. M. HILL: I do not want to name them. They know who they are around town and they know what positions they now hold. All hell would have broken loose around this town from people coming in to see us proclaiming to high heaven that third parties had to have their rights enshrined in that particular legislation. I am sorry that the resident groups within the City of Adelaide, who have shown their fighting spirit from time to time to protect the rights of individual citizens, and I commend them for the aggressive way they have made their cause known from time to time (I like to see some radical flavour from groups of this kind) seem to have acquiesced in the clauses of this Bill and are prepared to stand by and see a Labor Government pass legislation which does not include third party rights.

My view still holds, and I hold it very strongly, that the principle that those rights should be in such legislation is undeniable, and I think this would be better legislation if such rights were enshrined within its provisions. Accordingly, I still press for consideration to be given to my amendment.

The Hon. M. B. CAMERON: As the Hon. Mr. Hill appealed to me so winningly I think I had better reply to him and indicate that he failed to change my mind. He put a very good case indeed and I admire him for attempting to stick up for the little man in the community. It is a strange situation in which I find myself in having to deny that opportunity. However, the practical facts of the matter are that one cannot guarantee that all third party appeals would come from resident associations. That is as I would understand it. One cannot deny other

people that same right, and it would tend to get out of control, as it has before. For that reason I have not changed my mind.

Amendment negatived; clause passed.

Clauses 25 and 26 passed.

New clause 26a—"The tribunal."

The Hon. M. B. CAMERON: I move to insert the following new clause:

26a. (1) There shall be a tribunal which shall be called the "City of Adelaide Planning Appeals Tribunal".

(2) The tribunal shall be constituted of the Chairman or an Associate Chairman of the Planning Appeal Board continued under the Planning and Development Act, 1966-1976, appointed by the Governor.

The amendment is self-explanatory. It provides that there shall be a tribunal which shall be constituted of the Chairman or an associate Chairman of the Planning Appeal Board. It seems to be a more acceptable way rather than divide the appeals when half of the organisation has already made the decision.

The Hon. B. A. CHATTERTON: I accept the new clause. It is an appropriate provision to be inserted.

New clause inserted.

Clause 27—"Appeals."

The Hon. C. M. HILL: I will not move my amendment to clause 27, because it relates to an amendment that was defeated.

The Hon. M. B. CAMERON: I move:

Page 8, line 9—Leave out "Minister" and insert "tribunal".

This amendment and those following until we get to clause 30 are all consequential.

Amendment carried; clause as amended passed.

Clause 28—"Conference of parties."

The Hon. M. B. CAMERON moved:

Page 8—

Line 13—Leave out "Minister" and insert "tribunal".
Line 14—Leave out "he" and insert "it".
Line 24—Leave out "Minister" and insert "tribunal".

Amendments carried; clause as amended passed.

Clause 29—"Commencement of appeal."

The Hon. M. B. CAMERON moved:

Page 8, line 26—Leave out "Minister" and insert "tribunal".

Amendment carried; clause as amended passed.

Clause 30—"Action by council or commission."

The Hon. M. B. CAMERON moved:

Page 8—

Line 29—Leave out "Minister" and insert "tribunal".
Line 30—Leave out "Minister" and insert "tribunal".
Line 31—Leave out "Minister" and insert "tribunal".

Amendments carried; clause as amended passed.

Clauses 31 to 35 negatived.

New clauses 31 to 35c.

The Hon. M. B. CAMERON moved to insert the following new clauses:

31. (1) Subject to this Act, the tribunal shall hear and determine the appeal and shall have regard to sections 24 or 25 of this Act as the case requires and may by its determination—

(*a*) disallow the appeal and uphold the decision appealed against;

(*b*) remit the matter the subject of appeal for reconsideration by the council or the commission together with such directions as it considers appropriate;

(*c*) substitute for the decision any decision which the tribunal considers the council or the commission should have made in the first instance.

(2) At the hearing of an appeal—

(*a*) the tribunal may take evidence on oath or affirmation and for that purpose may administer or cause to be administered an oath or affirmation;

(*b*) the procedure shall, subject to this Act, be determined by the tribunal as it thinks fit;

(*c*) the tribunal shall not be bound by the rules of evidence and may inform itself upon any matter in any manner it thinks fit; and

(*d*) the proceedings shall be conducted according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(3) A determination of the tribunal under this Part shall be final and without appeal.

32. (1) A person constituting the tribunal shall not be personally liable for anything done by it or him in good faith in the exercise or purported exercise of its or his functions or duties under this Act or any other law.

33. (1) A barrister, solicitor or other agent, when appearing at a hearing before the tribunal shall have the same rights, protection and immunities as a barrister has when appearing for a party before a local court.

(2) A person appearing as a witness at a hearing before the tribunal has the same protection, and is, in addition to the penalties provided for by this Act, liable to the same penalties as a witness in proceedings before a local court.

(3) A person appearing as a witness at a hearing before the tribunal shall not, without lawful excuse, fail or refuse when required by the tribunal to be sworn or to make affirmation or to produce books or documents or to answer any question other than a question the answer to which would tend to incriminate him—Penalty: One thousand dollars.

34. A person shall not—

(*a*) wilfully insult or disturb the tribunal in the exercise of its functions or performance of its duties under this Act.

(*b*) wilfully interrupt the proceedings of the tribunal;

(*c*) use insulting language towards the tribunal when functioning as such;

(*d*) create a disturbance or take part in creating or continuing a disturbance in or near a place where the tribunal is sitting for the purpose of any hearing;

(*e*) fail to apply with a notice referred to in subsection (1) of section 37 of this Act;

or

(*f*) before the tribunal hearing an appeal, do any other act or thing which would, if the tribunal were a court of record, constitute a contempt of that court.

Penalty: One hundred dollars.

35. (1) There shall be a Registrar of the tribunal who shall be appointed by the Governor under and in accordance with the Public Service Act, 1967-1975.

(2) The office of Registrar of the tribunal may be held in conjunction with any other office of the Public Service of the State.

35a. (1) The Registrar of the tribunal acting under the direction of the tribunal may, by notice in writing signed by him, require any person to attend before the tribunal at a time and place specified in the notice and give evidence before the tribunal or produce to the tribunal any books or documents specified in the notice touching any matter relating to the appeal, the subject of a hearing.

(2) The tribunal may inspect any books and documents produced to the tribunal and retain them for such reasonable periods as the tribunal thinks fit and make copies of or take extracts from any such books or documents as in the opinion of the tribunal are relevant to the appeal or matter.

35b. (1) The tribunal may make an order for costs in any proceedings in accordance with a scale prescribed for the purpose—

(*a*) where, in the opinion of the tribunal, the proceedings are frivolous or vexatious or founded upon trivial grounds; or

(*b*) where, in the opinion of the tribunal, the proceedings have been instituted or prosecuted for the purpose of delay or obstruction.

(2) Where a party to proceedings before the tribunal applies for an adjournment of the hearing of those proceedings, the tribunal may grant that application upon such terms as it considers just and may make an order for

costs in accordance with the scale prescribed for the purpose against any party in favour of any other party to the proceedings.

35c. The tribunal or any person authorised by the tribunal may at all reasonable times enter and remain on any premises or place within the municipality for the purpose of the exercise or discharge of the powers and functions of the tribunal under this Act.

New clauses inserted.

Clauses 36 to 39 passed.

Clause 40—"Regulations."

The Hon. M. B. CAMERON moved:

Page 10, after line 26—Insert:

(*aa*) provide for and prescribe any matter or thing relating to the practice and procedure of the tribunal in the determination of appeals;

Amendment carried.

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

Page 10, lines 32 to 41—Leave out all words in these lines and insert:

(3) The Governor shall not make a regulation under this section unless the Minister has certified that—

(*a*) the substance of the proposed regulation has been publically exhibited at the Town Hall in the City of Adelaide for a period of not less than two months;

and

(*b*) the Minister has considered all objections to that proposed regulation.

I refer again to this correspondence that has been forwarded to me in regard to the Bill by the Builders, Owners and Managers Association (South Australian Division) and I think the third paragraph in regard to this clause states clearly my own views on this matter. It states:

This section gives the Governor, with the consent of the Minister, the right to make or amend regulations, without public participation. The Bill makes allowance only for consideration to be given to comments from the council which presumably may or may not be taken into account in the drafting of regulations. This provision gives the Minister and the Governor sweeping powers with virtually no redress from either the council or certainly the public. This, of course, is totally unacceptable. As a general comment, this section relates to previous submissions made by us indicating that there is no point whatsoever in the council and Government paying lip service to public participation in the planning principles and regulations for the City of Adelaide if in fact it is only going to allow participation in the principles and not in the regulations, which are of extreme importance to the city and the owners of property within the city, the council and the Government.

That explains the situation that, whereas public participation in the preparation of the principles is provided for in the Bill, public participation in the regulations is not provided for. My amendment sees to it that such public involvement would be possible because the regulations would have to be exhibited for a period of not less than two months for any interested party to peruse and make submissions upon to the council. This is the same practice in regard to the planning and development legislation as applies to other councils, and it would be strange indeed if this aspect of public participation and the exhibition of proposed regulations applied in council chambers elsewhere within metropolitan Adelaide and yet in this legislation it is not provided for in respect of the Adelaide Town Hall. The principle is wrong, and I think the Minister must agree that, if the public are to have a proper view of the regulations before they are brought down in the town planning department, there must be an exhibition of the regulations at the town hall.

The Hon. B. A. CHATTERTON: I cannot accept the amendment. While it is the policy of the council to get as much public involvement as possible and the principles underlying these regulations have been widely commented upon and representations have been made, it would be impossible to have this time limit in the legislation. The opportunity for speculation to take place while the regulations were on public exhibition would be too great to resist. I draw honourable members' attention to a case in Sydney where proposed changes to legislation were exhibited and there was a considerable delay, which created a speculation boom in that city. To have regulations on display for two months before their introduction, while perhaps desirable, is not practicable. Where would this process stop? If the plans are exhibited and alterations made, would that not merely restart the process again? We would never get regulations into force at all.

The Hon. J. C. BURDETT: I support the amendment. Without doubt the regulations under the Bill would be like planning regulations. As the Hon. Mr. Hill has said, bearing in mind that planning regulations are exhibited and opportunity is made for comment, why should not the same opportunity be provided in this case? Under this Bill there is even more need to provide for the protection of individuals. I have raised this point before. I cannot accept as valid to the South Australian situation that land boom speculation would be caused through the delay and exhibition of regulations. That does not apply regarding the Planning and Development Act and it would not apply here.

The Committee divided on the amendment:

Ayes (10)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes, C. M. Hill (teller), D. H. Laidlaw, and A. M. Whyte.

Noes (10)—The Hons. D. H. L. Banfield, F. T. Blevins, T. M. Casey, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. In order that this matter can be considered by the House of Assembly, I give my casting vote for the Ayes.

Amendment thus carried; clause as amended passed.

Remaining clauses (41 and 42), schedule and title passed.

Bill read a third time and passed.

ULEY SOUTH WATER TRANSFER SCHEME

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Uley South Water Transfer Scheme.

[*Sitting suspended from* 5.47 *to* 7.45 *p.m.*]

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

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

DEFECTIVE PREMISES BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 1 to 7 inclusive, Nos. 9 and 10, and Nos. 12 to 18 inclusive, but had disagreed to the Legislative Council's amendments Nos. 8 and 11.

EVIDENCE ACT AMENDMENT BILL

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

PAY-ROLL TAX 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.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill amends the principal Act, the Pay-Roll Tax Act, 1971-1976, to increase the amount of the annual deduction that may be made from a pay roll liable to pay-roll tax. The present annual deduction of $41 600, reducing by $2 for every $3 by which a pay roll liable to taxation exceeds $41 600 to a minimum deduction of $20 800, was enacted by the Pay-Roll Tax Act Amendment Act, 1976, and had effect from January 1, 1976. This Bill provides for an increase of about 15 per cent in the maximum and minimum annual deduction to have effect from January 1, 1977. This increase should reflect the increase in wage levels in the intervening year. Accordingly, the maximum annual deduction proposed is $48 000, reducing by $2 for every $3 by which a pay roll liable to taxation exceeds $48 000 to a minimum annual deduction of $24 000. It is estimated that the cost to the Government in a full year of the increase in the amount of the deduction proposed by the Bill will be about $1 000 000.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on January 1, 1977. Clause 3 inserts a new subsection in the interpretation section, section 3, of the principal Act, providing that cents shall be disregarded in calculations of formulae relating to the proposed annual deduction provided for by the Bill. Clause 4 amends section 11a of the principal Act by providing for the new maximum and minimum amounts of the deduction that may be made under that section from pay rolls before monthly or other periodic returns of pay-roll tax are made to the Commissioner.

Clause 5 amends section 13a of the principal Act by providing for a new definition of the amount of the annual deduction that may be made from a pay roll liable to taxation. The formula set out in new subsection (2a) provides for the annual deduction for the financial year ending on June 30, 1977, by averaging the present annual deduction based upon the maximum of $41 600 and minimum of $20 800, and the new annual deduction to have effect from January 1, 1977, based upon a maximum of $48 000 and a minimum of $24 000. The formula set out in new subsection (2b) provides for the annual deduction for subsequent financial years. Clause 6 amends section 14 of the principal Act to require an employer to register under the Act when his pay roll exceeds $900 in a week, instead of the present $800. Clause 7 amends section 18k of the principal Act by providing for the new annual deduction in respect of the pay rolls of grouped employers. New section 18k corresponds with respect to groups of employers to section 13a, amended as proposed by clause 5, with respect to single employers.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

SUPERANNUATION 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.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill, which contains one operative clause, clause 3, is intended to give effect to one aspect of an agreement between the Commonwealth and the State as to the terms and conditions of employment of former employees of the South Australian Railways who, pursuant to the agreement ratified by the Railways (Transfer Agreement) Act, 1975, accept employment with the Australian National Railways Commission. Briefly, all these former employees, who elect so to do, may retain their existing South Australian superannuation rights as if they had continued to be employed in the service of the State. In addition, the measure provides for a further agreement to be entered into by the State and the Commonwealth relating to the liability of the Commonwealth to meet the greater part of the employer liability for the pensions of these employees.

Clauses 1 and 2 are formal. Clause 3 (1) sets out certain definitions necessary for the purposes of this clause, and these definitions are commended to honourable members' attention, especially the definition of "prescribed contributor". Subclause (2) gives the transferred employees the right to remain contributors to the fund, and subclause (3) protects the future right of such employees who, at present, contribute to the Provident Account, to become contributors in the future. Subclause (4) is intended from an abundance of caution to facilitate consequential amendments to the principal Act to give full effect to the provision proposed.

