# LEGISLATIVE COUNCIL

Tuesday, December 7, 1976

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

## WINDANA GERIATRIC CENTRE, GLANDORE

The PRESIDENT laid on the table the report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence, on Windana Geriatric Centre, Glandore.

## QUESTIONS

### SCHOOL CADET CORPS

The Hon. ANNE LEVY: Has the Minister of Agriculture, representing the Minister of Education, a reply to my recent question regarding school cadet corps?

The Hon. B. A. CHATTERTON: The Minister of Education referred the honourable member's question to the Commissioner for Equal Opportunity, who reported that the Sex Discrimination Act provides:

(2) It is unlawful for an educational authority to discriminate against a student on the ground of his sex or marital status—

(*a*) by denying him access, or limiting his access, to any benefit provided by the authority.

It would therefore be quite patently in breach of the Act to provide an educational facility for members of one sex. However, it must be borne in mind that the finance for the re-establishment of the cadet scheme will be provided by the Commonwealth Government. Therefore, it would seem that, if such finance was provided conditionally, the Education Department would have to be bound by those conditions.

It is suggested that the reintroduction of the scheme should not be encouraged unless arrangements can be made with the Commonwealth Government for it to be available to both girls and boys. It should also be noted that one of the recommendations brought forward in the report of the Army Cadet Corps 1974 (Millar report) is as follows:

That the Army support opportunities for girls to serve in cadet units, under appropriate arrangements. If additional finance is not available, girls and boys in co-educational schools should be enabled to compete for places in the cadet unit.

It would thus appear that a school offering cadets but confining participation to boys only could be in breach of the Act, but it would be improper to prejudge any decision of the board.

### WHYALLA INDUSTRY

The Hon. A. M. WHYTE: Earlier in the session, I asked a question of the Minister of Agriculture that had to be directed to either the Minister of Labour and Industry or the Minister of Mines and Energy, whichever the Minister of Agriculture thought appropriate, regarding the manufacture of wrought iron fence posts, first, because they were so much cheaper to manufacture (being manufactured with low-grade iron), secondly, because of their durability and, thirdly, because I thought this could be another industry for Whyalla. At the time, the Minister replied that he would refer the question to the Minister of Mines and Energy and bring down a reply as soon as possible. I wonder whether the Minister could let me have the reply during the remainder of the session.

The Hon. B. A. CHATTERTON: I will try to get a report for the honourable member as soon as possible.

### SHIPBUILDING INDUSTRY

The Hon. A. M. WHYTE: The Chief Secretary has told me that he now has a reply to a question I asked recently regarding the shipbuilding industry. Will he please give that reply?

The Hon. D. H. L. BANFIELD: In a submission to the Prime Minister on October 7, 1976, the Government put forward a seven-point programme which would assist in the development of an efficient and competitive shipbuilding industry. This programme involved:

Import restriction controls;

Subsidy to reduce from its present level (33 per cent) to 30 per cent by 1980;

State and Commonwealth Governments to make equal payments to equate the after-subsidy price to the oversea price, for all keels laid before December 31, 1977;

Commonwealth to lend money to ship purchasers at cost, in accordance with Organisation for Economic Co-operation and Development policies adopted by oversea Governments;

State Government to offer capital development grants on a $1 for $4 basis, up to the limit of the yard's pay-roll tax payments (for three-year period);

Each yard's productivity to increase by 15 per cent by end 1980 or assistance to cease; and

Profit limitation clause in the subsidy legislation.

A copy of the submission, and the previous submission to the Industries Assistance Commission, are in the Parliamentary Library. In addition, following the Prime Minister's offer to the Newcastle dockyard, the Premier requested that discussions take place between the Prime Minister and himself to discuss a similar proposal for Whyalla. The Prime Minister has replied that there would be no purpose in such a meeting until the Newcastle offer has been resolved.

### PORT LINCOLN WHARF

The Hon. A. M. WHYTE: Has the Chief Secretary a reply to the question I asked recently regarding Port Lincoln wharf facilities?

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

### TRUCK REGISTRATION

The Hon. C. M. HILL: On behalf of the Hon. Mr. DeGaris, I ask the Minister of Agriculture, in the absence of the Minister of Lands, whether he has a reply to the honourable member's question regarding unregistered trucks.

The Hon. B. A. CHATTERTON: I give this reply on behalf of the Minister of Lands. The Highways Department has no knowledge of any prosecution launched against hauliers using interstate registration plates on unregistered vehicles for cartage of intrastate goods in South Australia. The Motor Registration Division, State Transport Department, similarly has no knowledge of such a prosecution. It is understood the Police Department has not prosecuted any similar cases in recent times. The department is aware that a small number of hauliers operates vehicles with unassigned plates to avoid payment of registration fees and road maintenance charges, but it is difficult to intercept them and obtain sufficient evidence for prosecution.

## MEADOWS COUNCIL

The Hon. N. K. FOSTER: I seek leave to make a short statement prior to directing a question to the Minister representing the Minister for Planning.

Leave granted.

The Hon. N. K. FOSTER: Prior to asking my question I wish to draw attention to a report in the *Mount Barker Courier* dated November, 1976, under the heading "Meadows District Council calls for subdivision freeze." The report states:

The Meadows council has called on the State Planning Authority to impose a "freeze" on subdivision of all land in the hills, until an overall plan for the area is drawn up. The Mayor of Meadows, Mr. L. A. Hughes, told the *Courier* that despite various regulations, the hills were gradually being broken up. "The State Government is always saying it wants to preserve the hills", Mr. Hughes said, "but still it allows subdivision to go ahead." Subdividers and purchasers were taking advantage of the S.P.A.'s policies regarding "viable agricultural units" to get away with subdividing land into small acreages. Mr. Hughes hoped that the Monarto Development Commission team which has begun a study of the hills, would consider the possibility of a freeze on subdivision—at least to prevent further despoliation while the study was being undertaken.

I do not wish to quote any further, but for the benefit of the Council I say that the report is somewhat critical of the fact that a council, which cannot be said to be left-wing radicals, but rather would err on the right side of politics, finds itself in conflict with the S.P.A. and that it, as a responsible council, is endeavouring to preserve areas within its jurisdiction. Will the Minister for Planning have this matter investigated and ascertain whether or not there is any credence to be given to this report in the *Mount Barker Courier*?

The Hon. B. A. CHATTERTON: I will refer the honourable member's question to the Minister for Planning and bring down a reply as soon as possible.

## PORT PIRIE RADIO-ACTIVITY

The Hon. F. T. BLEVINS: I believe that the Minister of Health has an answer to a question I asked recently relating to radio-activity at Port Pirie.

The Hon. D. H. L. BANFIELD: The following is a chronological account of the involvement of the Department of Public Health in the assessment and control of occupational exposure to radiation, and the disposal of low level radio-active waste, from the time Rare Earth Corporation of Australia commenced operations in 1969. 1969-1972: Annual inspections of the Rare Earth Corporation plant to assess occupational exposure to radiation. Annual inspections of the Rare Earth Corporation waste disposal dams to ensure effective disposal of radio-active waste material.

1973-1975: Annual inspections of the Rare Earth Corporation waste disposal dams and the tailing dams associated with the old uranium treatment plant to ensure acceptable radiation levels on the surface of the dams. Acceptable radiation levels were determined on the basis of casual occupancy of the waste disposal areas, and no excessive levels of radiation were recorded.

June 1976: The Director-General advised the Secretary of the Spencer Gulf Water Pollution Co-ordinating Committee that based on radiation measurements made on the surface of the dams (Health and Mines Department, 1975) no child playing on the dams is likely to exceed the maximum permissible radiation dose of 500 mR per year to the whole body; however, such activities should be discouraged. It was further recommended that the area be fenced to prevent access by children, or alternatively, fill be placed over the surface of the dams to reduce the measured radiation levels.

July 1976: The tailing dams at the Port Pirie uranium treatment plant and the Rare Earth Corporation residue dams were monitored for radiation levels by an officer of the Department of Public Health. The general radiation level over the tailing dams varied between 0·05 and 2 mR/hr, whilst local levels of 8-10 mR/hr were measured over the Rare Earth Corporation dams, and over a small area on the western side of the plant. The increased radiation levels recorded on this occasion appeared to have resulted from exposure of Rare Earth Corporation waste as a result of top soil having been washed away by heavy rains. Further, thorium product which had been buried in plastic bags and covered in R.E.C. Dam No. 1 had worked towards the surface of the dam. Officers of the Public Health Department met with officers of the Mines Department and the Australian Mineral Development Laboratories to discuss the above findings and a report on the dams prepared by Amdel for the Spencer Gulf Water Pollution Co-ordinating Committee. A report prepared by Amdel confirmed the radiation levels measured during July, 1976. Precautionary measures were discussed and it was agreed that: (1) the material with unacceptably high radio-activity levels should be taken and buried within the floor of the dams; and (2) further surveillance should be undertaken when this work was completed. The Mines Department would undertake this work.

The need for fencing off the tailing dams was discussed, in view of the fact that children had been observed playing on the dam surface during summer. In view of the cost of fencing and its limited efficacy, it was recommended that a preferable control measure would be to keep the dams flooded. This should be relatively cheap and effective and would have the additional advantage of preventing any wind entrainment from the dam surfaces. The possibility of covering the entire area with a layer of slag from the smelters was also discussed. The Mines Department was to investigate the feasibility of flooding the dams or covering the dams with slag.

In October, 1976, the progress of the work was discussed with the Mines Department and also the significance of the advertisement of sale (*Advertiser*, October 25, 1976). That department advised that further action had been delayed because of heavy rains. The matter of possible purchase of the site by the Government was being discussed by that department's officers.

In November, 1976, an officer of the Public Health Department supervised the collection of unacceptable radio-active waste from the tailing dams and the north-east boundary of the dam site, and the burial and partial cover

of this material in R.E.C. Dam No. 2. The final cover of slag from B.H.A.S. will be placed on this material early in December, 1976, and it is then expected that the level of radiation at the surface of R.E.C. Dams 1 and 2 and the south-west corner of Dam 3 will not exceed 0·3 mR/hr.

Following completion of this work, it is recommended that the total dam site will be fenced to restrict access, and routine monitoring of the site will be continued. In addition to the foregoing activities, officers of the Public Health Department conduct annual inspections of all medical diagnostic X-ray units, radiation level switches and industrial radiography installations in South Australia to ensure compliance with radiation protection standards specified by the International Commission on Radiation Protection and the National Health and Medical Research Council of Australia. The numbers and locations of X-ray units and radiation switches inspected during 1974 and 1975 are detailed below. I seek leave to insert the details of the X-ray units in *Hansard* without my reading them.

Leave granted.

X-RAY UNIT DETAILS

| Location | Number of Apparatus Inspected 1974 | 1975 |
|---|---|---|
| Hospital | 212 | 214 |
| Dentist | 319 | 346 |
| General Practitioner | 140 | 142 |
| Veterinary Surgeon | 43 | 48 |
| Chiropractor | 21 | 22 |
| Industrial | 34 | 39 |
| Research/Education Inst. | 53 | 57 |
| Radiation Switches | 136 | 189 |
| Totals | 958 | 1 057 |

## FEDERAL TREASURER

The Hon. N. K. FOSTER: I seek leave to make a short explanation prior to directing a question to the Minister of Agriculture.

Leave granted.

The Hon. N. K. FOSTER: Just a few short weeks ago you, Mr. President, may recall you took me to task for even hinting at or making some slight reference to the fact that the Treasurer, if I may transgress and use a term that may be considered unparliamentary, may have been a liar, but I would not want to say that today, because it may be out of order.

The Hon. C. M. Hill: Which Treasurer?

The Hon. N. K. FOSTER: Mr. Lynch, a man of short arms, deep pockets, and of a shallow mind. However, I will not go into that today. The fact is that he is an ambiguous sort of gentleman. I should like to quote from *Hansard* of August 17, 1976, the report in the House of Assembly of a debate about the Whyalla shipyard. Mr. Gunn, a member of the House of Assembly, said:

I recently took the opportunity to write to the Federal Treasurer regarding this matter, because I believed that it was important to know the Government's attitude on devaluation and how it would affect the people of this country. I will quote from page 2 of the letter I received in reply, written on August 6 under the Treasurer's letterhead, as follows:

> Secondly, devaluation would increase prices, and inflationary expectations, in Australia. Import prices would be affected immediately and prices of local goods competing with imports could also rise. These price rises would make it more difficult to restrain wage increases (especially in the context of wage indexation) to levels needed if inflation is to be brought under control. As you know, the Government believes that lasting economic recovery cannot be sustained unless inflation is overcome. That is why control of inflation is our top economic priority. Devaluation would jeopardise this objective.

The honourable member then stated:

I am sorry that the Minister is not at present in the Chamber. The letter continues:

> I believe that the inflationary consequences of a devaluation would be most harmful to rural producers. Experience overseas and in Australia shows that the initial stimulus to rural (and other) incomes resulting from a devaluation tends to be quickly dissipated by cost rises, especially in circumstances where the pre-devaluation inflation rate is high.

The PRESIDENT: Order! Although the honourable member has now presented that report to the Council, my attention has been drawn to Standing Order 188, which provides:

No member shall quote from any debate of the current session in the other House of Parliament or comment on any measure pending therein.

That is, unless such quote is relevant to the matter under discussion. At present, no matter is under discussion and, therefore, the honourable member is not permitted to refer to extracts from *Hansard* in this way. I merely draw the honourable member's attention to the Standing Order.

The Hon. N. K. FOSTER: I expected you, Sir, to take up that point as soon as I picked up *Hansard*. I expected to have some discussion on that aspect, and your ruling, Sir, indicates that I am not entirely wrong. Can the Minister say, in view of the statement by a member of another place referring to a letter from the Commonwealth Treasurer, that the devaluation undertaken by the Federal Government will in any way assist the rural industries of this State?

The Hon. B. A. CHATTERTON: Undoubtedly, there will be benefits to those rural industries that are concerned mainly with exports. The problem that arises is for how long those benefits will continue to accrue to those rural industries, because of the undoubted inflationary effect of the devaluation, and whether cost levels within the industry will rise and cut out any benefits received. We will not know that until next year when we see what effect devaluation has on the inflation rate. Also, the domestic market is of increasing importance to rural industries, especially those associated with horticulture. The devaluation, while having some effect on the export component of those industries, will be of no benefit to them in their domestic sales and it could be of severe detriment to those industries. That important point has not been considered by much of the rural press in its discussion of the effects of devaluation on rural industries.

## STANDING ORDERS

The Hon. N. K. FOSTER: I rise to seek your guidance, Mr. President. I agree with the ruling you just gave regarding Standing Order 188. I could have quoted the *Hansard* from a report in a daily newspaper, but I believe that the Standing Order to which you referred should not be taken so seriously in respect of an explanation to a question. I suggest, Mr. President, that when leave is sought before asking a question to be directed to the Leader of the Opposition or to a Minister, that Standing Order should not be applied so stringently (although your ruling in the terms of that Standing Order was correct) because it could inhibit the asking of a question of political

significance, such as last week's devaluation or this morning's revaluation. I put it to you, in all fairness, that that is the way in which it should be observed by you.

The PRESIDENT: I do not make the rules. I agree that perhaps the rule has its difficulties. When the next meeting of the Standing Orders Committee is convened, maybe we will consider that problem.

## UNEMPLOYMENT

The Hon. R. C. DeGARIS: Has the Chief Secretary a reply to my recent question about unemployment?

The Hon. D. H. L. BANFIELD: The rates of appearances by juveniles before Juvenile Courts and Juvenile Aid Panels in the last three years were as follows. It should be understood that the numbers of individuals appearing would be considerably less. The figures include appearances for traffic offences.

| | Rate per 1 000 population in the age groups | |
|---|---|---|
| | 10 years to 14 years | 15 years to 17 years |
| Year | inclusive | inclusive |
| 1973-1974 . . . | 21·54 | 38·75 |
| 1974-1975 . . . | 29·71 | 45·85 |
| 1975-1976 . . . | 29·37 | 49·88 |

The Education Department has provided and planned vacation programmes for children of school age. These programmes are developed and run in schools by parents, teachers and other capable people approved by the principal of the school. Many of the activities involve arts and crafts, but are limited only by the abilities of the supervisors, the facilities available and, to some extent, funds. Funds are provided by the Education Department together with grants from the Federal Government. An application is at present awaiting approval in Canberra for funds to help support the programme for the coming Christmas vacation. Programmes affect up to 13 000 children in over 100 schools throughout the State. These children are mainly of primary school age, but many older children also attend. Schools are at present initiating after-school programmes in many places. These are often similar to those run by the Community Welfare Department at Norwood and Mansfield Park. The community welfare projects operate from 3.30 p.m. to 5 p.m. on week nights and are staffed by part-time people paid through Community Welfare. Activities range from crafts to sports, and involve up to 35 children a night at one centre, and up to 60 at the other. During vacation periods there is co-operation with the Education Department in the organisation of activities.

Extra counselling services which have been established in the last six months include the community care project, which provides intensive aid to families near the point of breakdown. It is involved with neglected or abused children, those who through their own behaviour are at risk of removal from their homes, and the parents of these children. Other recent developments include the job hunters clubs set up by the Community Welfare Department which provide support for unemployed youth through group activities. Where a young person is undergoing personal difficulties which the Youth Services Assistant in charge of the club cannot handle, the young person is referred to an appropriate community welfare worker. Family counselling services of the Community Welfare Department provide help for the individual in the setting of the natural family. This aid can range from financial to psychological support. Additional community welfare workers have been employed to work with local health agencies and doctors. Departmental social workers are seconded to community health centres, where they work as members of health care teams. The recently established Crisis Care Service is a 24-hour a day, seven days a week emergency service which works in close liaison with the Police Department. Apart from providing immediate on-the-spot help, the service will assist the department in planning future projects, as it has early contact with emergency situations and is in a position to observe trends in demand for emergency counselling.

## EMU WINE COMPANIES (TRANSFER OF INCORPORATION) BILL

The Hon. B. A. CHATTERTON (Minister of Agriculture) brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

Bill recommitted.

Clauses 1 to 3 passed.

Preamble.

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

Second paragraph, lines 3 and 4 thereof—Leave out all words in these lines and insert—"in Australia namely, The Emu Wine Company Proprietary Limited, Morphett Vale Cellars Proprietary Limited, P. J. Howes (Australia) Limited, Wheatsheaf (Morphett Vale) Pty. Limited".

Fourth paragraph—Leave out "Thomas Hardy & Sons Pty. Limited" and insert "Thomas Hardy and Sons Proprietary Limited".

Last paragraph—Leave out "Thomas Hardy & Sons Pty. Limited" and insert "Thomas Hardy and Sons Proprietary Limited".

These amendments were recommended by the Select Committee.

Amendments carried; preamble as amended passed.

Title passed.

Bill read a third time and passed.

## APPROPRIATION BILL (No. 4)

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 delivered by the Minister of Works in another place inserted in *Hansard* without my reading it.

Leave granted.

### Explanation of Bill

I move the second reading of the Appropriation Bill (No. 4), 1976, and, in doing so, I submit for the consideration of the House Supplementary Estimates of $4 000 000. In the normal course, appropriation authority to supplement that approved by Parliament in the main Appropriation Act would be sought somewhat later in the financial year. In 1976-77, however, it is possible that Parliament may not reconvene after the present sittings until the latter months of the financial year. Accordingly, it is necessary to introduce Supplementary Estimates now to ensure that sufficient authority exists for payments to be made until then.

The year 1976-77: I will give members some brief information about trends and prospects of Revenue Account but point out that, because seven months of the

year have yet to run, any forecast now of a possible final result for 1976-77 should be taken as a broad estimate only. There is still plenty of time for unexpected factors to emerge and for trends to change. The Revenue Budget, presented to the House in September last, forecast a balanced result. Recent reviews have shown that both receipts and payments are running slightly in excess of budget. The net effect is expected to be fairly small, and a balanced result is still a possibility. However, I am inclined to the view that a relatively small deficit is more likely.