Subclause (5) sets out the framework within which the cost-sharing arrangements are to be worked out. Briefly, an agreement or understanding with the Commonwealth is required to be arrived at covering the matters set out in this provision. Agreement in principle evidenced by an exchange of letters has already been arrived at in respect of the significant matters touched on in this subclause.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

STAMP DUTIES 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.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

The main purpose of this Bill is to reduce stamp duty payable upon conveyances of land. The present stamp duty payable upon conveyances is as follows:

(*a*) where the consideration for the sale does not exceed $12 000, the stamp duty is $1·25 for each $100 of the consideration.

(*b*) between $12 000 and $18 000 the stamp duty is $150, plus $2·50 for every $100 of the amount in excess of $12 000.

(*c*) between $18 000 and $50 000 the stamp duty is $300, plus $3 for every $100 of the amount in excess of $18 000.

The Bill proposes to alter this position in the following manner:

(*a*) where the consideration does not exceed $12 000, the stamp duty is to be $1 for every $100 of the consideration.

(*b*) between $12 000 and $20 000 the stamp duty is to be $120, plus $2 for every $100 above $12 000.

(*c*) between $20 000 and $50 000 the stamp duty is to be $280, plus $3 for every $100 of the amount in excess of $20 000.

The effect of these amendments is that, on a conveyance involving transfer of property worth $20 000 or above, there will be a saving of $80 in stamp duty. This represents, a saving of about 22 per cent at $20 000, and at $50 000 a saving of about 6 per cent. The cost in revenue for a full year is likely to be about $3 200 000.

The Bill also provides for the use of adhesive stamps on mortgages and other securities which secure the repayment of sums between $400 and $4 000. Transactions (other than credit and rental transactions) involving less than $400 that are dutiable at present will be exempted from duty. The opportunity is also taken to make some other fairly minor amendments to the principal Act. An amendment is made to the credit and rental provisions of the principal Act. It seems that the present definition of "credit arrangement" leaves a possible loophole for avoidance of the stamp duty provisions. An amendment is made to section 48a of the principal Act enabling the Commissioner to authorise banks to issue chequebooks upon which stamp duty has been paid. This power was formerly exercised by the Treasurer. An amendment is made to section 66ab of the principal Act designed to tighten the provisions which prevent avoidance of duty by splitting land transfers. A further amendment exempts transfers of securities issued by approved State instrumentalities from stamp duty.

Clause 1 is formal. Clause 2 amends section 31f of the principal Act, which deals with credit and rental business. The provision is amended with a view to preventing a credit provider from alleging that he has made separate credit arrangements with a customer in respect of each debt incurred by that customer. Clause 3 amends section 48a of the principal Act to enable the Commissioner to authorise the issue of chequebooks upon which stamp duty has been paid. Clause 4 amends section 66ab of the principal Act. The amendments are designed to reinforce the existing provisions that stipulate that, where conveyances arise from the one transaction, the consideration is to be aggregated for stamp duty purposes. The amendment provides that, where conveyances are executed within 12 months of each other, then it shall be presumed that they arose out of one series of transactions. A new provision is inserted to prevent a possible reduction of duty through the operation of this new subsection.

Clause 5 makes it possible for duty to be denoted on mortgages and other securities for specific amounts of less than $4 000 by adhesive stamps. Clauses 6 and 7 reduce the stamp duty payable upon conveyances in the manner to which I have previously referred. Clause 8 exempts from stamp duty mortgages and other securities for an amount not exceeding $400. Clause 9 exempts from stamp duty transfers of securities issued by approved instrumentalities of the State.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

Second reading.

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

That this Bill be now read a second time.

Its purpose is to expand provisions of the Local Government Act in order to enable councils to enter into joint schemes for the construction of community facilities within their areas. In recent times, a number of councils have sought to join with the Government in the construction of projects that will be of mutual benefit to the Government and to the people of a particular local government area. For example, the Enfield council has sought to participate in the construction of a swimming pool within the grounds of the Angle Park High School. However, this project does not fall within the strict provisions of the Act, because the Act contemplates only projects that the council will itself carry out. The Bill therefore proposes an amendment to section 435, enabling a council to submit a scheme to the Minister proposing contribution by the council towards the cost of a specified work or undertaking that will benefit the area of the council.

Clause 1 is formal. Clause 2 amends section 435 of the principal Act. As I have said, the amendment provides that a scheme submitted under section 435 may provide for contribution by the council towards the cost of a specified work or undertaking, whether or not the work or undertaking is to be executed upon land under the care, control and management of the council.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2505.)

The Hon. C. M. HILL: A Bill rather similar to this Bill but incorporating compulsory voting at local government elections and restricting the rights of ratepayers to have more than one vote within council areas was introduced into this Council in 1970, and the debate on it took place here in 1971. I strongly opposed that Bill. I was especially concerned about the question of compulsory voting in council elections. Also, of course, there was much unfairness in that ratepayers who held ratable property in various wards in the one council area were restricted to one vote. Since then, there has been much discussion within local government and in the community generally concerning the franchise for council elections, and there has been a considerable change in people's attitudes toward local government activities.

The Bill includes provisions for adult franchise, in the broad sense of that term, for local government. It also provides that ratepayers, including companies and partnerships, shall be given the right to vote in each ward in which they hold ratable property. These are big changes to the present franchise position and the voting system for council elections.

Clause 21 deals with the franchise aspect. I will read that clause so that there is a record in *Hansard* of what is involved. The old franchise provisions in the Act are repealed, and new section 88 is inserted in lieu thereof. The first three subsections of that new section provide:

(1) Subject to this Act, a person is entitled to be enrolled as an elector for an area—

(*a*) if he is enrolled as an elector for the House of Assembly in respect of a place of residence within the area;

or

(*b*) if he is enrolled as an elector for the House of Assembly and—

(i) his name appears on the assessment book as the sole ratepayer in respect of ratable property within the area;

(ii) he is the nominated agent of a body corporate—

(A) whose name appears on the assessment book as a ratepayer in respect of ratable property within the area;

and

(B) which is the sole owner, or sole occupier, or sole owner and occupier, of that ratable property;

or

(iii) he is a nominated agent in respect of ratable property within the area by virtue of the provisions of subsection (3) of this section.

(2) Where an area is divided into wards, a person enrolled as an elector for the area is entitled to be enrolled as an elector for a ward if—

(*a*) he is resident in that ward;

(*b*) he is the nominated agent of a body corporate—

(i) whose name appears on the assessment book as a ratepayer in respect of ratable property within the ward;

and

(ii) which is the sole owner, or sole occupier, or owner and occupier, of that ratable property;

or

(*c*) he is a nominated agent in respect of ratable property within the ward by virtue of subsection (3) of this section.

(3) Where—

(*a*) two or more persons (whether corporate or unincorporate) own ratable property jointly or in common within an area or ward;

or

(*b*) two or more persons (whether corporate or unincorporate) jointly occupy ratable property within an area or ward,

and none of those persons is entitled to vote by reason of residence within the area, or the ward, they may nominate a natural person who is enrolled as an elector for the House of Assembly, as an agent to vote on their behalf at any election, meeting or poll.

Briefly, that means that every House of Assembly elector living within that area will be entitled to vote in council elections. Also, the normal ratepayer's qualification still applies. Companies or partnerships may nominate one agent, where those companies or partnerships are either owners or occupiers of ratable properties.

I support the second reading. I will listen with interest to the debate as it progresses and, if any amendments are moved that I believe further improve the Bill, I will seriously consider them. In saying that I support the second reading, I make my position clear: in principle, my view has changed over the past five years regarding the matter of adult franchise, and it is because of that change of view that I support the second reading.

Honourable members may be interested to know the situation obtaining in other States in relation to the questions raised in the Bill. In New South Wales and Queensland, there is universal franchise. Those two States and Victoria do not permit plural voting based on property value. I hasten to point out that the plural voting provisions of the Act are being repealed by this Bill.

The Hon. R. C. DeGaris: Plural voting applies on property values.

The Hon. C. M. HILL: It applies to property values and in relation to rights to vote for the approval of loans.

The Hon. R. C. DeGaris: That is correct.

The Hon. C. M. HILL: There is a minimum value beneath which corporations are not entitled to their full quota of votes, but that value is small. It can generally be said that any company or occupier, within reason, has a full quota of votes for council election purposes. In this State, in Western Australia, and in Tasmania plural voting is still permitted. The four States retaining restricted franchise, namely, Western Australia, South Australia, Victoria, and Tasmania, all continue the principle that local government provides property-based services funded from taxation levied on real property.

It is into this area of change and with this consideration of the situations that apply in other States that there enters the principle (and this is the point that is now being debated in relation to adult franchise for local government) that, as the State provides more and more finance to local government, its citizens have a stronger and stronger claim to the right to vote in council elections in the area in which they reside.

There is some democratic justification, in my view, for this principle. Parliament should be provided with facts and figures to enable it to ascertain the degree of State Government involvement in local government. By that, I mean the extent of public funding from the State compared to the revenue received from council rates. I have tried to obtain some of these statistics, to which I will soon refer.

True, more and more State money will be channelled into local government by way of general funding and State aid in many areas. This trend is inevitable and, in many respects, proper, because the source of revenue by rating is not a bottomless pit. Ratepayers can afford only so much, and they experience great financial hardship when pressed for more. With the demand by people for councils to provide more and more social and welfare services, and with expanding health services at local government level, especially in relatively new areas, there will be a need for councils to require more and more funds. As I said, the trend will be that local government will turn to the State for such money.

I can recall when we discussed the Local Government Grants Commission legislation, that this Council amended that legislation to provide that it would be possible in future for the State to actually make block grants to councils through the machinery of that Grants Commission. That, of course, is done in New South Wales. Apart from this State aid to which I referred and which I have put under the heading of State Government, we know there is an established practice by the Commonwealth Government to provide money to local government for general purposes, and that will be distributed through the Local Government Grants Commissions, which have been established in the States. That again reinforces this trend which is occurring of public money coming directly to local government.

I believe that the role of local government must expand, and it must provide for more of the health and welfare services to which I referred. Pressure from the community, and I should like to think from the State Government, for local government to take a bigger responsibility in the delivery of more community and social welfare at local

level is all part of a trend, the momentum of which we can feel at the present. Despite the fact that some five or six years ago feeling was very strong against a change in the local government voting systems, I think there is evidence of considerable change, and it is the duty of the Legislature to recognise this. Whether they agree with it completely is entirely in the hands of the legislators. We are living in a world of great change, especially in local government, and this is one reason why I have changed my opinion on the question of adult franchise.

Concerning the statistics to which I have referred, I have obtained some estimated rate revenues of the councils throughout South Australia and some estimates of the Grants Commission money and road grants as a percentage of the specific council rates. Whilst these figures may not be absolutely accurate, I think that they can be accepted at least as being reasonably accurate. The road grants money from which these percentages have been taken, I hasten to point out, do not include debit order work, nor do they include money spent through the Highways Department on arterial roads, as that money has been spent directly by that department.

The figures include district and main roads grants which have been given to councils, and both these grants are subject to contributions from councils. They include a small amount of grants-in-aid money to councils. The total figure is about $360 000 for the past year. The figures do not include other assistance that has come from the State to local government under such headings as unemployment relief schemes; that alone will amount to about $9 000 000 this year. Also, they do not include grants relative to tourism and recreation, public parks, coastal protection, or for purposes of that kind. They do not take into account subsidies that benefit local government, such as sales tax exemptions and exemptions from petrol excise and that kind of benefit from which councils gain some advantage.

On examining the statistics, it would seem that the more metropolitan a council is, (or one perhaps closer to the heart of the metropolitan area, may be another way of putting it) the more the council relies less on grants. It would seem from these statistics that in many cases the further one goes away from Adelaide, the greater is the percentage of State and Federal grants compared to the rate revenue of that council. The figures do not include main arterial highways that go through council areas, but include money paid to councils for main roads and for district roads within those council areas. These are fairly lengthy statistics but I think they have a bearing on this debate.

The Hon. T. M. Casey: Are they factual?

The Hon. C. M. HILL: They are reasonably accurate, as I said. They do include details of more than 130 councils within the State and, because of the size of these statistics, I seek leave to have them inserted in *Hansard* without my reading them.

Leave granted.

REVENUE PERCENTAGES

Council	Est. Rate Revenue 1975-76	Grants Commission and Road Grants as a Percentage of Rates
Adelaide	6 952 078	8
Brighton	795 867	21
Burnside	2 226 642	6
Campbelltown	1 703 700	19
Elizabeth	1 641 749	13
Enfield	3 170 644	15
Glenelg	871 566	15
Henley and Grange	632 117	24
Kensington and Norwood	553 608	13
Marion	2 710 604	19
Mitcham	2 230 331	13
Mt. Gambier	754 682	19
Noarlunga	1 565 515	29
Payneham	715 278	20
Port Adelaide	1 992 609	22
Port Augusta	488 408	55
Port Lincoln	494 254	43
Port Pirie	548 273	37
Prospect	907 879	17
Salisbury	3 098 135	22
Tea Tree Gully	2 502 233	21
Unley	1 653 764	13
West Torrens	1 633 785	22
Whyalla	1 276 144	27
Woodville	3 730 622	14
		—
		21
Gawler	397 451	24·3
Hindmarsh	569 218	16·7
Jamestown	29 290	60·1
Kadina	107 031	32·8
Moonta	105 501	30
Murray Bridge	325 529	30
Naracoorte	206 297	48
Peterborough	80 662	57
Renmark	304 558	37
St. Peters	397 300	19
Thebarton	470 747	25
Walkerville	446 949	19
Wallaroo	112 628	36
		—
		33
Angaston	271 164	38
Balaklava	109 132	42
Barmera	164 437	56
Barossa	196 873	30
Beachport	213 137	30
Berri	243 382	48
Blyth	97 780	48
Brown's Well	25 223	190
Burra Burra	135 994	61
Bute	95 068	32
Carrieton	19 602	332
Central Yorke	224 199	41
Clare	184 805	40
Cleve	211 673	66
Clinton	73 430	51
Coonalpyn Downs	238 250	43
Crystal Brook	57 831	88
Dudley	35 768	120
East Murray	48 473	110
East Torrens	238 378	29
Elliston	100 819	117
Eudunda	70 872	82
Franklin Harbor	115 080	73
Freeling	95 760	54
Georgetown	65 553	60
Gladstone	49 939	68
Gumeracha	161 094	40
Hallett	54 661	91
Hawker	21 308	262
Jamestown	101 082	63

Council	Est. Rate Revenue 1975-76	Grants Commission and Road Grants as a Percentage of Rates
Kadina	120 220	48
Kanyaka-Quorn	57 343	146
Kapunda	123 873	37
Karoonda	82 955	87
Kimba	113 452	96
Kingscote	235 689	53
Lacepede	262 398	32
Lameroo	144 168	70
Laura	33 913	95
Le Hunte	158 871	68
Lincoln	278 284	57
Loxton	257 549	62
Lucindale	201 329	44
Mallala	137 092	44
Mannum	147 268	62
Meadows	767 172	18
Miningie	212 037	59
Millicent	427 903	34
Minlaton	161 101	42
Mobilong	204 000	42
Morgan	60 832	98
Mt. Barker	325 096	30
Mt. Gambier	326 399	25
Mt. Pleasant	135 382	35
Mudla Wirra	87 560	54
Munno Para	978 326	25
Murat Bay	172 585	102
Naracoorte	286 533	26
Onkaparinga	171 728	49
Orroroo	58 313	80
Owen	84 460	44
Paringa	52 732	83
Peake	64 330	91
Penola	215 849	43
Peterborough	31 008	243
Pinnaroo	122 796	66
Pirie	118 336	71
Pt. Broughton	90 452	45
Pt. Elliot and Goolwa	289 863	21
Pt. Germein	114 533	83
Pt. MacDonnell	144 223	48
Pt. Wakefield	42 472	86
Redhill	48 711	97
Ridley	138 277	78
Riverton	85 400	64
Robe	116 744	35
Robertstown	43 145	111
Saddleworth and Auburn	100 804	60
Snowtown	115 892	58
Spalding	58 730	75
Stirling	573 558	22
Strathalbyn	168 517	48
Streaky Bay	144 381	101
Tanunda	156 752	26
Tatiara	673 244	31
Truro	66 692	63
Tumby Bay	201 289	79
Victor Harbor	445 341	20
Waikerie	195 745	63
Warooka	79 330	80
Willunga	319 219	10
Wilmington	44 755	110
Yankalilla	183 108	33
Yorketown	147 270	60
		67·8

The Hon. C. M. HILL: Honourable members will see that there are 25 councils listed as a group. Whilst not including all metropolitan councils, in the main it includes all urban councils. The table shows that the Grants Commission and road grants is 20 per cent of the rates of those 25 councils. In another group of 13 councils, the grant is 33 per cent on average of the estimated rate revenue for 1975-76 of those 13 councils, and there is a long list of about 94 councils, mainly situated a considerable distance from the city and, of those 94 councils, the Grants Commission money and road grants as a percentage of estimated rate revenue of those councils is an average of 67·8 per cent.