The major items of receipts which are running above budget are pay-roll tax and stamp duties, the latter being mainly on conveyances and on motor vehicle transfers. In total, these could turn out to be from $5 000 000 to $7 000 000 above estimate. These increases in receipts are being matched in broad terms by higher payments, particularly in the areas of education and health care. The decision to give further support to the unemployment relief programme will add to the total of payments.

Appropriation: Turning now to the question of appropriation, members will be aware that early in each financial year Parliament grants the Government of the day appropriation by means of the principal Appropriation Act supported by Estimates of Expenditure. If these allocations prove insufficient, there are three other sources of authority that provide for supplementary expenditure, namely, a special section of the same Appropriation Act, the Governor's Appropriation Fund, and a further Appropriation Bill supported by Supplementary Estimates.

Appropriation Act—Special section 3 (2) and (3): The main Appropriation Act contains a section that gives additional authority to meet increased costs resulting from any award, order or determination of a wage-fixing body, and to meet any unforeseen upward movement in the costs of electricity for pumping water. This special authority is being called on this year to cover part of the cost to the Revenue Budget of a number of salary and wage increases, with the remainder being met either from within the original appropriations or by calling on the Governor's Appropriation Fund.

Governor's Appropriation Fund: The second source of appropriation authority, the Governor's Appropriation Fund established in terms of the Public Finance Act, may cover additional expenditure up to the equivalent of 1 per cent of the amount provided in the Appropriation Acts of a certain year. Of this amount, one-third is available, if required, for purposes not previously authorised either by inclusion in the Estimates or by other specific legislation. The fund may be called on for appropriation to cover salary and wage determinations that do not fall strictly within the provisions of section 3 of the Appropriation Act.

Supplementary Estimates: The appropriation available in the Governor's Appropriation Fund is being used this year to cover a number of individual excesses above departmental allocations; this is the reason why only one line is included on these Supplementary Estimates. It is usual to seek appropriation only for larger amounts of excess expenditure by way of an Appropriation Bill supported by Supplementary Estimates, the remainder being met from the Governor's Appropriation Fund. Depending on trends in departmental expenditures, it may by necessary for Parliament to consider a second set of Supplementary Estimates later in the year.

Details of the Supplementary Estimates: With these authorities in mind then, the Government has decided to introduce Supplementary Estimates of $4 000 000 under the "Minister of Labour and Industry—Miscellaneous" section of the Budget. On August 2, Cabinet approved the establishment of a unit to administer the Unemployment Relief Scheme, including the Youth Unemployment Work Unit, within the Labour and Industry Department. It follows then that appropriation authority for the grants to be made available under the scheme will be provided under "Minister of Labour and Industry—Miscellaneous". Appropriation authority for unemployment relief has been provided previously under "Minister of Lands—Miscellaneous".

Honourable members will recall that the Supplementary Estimates presented to Parliament in June included $10 000 000 to finance works aimed at providing jobs through the first seven or eight months of 1976-77. These funds were also used for the establishment of the Youth Unemployment Work Unit. The allocation will ensure employment for about 870 persons until February, 1977. In October, Cabinet approved a further allocation of $4 000 000 to continue the programme at about the same level until June, 1977. The Estimates presented in August last did not include an amount for this purpose. Consequently the $4 000 000 is for a new purpose and will impact on the Governor's Appropriation Fund. As outlined earlier in my remarks, only one-third of the fund may be used for new purposes. As the amount required for unemployment relief exceeds that figure, it is necessary to seek authority through these Supplementary Estimates.

The clauses of the Bill give the same kinds of authority as in the past. Clause 2 authorises the issue of a further $4 000 000 from the general revenue. Clause 3 appropriates that sum for the purposes set out in the schedule. Clause 4 provides that the Treasurer shall have available to spend only such amounts as are authorised by a warrant from His Excellency the Governor and that the receipts of the payees shall be accepted as evidence that the payments have been duly made.

Clause 5 gives power to issue money out of Loan funds, other public funds or bank overdraft if the money received from the Australian Government and the general revenue of the State are insufficient to meet the payments authorised by this Bill. Clause 6 gives authority to make payments in respect of a period prior to July 1, 1976. Clause 7 provides that amounts appropriated by this Bill are in addition to other amounts properly appropriated. I commend the Bill to honourable members.

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

## STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2671.)

The Hon. R. C. DeGARIS (Leader of the Opposition): When I last spoke on this Bill, I sought leave to conclude my remarks, and I intend to do that as quickly as possible today. Most of the main matters on which I wish to comment I have dealt with previously. However, I return to clause 4, which still concerns me a little. Since I last spoke, many amendments relating to credit unions have been placed on file by the Government. I hope that the Council examines those amendments, as it usually does, to discover what they do to the Bill.

Clause 4 of this Bill was amended in another place, and that amendment improved the Bill. However, I am not quite happy with this clause. Although it is difficult to

suggest amendments to it, I should like to deal with what can happen under clause 4. New section 66ab (1a), proposed to be inserted by clause 4, provides:

(1a) Where—

(*a*) land or interests in land is or are conveyed between the same parties by separate conveyances; and

(*b*) the conveyances have been, or appear to have been, executed within 12 months of each other,

it shall be presumed, unless the Commissioner is satisfied to the contrary, that the conveyances arose out of one transaction, or one series of transactions.

My first point is that this involves a two-year period, not a one-year period, because it relates to 12 months prior to and 12 months after a transaction. Secondly, the Commissioner should have the right to say that a series of transactions involves one transaction, but only if he is satisfied that that is the case. In other words, it shall be presumed in the first place that it involves a series of single transactions unless the Commissioner is satisfied that it involves one transaction only.

That does not seem to do much, although it puts the emphasis in a slightly different way from that in the existing clause. I am not arguing to protect anyone who is using the device of a series of small transactions to evade his correct payment of stamp duties. However, as I have said, stamp duty on land transactions in South Australia is higher across the board than it is anywhere else in Australia. Where a builder decides that he wants to purchase 50 blocks of land from the Land Commission, perhaps spread all over the metropolitan area, or if a person decides to buy 20 or 30 blocks of land from a developer, perhaps in the city or the country, under a single transaction, the duty payable would be about $60 a block.

If a builder purchased 50 blocks on which to build houses, and the stamp duty payable on each block was about $500, the duty must then be transferred to the person buying the house. Then, the Government gets another "drag" of stamp duty ranging over four figures on the sale of any of those houses two years later. So, in two years the Government could gain between $1 500 and $2 000 in stamp duties out of the house purchaser. In the first place, there could be a saving of $500 or more if the blocks purchased were regarded as separate transactions. This seems to place a tremendous financial imposition on people, particularly those who are buying their first house. I refer mainly to young people. I am still concerned about this clause, although the amendment made in the House of Assembly effected an important change.

I am still not satisfied that the provision goes as far as it should go. I ask the Government to consider the amendment that I will be putting on the file. I do not think it does much, but it puts emphasis more strongly on the fact that the Commissioner should presume in the first place that they are single transactions. Unless he is satisfied otherwise, that should be presumed to be the case. Apart from that, I support the second reading.

The Hon. C. M. HILL: I also support the second reading. I express disappointment at the rather meagre reductions in stamp duties on property transfers in this State, particularly those affecting young people buying their first house here, compared to the position in other States. I raised this matter earlier this year and gave instances of the stamp duties payable in other States compared to those payable in South Australia. I said then that I hoped that the Treasurer would consider the matter again.

One can imagine that I was pleased when an announcement was made a few weeks ago that a reduction would take place. However, to emphasise my point that the benefits being given to young people by this Bill are by no means sufficient, I will quote again the figures that were applying in regard to stamp duties on a property to a value of $35 000 in all States. I have simply taken that value because I believe that, in round terms, that would be about the amount paid throughout Australia by young people who can purchase a modest house.

Before the introduction of this Bill, the stamp duties paid on such a transaction in the various States were $500 in Western Australia, $587·50 in Tasmania, $600 in Queensland (I should point out that, for the first house in Queensland, there is a reduction below $600, but I have taken $600 for comparison), $613 in New South Wales, $700 in Victoria, and $810 in South Australia. I pointed out when I referred to the matter previously that I could not see why young people in this State should pay so much more than their counterparts in other States pay for duties of this kind. It seems quite unfair to me that such high duties and charges are applied to people in this State, compared to people in other States.

The Bill gives reductions and, applying those reductions to the transaction to which I have referred, the amount of $810 will be reduced to $730. If this Bill passes, young people here will still be paying the highest stamp duties in Australia, and that is deplorable. The position is made worse by the fact that the Premier, in the past week or so, has been giving publicity to the matter and has been saying that taxation in this State is the lowest in Australia. I do not know whether he is including duties in the taxation figure, but the publicity (and I think the matter was mentioned in the other place as well as on television) gives the impression that people in this State are in a happy position regarding taxation, compared to people in other parts of Australia.

The hard fact is that stamp duty on property transactions, with the reduction provided in this Bill for a consideration of $35 000, remains the highest in Australia. The Government should be condemned for giving such a meagre reduction, certainly when the figure is compared to the duties payable in other States. I hope that the Government will soon examine this matter and give young people in South Australia a further reduction so that they will not have such high duties forced on them. All honourable members know the difficulties that young people face in buying a house. They have financial difficulties, and fees are high. However, now the Government is coming in for its chop and providing a rate of stamp duties that is the highest in Australia. That is deplorable. If the Minister could say that the matter would be reviewed later, that would be welcomed. However, if he cannot do that when he replies to the debate, I will take it that he and his Government are not concerned about the young people and they will have to go on paying the highest stamp duties in Australia for a $35 000 transaction.

I refer now to the other point made by the Hon. Mr. DeGaris. I have had representations from people involved in housing construction who have been accustomed to acquiring building sites in a parcel to fulfil their project building plans. It seems to me that the Council should examine the relevant clause closely, because there could be much unfairness for people who act in good faith when they purchase land. These people should not have to take the risk of being burdened by high and unfair duties, particularly because they make their purchases and conveyances in this way.

I have no truck with people who have been splitting up contracts, separating transfers, and putting documents through so as to avoid stamp duties, although as far as I know they have been acting within the law. It is wrong in principle when actions of that kind must harm genuine people who, simply because of the kind of business they are involved in, must be put at risk regarding the payment of unreasonably high and unfair duties. The Bill gives the Commissioner discretion to allow such conveyances as are made in good faith to attract stamp duties at the lower rates. I do not think the laws that leave such discretion to senior public servants are good laws.

I am not criticising or casting aspersions on the Commissioner or on public servants generally, but it is Parliament's duty to pass legislation providing that the guidelines can be followed exactly. But to leave the whole question in that grey area of giving the Commissioner the opportunity of passing judgment on it I do not think is good legislation at all. By the same token, I must admit, looking at the question myself and trying to foresee some way in which a further amendment could improve clause 4, I found any proposed change difficult.

The correspondents to whom I have just referred have suggested that land which is transferred to builders from the South Australian Land Commission ought to be excluded from this problem completely and that that should be provided for in the Bill. I can understand my correspondents taking that attitude because they know that the Land Commission is now, and will become to an even greater degree, by far the biggest vendor of building land in metropolitan Adelaide. However, to write into legislation a situation covering a particular vendor when other vendors of land (those vendors selling large parcels of land) are not also included, would reflect, I think, some unfairness, and I must admit that I do not think that would be the best possible way out of the problem.

When I mention other vendors, I am concerned with people such as the authority at West Lakes, which owns much land, and there is another private vendor at North Haven which must be dealing with many hundreds, if not thousands, of building blocks. In the country areas there are also people who subdivide and sell to builders land in relatively small parcels, but in a staged programme over a period of time. I think those people should obtain benefits without the matter having to be referred to the Commissioner to see whether he is satisfied with the situation. The approach that was just mentioned by the Hon. Mr. DeGaris is, I think, the best suggestion so far to try to improve this clause.

Therefore, I must say that, although I appreciate that there is a problem, I find great difficulty in making a positive suggestion as to how this Council might improve the clause and thereby make the final legislation in the form that I would approve of, but I think that, of all the proposals, the one suggested by the Hon. Mr. DeGaris would be the best. I hope that, in Committee, we can further look into clause 4 to see whether some further improvement can be made. I repeat my disappointment that the reductions in stamp duty, as they affect young people buying houses, are by no means as great as they should be and still leave the situation in South Australia, at that level of consideration, the highest in Australia. Secondly, I hope that clause 4 can be further improved at a later stage. I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given the Bill. The Hon. Mr. DeGaris referred in his second reading speech to clause 4, and sought an assurance that the provision does not catch the person who is not trying to avoid the proper duty. A provision was inserted in the Stamp Duties Act last year to prevent duty avoidance schemes involving the splitting of transfers which have had a serious effect on the revenue. However, other schemes have now been devised to avoid transactions coming within the operation of the new section and thus avoid stamp duty which the Government considers should be payable. The amendment is intended to cover these schemes. Where it is clear, however, that transactions are not related in any way, the Commissioner is empowered to exclude such genuine cases from the operation of the section. Therefore, the clause in the Bill will achieve the aim expressed by the Leader.

The Hon. Mr. Hill referred to the powers of public servants, and I would point out that the assessments made of stamp duties are subject to the rights of objection and appeal, if any person wishes to avail himself of that provision. That provision overcomes the concern expressed by the Hon. Mr. Hill in that regard. The honourable member wanted an assurance that the Government would continue to review the stamp duty provisions. Let me assure him that, as he knows very well, the Government is continually reviewing its taxation generally, and even this session has made considerable reductions in taxation. I can assure the Hon. Mr. Hill that the Government will continue to reduce taxation wherever and whenever it is possible, this being one of the areas to which the Government is continually paying attention; indeed, that is shown by the fact that it is making a reduction in this Bill.

The Hon. C. M. Hill: A meagre one.

The Hon. D. H. L. BANFIELD: Overall, the taxation reductions in South Australia have not been a bad effort this year compared to other States, and the Hon. Mr. Hill knows that as well as anyone else.

Bill read a second time.

In Committee.

Clause 1 passed.

New clause 1a—"Interpretation."

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

Page 1—After clause 1, insert new clause as follows:

1a. (1) Section 31b of the principal Act is amended—

(*a*) by striking out paragraph (*f*) of the definition of "loan" and inserting in lieu thereof the following paragraph:

(*f*) any loan advance or payment—

(i) by a registered credit union to any of its members;

and

(ii) upon which interest at a rate not exceeding the rate fixed by regulation for the purposes of this subparagraph is payable:;

and

(*b*) by striking out the definition of "registered credit union" and inserting in lieu thereof the following definition:

"registered credit union" means a body registered as a credit union under the Credit Union Act, 1976:.

(2) This section shall come into operation on a day to be fixed by proclamation.

This amendment is submitted following recent submissions to the Government by the Credit Unions League of South Australia. It has two objectives: first, to replace the existing definition of "registered credit union" in section 31b of the Act with a definition related to this Bill; and,

secondly, to provide for the fixing by regulation of the maximum interest rate which may be charged by credit unions on loans to members without the credit union becoming liable for duty under the credit and rental business provisions of the Act.

In 1970, when first included in the Act, this rate was the equivalent of 2 per cent per annum above the prescribed rate but it is now less than the prescribed rate. The Government considers that, as the prescribed rate is fixed by regulation, this rate should be fixed in the same way so that it may be adjusted whenever necessary following changes in interest rates generally.

The Hon. R. C. DeGARIS (Leader of the Opposition): I have no objection to the new clause. It appears to be in order, and I support it.

New clause inserted.

Clauses 2 and 3 passed.

Progress reported; Committee to sit again.

*Later*:

Clause 4—"Computation of duty in case of certain real property transactions."

The CHAIRMAN: We have reached clause 4, and the Hon. Mr. DeGaris has an amendment on file.

The Hon. C. M. HILL: I will move the amendment, Mr. Chairman. I move:

Page 2, line 10—Leave out "and" after line 12—Insert paragraph as follows:

"and

(c) the Commissioner is satisfied that the conveyances arose out of one transaction or one series of transactions".

Lines 13 and 14—Leave out ", unless the Commissioner is satisfied to the contrary,"

The amendment gives effect to the proposal mooted by the Hon. Mr. DeGaris in the second reading debate, and at that stage I supported it.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government does not accept the amendment. The Leader in another place discussed it with the officers and did not go on with the matter. He agreed to alter his proposal, after discussion, and the Government accepted his amendment as altered. That is the provision in the Bill.

Difficulties arose because the Commissioner was unable to obtain information from the parties to enable him to determine whether conveyances arose from or formed one transaction. Schemes were devised to avoid payment of duties, and it has not been possible for the Commissioner, as a matter of objective fact in criteria laid down by the Crown Solicitor, to determine that the conveyances arose from one transaction in many cases. If everyone agreed to the spirit of these things, there would not be any problem.

In the past, there has not been any problem in genuine cases, and there will not be problems in such cases in future. However, smart alecs want to find loopholes and they try to get away from the spirit of the Act. The Government is trying to close the loopholes. The proposed amendment would mean that we would revert to the situation where it would be difficult to assess the position. Because the parties will not always disclose information, the Commissioner will not be able to decide whether certain transactions have arisen from one transaction. The officers are not trying to take anyone down. They want to assess matters in accordance with the legislation, and they are doing that liberally. We believe that the present clause 4 is as far as the Government can go.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am surprised that the Government is opposing the amendment, because what the amendment seeks to do is a logical way to approach the matter. I point out that the Bill also changes considerably the time period in relation to this matter. I have forgotten the wording in the Act, but I think the words used are to the effect of "at any one time". However, the Bill prolongs the period to two years, being 12 months before and 12 months after.

The Hon. D. H. L. Banfield: No, it is only 12 months. It is "executed within 12 months". It is within 12 months of each transaction. I think you are thinking of the Gift Duty Act.

The Hon. R. C. DeGARIS: I accept the Minister's explanation. In any case, the point is still valid that the length of time has been extended from an indeterminate period of about the same period to a period of 12 months. That appears to me to be a long period, but I do not say that it should not be 12 months. When one considers the cases which were presented to this Council by the Hon. Mr. Hill and myself, that is a long period of time. I can see nothing wrong with the position of saying that the Commissioner should be satisfied that they are one transaction or one series of transactions.

In other words, to presume in the first place that they are one transaction or one series of transactions appears to me to be putting the person who is purchasing or selling the land at a disadvantage. I do not believe that that is the correct position. Surely the actual change is a very minor one. The present Bill provides that it shall be presumed, unless the Commissioner is satisfied to the contrary. All my amendment says is that the Commissioner puts it more positively and is satisfied that the conveyancing arose out of one transaction. That appears to be a satisfactory way of going about it when one considers the length of the period of 12 months in relation to this transaction. I think the request is a reasonable one. I realise in this matter that the Government has a very strong hand in being able to do what it wants to do. The Bill has some minor benefits for some people—

The Hon. D. H. L. Banfield: Don't be so sad about it.

The Hon. R. C. DeGARIS: All I am saying is that the Hon. Mr. Hill is correct in what he says, that South Australia has the highest stamp duty on land transfers in Australia.

The Hon. D. H. L. Banfield: You should not take one item separately.

The Hon. R. C. DeGARIS: What I am saying is that it is the highest in this particular matter.

The Hon. D. H. L. Banfield: It may be, but overall we are not the highest tax State in Australia. You have to take it altogether when speaking of taxation.

The Hon. R. C. DeGARIS: What I am saying is true and what the Chief Secretary is saying is true. At the present time the impost on land transfers is the highest in Australia. That cannot be denied. Then we are going to take the 12-month period, which is a long period, and say that any series of transactions will be considered as one series of transactions unless the Commissioner is satisfied to the contrary. All I am saying is that the Commissioner has to be satisfied that the conveyancing arose out of one transaction or one series of transactions. We realise that there is some small benefit in this Bill to people who are purchasing blocks of land. I would like the amendment to go to the House of Assembly to ascertain the opinion of the Minister whose Bill this is.