These statistics paint a picture that a very strong case can be made out even at present, and I will develop that point further. It shows considerable involvement on a percentage basis to rate revenue of the State Government. That is the principal platform on which one can justify this proposed change to adult franchise that is provided for in the Bill. Having said that, I acknowledge that councils throughout the State are against this measure. I have received much correspondence from councils throughout the length and breadth of the State, and many of those councils are—

The Hon. C. J. Sumner: Very short-sighted.

The Hon. C. M. HILL: No, not at all. I respect the views of these councils. The Council should recognise the strength of the feelings of councils that the present system should be retained.

The Hon. C. J. Sumner: They are worried about jobs being in jeopardy.

The Hon. M. B. Cameron: One could not really call them jobs.

The Hon. C. M. HILL: That is not so: these people have seen a system working that works extremely well and they are part of it. They know it intimately and have had great experience of it.

The Hon. N. K. Foster: Who has?

The Hon. C. M. HILL: These people who are now members of councils and have supported their councils. I place on record my respect for these councils, and I recognise that their view is put forward in all sincerity. It is the first time I can recall since I have been here that I feel obliged to vote contrary to the opinions of such councils. From time to time, they make representations on matters close to them, but I do not recall previously feeling that I should not support them. Recently, especially honourable members on this side of the Chamber supported strongly the Local Government Grants Commission legislation, which would be of assistance to councils, and only last week, I think it was, I was proud that my Parliamentary Party agreed to a policy of phasing out council levies for capital works for hospitals.

Those aspects show the high regard and respect I have for local government, but this time I cannot agree on this aspect of adult franchise. Naturally, I am interested in local government areas in metropolitan Adelaide, because I spend most of my Parliamentary time in metropolitan Adelaide. It does not matter in which council we picture the situation but, if there are people who are not eligible to vote for local government now because they do not have a property franchise or have not an interest in property as tenants, such as people who live in lodging houses, and many of them are scattered throughout metropolitan Adelaide—

The Hon. Anne Levy: And wives of tenants.

The Hon. C. M. HILL: They, too, are in that category. I think wives of tenants were in the next category to be considered by my Party. If the Hon. Miss Levy refers to wives of tenants, I get back to my example of people living in lodging houses.

The Hon. N. K. Foster: They are not lesser people because they are in lodging houses.

The Hon. C. M. HILL: I am not saying that, but they have not had the right to vote.

The Hon. Anne Levy: What about adult children still at home?

The Hon. C. M. HILL: Yes, and young people at home as long as they are over 18 years of age. Generally speaking, any fair-minded person must agree that these people should have the right to vote. There are serious problems in other areas, where people may go into workers' camps and become residents in a certain area, which may give rise to problems in some rural areas. However, referring to metropolitan Adelaide, I think that people who have not been able to vote at council elections so far should have that right in future.

I summarise my remarks by setting out broadly the arguments that come to mind both for and against adult franchise at local government level. The arguments in support are as follows: first, the chief claim is that all people are affected by the decisions of local government and, therefore, all people are morally entitled to vote. Secondly, if a society is to be truly democratic, then all of its components must be democratic, too. Thirdly, different voting privileges for members of the same community can lead only to social divisions, never to social cohesion.

The arguments against, which can be put up by people who have strong feelings in the matter (and I respect those feelings) are, first, that, regardless of whether local government decisions affect everyone in the district, they are paid for principally by the ratepayers; until at least a few years ago, that certainly was the situation. Furthermore, only ratepayers (and especially property owners) have a permanent interest in the community. Other residents, including itinerants, come and go and their interest in the community or a local government area cannot reasonably be regarded as being permanent, as is the interest of the ratepayer who has lived in that place for some considerable time.

The last argument against is that what is good for ratepayers generally, and property owners in particular, is good for everyone in the district. Until a few years ago, that was a firmly held belief by many people interested in this matter. Giving the matter full consideration, as I have, and repeating that I respect the views of those who take an alternative point of view on the matter, I support the principle of adult franchise as laid down in this Bill. Therefore, I will vote for the second reading. I stress, though (I am repeating it, because I have referred to it earlier) that, if amendments are moved at the Committee stage, I will consider them. I have some slight doubt on the wisdom of throwing overboard completely the present system of ratepayers having certain voting power when it comes to voting as to whether a council loan should be approved or not. It is a matter to be considered more fully in Committee. I support the second reading.

The Hon. M. B. CAMERON secured the adjournment of the debate.

WATER RESOURCES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 25. Page 2487.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading of the Bill, but I do not wish to say much about the Bill itself, because it represents the Government's acceptance of a private member's Bill introduced earlier this year by the Hon. Mr. Burdett which the Government did not accept. This is about the third or fourth time that we have seen a private member's Bill in this Council seeking to achieve a purpose not then accepted by the Government and some time later the Government has seen fit to introduce that same concept in its own Bill. It is sad to see logical amendments and private member's Bills being rejected by the Government without the merits of that legislation being considered when the legislation is before the Council. I am sure the Hon. Mr. Burdett will cover that aspect in speaking in the debate.

I wish now to refer to another matter, although not dealt with by the Bill, which relates to the Water Resources Act. Some time ago I directed a question to the Minister concerning the Water Resources Act in relation to drains. I referred to other Acts, especially the South-Eastern Drainage Act under which a large scheme was undertaken in the 1870's in the South-East to construct a drainage system. Under the original administration of the area control rested with locally-elected and controlled drainage areas such as Tantanoola, Mount Muirhead, and Mayurra. These designated areas became local governing areas and under the South-Eastern Drainage Act they had actual freehold title of the drainage area, the drains and water.

Under the Water Resources Act, I believe the position of man-made drains and council freeholds is not so clear. That Act, in the opinion of the Government, took away any powers of councils under the South-Eastern Drainage Act. In his reply to my question the Minister's answer was contrary to what I believe the position to be. He claimed that the Government did have the power of direction in relation to drainage areas, the drains and the water. I claim they are freehold property under the South-Eastern Drainage Act of the local government bodies in those areas. This is a matter of importance to the people and councils of the South-East because, as can readily be appreciated, much use is being made of the drainage areas by certain companies and their factories. The factories use water from the drains, and they use the drains as a means of removing effluent from factory areas. True, the factories pay for the use of the drainage system for the disposal of effluent and the use of water passing their factories.

If the Water Resources Act takes away control of councils from these areas, I will be disturbed, as will be the councils in the South-East, that the Government has assumed control of the drains and the water in them. Perhaps the Government can now determine who will use those drains and who will use the water in them. The Government may be able to control the charges that may be made by local government for the use of the drains and their waters, but this matter concerns me greatly and I have raised it now as I believe that the Water Resources Act should not intrude on the accepted position under the South-Eastern Drainage Act, which has been in operation for many years and which has worked extremely satisfactorily for the benefit of the whole area. Whilst this aspect is not covered by the Bill, this aspect is of great moment in the South-East.

The Bill incorporates, not entirely but even to a slightly improved degree, the Bill introduced by the Hon. Mr. Burdett concerning appeals under the Water Resources Act. I support the second reading, but will leave the Hon. Mr. Burdett to speak on the matters encompassed by the Bill in respect of the incorporation of his views put to this Chamber some time ago.

The Hon. J. C. BURDETT: I support the second reading. As the Hon. Mr. DeGaris said, clause 4 is in substance the same as the operative clause in the private member's Bill, which I introduced earlier this session and which was passed by this Council. The problem I was seeking to overcome was that the principal Act does provide an appeal from a decision of the authority to a tribunal. However, the appeal was virtually useless because the tribunal had the power only to uphold or quash the decision and, if it quashed it, the Minister could make the same order the next day. A person could go to much trouble and expense in conducting an appeal and he could win, yet he could still lose, because the next day the Minister could make the same order again.

The Minister has personally discussed this matter with me and told me that, although my Bill was defeated in the Assembly, it was, he suggested, really through a mistake. He had intended that the Bill be allowed to pass. The Minister has incorporated in this Bill the substance of my amendment. Actually, the relevant clause in the present Bill goes a little further than my Bill did. I did not really dare to go as far in my Bill as clause 4 in this Bill goes. This Bill goes a little further and enables the tribunal, if it quashes a decision, to substitute for the decision appealed against the decision that, in the opinion of the tribunal, the Minister should have made in the first instance; or, the tribunal may refer the case back to the Minister for reconsideration of the decision with or without directions as to new matters that the Minister shall consider. I thank the Minister for having incorporated in this Bill the principle I was trying to achieve. I support the second reading.

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

ELECTORAL ACT AMENDMENT BILL (No. 4)

In Committee.

(Continued from November 25. Page 2495.)

Remaining clauses (23 to 28) and title passed.

Bill reported with amendments.

Bill recommitted.

Later:

Clauses 1 to 13 passed.

Clause 14—"Application for registration as a general postal voter"—reconsidered.

The Hon. R. C. DeGARIS (Leader of the Opposition): Most honourable members have supported the general idea that was put forward by the Hon. Mr. Whyte almost 12 months ago, that there be established a permanent postal voters' roll to cater for people who have great difficulty in getting a vote because they live long distances from polling booths and post offices. That group of people may have a fortnightly mail service. Even under the provisions applying to the permanent postal voters' roll, they could be unable to record a formal vote. Once the permanent postal voters roll is established on, say, the Wednesday week before an election, the votes are posted to the people on the permanent postal voters' roll. It could be a fortnight before these people actually get their postal votes.

The Hon. A. M. Whyte: Perhaps you could refer to them as general postal voters.

The Hon. R. C. DeGARIS: Yes.

The Hon. C. J. Sumner: Where could that happen?

The Hon. R. C. DeGARIS: Many outback areas have a fortnightly mail service by aircraft. In the last three elections—

The Hon. F. T. Blevins: The last two elections.

The Hon. R. C. DeGARIS: I would say the last three elections, but I may stand to be corrected. In the last three elections the period between the nominations being declared closed and the actual election date has not exceeded 14 days. Even though these people are on the general postal voters roll, there is a possibility that some of them may still be unable to cast a valid vote.

The Hon. T. M. Casey: I agree. That is a possibility, but a remote possibility.

The Hon. R. C. DeGARIS: Yes.

The Hon. T. M. Casey: It has happened previously.

The Hon. R. C. DeGARIS: Yes. That was the reason why the Hon. Mr. Whyte asked for the concept of a general postal vote, and I think honourable members have accepted that principle, although there may be arguments about the fine print. An ordinary postal voter who applies for a postal vote and is not on the general postal voters' roll has to ensure that the postmark on his postal vote shows the day before the election.

The Hon. A. M. Whyte: It has to be franked on the Friday, or before.

The Hon. R. C. DeGARIS: Yes. The general postal voter, because of his isolation, is posted a vote on the Wednesday week before the election, which would be the earliest the Electoral Office could have the ballot-papers printed and the general postal voters' ballot-papers posted out. In extreme circumstances it could be a fortnight before they get the ballot-papers. In posting the ballot-paper back, the general postal voter may not be able to get it franked on the Friday before the election or earlier. I therefore ask the Government to consider a further amendment in relation to the general postal voter only. The ordinary postal voter knows the rules of the game.

The Hon. A. M. Whyte: He has no problem in getting his postal vote franked.

The Hon. R. C. DeGARIS: I agree. However, the general postal voter may have great difficulty. He may place his mailbag on an aircraft that goes to Adelaide or Port Augusta, where his vote is franked. Again, his vote may go by train or by road transport to Port Augusta to be franked. I ask the Government to consider an amendment providing that, where a person is on a general postal voters' roll, irrespective of the time that that person's vote is received, it will be counted up to one week after the poll closes.

That is a reasonable suggestion. The Minister of Lands, who knows the situation obtaining in the outback, has so far agreed with my general thesis. This is not meant to apply to an ordinary postal voter, although it should apply in the circumstances under which a general postal voter has been accepted by the Electoral Commissioner as being a person who is in difficulty in abiding by the general rule. I say that, particularly considering the speed with which political Parties have insisted on elections occurring on the last three occasions. I ask the Government to consider such an amendment, which would not take long to draft.

The Hon. T. M. CASEY (Minister of Lands): I am willing to discuss this matter with my colleague in another place, who is in charge of this Bill. I will put to him

the suggestions that the Leader has made. Although the Leader has made a valid point, I cannot speak for my colleague. I am willing, after other honourable members have spoken on the clause, to have further consideration of it deferred.

The Hon. C. J. SUMNER: Will the Leader say whether this means that a person will be able to vote after an election day?

The Hon. R. C. DeGARIS: That is possible. On the other hand, I ask the honourable member to bear in mind that the group of people who have been accepted on the general postal voters roll are in a peculiar category, and it is almost certain that they will vote and return their vote on the day that they receive it. However, it could well be that the vote arrives at its destination after the election.

The Hon. C. J. Sumner: But that's unlikely.

The Hon. R. C. DeGARIS: True, but it is possible. I do not believe that under this system any person who is qualified to vote and who does nothing wrong should be denied the opportunity to vote, irrespective of whether he does so after the election day. I assume that the period of seven days that I have suggested will obviate the possibility of a person's voting after election day. It could be three or four days before a person who receives his mail on, say, the Friday before the election, and who votes immediately and returns his paper, gets that vote back to, say, Port Augusta for franking. The vote would then be franked at Port Augusta and posted to Adelaide, so that it could take a week for the vote to get from its original destination to the Electoral Department.

Although there is a remote possibility that a person may vote after an election day, it is unlikely that this will happen. Nevertheless, the greater danger is that of denying a person the right to vote merely because of his isolated place of residence. That is a greater disability or crime than allowing the person to vote after the election day.

The Hon. C. J. SUMNER: The eventuality to which the Hon. Mr. DeGaris has referred, of a person's not being able to get his vote back in time, is an unlikely one, just as is the possibility of someone's voting after an election day. However, it may be a matter of balancing up the degrees of inconvenience and those aspects that are contrary to the general principles which operate in electoral matters.

I see some justification for this suggestion when a person has voted before the date of an election and cannot get his envelope franked because he is living in an outlying area. However, it seems to be undesirable for people to be voting on, say, the Tuesday, Wednesday, or Thursday, perhaps four or five days after an election. This could occur if the Hon. Mr. DeGaris's amendment was accepted. Such people could well know the position of the election and that there were only a dozen votes in it.

Of course, that does not happen often, although it has occurred occasionally. It can be critical, as the Hon. Mr. Cameron would no doubt be aware. It seems to me that it could be highly undesirable for an election result to be tentatively announced on a Sunday when the result, including a margin of, say, up to only 100 votes, was conveyed to people in the outback by way of radio or other means of communication. Such people could cast their vote in the light of that result. That seems to be an undesirable situation that could arise if the Hon. Mr. DeGaris's amendment in its present form, was accepted.

The Hon. A. M. WHYTE: The suggested amendment highlights the necessity of the amendment which I moved and which was carried. That amendment will regulate the general postal voters' roll to that number of people who genuinely need help to register their votes before the implementation of the legislation which prescribes an area. This very much strengthens that case, as surely we would not want this to apply to thousands of people when it should apply to only 200 or 300 people.

The Act also provides that a postal vote may be valid if received by the Electoral Commission seven days after the close of the poll. But what the Hon. Mr. DeGaris said was that it is very difficult on many occassions to have the postal vote franked in time to comply with the requirements of the Act. For the Hon. Mr. Sumner to suggest that people, because of their isolation, are so naive that, having already heard the results of the poll, are then going to go to the trouble of voting seems to me—

The Hon. R. C. DeGaris: They are more likely not to.

The Hon. A. M. WHYTE: —to be questioning the intelligence of the voters who pay as much attention, whether Liberal or Labor, to the weight of politics in their lives as do—

The Hon. C. J. Sumner: I was not suggesting that. You have missed the point. I have said that the tentative result on the Sunday may show only 12 or 15 votes difference, and then you have people voting in the days following while knowing that the election is that close. That situation can lead to undesirable practices.

The Hon. A. M. WHYTE: To make that allegation is even worse. Knowing that their one vote is the balance of Government, and being a strong Labor supporter, do you say that someone is going to sway them in the way they are going to vote at that crucial hour?

The Hon. C. J. Sumner: It may even change their vote.

The Hon. A. M. WHYTE: It would not.

The Hon. C. J. Sumner: It may well change their vote if the Government is swinging on it. It is enormously important and open to all sorts of abuse and malpractice.

The Hon. R. C. DeGaris: Should the Government be elected by a person who has got a vote and cannot cast it? The same thing applies that way.

The Hon. C. J. Sumner: I am not suggesting that.

The Hon. R. C. DeGaris: Yes, you are.

The Hon. C. J. Sumner: I suggest the amendment might need looking at.

The Hon. A. M. WHYTE: I have some practical knowledge of the people who have been deprived of a vote merely because of their isolation and what the Hon. Mr. DeGaris is suggesting is that there should be a further leniency as far as the franking of the postal vote is concerned. There is no way that this person can race after the mail bags and get his postal vote back and alter it. It would be in the bag. He will make sure, if given this opportunity, which he has not had before, to register a vote. He will make sure if a mail bag is anywhere near him that he will get his postal vote away. He cannot guarantee it will be franked in time to comply with the Act. What the Hon. Mr. DeGaris is saying is that there ought to be some leniency provided for that vote to reach some place where it can be franked.

The Hon. T. M. CASEY: Listening to the debate to this stage, I am afraid that the points the Hon. Mr. Sumner had to say carry much weight. If there is anyone who has been concerned with a very close election in this State it is myself.

The Hon. R. C. DeGaris: What about the Hon. Mr. Cameron?

The Hon. T. M. CASEY: I was in a position where I just made it. The Hon. Mr. Cameron did not have in his district the outback areas referred to by the Hon. Mr.

Whyte. He was in a different situation altogether. From my experiences in the first election that I contested, there were several votes which were actually stamped after the day of the election. This was attributed to many things. You have heard of mail bags being hung under coolibah trees on the Birdsville track. That is nonsense; nevertheless that was the sort of thing relied upon. There were not very many votes and that was probably one of the hardest and closest elections that this State has seen for many years.

I think that, if the time is extended to one week, as the Leader has suggested, you are asking for trouble. I know you may disfranchise some people from voting by not giving them the extended time, but I think the risk you are running far outweighs the points that the Leader mentioned. I do not want to be in a position where I want to disfranchise anyone from a vote. I think you have to look at the other side of the coin and realise what you are letting yourself in for if you are going to allow a week's lapse in time for that vote to be franked. I am not too conversant with the mail services in the far northern areas. I think I can say that the mail services today would be much better than they were 15 or 16 years ago.

To most of the isolated areas there are now plane services which in those days were serviced only by a mail truck running once a week. The roads have improved tremendously and I do not think that you would have the difficulty today in getting your vote back to be franked prior to the date of the election that you would have had 15 or 16 years ago. I am speaking from experience in what happened in that election, and there were very few votes on that occasion that were dated after the day of the election. Looking at it from that point of view, and from talking to my colleague, I find that the Government cannot accept an amendment along the lines indicated by the Leader because we believe that it would open up an area which would be subject, or could be subject, to abuse in many ways. I ask the Committee to think about it very carefully and, if an amendment is forthcoming not to accept it.

The CHAIRMAN: I point out that there is no amendment forthcoming. The Minister intimated that he would consent to the postponement of the consideration of the clause to enable him to speak to his colleague in the other place. I do not know if he has done that.

The Hon. T. M. CASEY: I have had discussions with my colleague, and the Government is not prepared to accept such an amendment.

The Hon. R. C. DeGARIS: I am sorry the Minister will not discuss it further with his colleague. I do not think his colleague in the House of Assembly understands the problem. On the Birdsville track there is a fortnightly mail service. What the Minister must decide is whether he wants a position where the people who have the right to vote will be denied the right to vote because of the 10-day period, the minimum period that has been the norm over the last three elections where a period of 10 days is required between the close of nominations and the election day. What the Government must ask is has it the right, where there is a fortnightly mail service on the Birdsville track, to deny a person a vote?

The Hon. C. J. Sumner: You cannot support a proposition where people are voting after the date of the election.

The Hon. R. C. DeGARIS: It does not matter.

The Hon. C. J. Sumner: When they may well have in their minds what the potential result is. That is surely undesirable.

The Hon. R. C. DeGARIS: When someone talks about a vote after the election, what right has the honourable member to deny a person the right to vote?

The Hon. C. J. Sumner: I am not.

Thet Hon. R. C. DeGARIS: You are. You are saying that because a person lives on the Birdsville track "thou shalt not vote". That is what you are saying. Even though the person has the right to vote he can never exercise that right. That is the position.

The Hon. T. M. Casey: How many people on the Birdsville track today would be voting?

The Hon. R. C. DeGARIS: About 50, but that does not matter. Does it matter whether there are 50 people or 10 people?

The Hon. T. M. Casey: And how many mail services are there?

The Hon. R. C. DeGARIS: There are mail services on the Birdsville track once a fortnight in certain areas.

The Hon. T. M. Casey: What do you mean by "in certain areas" on the Birdsville track?

The Hon. R. C. DeGARIS: There is a mail service once a fortnight.

The Hon. T. M. Casey: Where to?

The Hon. R. C. DeGARIS: People have informed me that that is the position: there is a fortnightly mail service to certain properties off the Birdsville track.

The Hon. D. H. L. Banfield: Are all of the 50 people affected by the fortnightly mail service?

The Hon. R. C. DeGARIS: I do not know but, irrespective of that, if there is only one person or if there are 10 people denied the right to cast a valid vote, we are not obeying the dictates of a democratic system, wherein every person should have the right to vote.

The Hon. N. K. FOSTER: In attempting to arrive at absolute purity in regard to the right to vote and in attempting to ensure that we get a 100 per cent vote, there can be dangers. We should be looking at the matter on the basis of everyone having the right to vote. There should be no argument against that high principle.

The Hon. A. M. Whyte: You put up a few arguments against that.

The Hon. N. K. FOSTER: No, I did not. There is a looseness in the Federal system that, in a tight Federal seat, permits an election to be decided after the closure of voting on the Saturday. The loophole rests in the right of people who are overseas to cast a vote. It is possible for the member of a consular staff overseas to whip around, if he wants to, and get people to vote, not only after the votes have been cast but also after the result has been made public. There should be an absolute right for everyone to vote but, in saying that, we have to lay down reasonable times within which voting can take place. No-one who goes to a polling booth should be denied a postal vote but whether or not that vote is to be counted is a vastly different matter. We have all been scrutineers at polls and, in a tight situation, have gone back to the polling booth on the Sunday afternoon. We have all been there like vultures looking at the mail to see what had been dropped in the post on the Saturday during polling hours or on the Sunday, with the returning officer having the right to reject those votes. Members opposite have made attempts, as we on this side have, to get a vote out of the envelope and see that the envelope is put in the waste-paper basket.

Members interjecting:

The Hon. N. K. FOSTER: The Liberal Party's philosophy is "Vote early and vote often." If that voting paper can be got out of the envelope, well and good. The name of the game at that stage is political survival.

I recall on one occasion the election for the Federal seat of Paramatta, with papers being snatched out of their envelopes. I know who was the smartest of the scrutineers and whose seat it was: it was that of a former Attorney-General, and he won the day. Those are the sorts of things that go on, so we have to be careful about deciding times at which votes will be counted. Under the Act, the returning officers can declare a certain period of time after which they will not entertain any more outstanding votes. If the Hon. Mr. DeGaris says that everyone should have a vote, I agree; but whether or not every vote can be counted is another matter.

Progress reported; Committee to sit again.

Later:

The Hon. A. M. WHYTE: We have come a long way with the provisions that were to provide voting facilities for those who many times previously were unable to vote. Although I commend the Hon. Mr. DeGaris for bringing to the notice of the Chamber that even now occasions will occur when people will be disfranchised because of the time lag in having their postal vote franked, I suggest that perhaps it has taken us a long time to get as far as we have with this provision. I am therefore pleased to see that the Government has appreciated what I brought to its notice some time ago. Perhaps it may take us as long again to include another provision, but I would be willing to see the Bill passed with the amendment that I have suggested than not passed. The point raised by the Hon. Mr. DeGaris this evening gives further support to my amendment in as much as we do not need a cumbersome general electoral roll but, instead, we need a provision that deals with about 200 people in this State who, because they live farther than 40 kilometres away from a polling booth, have difficulty in registering a vote. If we can achieve that aim, further consideration to correct the point raised by the Hon. Mr. DeGaris may not be necessary.

Clause passed.

Clauses 15 to 22 passed.

Clause 23—"Enactment of Part XA of principal Act"—reconsidered.

The Hon. T. M. CASEY: The last time we debated this clause, there was some confusion about what would happen as regards new section 87k. Because of the matters raised, I now move:

Page 10, lines 26 and 27—Leave out "any elector who is an inmate of a" and insert in lieu thereof "two or more electors who are inmates of the same".

I believe this covers the query raised by the Hon. Mr. Hill.

The Hon. C. M. HILL: I support the amendment, and believe that it is a solution to the problem; indeed, it is an improvement on what was previously suggested, when the Committee was considering the situation in which a husband or wife of an inmate should retain the opportunity to go into the institution and advise the spouse to apply for a postal vote. It seemed that any member of the family of an inmate should have the right to go into the institution and counsel the inmate that he or she should apply for a postal vote. There was no indication in that proposal that undue influence or pressure would be brought to bear on the inmate. It was completely apart from the idea that a political Party organiser should do that work. Having considered the matter further, the Minister has proposed that anyone in future can go into an institution and counsel an inmate to apply for a postal vote, but the law will prohibit that person from giving counsel or advice to two or more inmates. This amendment widens the situation, and now allows a friend of an inmate (I stress "friend" because I am speaking of someone who is not a relative) to enter the institution before an election and advise whether or not the inmate should apply for a postal vote. This seems to be an improvement on the previous situation, and I support the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (24 to 28) and title passed.

Bill read a third time.

On the motion "That the Bill do now pass":

The Hon. A. M. WHYTE: I want to say a few words.

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

That Standing Orders be so far suspended as to enable the Hon. Mr. Whyte to make some remarks.

Motion carried.

The Hon. A. M. WHYTE: I thank the Minister for that courtesy. I merely want to refer to a point raised by the Hon. Mr. Dunford, and indicate to the honourable member that some of his statements made in the second reading debate were not accurate. I do no want to put myself in the category of quoting from speeches reported in *Hansard*, because I think that is starting to get down in the barrel, but the honourable member invited me to make some comment, and I was disappointed that I did not hear his speech. The honourable member accused station owners of not being trusted with postal votes. I point out to the honourable member that many people working in the pastoral industry would take exception to that point.

It is not fair of the honourable member to suggest that people working in the pastoral industry believe that to be the case. Many of those people are members of the Australian Workers Union. Does the honourable member suggest that they are so naive that they would work for one owner for, say, 20 years and accept that the owner would misappropriate their vote? Many people have worked in the pastoral industry all their lives, they have been A.W.U. members nearly all their lives (but they have not got much service from that union), and they would not appreciate the honourable member's remarks. I merely seek to correct that point.

The Hon. J. E. DUNFORD: Will the honourable member give way?

The PRESIDENT: Order! The Hon. Mr. Whyte was given special leave to make some remarks, and that is as far as it goes.

The Hon. J. E. DUNFORD: I rise on a point of order, Sir. The Hon. Mr. Whyte suggests that the A.W.U. has not looked after workers in the pastoral industry. That is a complete fabrication.

The PRESIDENT: That is not a point of order.

Bill passed.

COUNTRY FIRES BILL

Adjourned debate on second reading.

(Continued from November 25. Page 2507.)