I think that, on reflection, he may agree that the amendments made in this Council are fair and reasonable in regard to clause 4. I very strongly ask the Council to support the amendment.

The Hon. D. H. L. BANFIELD: This suggestion has been put to the Government and discussed with the Minister in charge of the Bill, and it has not been accepted. There is no reason to assume that he will change his mind on this matter, and I can assure honourable members that he will not change his mind. The Hon. Mr. DeGaris keeps harping about the fact that this State has the highest stamp duty in Australia. Only some sections are the highest. On the lowest level we have the lowest stamp duty in Australia and to say that this Bill provides for the highest taxation in this area in Australia is not correct.

We can use certain parts of stamp duty for our argument and others can use other parts for their argument. We would have accepted the Leader's proposition if we could accept that people would co-operate. People are not anxious to disclose the true facts of the matter. It is human nature for people to evade taxation as much as possible. They do not tell the Commissioner all the facts. For that reason I cannot accept the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Pair—Aye—The Hon. R. A. Geddes. No—The Hon. T. M. Casey.

The CHAIRMAN: There are 9 Ayes and 9 Noes. In view of the unequivocal statement made by the Minister that the Minister in the House of Assembly will not accept this amendment I give my casting vote to the Noes.

Suggested amendment thus negatived; clause passed.

Clause 5—"Duty may be denoted in certain cases by adhesive stamps."

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

Page 2—Leave out subsection (2) of proposed section 81a and insert subsection as follows:

(2) This section does not apply in respect of a security by way of mortgage for the payment or repayment of moneys that may become due on an account current unless—

(*a*) where the total amount secured or to be ultimately recoverable is limited—the amount so limited does not exceed four thousand dollars;

or

(*b*) where the total amount secured or to be ultimately recoverable is not limited—the total amount actually secured or recoverable does not exceed four thousand dollars.

This suggested amendment is a drafting change intended to clarify the intention of the Government in relation to the use of adhesive stamps on mortgages. By section 79 of the Act, a mortgage securing amounts due on an account current is deemed to be a new and separate instrument in respect of each additional advance made. It is not intended that adhesive stamps be permitted for each separate advance if the total amount secured by the mortgage exceeds $4 000. On the other hand, it is proposed that the adhesive stamps may be used if the total amount payable does not exceed $4 000. The amendment now proposed will permit adhesive stamps to be used in these latter circumstances.

Suggested amendment carried; clause as amended passed.

Remaining clauses (6 to 9) and title passed.

Bill read a third time and passed.

*Later*:

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

## REGIONAL CULTURAL CENTRES BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2673.)

The Hon. JESSIE COOPER: I support with enthusiasm this Bill, which provides the legislative framework for the establishment of regional cultural centres in South Australia. It is proposed, by clause 5, that trusts consisting of six trustees will be set up in any area where the Government wishes to establish a regional cultural centre, and that each trust will be able, by clause 8, to:

establish, maintain, develop, manage and control the centre in relation to which it is established as a centre for the performing and fine arts.

This is a very laudable aim. If the Government proposes to find funds for these trusts and for the facilities for their operation in major country areas, it will certainly be of some help towards the maintenance of a decentralised distribution of population in South Australia and should greatly assist those whose aim is to provide a suitable life style for younger people so that they will be discouraged from flocking to the city. Of course, I realise that, under clause 6, these centres may well be established in other than major district centres. Clause 6 provides:

In the application of subsection (1) of section 5 of this Act, in a case where a centre has been proposed for establishment outside the area of any council, two of the trustees shall be appointed on the nomination of the Minister as being persons who, in the opinion of the Minister, can represent the interests of the community that will be served by the centre.

However, I imagine that all this lies very much with future experiment and demand. My attention has been drawn to clause 5, which sets up the trust, and certain misgivings have been expressed. Clause 5 provides:

(1) The Governor shall, in relation to a proposed centre, establish a trust which shall, subject to section 6 of this Act, be constituted of six trustees appointed by the Governor of whom two shall be appointed on the nomination of the council within the areas of which the centre is proposed to be established.

If the Government proposes to include in its four nominees specialists with experience in administration and finance and in the techniques of the arts likely to be sponsored, then I personally cannot see any great harm in the nominated proportions proposed. However, if an amendment is moved to give equal representation between Government nominees and people in the local district who have a special interest or knowledge and experience in the field of fine and performing arts, I will give it my earnest consideration. I congratulate the Government and support the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I, too, support the Bill and say how pleased I am to see this type of legislation before the Council. Many people in this Council have served on local government and have been closely associated with cultural development, both in the provision of facilities and in encouraging the display of fine arts in their particular areas. There has always been a gap in the provision of this type of development in country areas

in South Australia and in many areas of the city, but I am of the opinion that at least 50 per cent of those people serving on regional trusts should come from the area concerned. That may well be the Government's intention; in fact, it may well be the Government's intention that more than that number should come from the actual area concerned. I doubt whether the local area should have more than 50 per cent, because in this we are dealing with a field of expertise where those who have been associated with it for a very long time probably should have at least 50 per cent of the say on these trusts.

Nevertheless, it would be tragic if the trust did not achieve local support because four of the six members came from outside the regions served by the cultural centre. It is therefore reasonable to ask the Government to amend the Bill and require that in the appointment of people to the trust at least 50 per cent of them should come from the local areas. We have come a long way in our thinking on these matters, and I think I am right in saying that on many occasions in Address in Reply speeches I have referred to the problem of providing cultural activities for those people living some distance from the metropolitan area. I think the Hon. Mr. Geddes may even agree with me about the institute, which performed a magnificent function in the life of country people in South Australia. It is my belief that the concept of the old institute has now gone; it cannot fulfil the function it fulfilled so well 50 or 60 years ago. Therefore, we must come to a new concept. This idea goes a long way, in the modern situation, to providing cultural activities for the people to whom I have referred, but please do not let us criticise, as some do, the old institute, because it has done a remarkable job in the community over those years.

The Hon. R. A. Geddes: It was the cultural centre for country people at that time.

The Hon. R. C. DeGARIS: Yes; it performed a wonderful function. However, if we make an analogy between the old institute idea and this idea, I think the involvement of local people is most important to make this idea succeed, as the old institute concept succeeded so many years ago. As the Hon. Jessie Cooper has done, I commend the Government for this legislation. Other honourable members have previously referred to this matter, and I am pleased to see that it has been taken up by the Government. I believe that at least 50 per cent of people serving on the trusts should come from the local area, with assistance coming from outside the area when necessary. Unless that is done, I do not believe we will get the real support from the local people that this measure deserves to receive. I support the second reading.

The Hon. C. M. HILL: I also support the Bill and commend the Government for bringing down this legislation. I do not know what inquiries or investigations the Government carried out before drawing up this Bill. I received correspondence from the Minister on November 2 about the Regional Arts Centre Committee. The letter resulted from a question I asked on October 10 in relation to the Appropriation Bill (No. 3). I was told that the committee had completed its work in January, 1974, and that there had not been any committee meetings whatever in 1975-76. Although $6 500 had been appropriated by Parliament for the committee's work in that area, only $840 was spent, and that was spent on preliminary work dealing with Kingscote, Port Lincoln, Mount Gambier and Whyalla. The Minister told me in his letter that he was re-forming that committee, that there were no members of it at that time and that he hoped the re-formed committee would start further investigations early in 1977. What kind of recent research did the Government undertake before it prepared this Bill? The broad framework of the legislation is commendable, as it leaves flexibility for the establishment of regional cultural trusts and the eventual developments that will follow.

The role of local government in regard to such developments in country areas should be examined closely. The time has come for a deep inquiry into the functions of local government generally. Its role in respect of the arts should be investigated. For example, we will end up with a cultural centre being built in some country areas including facilities for both performing arts and fine arts, as provided under clause 7 of the Bill. Whilst the centres will have local government representation, they will not be under the control of the local government body controlling that region. We will have to wait and see whether that is good or bad.

The general surveillance of these developments should remain close to the third tier of government in such country regions. In clause 5 it is provided that the local council will nominate two of the six trustees, and I feel strongly about this aspect: the local area should supply half the trustees. I have considered for a long time the importance of this aspect, especially regarding those cultural centres dealing with the fine arts, that is, galleries for the exhibiting of paintings owned by those galleries. I understand that the practice interstate has been that many people over a considerable period have donated works of art to their local regional galleries.

Although they are willing to do that, they are reluctant to donate similar works of art from their own family treasures to the central State gallery. I am told on good authority that that has occurred in Victoria and New South Wales. Old established families have donated or bequeathed some of their art treasures (sometimes held for generations) to their regional art gallery. However, if they believe that the art gallery and its future are under the control of people in the State capital, they will not give so generously or easily of those treasures. I can understand that point of view; indeed, I am not criticising it at all, but it is an important reason why, when we are in the process of establishing such machinery, we should draw up legislation to ensure that willingness of local people to give to their galleries is not diminished.

If the six trustees are split up in such a way that three come from the local area in which a gallery is to be established, and three are appointed by the Government from elsewhere, that will be a reasonable and fair balance. The Bill allows the chairman to have a deliberative as well as a casting vote under clause 9 (5). This provision should be deleted. I intend to move an amendment accordingly in the Committee stage, so that three trustees will be provided locally and the three remaining trustees will be appointed by the Government. If the chairman did not have a casting vote, on any measure where it was not possible to obtain a majority on the board, that matter would have to be further examined. I believe that is an important principle, and the council should consider that aspect at a later stage.

Unless such centres and the people who control them enjoy the confidence of local people, they will not succeed to the extent we would like them to succeed. Doubtless, local government will be asked to contribute capital towards the construction and general development of such centres. Local people might be asked even to establish such centres, and the involvement and participation of

local people is essential. Therefore, it is important that they have complete confidence in their sector to ensure its success.

I hope that, when the Government appoints its own members to the boards, it will appoint professional art administrators to do this work. It is very important in today's world, where our cultural activity is expanding all the time, that the administration of that activity be in the hands of proficient and highly skilled people.