The Hon. A. M. WHYTE: This Bill represents the culmination of the efforts of many people who have dedicated much of their time to fighting and preventing fires in South Australia. The Minister has credit due to him as regards his work in connection with the Emergency Fire Services, as they have been known until now. In 1969, he moved that a committee should be

established to study the possibility of combining the various fire-fighting groups in this State. It is difficult to concentrate. Even you, Mr. Acting President, are not taking any notice. The audible conversation in this House is such that *Hansard* may not be able to hear you, let alone me.

The ACTING PRESIDENT (Hon. R. A. Geddes): It would be appreciated if honourable members would not converse near the honourable member whilst he is speaking.

The Hon. A. M. WHYTE: The E.F.S. originated with the use of surplus equipment provided for civil defence purposes during the Second World War. This equipment was allocated to district councils to be used for community defence during war-time. About 10 years later, I think in 1949, the then Premier (Sir Thomas Playford) realised that throughout South Australia much valuable equipment had accumulated and could be put to good purpose to prevent and fight fires.

I believe that the present Director of Fire Services, Mr. Kerr, played a major role in this reorganisation. He was detailed to assess the value of this equipment and to discuss with various councils its use by the E.F.S. It was through this investigation that the E.F.S., as we know it, was established. I have always had the highest respect for this organisation and the people comprising it. Its members have volunteered continually at all hours to fight fires. I have seen its members in action in circumstances which, if they had been witnessed by the right people, would have led to the recommendation of bravery awards for those volunteers.

Moreover, I have never even heard of a unit that was not on call at all tmies. Fire-fighting equipment today is much more sophisticated than the equipment used by the E.F.S. in about 1950. Previously, fires had been fought, as they should have been, as effectively as possible and everyone was willing to fight a fire, and did so if it was within his physical capacity. It is essential for fire-fighters to get to a fire as soon as the alert is raised in order to quickly control it.

The organisation that grew out of Mr. Kerr's investigation (I hope I do not give him undue credit, but I know he played a major part in its establishment) was the E.F.S. This Bill seeks to combine the various organisations that have developed. It has taken at least the seven years that I know of for this to happen. The working committee has been studying the possibility of amalgamating fire-fighting resources in this State in order to safeguard life and equipment.

The result of this committee's work is well presented in the Bill. I give credit for the fact that there are few aspects of the Bill that I wish to question, although one or two matters will be dealt with later. This is more a Committee Bill than a Bill to be dealt with in the second reading debate. However, it is necessary to co-ordinate the various services under one roof. In that regard, I refer to the seven or eight years during which work has been progressing with a view to providing one central headquarters for country fire services in South Australia. Provision for this is made in the Bill. I am sorry that the Minister of Lands is not at present in the Chamber—

The Hon. F. T. Blevins: He is out of the Chamber on business.

The Hon. A. M. WHYTE: True, the Minister has good reason to be out of the Chamber, but I am sorry that he is not listening to my speech. Nevertheless, the Minister of Agriculture will be interested in what I have to say. It was as recently as February, 1976, that a lack of direction allowed about 260 000 hectares of pastoral country to be burnt out, merely because no-one could give the necessary decision at the time. I refer to an incident when people at Kingoonya telephoned me on a Sunday afternoon asking whether I could arrange for two graders under subcontract to the Highways Department to be provided for fire-fighting purposes. I made every inquiry that I could make on a Sunday. Because the Minister of Agriculture was overseas at that time, I dealt with the Minister of Lands. Instead of the two graders being released at that time there was much red tape and it was necessary for a Cabinet decision to be made on the following Wednesday. I believe that an extra 260 000 hectares of country was burnt out in that period. If possible, these services should be co-ordinated.

The Hon. B. A. Chatterton: We have done that. The Government has created a fund that can be drawn on.

The Hon. A. M. WHYTE: This move has been made far too late, but I congratulate the Government on it. The creation of the fund is a step in the right direction. The Bill is very good and is a credit to the people who have given evidence to the committee. Because this matter has been under consideration for such a long period, very few organisations could say that they did not have a chance to participate in the formulation of the provisions of the Bill. The Hon. Mr. Dawkins dealt with the Bill very thoroughly and suggested amendments. We have discussed the Bill together and in with company with various officers. I believe that we will reach agreement on the amendments. Clause 8 provides:

(1) The board shall consist of ten members, appointed by the Governor, of whom—

(*a*) one (the chairman) shall be a person nominated by the Minister;

(*b*) one shall be the director;

(*c*) two shall be persons who are, at the time of their appointment, members of councils whose areas are wholly or partially outside fire brigade districts and who are, in the opinion of the Governor, suitable persons to represent the interests of all such councils;

(*d*) four shall be persons who are, at the time of their appointment, members of regional fire-fighting associations and who are, in the opinion of the Governor, suitable persons to represent the interests of all such associations;

(*e*) one shall be an officer of the Public Service with extensive knowledge of forestry, nominated by the Minister of Forests;

and

(*f*) one shall be a person who is, in the opinion of the Governor, a suitable person to represent insurers.

That appears to be a very comprehensive board. In connection with paragraph (*d*), I believe that not only suitability should be considered: where suitable people are available, the various parts of the State should be represented as widely as possible.

The Hon. B. A. Chatterton: I certainly hope that that will happen.

The Hon. A. M. WHYTE: Regarding clause 24, I point out that fire control officers are very important people. I can speak with some experience, because I belong to an area where the country is still being developed. Fires are lit annually to burn areas of scrub and, once a fire is lit, there is always the risk that a change of wind will cause the fire to get away. Clause 24 (4) provides:

The following persons are fire control officers—

(*a*) the director;

(*b*) the person in charge of a Government reserve;

(*c*) every forester; and

(*d*) every person holding a prescribed office.

Many Government reserves are not manned by permanent Government officers. Huge areas of this State are declared

reserves; God only knows why! Other people can be appointed to control the various reserves. It seems ludicrous to me that, if a fire that is being fought runs into a reserve, the Emergency Fire Service officers must hand over control to a person who does not know how to boil a billy. I say that as a result of my experience with National Parks and Wildlife Division officers, who may not need to know how to boil a billy. However, regarding their fire-fighting experience, I should think that few people would want to follow such officers into dense scrub to fight a fire.

The Hon. B. A. Chatterton: The honourable member is being extreme.

The Hon. A. M. WHYTE: No, I am not. This would be all right if it involved a resident officer who had equipment of his own. However, the Government has not provided for that, having referred in the Bill to a person in charge of a Government reserve. The main resident officer at Whyalla controls many reserves. Is he expected to arrive at a fire half a day after the fire has entered a reserve and say, "I know all about this fire. Let me come in, and I will show you how to get burnt to death"? Perhaps, as the Minister has said, I am taking this matter to extremes. However, I want to make clear that I will not accept this provision. I am sure that the Hon. Mr. Dawkins's amendment will cover this matter and that the Minister will agree to it.

Clause 37 (2) provides that the board shall not make an order under this section in relation to the area of a council, except after consultation with the council concerned. This provision, which deals with the fire danger season, sounds fairly good. However, I should like it to go a little further than this and provide that the board shall not make an order, in relation to the area of a council, except after agreement with the council concerned. This clause merely states that the board should consult with the council.

The Hon. B. A. Chatterton: What if it did not reach agreement?

The Hon. A. M. WHYTE: Then the council's ruling would be more appropriate. Clause 44 is similar to a provision in the Bush Fires Act. An essential part of the Bill, this clause deals with the permit that can be given to a person authorising him to light or maintain a fire on land that he wishes to burn on a prescribed day. Many times, a declared fire-ban day can be a safe day on which to burn certain scrub land, and permission to burn has always been granted after an inspection has been made by a fire control officer following the request of a council. I am pleased to see this provision in the Bill.

It could save a person thousands of dollars when clearing scrub land if he could burn when the wind and day were right. Many times, people do not experience problems with fires after having been given permission to burn. Trouble is more likely to occur when a person takes a chance on a day when the weather could change. The permit system is essential not only for safety reasons but also because of economics.

Clause 50 contains a new provision, subclause (8), which was not included in the Bill that was debated in another place. I wonder why this provision has been included, because I do not agree with it. Subclause (8) provides:

Subsection (2) of this section does not apply in respect of land within a Government reserve.

This means that the Government wants to opt out of its responsibility.

The Hon. B. A. Chatterton: No, I don't think that is true. We are not going to opt out of our responsibilities in pine forests.

The Hon. A. M. WHYTE: The Woods and Forests Department has trained officers, who generally pay good attention to fire prevention matters.

The Hon. B. A. Chatterton: They work in close co-operation.

The Hon. A. M. WHYTE: I agree. If the Minister is referring to forests, he has not said so in the Bill. He has merely provided that, if the board is of the opinion that the clearing of bush or grass from any land is necessary in order to prevent or inhibit the outbreak or spread of fire, it may, by instrument in writing, do certain things. That bush or grass on any land should be cleared. He goes on to say:

This section does not apply in respect of land within Government reserves.

In actual fact, what he is saying is that other landholders can be bound by a direction of the board to clear certain bush or grass but when it applies to land held as a Government reserve then no longer has the board got that authority to direct, and I do not believe that is right. I believe the reserves should have the same requirements.

The Hon. B. A. Chatterton: That is not what it says in the clause. Subsection (8) provides that subsection (2) of the section does not apply; not subsection (1).

The Hon. A. M. WHYTE: The only mistake I made was in saying the board instead of the council. The Minister is right in that respect, but it still allows the Government reserve to opt out of that requirement of the council. Clause 55 provides:

Before a fire control officer enters any land or premisess in pursuance of this section he must give notice in writing to the occupier of the land or premises of his intention to exercise the powers conferred by this section.

In many other cases we have discussed this requirement. In the Mining Act and various other measures we have always laid down that it is necessary for an officer to give notice that he intends to enter upon any land. When it comes to the point of fire control I think the matter is different and I question very much whether it is necessary for a person, when making an inspection of a property to see whether proper fire precautions have been taken, to notify the landowner in writing. I think perhaps in most instances the person entering the property would, wherever possible, notify by telephone or some other means. In clause 63, and the Hon. Mr. Dawkins made mention of this, we see a reversal of proceedings inasmuch as the onus of proof is on this occasion completely the opposite to the normal. It provides:

In any proceedings for an offence against this Act where it is established that a fire has been lit on any land, it shall be presumed in the absence of proof to the contrary that the occupier lit the fire, or caused it to be lit.

I believe that here we see a reversal of form because it is very difficult to hold the owner of a section of land responsible for a fire which may occur on his property if he is not in actual occupation. He has to prove on this occasion that he is innocent. Concerning clause 67 there is one more question I ask the Minister and I ask this because he will, no doubt, be able to give an account of whether I am correct in my assumption or not. In clause 67 (2) (i) we have a provision which deals with section 100 of the present Bush Fires Act, and it provides:

(i) provide for the clearing of firebreaks along dividing fences and provide that failure to clear a firebreak in accordance with the regulations constitutes evidence of negligence.

What it means is that one is required to firebreak a certain width (I think 4 metres) alongside a fence. If one does that and one's neighbour does not, one has the

right to claim on the neighbor for the repair of the fence which is burnt down. I do not think there is anything wrong with that provision except where it provides for a distance of 12 metres from a fence. It is not possible to put a plough up against a fence. I do not know whether the legal interpretation comes into the one or one and a half metres alongside the fence, because no implement could get closer to the fence, and whether you are in fact liable for half the neighbour's fence. These are things that will be sorted out in time and with discretion. I support the second reading of the Bill and will support the amendment which I believe will be put forward by the Hon. Mr. Dawkins.

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

WORKMEN'S COMPENSATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from November 24. Page 2428.)

The Hon. M. B. CAMERON: I have listened with some interest to the rather scatterbrain contributions by some of the Government members. I think the thing that really stunned me in the contribution by the Government was the comment by the Hon. Mr. Dunford when he said in answer to an interjection:

Tom Playford was the greatest enemy of the workers that we ever had . . . I could not say anything good about Tom Playford so far as the workers were concerned.

What an incredible statement from the Hon. Mr. Dunford.

The Hon. J. E. Dunford: I am not going to withdraw it.

The Hon. M. B. CAMERON: I am not asking you to. I would guarantee that the Hon. Sir Thomas Playford did more for the worker than the Hon. Mr. Dunford has ever thought about.

The Hon. J. E. Dunford: Tell us what he did.

The Hon. M. B. CAMERON: For a start he provided jobs. That is something that this Government has not got around to yet. We have heard much talk about it and many noises, but you have never got around to it. Before you start criticising someone like Tom Playford, without whom there would be very little heavy industry in this State, you ought to think about it.

The Hon. J. E. Dunford: He only improved himself.

The Hon. M. B. CAMERON: The one thing that is important to the working man is a job. All you think about is organising strikes that tear at the industry of this State and destroy any chance of providing extra jobs or any development in this State. You have a very sorry record.

The Hon. J. E. Dunford: What about the Liberal Movement?

The Hon. M. B. CAMERON: If the honourable member would stop prattling for a minute, I will tell him. Before he starts criticising a man like Tom Playford he should study his own record.

The Hon. J. E. Dunford: He criticised you and the Liberal Movement; what did Tom say about the Liberal Movement?

The PRESIDENT: Order! We had better come back to the Bill

The Hon. M. B. CAMERON: Some of the debates on this Bill were quite out of order but to have a person like the Hon. Mr. Dunford, whose only contribution to industrial matters in this State has been confined to Kangaroo Island—

The Hon. J. E. Dunford: You have not followed my history.

The Hon. M. B. CAMERON: Perhaps it is just as well I have not; it is a very sorry state of affairs, because Tom Playford did more for the working man than you ever thought of.

The Hon. J. E. Dunford: What did he do for the workers?

The Hon. M. B. CAMERON: This is important and is something to do with this Bill, because the basis of this Bill and what is behind the amendments to be moved is to bring this State back to a stage where it can compete with other States and perhaps regain some of the—

The Hon. J. E. DUNFORD: Will the honourable member give way?

The Hon. M. B. CAMERON: No.

The PRESIDENT: I do not see much indication, but you never know.

The Hon. M. B. CAMERON: I am giving him the same treatment as he gave the Hon. Mr. Laidlaw.

The Hon. N. K. Foster: Mr. Laidlaw can speak for himself.

The Hon. M. B. CAMERON: I had hoped, when I first read that the Government intended to do something about workmen's compensation, that the words of the Premier would mean something. For the sake of members opposite, I will repeat them, because I am sure that they are forgotten or that members opposite would like to forget them. The Premier said:

The Government is seeking to ensure that a person on workmen's compensation will not receive more while he is away from work than he would if back on the job. We are very concious of the cost to employers of workmen's compensation.

The Minister of Labour and Industry, presenting this Bill, said the following:

I refer also to a statement by the Minister of Labour and Industry when presenting in another place the second reading explanation of an amending Bill on February 11 last, which was subsequently withdrawn. He said:

The Government is concerned at the increase in the number of workmen's compensation claims that have been made since this Act came into operation in 1971. Although in the last four financial years the number of wage and salary earners in the State increased by just over 10 per cent from 408 000 to 449 000 the number of workmen's compensation claims increased by 50 per cent from 56 000 to 84 000.

What has this Bill done about that? Absolutely nothing.

The Hon. J. E. Dunford: Find out.

The Hon. M. B. CAMERON: If the Government was genuine and its statements were genuine and not just a facade to cover up the fact that it was doing nothing, the Hon. Mr. Dunford made much play about the fact that the Government would do something about all sorts of things in relation to workmen's compensation, but it is doing absolutely nothing.

The Hon. J. E. Dunford: It is a give and take situation.

The Hon. M. B. CAMERON: There was a considerable amount of rather hostile talk about the attitude of the Party on this side of the Chamber to workmen's compensation.

The Hon. J. E. Dunford: All true.

The Hon. M. B. CAMERON: Yes; I think your words were clear about the Hon. Mr. Laidlaw's Bill: you made it plain that you thought it was shocking and terrible, that the thoughts were shocking. I cannot help but go back to the fact that this matter has been covered under Federal legislation.

The Hon. J. E. Dunford: We are in South Australia now.

The Hon. M. B. CAMERON: If it is shocking and savage, it is nothing to what your Federal legislation was.

The Hon. J. E. Dunford: The Hon. Mr. Laidlaw wants you to pull up.

The Hon. M. B. CAMERON: It is nothing to what your Federal counterparts did. Half of the South Australian workers are under Federal awards.

The Hon. J. E. Dunford: That has nothing to do with compensation.

The Hon. F. T. BLEVINS: Will the honourable member give way?

The Hon. M. B. CAMERON: No.

The Hon. F. T. Blevins: The honourable member has made a remark about something about which he knows nothing.

The PRESIDENT: Order! There cannot be two honourable members on their feet at the same time.

The Hon. F. T. Blevins: The Hon. Mr. Cameron is owed an opology for what the Hon. Mr. Laidlaw has just told him.

Members interjecting:

The Hon. M. B. CAMERON: Let me read out what happened in the Australian Capital Territory under a Labor, not a Liberal, Government.

The PRESIDENT: Order! There is too much audible conversation; there are too many interjections.

The Hon. N. K. Foster: None of the honourable member's colleagues will listen to him; we are the only ones listening to him.

The Hon. J. E. Dunford: This is the worst performance ever.

The Hon. M. B. CAMERON: Honourable members opposite are becoming vociferous since I started mentioning what the Labor Government did for the workers.

The Hon. J. E. Dunford: What did Sir Thomas say about it?

The Hon. M. B. CAMERON: Sir Thomas's record stands.

The Hon. J. E. Dunford: What did he say about workmen's compensation?

The Hon. M. B. CAMERON: I will ignore the honourable member. He is sounding a bit like a jackass.

The Hon. J. E. DUNFORD: I have to object to that; I called him a goose. I ask him to withdraw that remark.

The PRESIDENT: Order! I am not sure whether it is an unparliamentary term.

The Hon. M. B. CAMERON: I did not refer to him as a jackass; I said that he sounds like one. There is a clear distinction. He does not look anything like a jackass, and I would not call him that.

The Hon. F. T. Blevins: Even though he sounds like one. Go on with the Federal awards.

The Hon. M. B. CAMERON: Let me now get to my point—what the Federal Government did in relation to the working man in the matter of workmen's compensation. I will read it out:

In the Australian Capital Territory, under an Ordinance of 1975 which was accepted by Federal Parliament, a workman receives full pay for normal hours excluding overtime for the first six months of injury. After six months the benefit reduces to $67·68 a week for a single adult plus $17·81 for a spouse and $8·31 for each child. Provision is made for these amounts to be varied owing to indexation.

I should like to know whether honourable members opposite support that.

The Hon. J. E. DUNFORD: If the honourable member will give away, I will tell him.

The Hon. M. B. CAMERON: No; you sit down.

The PRESIDENT: Order! The honourable member has so far shown no inclination to give way; we can leave it at that.

The Hon. M. B. CAMERON: If the Hon. Mr. Laidlaw's amendment of what the Hon. Mr. Dunford referred to as a shocking and savage attitude towards the workers is correct, the Federal Labor Government must have been the worst in history.

The Hon. J. E. Dunford: No; it helped it a little.

The Hon. M. B. CAMERON: We are not going back to that point of what the Hon. Mr. Laidlaw is putting forward, so you must think we are helping them a lot.

The Hon. J. E. Dunford: The Hon. Mr. Laidlaw wants to cut workmen's compensation in half.

The Hon. M. B. CAMERON: The Hon. Mr. Dunford stated—

The Hon. F. T. BLEVINS: I rise on a point of order, Mr. President. The Hon. Mr. Cameron seems to be reading from a *Hansard* proof, yet the *Hansard* volume is in front of him. If he wants to refer to what the Hon. Mr. Dunford said, in accordance with your ruling, Sir, he should refer to the *Hansard* volume.

The PRESIDENT: I do not mind the honourable member's use of the proof, if it is exactly the same as the *Hansard* printed copy.

The Hon. F. T. Blevins: I hate to take issue with you, Sir, but last week you said that, if the *Hansard* volume was in front of honourable members, we had to use it.

The PRESIDENT: I said that honourable members had to use the text as it appeared in *Hansard*. Is the honourable member referring to comments reported last week in *Hansard?*

The Hon. M. B. CAMERON: No, I have a good memory and I was referring to my memory.

The PRESIDENT: The honourable member seems to be referring to something in *Hansard* and I suggest that he use the *Hansard* volume and not the proof.

The Hon. M. B. CAMERON: I refer to the Hon. Mr. Dunford's statement, as follows:

The Hon. Mr. Laidlaw, other Opposition members, insurance companies and employers want to put these people back on half pay when they are on workmen's compensation.

That is completely untrue. We heard no criticism about the Federal colleagues of members opposite, but now they say that the Hon. Mr. Laidlaw is doing something savage to the working man. Members on this side of the Chamber are sick and tired of hearing that members opposite are the only ones interested in the people working in this State, that only members opposite have absolute and utter authority to speak on their behalf. How do they think the Liberal Party got into Federal Government—because the colleagues of members opposite lost support? It is because of the type of leadership that the Government provides that it has lost support.

The PRESIDENT: Order! The honourable member should come back to the subject of the Bill.

The Hon. M. B. CAMERON: Honourable members opposite believe they have divine right to speak on behalf of the working man. However, they have a different attitude on each issue depending on whether it is a State or Federal matter. What a Federal Labor Government does is all right, but what the Liberal Party seeks to do in this State is a savage and terrible attack on the worker.

The Hon. J. E. DUNFORD: Will the honourable member give way?

The PRESIDENT: It is the honourable member's privilege to give way or not give way. I suggest to him that he may give way and get it over with.

The Hon. M. B. CAMERON: The other day when a reasonable honourable member from this side asked the Hon. Mr. Dunford to give way, he refused. I was appalled, because the honourable member was making scandalous remarks about the Hon. Mr. Laidlaw's intentions. I have no intention of giving way to the Hon. Mr. Dunford. One problem in this Parliament is that members opposite believe they have a divine right to speak on behalf of the working man. They believe that because there is some advantage in the present workmen's compensation scheme, that automatically helps. The attitude that if one strikes it must help has got this country into the position it is in now.

The Hon. C. M. Hill: Your old Party and our Party obtained more votes at the last election than did the Labor Party.

The Hon. M. B. CAMERON: True. It is the assumption by honourable members opposite that they are always right that will get them into trouble. Members opposite remind me of my mother who believed that if one had a sore toe and put something on it that stung it must do good. That is the view of members opposite regarding this Bill. As there is an advantage under workmen's compensation, it must be good whereas, in the long term, the advantage to the State may not be good. The Premier has cast doubts about the extent of the present scheme and I urge honourable members to examine the amendments to be moved by the Hon. Mr. Laidlaw, who is a reasonable man and who knows what the working man wants. He is willing to put forward their views. I support the second reading.

The Hon. F. T. BLEVINS: Although I support the Bill, I was most upset by the comments of the Hon. Mr. Cameron. He gave a rather poor speech and, arising from it, are one or two points I must correct. First, I refer to the completely wrong interjection by the Hon. Mr. Hill that the Liberal Party and the Liberal Movement obtained more votes in this State—

The Hon. C. M. Hill: I meant for this House. We got more first preference votes than did the Labor Party.

The Hon. F. T. BLEVINS: I contest that, especially as I have proved conclusively that on a two-Party preferred basis we obtained more votes than did the Liberal Party and the Liberal Movement combined.

The PRESIDENT: Order! I hope that the honourable member will not pursue that line. This Bill deals with workmen's compensation.

The Hon. F. T. BLEVINS: You, Sir, allowed the Hon. Mr. Hill and the Hon. Mr. Cameron to deal briefly with this aspect, and I believe that you will allow me to cover it briefly, too. What was raised was completely incorrect. The Hon. Mr. Cameron gave an appalling speech, doing nothing except indulging in personalities, slandering people and making shocking accusations. I have no intention of doing that. I support this Bill and reject the amendments foreshadowed by the Hon. Mr. Laidlaw, who was sent here by the Liberal Party as a representative of big business in this State.

I suppose that once Sir Arthur Rymill left this Council the capitalists in this State thought that the remaining Liberal members did not look an intelligent bunch, not well equipped to look after the interests of the bosses, and they came up with the Hon. Mr. Laidlaw to replace Sir Arthur Rymill. His effectiveness was demonstrated on Tuesday, last week, when the honourable member did not even allow the Long Service Leave Act Amendment Bill to be read a second time. There was no question of amending that Bill by the Liberals—it was thrown straight out the window. That is what the Hon. Mr. Laidlaw is here for, and I hope that he enjoys the short time he will be able to sit here and run this State with the assistance of some colleagues, who have not even been democratically elected.

This Bill seeks to rectify a few anomalies that all sections of industry have agreed should be rectified. Perhaps the most contentious clause is clause 7, which regulates the amount of weekly payments for total or partial incapacity. I remind honourable members opposite that the problem of some workers receiving more money on workmen's compensation than they would receive if they were at work is entirely those honourable members' own fault. In 1973, the Government wanted to provide for weekly payments at average earnings over the previous three months. The Liberal Party members of this Council insisted on going back 12 months when calculating average weekly earnings. The Opposition thought at that time that it would lessen the weekly payment with respect to the employer. They were stupid, short-sighted, and wrong.

Initially, of course, there was short-term gain to the employers, as wages were rising rapidly and, therefore, to average overtime rates over 12 months, rather than three months, which the Government wanted, naturally favoured the employer. When overtime was reduced in industry and wage rates slowed down, it was possible for the situation to arise where the employee on workmen's compensation could get more money than he would if he was at work. The problem was created by Liberal Party members, who in 1973 felt it necessary to tamper with Government legislation. I am not sure how much of a problem this question, of higher payments on compensation than at work, creates. I have not seen any figures to show that it is a major problem, and I do not think there is too much in it but, as it is used as a stick with which to beat the workers, I agree that we should correct the anomaly, and the Bill does that.

I warn honourable members opposite that this change to average earnings over one month rather than 12 months could backfire on them because, if the economy ever picks up (and that does not seem very likely under Mr. Fraser) and if overtime is again worked in any amounts, the workers will be at an advantage with the new provision rather than the old provision. The Hon. Mr. Burdett and the Hon. Mr. Laidlaw had a go at workers who were allegedly taking advantage of the Act and concocting spurious injuries. They were the Hon. Mr. Laidlaw's words.

The Hon. D. H. Laidlaw: Quote them.

The Hon. F. T. BLEVINS: The following is an extract from the Hon. Mr. Laidlaw's second reading speech at *Hansard*, page 2337:

> Whilst overtime is included, whether over an average of 12 months as at present or four weeks as proposed, a percentage of workers, who have enjoyed high overtime and see this about to lessen or disappear, may be inclined to concoct, say, a back or wrist injury. I do not want to enter into debate about the percentage of spurious injuries which attract compensation. The medical profession is far better informed than I. Some of its estimates are quite astounding.

The Hon. D. H. Laidlaw: I said "the percentage".

The Hon. J. C. Burdett: He said he did not want to enter into a debate.

The Hon. F. T. BLEVINS: The honourable member then made all kinds of allegations about workers. I could

also quote the Hon. Mr. Burdett's contribution to the debate. He also had a go at workers. I notice that the honourable member is not attempting to correct me.

The Hon. J. C. Burdett: I did not have a go at them.

The Hon. F. T. BLEVINS: The accusation to which I have referred is a common accusation against workers and one that annoys me very much. What I say to the Hon. Mr. Laidlaw, the Hon. Mr. Burdett, and everyone else who makes this type of claim is this: let us have your examples. Why is it that, for all the malingerers there are supposed to be on workmen's compensation, no names have ever been used? To accuse an injured worker of malingering or cheating is also to accuse his doctor of conspiring to assist a malingerer, or to be incompetent, or to be neglecting his duties. It is disgraceful that a legal man like the Hon. Mr. Burdett can stand up in this Council and accuse people of abusing the principal Act while not giving any examples. The appropriate phrase to use in these circumstances is this: put up or shut up.

Earlier, I asked the Hon. Mr. Burdett for examples, but he could not give any. If an employer believes that a workman who has been on compensation for a period has recovered sufficiently from his injury to return to work, the employer may arrange to have the workman examined by a doctor of the employer's choice and, if the doctor believes that the workman has recovered, the employer may give the workman 21 days clear notice that compensation will stop; this is under section 52 of the principal Act. With this slight tidying up of the legislation, I believe that South Australia's Workmen's Compensation Act is about the best in the world. The South Australian branch of the Australian Labor Party is justifiably proud of it. The Act redresses the bias that there has always been against the worker. The Hon. Mr. Laidlaw acknowledged that workmen's compensation payments were too low over the years.

The Hon. D. H. Laidlaw: I think I said far too low.

The Hon. F. T. BLEVINS: That is correct. However, I have never heard the Hon. Mr. Laidlaw, Sir Thomas Playford, or any member of the Liberal Party saying anything or doing anything about it. There was no law stopping Perry Engineering or any other company controlled by the Hon. Mr. Laidlaw from paying full award rates to injured employees. I would be astonished if any company voluntarily paid more than the legal minimum, even though workers and their families were put to hardship because the worker was not receiving adequate money while incapacitated because of a work-caused injury. I repeat that South Australia's Workmen's Compensation Act is one of the best in the world. I assure honourable members opposite that the Labor Party and the trade union movement will fight to ensure that it stays that way. In no way are we going to accept any amendment that denies to the worker his full average weekly earnings, including overtime, when on workmen's compensation. I support the Bill.