The days have gone when we can put people on boards in connection with the arts on the basis of goodwill or their involvement in some of the many forms of the arts. From now on, professionalism is needed in this connection. The Government should bear this point in mind. I support the second reading of the Bill, and I hope the Government will seriously consider the points made as to how the Bill can be improved.

The Hon. M. B. DAWKINS: I had not intended to speak on the second reading of this Bill, but I am pleased to commend the Government for this scheme. I hope the Minister will reply to the queries I shall raise. Clause 4 provides:

(1) The Governor may, by proclamation, designate a place within the State in relation to which a regional cultural centre may be established.

We have recently been led to believe that the word "regional" implies a larger area than a localised area, such as a small area administered by a municipal council or a district council. I imagine (and I shall be pleased if the Minister can enlighten me on this point) that the Government intends to set up worthwhile regional cultural centres in such areas as the South-East, the Iron Triangle, Eyre Peninsula, Lower North and Yorke Peninsula. If that is the Government's intention, such centres should be worth while. Clause 5 (1) provides:

The Governor shall, in relation to a proposed centre, establish a trust which shall, subject to section 6 of this Act, be constituted of six trustees appointed by the Governor of whom two shall be appointed on the nomination of the council within the area of which the centre is proposed to be established.

If a regional cultural centre is, in fact, regional and if such a centre is established in the South-East, for example, which of the various councils there would nominate the two local trustees? If this kind of question arose in the South-East, the Iron Triangle, Eyre Peninsula, Yorke Peninsula, or the Lower North, perhaps as many as six councils in any of those areas might believe that they could nominate trustees. The Government should consider this matter. Like the Hon. Mr. DeGaris and the Hon. Mr. Hill, I am concerned about clause 5.

I am concerned, first, that the word "council" in clause 5 (1) should really be "councils". Further, if a regional cultural centre in the country is to succeed, there must be more involvement than that provided by just two trustees; as the Hon. Mr. DeGaris said, at least three trustees should be nominated by local government in the area. I am happy that local government is to be involved, but the two members of the trust appointed by the Governor, after considering local government nominations, should not be appointed simply because they happen to be members of local government; that could tend to occur, but the opportunity should be provided of including other people who have had experience in the arts. I am pleased with the Government's move in introducing this measure, and I ask the Minister to consider the matters I have raised. I have pleasure in supporting the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

Clause 5—"Establishment of Trust in relation to Centre within area of Council."

The Hon. C. M. HILL: Because the Parliamentary Counsel has not yet been able to draft the amendment that I have foreshadowed, is the Minister of Agriculture willing to report progress?

The Hon. B. A. CHATTERTON (Minister of Agriculture): Yes. I ask that progress be reported.

Progress reported; Committee to sit again.

*Later*:

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

Page 2, line 3—After "of whom" insert "not less than three shall be local residents of whom".

After line 24—Insert—

"(7) In this section—

'local resident' in relation to a trust means a person who, in the opinion of the Minister, has his usual place of residence within the community that will be served by the centre in relation to which that trust is established."

This Bill deals with the composition of the trusts which will be set up in regional areas and will be known as regional cultural trusts. The purpose of the amendment is to ensure that at least three of the six members of the trust will come from the regional areas. The Government had in its Bill that the local council within an area was to have two of the six members. This amendment simply ensures that at least three members will come from the local area.

It may be the Government's intention was for this in any case. It may be that the Government will appoint even more than three of the six members from the local area, but the second reading debate showed that there was a strong feeling in this Council that it ought to be agreed that at least three of the six came from that local area.

The Hon. B. A. CHATTERTON: The Government is willing to accept the amendments.

Amendments carried.

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

Page 2, line 4—Leave out "council" and insert "councils".

Several councils could be involved in an area, and an argument might ensue as to which councils were entitled to nominate members. The number to be nominated could be determined at a later stage. If a regional centre were established in the Barossa Valley, for example, three or four councils should be involved, and there would be a difficulty in this area. This amendment overcomes the problem.

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

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—"Powers, etc., of a trust."

The Hon. B. A. CHATTERTON: I move:

Page 3, line 11—Leave out "and fine arts" and insert "arts, visual arts and crafts".

The amendment is self-explanatory.

Amendment carried; clause as amended passed.

Clause 9—"Meetings, etc. of trust."

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

Page 3, lines 28 and 29—Leave out all words in these lines.

This is the provision dealing with a casting vote. I do not believe that the Government's nominee, who shall probably be appointed chairman, should have a casting vote as well as a deliberative vote. The equality of representation would be somewhat out of balance because of the

chairman's second vote. It is not unreasonable on a committee of six for a chairman to have only a deliberative vote. If there were an equality of votes on a matter, it would have to be reconsidered until there was a change of thinking by the trust. If the Government is fair about giving equality of representation in a region, it would agree to the amendment.

The Hon. B. A. CHATTERTON: The Government is not willing to accept the amendment. The situation the honourable member describes would be difficult to operate in practice. Frequently, an equality of votes would obtain, and it would be impossible to reach a decision. I am strongly opposed to the amendment, as it would make the administration of the trust extremely cumbersome and difficult in the case of an equality of votes.

Amendment negatived; clause passed.

Remaining clauses (10 to 17) and title passed.

Bill read a third time and passed.

## CREDIT UNIONS BILL

Adjourned debate on second reading.

(Continued from December 2. Page 2741.)

The Hon. J. C. BURDETT: I am pleased to support the Bill. The credit union movement is a healthy co-operative movement originally founded, I believe, in Canada, whereby members of the union contribute funds and hold accounts with the union on which they can operate in a way not dissimilar to a bank account. The union makes advances at a rate of interest to its members. The movement has spread throughout the world. I was recently privileged, through the good offices of the Credit Union League, to meet Mr. A. A. Bailey, a Jamaican who is a director of the World Federation of Credit Unions. In most other States and countries, the enactment of legislation is treated by credit unions as providing safeguards to members and, therefore, being desirable and also as giving the credit unions some status.

At present in South Australia these unions are registered under the Industrial and Provident Societies Act. As the movement has grown in South Australia, that Act has proved to be too general and unsophisticated to cope with the specific needs of credit unions. They need to be incorporated under their own Act, which can lay down minimum standards, provide for supervision where problems have occurred, and provide for a stabilisation fund. Unfortunately, some unions have got into difficulty, and laying down minimum standards will protect members and assist the whole movement. I strongly support the Bill and, as it was explained in detail in the Minister's second reading explanation, I do not intend to go through it clause by clause.

Suffice to say that the provisions that protect the members are adequate, without being too restrictive of the financial policies of unions. Not only the Companies Act but also the Associations Incorporation Act and the Industrial and Provident Societies Act, under which unions are at present registered, provide for limited liability. It could be argued that, as the credit union has corporate existence, it would be the body to be sued, and that such a provision is not necessary. The same argument could be used in relation to companies, incorporated associations and provident societies. However, it has been considered desirable in the case of such organisations to spell out in the legislation that liability is limited. In my view, this Bill should provide for limited liability, particularly when one considers that at present credit unions enjoy the benefits of limited liability under the provisions of the Industrial and Provident Societies Act, under which they are at present registered.

The Bill provides the framework for the operation of credit unions broadly similar to that provided under the Building Societies Act, and I do not think I need give a precis of the various parts of the Bill. Clause 12 provides that a body other than a registered credit union carrying on business as a credit union is subject to a penalty of $1 000, with a default penalty of $200. That is a heavy penalty, although I agree that it is necessary in order to deter unregistered credit unions from operating. The definition of a "credit union" is as follows:

> "Credit union" means a credit union registered under this Act and includes a credit union formed by amalgamation under this Act.

I was particularly concerned, in view of the heavy penalties, to see whether there was any class of person caught by this definition who ought not to be caught. The only examples of which I can think are, first, groups of employees numbering less than 25 who, pursuant to clause 14, cannot be registered and, secondly, some small family companies fit exactly into the definition. I intend in Committee to move an amendment to enable the Minister to exempt such bodies or other bodies that ought to be exempted, on application, from the provisions of the Bill. Clause 20 causes me considerable alarm. It provides:

> (1) Where in the opinion of the Registrar the rules of a credit union should be amended—
>
> (*a*) in the interests of the members of the credit union;
>
> (*b*) in the public interest;
>
> or
>
> (*c*) to achieve conformity with any requirement of this Act,
>
> he may, by instrument in writing served personally or by post upon the credit union, require it, within a period specified in the instrument, to amend the rules in a manner specified in the instrument or otherwise in a manner approved by the Registrar.
>
> (2) Subject to this Act, if within the period specified in the instrument the credit union fails to amend the rules as required by the instrument, the Registrar may himself, by notation upon the registered copy of the rules, amend the rules of the credit union.

Subclause (2) provides that the Registrar shall give notice of any amendment effected by him. There is a right of appeal to the credit tribunal. However, it seems singularly high-handed to allow the Registrar himself, in certain circumstances, to amend the rules by notation upon the registered copy of the rules. He must then give notice to the credit union concerned. This seems not only to be high-handed in regard to the credit union concerned but also to break a fundamental concept in our society. The rules of a credit union (or any other organisation) are, among other things, a contract between the union or other body and the member.

It seems fundamentally wrong that, after this contract has been lawfully made, and without any suggestion that it is harsh or unconscionable, or anything of that kind, a third party to the contract can alter that contract. This emphasises the legal aspect of the matter. However, the social implications are equally as serious. A consensual arrangement between the member and the union can be changed by someone else, namely, the Registrar. One must remember at any rate that with new credit unions the rules will first have been approved by the Registrar when the union was registered.

Obviously, where rules cease to conform to the law because of a change in the Act or regulations something must be done by some means. However, I am alarmed

at the Registrar's having power to amend rules that he has already approved, where in his opinion this is necessary "in the interests of the members of the credit union or in the public interest". This makes the circumstances in which the Registrar can change the rules widely indeed and, in fact, virtually unlimited.