The Hon. C. J. SUMNER: I, too, support the Bill, which will be dealt with largely during the Committee stage. It is essentially a technical and tidying up Bill that is designed to correct an anomaly following the passing of the 1973 legislation, the anomaly being that, because of a decline in the general economic situation and the amount of overtime worked, a workman on compensation who had an injury during the boom period could be receiving more while away from work than his counterparts receive who are still employed. That is clearly an anomaly that we on this side do not wish to sustain, and the amending legislation helps correct it. Had this Council been acting as a proper House of Review when the legislation was passed in 1973, that potential anomaly might have been picked up.

The Hon. F. T. Blevins: This Council did the opposite; it created the anomaly.

The Hon. C. J. SUMNER: That may be so. Members opposite seem to laud this place as a House of Review, yet an obvious anomaly was not picked up. It will be corrected by this legislation. The other matter that is particularly innovative relates to the insurance provisions, the establishment of a nominal defendant, an insurer of last resort, and an advisory council to the Minister. Amendments have been placed on file in this regard, and the details of these proposals, although I think the general principles will be supported by honourable members opposite, will be fought out in Committee.

This debate gives me an opportunity to canvass some of the issues that have arisen in the past few years in relation to workmen's compensation. The most important is perhaps the attitude that seems to have been conveyed in the press, supported by some members opposite, and certainly promoted by the insurance industry and the employers, that it is the workman in this State who is to blame for increasing costs in workmen's compensation, and that workmen's compensation is a haven for bludgers. It is absolutely scandalous that workers have been landed with this claim in the public eye. One has only to look through a random sample of press headlines over the past few years to see the attitude promoted by the groups I have mentioned. Some of the headlines are as follows: "Compo abuse"—that is a heading to a letter written by a neuro-surgeon, H. R. Schaeffer; "Compo encouraging inflation—employers"; "Compo cheats rife in S.A."; "Man was fishing on compo"; "Compensation claims false"; "Cameras trap work dodgers"; "Our compo law breeds neurotics"—that was Dr. David Tonkin's contribution; "Many of my patients malingerers—surgeon"; "Compensation criticised, threat to State's industry", according to Mr. Dean Brown, a member in another place; "Compo pay-out doubles in South Australia"; and "Compo tempts workers to be dishonest". They are some of the attitudes the public is getting through the medium of the press towards workmen's compensation claims. Here is another: "Big compo pay-out to cheats", and that is a criticism made by Mr. K. D. Williams, of the Chamber of Commerce and Industry.

The Hon. R. C. DeGaris: Do you think there is no validity in that whatsoever?

The Hon. C. J. SUMNER: What I object to most strongly is that in the public eye, through the medium of the press and through those statements put out by the Party of the Hon. Mr. DeGaris, members of the insurance industry and employers, workmen are being blamed—quite wrongly—for the so-called increase in and excessive costs of workmen's compensation in this State. I want to put the matter into perspective and to indicate where the real villains can be found. No doubt some workmen swing the lead on compensation, but I believe they are a small minority. If we look to the real problems that have occurred with this legislation, they have been provoked initially by the insurance industry and by the medical profession.

The Hon. R. C. DeGaris: And the legal profession.

The Hon. C. J. SUMNER: And, to some extent, the legal profession. I refer to an article written by Eric Franklin in the *Advertiser* of December 18, 1975, in which he foreshadowed this legislation in an article headed, "A new look for South Australia's workmen's compensation", and concluded as follows:

From the insurers' point of view, there are faults in the Act which result from the many provisions introduced in recent years to ensure that compensation is not unduly delayed or withheld. "Unfortunately, all such provisions which curb the employer's own insurer's rights make it that much easier for the malingerer to get away with his deceit," they claim.

That is one of the most shocking allegations I have heard. What he is talking about are the provisions that were placed in the Act in 1971, namely, sections 52 and 53, which were remedial provisions, section 52 ensuring that a workman's payments could not be stopped unless three weeks notice was given, and section 53 ensuring that a workman received his weekly payments within 14 days of presenting a certificate and the claim. The reasons for these provisions were the abuses of the insurance companies that had occurred. Some of their tactics were scandalous. Having practised in that jurisdiction for many years, I believe that I can speak with experience. Insurers would deny payments to workers on the slightest excuse, and would particularly try to force a settlement by forcing a workman on to social security payments. The slightest excuse to delay payments would be used, and the workman would have to take action in the court, involving a six-months delay during which he and his family no doubt experienced considerable financial hardships, thus provoking bitterness and, in many cases, neuroses.

The non-payment of awards that were ordered often occurred for reasons involving insurers' own internal budgeting. One of the most frustrating times I have had as a practitioner was spent continually telephoning solicitors acting for insurance companies to try to get payments when orders had been made. That practice exists even today. I have had a claim today where an order has been made and payment is to be made within 14 days, but payment has not been made; and that practice continues even today. With this sort of situation, it is no wonder that workmen become bitter and disillusioned. The other tactic was to stop payments without notice to the workman, in an attempt to try to force an early settlement. The workman on social service payments is forced to take a lump sum in order to provide for his family and himself. Often the six-months wait that was involved, while the workman was required to go through the full process of litigation, produced enormous social and personal hardship to the individual.

The insurers had absolutely no qualms prior to 1971 about using the adversary system to deny a workman his rights. Profit was paramount, and there was little compassion in the administration of the policy, with no effort to rehabilitate. One of the worst companies in this respect was the Chamber of Manufactures Insurance Company, and this is ironical, because Mr. Williams, of the Chamber of Commerce and Industry, who has been most outspoken about the so-called abuses as a result of the improvements to the Act that took place in 1973, is quoted as saying:

However, the incidence of worker injuries involving compensation has increased alarmingly since the new Workmen's Compensation Act came into force in 1973. The chamber council is forced to the conclusion that the increase in the number of accidents in the work place, and the length of absence because of those accidents, can only be attributed to false claims. In other words, workers are malingering to get on workmen's compensation.

The Chamber of Commerce and Industry has been one of the most vociferous commentators on what are considered to be the alleged abuses, yet it was the insurance company of the Chamber of Manufactures, of which the Chamber of Commerce and Industry is the successor, which was one of the worst offenders in adopting the tactics that occurred, particularly before the 1971 provisions. It is absolute nonsense for the insurers now to criticise those provisions as being an undue restriction on their rights, when the very reason for them was the abuses which were perpetrated prior to 1971 and which have, to some extent, continued.

I have referred to the delays in payment even when the order is made for payment within 14 days. The other tactic now used by some insurance companies is to delay paying medical expenses, so that the workman usually ends up receiving summonses from doctors, physiotherapists, and so on, for medical expenses and, when he cannot pay them, he must attend court to answer unsatisfied judgment summonses. It is not surprising that this produces enormous bitterness and leads to neuroses.

The other matter with which I wish to deal relates to abuses by the medical profession. Such abuses are confined to a small number of doctors. There is absolutely no doubt that some insurance companies use, disgracefully I believe, doctors known to be sympathetic with and favourable to their views, in order to obtain the cessation of weekly payments pursuant to section 52. Although in many cases the treating general practitioner and specialist may consider the workman to be totally incapacitated and unable to return to work, the insurers send the workman to a doctor, often a general surgeon, who they know will return with a report favourable to them alleging that the man is a malingerer and a neurosis case.

One or two companies have specialists in the profession who are absolutely notorious for this disgraceful behaviour. There is no doubt that they are completely in cahoots with the insurers concerned. Often, general surgeons or doctors are used outside of their speciality to effect this cessation of payment, despite the fact that the specialist actually treating the patient considers that payments ought to be continued and that the man is not fit to return to work. The opinion of these doctors is rarely accepted by the courts when the matter comes up for litigation involving the main issue, the weekly payments having been stopped. In the meantime, this produces an enormous reaction in the workman. Also, there is no doubt that some doctors are sometimes rude and unsympathetic to the workman, particularly to a migrant.

I do not make this allegation in respect of all medical practitioners. Obviously, the great majority of them are sympathetic, humane, and compassionate, and have the interests of their patients at heart. However, I make the allegation sincerely and seriously with respect to some of them. Also, I believe that many of the insurance companies, particularly now, have adopted a more responsible attitude towards compensation payments and delays. Indeed, one firm of insurance underwriters, C. E. Heath, which is particularly involved in the workmen's compensation field, has put emphasis on rehabilitation, and makes premium adjustments if employers co-operate in this respect. These are, I think, desirable developments, although certainly very little like this was done before 1971.

The other matter to which I refer when speaking about excessive benefits is the actual rates paid. If a person at present is partially incapacitated, that is, he is fit for some form of work but not the work that he was doing before sustaining his injury, the maximum payment specified by the Act is $18 000. So, a tradesman bricklayer earning $150 a week in a trade that involves fairly heavy work, having been injured and unable to return to that trade, may have to take some form of unskilled light work and a drop in pay of about $40 a week. As a result of the means of calculating a lump sum due to a workman, the maximum he could receive effectively would be about $15 000 or $16 000. Even though the

statutory maximum is $18 000, it is not possible to reach that maximum, because of the method of calculating a lump sum value of the weekly loss to the workman. The effective maximum that a workman could receive in the situation to which I have referred is $16 000. It could apply to a person aged 30 years who has another 35 years of his working life left. To say that a payment of $16 000 to such a workman is excessive, seems to be nonsensical, particularly when one considers that these benefits were introduced almost three years ago and that inflation in that time would have been at least 30 per cent.

Of course, if the workman was unfortunate enough to come under the provisions of the legislation operating before January 1, 1974, the sum would have been considerably less than the figures that I have given. In fact, in that situation the effective maximum to which the workman would be entitled is about $10 000. In the case of a person totally incapacitated, the statutory maximum is $25 000 and, although provision exists for the maximum to be increased in special circumstances, the effective maximum that a totally incapacitated person could receive is $20 000. Again, for a young workman who is badly injured that sum certainly does not seem to be excessive in the light of today's cost of living.

I wish to refer now to the cost comparisons that have been bandied about by honourable members opposite in trying to allege that workmen's compensation costs act as a disincentive to industry's coming to this State. I make the general point that I have made several times before that, compared to New South Wales and Victoria, South Australia has increased its manufacturing work force in the 10 years that the Labor Government has effectively been in power. From a general viewpoint, the Opposition's argument really has no validity. However, from the other viewpoint—

The Hon. C. M. Hill: It might have increased even more had the incidence of workmen's compensation not been introduced.

The Hon. C. J. SUMNER: The honourable member would find that that would be impossible to establish.

The Hon. C. M. Hill: You can't deny that with certainty, though.

The Hon. C. J. SUMNER: I was not doing that; I was merely replying to an accusation. It seems to me absurd to blame the cost of workmen's compensation as such for any problems that there might be with firms investing in this State compared to other States. That statement leads me to my second point, because the increase in workmen's compensation in other States has been almost the same as it has been in South Australia. Large increases in premiums have occurred and although that is not desirable one must remember that that is not peculiar to South Australia. In return for the increase in premiums, increased and very necessary benefits to the workmen have resulted. It is alleged by opponents of the present Act that an increase in worker injuries involving compensation has occurred. That was indicated by Mr. Williams in the report that I have already quoted to the Council. That seems to be a complete contradiction of the official figures which the Minister gave in his second reading explanation and which indicated a drop in the number of claims made over the past few years. I should like to refer to those remarks. The Minister said:

The total number of claims made under the Act has fallen from 87 000 in the financial year 1973-74 to 84 000 in 1974-75 and further, to a figure of about 78 000 in 1975-76.

That is completely contrary to the allegations being made by Mr. Williams. One would have thought that, if he was making those sorts of allegations and trying to portray this impression of workmen's compensation, with the workers as bludgers on the community, he might have bothered to check his facts. It is quite clear that what he says is incorrect and he is making those allegations on the basis of figures that are totally outdated and perhaps totally fictitious.

The other matter I wish to mention is the plight of the migrant worker in relation to compensation. The migrant worker has come in for a considerable amount of criticism, perhaps more criticism than other workers in this respect. I completely repudiate the pernicious slurs cast on the migrant workers and the racist implication of the phrase "Mediterranean back". Thankfully, attitudes in our society are gradually changing, and I trust that the attitudes to this sort of thing are changing in line with the progress in society's attitude towards an acceptance of migrant groups and their role in the community, and the multi-cultural nature of our society, which is something that has been accepted only recently.

Related to this is an appreciation, which did not exist to the same extent previously, of the special problems that migrant groups encounter, particularly the special problems of migrant workers. I have mentioned that some medical practitioners have been unsympathetic to the peculiar problems of the migrant worker but I believe this attitude is gradually changing, and indeed it is probably something that should have been included in courses for professionals and social workers dealing with migrants—that is, the sorts of differing attitudes and cultural traditions that these people bring to Australia, and the different skills needed in dealing with them. I am glad to see that there is a recognition within some of the medical professions at least that migrant groups and workers have peculiar problems that must be looked at.

There was a recent article in the *Medical Journal of Australia* of Saturday, July 31, headed "The Plight of the Migrant in Industry", where a Doctor Constantinou makes some points about the problems that migrant workers face. I will quote these remarks for the information of the Council:

(1) Migrants have the least skilled and therefore the heaviest, dirtiest and most dangerous jobs. . . .
(2) Migrants often do not have industrial aptitude . . .
(3) Background factors such as social and family, which affect safety on the job, are more extreme in migrants . . .
(4) These factors that render a migrant worker more prone to injury also give the injury a different meaning. Because of the social factors, the migrant family is more at-risk, with fewer roots into society and less supporting services. Thus an injury to the migrant bread-winner is potentially a great threat to him and to his family. It is thus likely to have a much deeper significance and to cause a greater psychological disturbance. Recovery under these circumstances is bound to be slower and less certain.
(5) The psychological pressures due to being a migrant are to some people or in some situations almost unbearable. Poverty, depressing environment, family disintegration and alteration of roles from a vicious circle. Sometimes an industrial injury provides a convenient and socially acceptable way out of these pressures.

To sum up: The migrant worker is more exposed to being injured in his work place. The injuries are likely to be more severe. Psychological factors often slow down recovery, and there are often circumstances which predispose to chronic invalidism.

It is refreshing to see the medical profession drawing attention to these peculiar problems. Certainly, as is indicated in the beginning of this article, there was previously a different prevailing attitude to migrants. The article states:

Most people think of the migrant worker as typically a short, dark, grave-faced Southern Mediterranean who speaks little English, works hard and is very keen to get overtime. Some also consider him to be prone to injury, and to be particularly susceptible to back injury, headaches, dizziness and abdominal pains. Insurance assessors and doctors often complain that the migrant worker is a malingerer and is litigation conscious, and resistant to treatment.

Dr. Constantinou, who has been quoted in this article, has attempted to dispel those myths about migrants in industry. I endorse what he has had to say and herald this changing attitude as well as resisting and disagreeing completely with any suggestion that migrant workers have any specially bad record of malingering or of making false compensation claims.

Much more can be done for migrant workers in industry. Further, all Government departments can look at what they are doing. The Labour and Industry department, too, can look at what it is doing to improve communication in factories in relation to translation of awards and safety requirements and similar matters. It is unfair for us to make Anglo-Saxon judgments from an Anglo-Saxon value system on the problems that migrant workers face. I am glad to see, at least in part, this change in attitude of the medical profession and, slowly, of society generally.

The problem of rehabilitation has been mentioned, and I do not wish to go into it in any great detail, but I believe that ultimately we will look towards a national compensation and rehabilitation scheme similar to the New Zealand scheme and the scheme sought to be introduced by the Whitlam Government before November 11, 1975. I congratulate the Minister for establishing a committee to look at what can be done to rehabilitate workmen in South Australia. Two of the amendments to be moved by the Hon. Mr. Laidlaw, he suggests, deal with rehabilitation of workmen, and I should like to make the preliminary point that it is the Government that has had to take steps in respect of rehabilitation. Why have private industry and private insurers not taken a greater responsibility in this area in the past? True, as I have indicated, some insurers are now doing that, but it is belated action. One of two amendments foreshadowed by the Hon. Mr. Laidlaw relates to provision for contributions between insurers where the workman is injured during his previous employment and then goes to work with another employer and sustains a further injury. In these circumstances, it is proposed that all employers should contribute to his compensation and that there ought to be an apportionment of liability between the employers concerned. The other matter that the Hon. Mr. Laidlaw has raised which he says will assist in rehabilitating workers is the compulsory exchange of medical reports. Regarding the first of the foreshadowed amendments, I am not convinced that this provision for contribution and apportionment of liability between employers will increase the incentive to employers to take on injured workmen; that is the rationale behind the provision. The Hon. Mr. Laidlaw considers that it would provide employers with a greater incentive if their insurers realised that they did not have to pick up the whole of the tab if a workman sustained an injury.

The Hon. D. H. Laidlaw: I am convinced of it.

The Hon. C. J. SUMNER: I am more cynical than is the Hon. Mr. Laidlaw. I am not convinced that this would provide much more of an incentive for employers to employ injured workmen, particularly in a time of high unemployment such as exists now. The fact that they could be placed at risk at all is a disincentive to employers to employ injured workmen. It may be disadvantageous to the employee, too. I have not studied the amendment, but it could cut down the options that the employee has to sue all the employers with whom he has sustained injuries. It could also affect his entitlement to a lump sum benefit if he had a protracted injury.

With the high weekly payment at present and the comparatively low maximum lump sum, it could be that inadvertently a workman could receive more than the maximum lump sum as a weekly payment, and thereby extinguish any right to a further lump sum. If he has the option to sue all the employers with whom he has sustained injuries, that potential disability can be overcome. I would be inclined to be more sympathetic to this proposal if there were some guarantee that employers would employ workmen, but unfortunately I can see considerable potential disadvantages to a workman and no *quid pro quo* from the employers—no guarantee that they will employ workers in this situation. So, at this stage I am not willing to support the proposal. Perhaps the Minister's committee could consider this matter when dealing with rehabilitation. There may be merit in the amendment but, before supporting it, I would want to see some sort of *quid pro quo* from the employers for the workman's having perhaps placed himself at a disadvantage in respect of his entitlements.

The other matter to which the Hon. Mr. Laidlaw referred, and which he said would induce quick settlements and therefore rehabilitation, relates to the exchange of medical reports. Perhaps this could be supported if there was some guarantee that it would lead to the results the Hon. Mr. Laidlaw seeks to obtain. He has said that it is unfair that the insurers should have to provide medical reports to workmen but that the reverse does not apply. If one looks at the history of it, I do not think that that is unfair. Before 1971, the insurer could require a workman to be examined but had no obligation to provide a report to the workman, so that the workman could be sent off for one examination, and then not have details of the medical report made available to him even though, under medical ethics, although he was sent only for an opinion it was technically the workman who was the patient of the doctor, and not the insurance company. It was grossly unfair to the workman that he should not receive a copy of the medical report for which he had been forced to attend.

From the workman's point of view, his medical reports are those that he has obtained generally from his treating general practitioner and the specialist, and there may be disadvantages to a workman in disclosing these reports, particularly within the context of the adversary system that operates in the workmen's compensation jurisdiction, as it does generally in our court system in South Australia. It could be that some of the things in the reports are prejudicial to the workman and that he would not wish to disclose them to the insurer. Inaccurate histories may be contained in the reports, and often there is a misunderstanding between the doctor and the patient, particularly in the case of migrants, where language differences intervene. The workman must prove his case, under our system, on the balance of probabilities. Generally, the workman must go first in presenting his case. If his reports are made available to the other side, it gives them an opportunity to obtain opposing reports and to prepare cross-examination.

Again, this is not a matter that should be rejected out of hand. There may be some case for supporting it, provided that there is a *quid pro quo*, that is, that there is some guarantee that employers and insurers will do

something towards the rehabilitation of workmen. As it stands at the moment, I do not think I can support the two foreshadowed amendments that the Hon. Mr. Laidlaw says will assist in the rehabilitation of workmen. Most of the matters in the Bill will be considered in Committee. No doubt there will be much further discussion on the insurance proposals and the matters the Hon. Mr. Laidlaw has raised, so I shall leave any further coments until then. I support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill, at the second reading stage, has been thoroughly covered, and I do not wish to add a great deal. I think the Chief Secretary wants the Council to rise in a reasonable time. I do not think we will be going into Committee on this Bill tonight, so I shall make some comments and then seek leave to conclude my remarks.

The Hon. D. H. L. Banfield: Couldn't you conclude your remarks after clause 1, so that you won't go for an hour tomorrow?

The Hon. R. C. DeGARIS: I will go for an hour tomorrow.

The Hon. D. H. L. Banfield: Someone else can't, and that's what I'm concerned about.

The Hon. R. C. DeGARIS: I think that that might be a good idea, because we have some time to go before the session adjourns. I am concerned at what I consider has been the Government's inability in the Bill to do what many Government members believe should be done. I have heard excuse after excuse in the debate why the Bill should be absolutely supported, yet the real point at issue has been avoided. I will quote the statements made by the Premier and by the Minister of Labour and Industry on the existing workmen's compensation position in South Australia. On June 18, the Premier said:

The Government is seeking to ensure that a person on workmen's compensation will not receive more while he is away from work than he would if back on the job. We are very conscious of the cost to employers of workmen's compensation.

Members should compare that statement with statements made by certain members this evening, in which they gave absolute support to the concept of the Bill, which does nothing to solve the problem the Premier highlighted on June 18. The Minister of Labour and Industry, in explaining the amending Bill on February 11, said:

The Government is concerned at the increase in the number of workmen's compensation claims that have been made since this Act came into operation in 1971. Although in the last four financial years the number of wage and salary earners in the State increased by just over 10 per cent, from 408 000 to 499 000, the number of workmen's compensation claims increased from 56 000 to 84 000.

This Bill does nothing to tackle that problem, yet honourable members have not taken that point or faced that issue, and neither does the Bill. A workmen's compensation amending Bill was introduced by the Hon. Mr. Laidlaw; it passed this Chamber, without division, and tackled these problems, yet it has not been dealt with to any degree in another place. I am disappointed that the viewpoint of the Premier and of the Minister of Labour and Industry has not been taken up by the Government. One can only assume that some pressure has been brought to bear on them to change their minds about workmen's compensation in South Australia.

There are several other matters on which I should comment, such as the question of an insurer of last resort. If one examines the provisions of the Bill, one must realise that the insurer of last resort must be one single insurer, not a different one for each occasion. I can hardly imagine that, with a State Government Insurance Commission, the Minister will be likely to appoint any body other than the commission. In another speech this evening I have dealt with the undertakings that were given to the Council at the time of the passage of that Bill that have not been honoured by the Government, and I quoted cases to show exactly what I meant. The amendments regarding the insurer of last resort referred to by the Hon. Mr. Laidlaw during the second reading debate should be supported unanimously by the Council. I refer also to the nominal insurer provision, a matter which was raised by the Hon. Mr. Laidlaw and regarding which amendments will no doubt be filed.

At this stage I am willing to support the second reading, without going into any great detail on the Bill, most matters having largely been covered by other honourable members. However, I am disappointed that the sentiments of the Premier and Minister of Labour and Industry regarding this matter have not been implemented in the Bill. Although the Government may not support all the amendments that are to be moved, I hope that it will at least vote according to the principles laid down by the Premier and the Minister of Labour and Industry. I support the second reading.

Bill read a second time.

The Hon. D. H. LAIDLAW moved:

That it be an instruction to the Committee of the Whole that it have power to consider (1) a new clause dealing with exchange of medical certificates, (2) a new clause which enables the Industrial Court to apportion liability between employers where a workman sustains injuries whilst in the service of two or more employers, (3) a new clause to create trust funds to receive and administer moneys contributed to the nominal insurer and insurer of last resort, and (4) an amendment to section 126 of the principal Act.

Motion carried.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

This Bill provides for the transfer of the Port Lincoln abattoir to the South Australian Meat Corporation. The Port Lincoln abattoir was established under the Port Lincoln Abattoirs Act, 1937, to be repealed by this measure, and is vested in the Minister of Agriculture. The transfer is the result of the abolition of the Produce Department, which, until it was recently absorbed into what is now the State Supply Division of the Services and Supply Department, managed the abattoir. Because of this, the South Australian Meat Corporation, as a statutory authority established for the purpose of operating abattoirs, became the obvious body to take over the operation of the Port Lincoln abattoir.

The transfer is to be a complete transfer of all the property, plant, staff, and any rights and liabilities under contracts in effect at the time of transfer. Financial arrangements satisfactory to both the Government and the

corporation have been made and are on the basis that the corporation is not to be financially advantaged or disadvantaged by the transfer. This will probably involve the Government's making grants to the corporation for several years after the transfer in order to avoid any financial impact on its metropolitan operations.

Regarding employees at the Port Lincoln abattoir, the Government has agreed that no employee is to be disadvantaged by the transfer. The Bill provides that any public servant engaged in duties at the abattoir may continue that work as a public servant for 12 months after the transfer, during which period he may obtain a transfer to other duties as a public servant or elect to become an employee of the corporation. The Bill also amends the principal Act, the South Australian Meat Corporation Act, 1936-1974, by providing that the corporation need appoint only one auditor instead of two auditors, as is the present requirement.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 2 of the principal Act, which sets out the arrangement of the Act. Clause 4 inserts in the interpretation section, section 3 of the Act, definitions of "Port Lincoln abattoirs" and "Port Lincoln abattoirs area", and makes consequential amendments. Clause 5 makes a consequential amendment to section 6 of the principal Act. Clauses 6, 7, 8, and 9 amend sections 41, 43, 44, and 45, respectively, of the Act, and deal with the appointment by the corporation of one auditor instead of two auditors, as is now required. Clauses 10 and 11 make amendments to sections 52*a* and 78, respectively, of the principal Act consequential on the transfer of the Port Lincoln abattoir to the corporation.

Clause 12 provides for the enactment of a new Part IVA in the principal Act dealing with the Port Lincoln abattoir. New section 93*a* provides for the repeal of the Port Lincoln Abattoirs Act, 1937. New section 93*b* provides for the complete transfer of the Port Lincoln abattoir and its incidents to the corporation. New section 93*c* provides an option to public servants engaged in duties at the Port Lincoln abattoir to continue those duties for 12 months, during which period they may obtain a transfer within the Public Service or elect to become employees of the corporation. New section 93*d* provides for proclamation of the Port Lincoln abattoir area. New section 93*e* empowers the corporation to maintain, operate, or extend the Port Lincoln abattoir and its facilities. New section 93*f* provides that the land for the Port Lincoln abattoirs is to be taxed separately from other land held by the corporation. New section 93*g* regulates the slaughtering of stock within the Port Lincoln abattoir area, and the sale within that area of meat not slaughtered at the Port Lincoln abattoir.

This provision corresponds to section 6 of the Port Lincoln Abattoirs Act, 1937, and, in relation to the metropolitan operations of the corporation, to section 70 of the principal Act. New section 93*h* provides for the corporation to publish the times at which the Port Lincoln abattoir is available for slaughtering operations. New section 93*i* excludes the possibility of the council's licensing private abattoirs to operate within the Port Lincoln abattoir area. This provision corresponds to section 8 of the Port Lincoln Abattoirs Act and, in relation to the metropolitan operations of the corporation, to section 79 of the principal Act. New section 93*j* empowers the Minister to grant permits to persons to bring meat into the Port Lincoln abattoir area, to slaughter stock within that area or to sell within that area meat not produced at the Port Lincoln abattoir. This provision corresponds to section 10 of the Port Lincoln Abattoirs Act, 1937, and, in relation to the metropolitan operations of the corporation, to sections 70*a* and 77 of the Act. Clause 13 makes a consequential amendment to section 119 of the Act.

The Hon. A. M. WHYTE secured the adjournment of the debate.

MOBIL LUBRICATING OIL REFINERY (INDENTURE) BILL

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

The Hon. B. A. CHATTERTON (Minister of Agriculture): I move:

That this Bill be now read a second time

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF BILL

On July 29, 1976, His Excellency the Governor on behalf of the State, entered into an indenture with Mobil Oil Australia Limited relating to the establishment of a lubricating oil refinery at Port Stanvac. This refinery has been established on portion of the land comprised in the "refinery site" as defined in the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976. On this site an oil refinery is now operated by Petroleum Refineries of Australia. In broad terms, the indenture extends to Mobil Oil Australia concessions relating to outward and inward wharfage of the same order as at present apply to Petroleum Refineries of Australia. In addition, the indenture provides for the extension to Mobil of the rights and privileges in relation to the site and port installations granted under the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976, and now exercisable by Petroleum Refineries of Australia.

Clauses 1 to 3 are formal. Clause 4 formally approves and ratifies the indenture, a copy of which is set out in the first schedule to the measure, and provides for all necessary steps to be taken to give effect to it. Clause 5 imposes on Mobil Oil Australia Limited a liability for a payment in lieu of rates calculated from a base rate of $190 000 and thereafter varied in accordance with movements in rates in three selected parts of the relevant council area. Honourable members will no doubt recall that this method of variation was adopted in relation to the site of the original refinery. Clause 6 merely gives legislative effect to the provisions of the indenture relating to inward and outward wharfage charges. Clause 7 is a formal appropriation clause. Clause 8 when read with the second schedule to the measure makes certain consequential amendments to the Oil Refinery (Hundred of Noarlunga) Indenture Act, 1958-1976. Clauses 9 and 10 give legislative effect to matters agreed upon in the indenture. Clause 11 is a provision in the usual form to overcome any conflict between the intention of this measure and the general law of the State. This Bill has been considered and approved by a Select Committee in another place.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT

At 11.29 p.m. the Council adjourned until Wednesday, December 1, at 2.15 p.m.