I concede that the right of appeal provides some amelioration. It has been pointed out to me that boards of credit unions often lack financial expertise, and boards may abuse rules, thus making it necessary to change them. Although this is an explanation, it does not altogether allay my fears. Even where the rules need to be changed to achieve conformity with the law, there is another procedure that I should have thought would be more appropriate. I think it would be sufficient, if the law changed and the rules ceased to comply, if the Registrar could give the union notice requiring it to make its rules comply and, if it did not do so, deregister. It has been put to me that this procedure may be too long-winded, and I would accept the procedure in the Bill if the paragraphs (*a*) and (*b*) were deleted. I intend in Committee to move an amendment accordingly.

I realise that the same provision as that to which I have just referred is in the Building Societies Act. However, that does not prove that it was correct. There are many good protections for the public in the Bill. I intend to comment on only a few of them. Clause 40 provides that no person under the age of 18 years shall be entitled to obtain a loan from a credit union. Clause 76 provides for audit by a registered company auditor. Clause 114 empowers the Registrar, with the Minister's approval, to prohibit specified advertisements.

A credit union is in my view a mutual organisation, and should not set itself up through an advertising campaign in open and complete competition with other financial institutions. Initially, I had some misgivings about part of the regulation-making power prescribed in clause 122. One of that clause's placita empowers the Governor to make regulations to regulate the monetary policy of associations. Associations are defined as organisations representing groups of credit unions such as the Credit Union League.

It seemed to me to be bad legislative practice to allow the Government to control the monetary policies of such organisations by regulation. However, on inquiring I found that many credit unions invest money with the Credit Union League. It is therefore necessary that there be a means of control, and I agree that regulations would provide the most flexible form of control. Finally, it is necessary that the Government make provision to enable small accounts to be withdrawn on death without formal administration or a succession duties certificate. At present, much flexibility in this direction is possible under the Industrial and Provident Societies Act, but, when this Bill is gazetted, that will no longer be possible, because the credit unions will not be registered under that Act. I ask the Minister whether he will consider making this provision in the appropriate Act, which probably is not this legislation, as soon as possible.

Another matter is that I think credit unions should be subject to the same protections to the consumer as are other financial organisations. They should be subject to the Consumer Credit Act and the Consumer Transactions Act. At present they are exempted, because they are registered under the Industrial and Provident Societies Act. When this Bill passes, they will no longer be under that Act and no longer able to be caught.

I ask the Government to consider, when the Consumer Credit Act is being amended, which I believe will be soon, directly and positively subjecting credit unions to the same controls regarding consumer credit as those to which any other organisation is subjected. It is desirable that all financial organisations, whether they are banks, finance companies, or credit unions, compete on the same terms and be subject to the same controls. This would give the consumer a real choice, because all organisations would be functioning on the same basis. I wish the credit unions well under the new legislation and have pleasure in supporting the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Commencement."

The Hon. J. C. BURDETT: As several amendments are still being drafted, I ask the Minister to request that progress be reported.

The Hon. B. A. CHATTERTON (Minister of Agriculture): Yes, I ask that progress be reported.

Progress reported; Committee to sit again.

*Later*:

Clauses 2 to 11 passed.

Clause 12—"A credit union must be registered under this Act."

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

Page 6—

Lines 18 and 19—Leave out "other than a person lawfully carrying on the business of banking or lawfully carrying on business as a building society)"

Lines 23 to 30—Leave out subclauses (3) and (4) and insert subclauses as follows:

(3) This section does not apply to—

(*a*) any person or body of persons (whether corporate or unincorporate) exempted by the Minister from the provisions of this section;

(*b*) any person or body of persons (whether corporate or unincorporate) lawfully carrying on the business of banking;

or

(*c*) any person or body of persons (whether corporate or unincorporate) lawfully carrying on business as a building society.

(4) The Minister may grant an exemption for the purposes of subsection (3) of this section upon such conditions as he thinks fit and may, upon non-compliance with any such condition, revoke the exemption.

I foreshadowed these amendments in my second reading speech. They simply give the Minister the power to exempt someone who should be exempted and should not be subject to penalty for carrying on business as an unregistered person.

The Hon. B. A. CHATTERTON (Minister of Agriculture): They seem reasonable amendments, and the Government is prepared to accept them.

Amendments carried; clause as amended passed.

Clauses 13 to 19 passed.

Clause 20—"Power of Registrar to modify rules."

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

Page 8, line 42—Leave out all words in this line.

Page 9, lines 1 and 2—Leave out all words in these lines.

I foreshadowed this amendment in my second reading speech. Its effect is to deprive the Registrar of the right to change the rules of a credit union when it is simply in the interests of the members of that credit union, in his opinion, or in the public interest. So, if the amendment is carried, he will retain the right to change the rules of a credit union to achieve conformity with any requirement of this Act or regulation, but he cannot do so if it is simply in the interests of the members of the credit union or in

the public interest. This is somewhat wide and contrary to the basic concept, particularly of a contract, that a third party could change what is, among other things, a contract between the members and the union. I ask the Committee to support this amendment.

The Hon. B. A. CHATTERTON: The Government is willing to accept the amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 26 passed.

Clause 27—"Members."

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

Page 12—After line 12 insert subclauses as follows:

(3) Subject to subsection (4) of this section, the liability of a member of a credit union to the credit union is limited to the amount unpaid upon his shares.

(4) Subsection (3) of this section does not affect any liability of a member of a credit union arising under any contract between the credit union and that member.

This amendment is to expressly limit the liability, as I mentioned in the second reading debate.

The Hon. B. A. CHATTERTON: Although the Government does not consider this to be an essential amendment, it has no objection to it and is willing to accept it.

Amendment carried; clause as amended passed.

Remaining clauses (28 to 122), schedules and title passed.

Bill read a third time and passed.

*Later*:

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

## EDUCATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from December 2. Page 2743.)

The Hon. JESSIE COOPER: I rise to support this Bill, which really comprises a collection of amendments to the Education Act. I intend to refer to the most important amendments. First, I refer to the registration of pre-school teachers. In his second reading explanation the Minister put the position well and stated:

The Government believes that the time has now come to provide for the registration of pre-school teachers. It believes that this move will enhance the status of pre-school teaching, and will ensure the proper care, education and training of young children, a matter of such importance to their future educational development.

Pre-school teaching now has status comparable with primary and secondary school teaching. Clause 8 goes further by giving the Kindergarten Union representation on the Teachers Registration Board. The next amendment I regard as important deals with handicapped children. In the Act handicapped children are defined, but in this Bill the modern approach of dealing with the problem is dealt with by clause 3 (*e*), which provides:

by inserting after the definition of "school" the following definition:

"special school" means a school established for the benefit of a particular class of children who require some special form of education, treatment or care:;

I have been interested in such a school for handicapped children established near my home. It seems to be a happy place, indeed. Children come out freely doing useful tasks, and I believe that this is a good amendment. Clause 7 seems to be most sensible, and provides:

Section 25 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) This section does not prevent the Minister from appointing to the teaching service, on a temporary basis, a person of or above the age of sixty-five years, but a person after being so appointed acquires no right to long service leave under this Act.

I have never been able to believe that the moment a person reaches retiring age his or her usefulness is completely at an end. This attitude is common in Australia, and one of the great contrasts between the Australian way of life and the more sophisticated European lifestyle is obvious when one sees people much above the retiring age performing duties in practically every occupation. For instance, when one watches television interviews in France an Australian is invariably struck by the obvious experience of the interviewer: in European countries, one rarely sees a young reporter interviewing a person of learning or renown.

In the world of teaching, a teacher with many years experience is surely valuable. I believe that independent schools have usually been aware of this; hence the Mr. Chips of fiction fame. I commend the Government in this regard. Clause 15 gives wider powers to an authorised officer to question any child who he thinks is of school age and who is not at school. I approve of that provision. In all I find nothing wrong with the Bill, and I commend it to honourable members.

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

## ADELAIDE FESTIVAL CENTRE TRUST ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 2. Page 2744.)

The Hon. C. M. HILL: I support the Bill, which, as the Minister of Agriculture said in his second reading explanation, does three things: first, it adds the land immediately to the north of Parliament House, known generally as the Festival Plaza, to the land already controlled by the Adelaide Festival Centre Trust; secondly, it gives the trust power to enter into contracts operating outside the State (I understand that this confirms an existing arrangement); and, thirdly, it rationalises the control of parking arrangements in and about the Festival Centre. I am pleased to see that the principle of expiation fees will apply and that the trust is willing to vest in the Adelaide City Council the power to regulate traffic movement, parking and associated matters. The Adelaide City Council has the facilities to control parking, because of its activities elsewhere in the city. The extent of the land being taken is shown in the third schedule. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

Clause 7—"Expiation fees."

The Hon. C. M. HILL: I notice that an amount not exceeding $10 is laid down in relation to any prescribed offence created by regulation under this legislation. That sum seems rather high as a maximum. I take it that the Minister does not intend at this stage to regulate for parking offences carrying a penalty as high as that. I realise that in years to come the fee may reach $10, but it seems a rather large fee to fix at this stage. I realise that honourable members will have a further opportunity to consider the matter when the relevant regulation is laid on the table in this place.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The reason for providing for a fee not exceeding $10 is to avoid the need for continually amending the legislation. The actual fee can be laid down by regulation, which honourable members will have an opportunity to peruse.

Clause passed.

Clause 8 and title passed.

Bill read a third time and passed.

## PULP AND PAPER MILL (HUNDREDS OF MAYURRA AND HINDMARSH) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 2. Page 2742.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I spoke recently on the indenture legislation relating to the lubricating oil refinery. My comments on the Bill now before the Council are, in principle, the same as those relating to that legislation. This sort of arrangement is unsatisfactory. What is really happening is that Parliament is intervening in the normal process of council rating and is determining a rate that will be paid by an industry in a local government area. Whilst that rate may be high and whilst the Government may require a smaller rate to attract an industry, I do not believe that it is right for a local government area to be subjected to this type of legislation. In other words, the normal processes should be allowed to flow; the normal process of council rating should take place and, if the Government wishes to subsidise that industry, it can do so, but local government should not be called upon to forgo its normal rate revenue. This Bill is a little difficult to follow. The Minister's second reading explanation, which gives no indication of what the Bill does, says:

This short Bill, which has only one operative clause, clause 3, is intended to introduce a new formula for the determination of council rates payable by "the company" as defined in the principal Act, the Pulp and Paper Mill (Hundreds of Mayurra and Hindmarsh) Act, 1964. The previous methods of determination of rates payable by the council were set out in section 4 (1) and (2). The amendment proposed will substitute in section 4 new subsections (1), (2), (2a) and (2b) and the method of determining the rates is, it is felt, quite self-explanatory. The Government has agreed in principle with the council that the determination of rates provided for in this measure will continue until the rating year 1980-81 and in that year this matter will be reviewed. This Bill has been considered and approved by a Select Committee in another place.

That does not tell honourable members what the rates will be. New section 4 (2b) provides:

The rates payable in respect of the mill site and the mill to the council in respect of the financial year that ends on the thirtieth day of June, 1977, and in respect of each succeeding financial year shall be an amount equal to six and sixty-five hundredths per centum of the amount of the net annual value of the mill site and the mill declared in respect of that financial year.

It is very difficult to understand exactly what this Bill does. It places a virtual ceiling on the rates that can be collected from the industry—about $21 000, I think. I stress again that the normal process of determining rate revenue or the assessed value of an industry should be allowed to flow under the Local Government Act. If the Government wants to make up some of those rates, this can be done. It can be seen in the Budget. However, the normal process of local government should be allowed to flow.

In his second reading explanation, the Minister said that this agreement would run until 1980-81. I notice that there is nothing in the Bill requiring a reassessment to be undertaken in 1980-81. Perhaps it is difficult to put such a provision in the Bill; I do not know. It seems strange, however, when the Minister says in his second reading explanation that the measure will continue until the 1980-81 rating year, that there is no mention in the Bill of a reassessment in that year. Although this may involve problems, it is strange that it is not referred to in the Bill.

I have already referred to the amalgamation of the Tantanoola and Millicent councils in this area. This means that the whole of Lake Bonney, a body of water 35 kilometres long by five kilometres wide, is under the control of the Millicent District Council. The Apcel and Cellulose paper mills, which are controlled by the same company, use the local drainage system as a means of moving their effluent from the mills to Lake Bonney, from which it finds its way to the sea.

Much pollution is occurring at Lake Bonney and, although I think provision must be made for pollution emanating from the mills, the use of Lake Bonney saves the industry a tremendous sum of money in relation to the handling of its effluent. It seems to me to be reasonable that the whole cost incurred in trying to solve this pollution problem should not rest with one council. This matter will have to be examined by the Government.

The effluent has a high biological oxygen demand. It requires aeration, and Lake Bonney, which is virtually a dead lake, provides an excellent area for shallow aeration of the water before it finds its way to the sea. Nevertheless, the cost of maintaining some sort of order in the Lake Bonney area will be extremely high for the Millicent District Council. The Government needs to consider problems such as these when considering legislation of this type. Because the rates payable by these industries are fixed, it may be necessary for the Government to subsidise the costs incurred by councils in handling pollution, not leaving it entirely to the council's ratepayers.

I ask the Government to consider the questions that I have raised: first, why the 1980-81 period as referred to in the second reading explanation is not also referred to in the Bill and, secondly, what thoughts the Government has about handling the pollution problem in the Lake Bonney area. Is this to be left entirely to the local ratepayers, or does the Government intend to make grants to the council to enable it to handle this difficult problem? With those remarks, I support the second reading.

The Hon. D. H. L. BANFIELD (Minister of Health): I cannot answer the Leader's questions now. However, I will obtain replies and have them sent to him.

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

## SOUTH AUSTRALIAN MEAT CORPORATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from November 30. Page 2572.)

The Hon. A. M. WHYTE: This Bill deals with the transfer of the control of the Port Lincoln abattoir from the now abolished Government Produce Department to the South Australian Meat Corporation. This transfer

is absolute, and involves all property, plant, staff, contracts, and so on, associated with the abattoir. A clause in the Bill provides that all employees shall be faithfully protected, and public servants who are presently employed by the abattoir shall have the right to extend their stay at Port Lincoln for at least a year. Such a provision is indeed proper.

There is no more appropriate authority to take over the abattoir than the South Australian Meat Corporation. Over the years, the abattoir has worked under the authority of and in co-operation with the Government Produce Department and the former Metropolitan and Export Abattoirs Board. The history of the abattoir goes back a long way. Although the original legislation was proclaimed during the term of office of the late Hon. Mr. Blesing in 1937, the sale of meat has been handled by authorities operating under various other names since 1923. Credit should be given to those who spent much of their time voluntarily trying to do their utmost to develop slaughtering facilities in order to cope with meat production on Eyre Peninsula. That area has a huge potential for production and a very small market outlet, because of the need to transport livestock or meat long distances. It was, and still is, most important that meat should be treated on Eyre Peninsula, and since 1923 people have tried to provide facilities for this purpose.

I must mention some people who in my time have been most responsible for this provision. Each person who has been Minister of Agriculture during my time has played an important role and done his best, within financial capabilities, to support the enterprise that now has been transferred to Samcor. Of those who have given much of their own time, I mention Mr. Alf Moody who, through the Agricultural Bureau and the United Farmers and Graziers, and by his own enterprise played a large part in keeping these facilities going. He was ably supported by Mr. Harris, now deceased, and Mr. George Pollard.

Those people originated the Eyre Peninsula meat-marketing body, which worked in co-operation with the abattoirs and played a major role in the slaughter and transport of produce from that region. Probably the biggest hurdle that these people and the Minister of Agriculture have had to face was the long haulage of livestock or slaughtered meat. The difficulty has not been overcome and Eyre Peninsula generally is still at a disadvantage, but I give full credit to those who have worked from 1923 until the present time, and I encourage the present Minister to keep up the good work so as to overcome some of the problems in this area of huge potential. Production of livestock could treble in 10 years if markets were suitably encouraged.

I wish to refer now to the body to which we are transferring the working of the Port Lincoln abattoir. In 1972, when we made the change regarding the Metropolitan and Export Abattoirs Board and Samcor, we changed the provisions regarding membership of the board. The board had comprised seven members. Each of the grower organisations had been represented, as well as the butchers and the livestock salesmen. We changed the board, placing the direction of this important business in the hands of five businessmen, plus a Chairman. I suppose it is fair to say that, to a point, the present board has been successful in the direction given to it to conduct the operation as a viable commercial enterprise. However, perhaps the whole problem with Samcor and its function relates to the charter and the direction given to the board to provide an abattoir service, plus an export facility.

It is all very well to say that, as a commercial enterprise, it has been a viable proposition, but a proposition can be viable if it can work within certain terms of reference that need to be complied with. There is still much to be achieved by Samcor in regard to the producer and the consumer. Meat costs increased by 79 per cent in the three years to 1974 and by a further 81 per cent in the next year. A proposition would be viable if prices could be increased without fear of competition. Although the producer received 60 per cent of the consumer's $1 three years ago, today he is receiving less than 30 per cent.

Producers are now realising that labour-intensive meat processing has a bottleneck that must be overcome if they are to remain viable for the domestic and export markets. The original charter of the Gepps Cross abattoir as a service works was to provide an assured slaughter capacity to cope in times when livestock were over-supplied because of drought or bumper seasons, and to guarantee a regular and wholesome supply of meat for consumers in the Adelaide metropolitan area. That charter is in need of review. It has been successful up to a point, but the producers will have to assess with concern whether they can pay for the present service abattoirs. It does not function in the way that was intended.

A report in the *Advertiser* of December 1 gives figures relating to Gepps Cross for the week ended November 25. The report states that 150 kilograms of meat was sold at 59 cents a kilogram. That was an excellent price and has not been reached since. The report also states that the total price was $88·50, and the retail price $260·62. That shows that 32 per cent of the overall price went to the producer, 11·9 per cent to the wholesaler, and 55·9 per cent to the retailer. The poor old consumer and producer are on the ends.

The Hon. B. A. Chatterton: How much were the killing charges?

The Hon. A. M. WHYTE: For the wholesaler I have not got the charge. The wholesaler would be 11·9 per cent. I have not got the exact killing charges. They are altered by regulation.

The Hon. B. A. Chatterton: That 11·9 per cent includes the killing charge?

The Hon. A. M. WHYTE: Yes. It does show the extremes of the proceeds. Other instances are given about sheep, lamb and pork, but I do not think that it is necessary to mention them. It merely points out that the consumer is not getting the advantage of the recent lower prices for livestock and he is paying too much and the producer is getting too little. Samcor is in the middle of this, whether by killing charges, or by virtue of the fact it is not getting the meat to the consumer cheaply enough, and we see that various meat processors are taking stock out of South Australia, and having it slaughtered and brought back to the metropolitan area for sale.

The Hon. R. C. DeGaris: What percentage is coming in that way? How much is killed outside of South Australia?

The Hon. A. M. WHYTE: I have not got that percentage. Some of our biggest processors are using that method of slaughtering. I would presume a substantial amount of meat is slaughtered outside the State. It is a sad state of affairs when stock can be transported out of South Australia and killed, and brought back into the State again.

Just dealing with the Bill briefly, there are very few matters that are of concern. It is a straightout transfer of the authority and it is absolute. It makes provision to cope with the personnel adequately and the only question I have concerns the definition of the Port Lincoln abattoir area. Whereas it was defined in the old Act, and the metropolitan

abattoir area is laid down in the present Samcor Act, the Bill itself is not precise enough in dealing with this point.

In clauses 4 and 12 I intend to insert amendments which will clearly define the area to which this Act will apply. The reason for doing that is to ensure that we do not create a large area on Eyre Peninsula which would be precluded from slaughtering meat and bringing it into the defined area, and thereby being stopped from competing with the Port Lincoln abattoir, and part of the provision is that they meet all necessary inspection fees as provided in the Act. I would think it may be necessary for this reason to have an inspector full time at Port Lincoln, but it would be wrong in my mind to exclude meat slaughtering outside of the prescribed area and brought into it to be sold in competition with that abattoir.

One of the things that I would like to go further into regarding Samcor is the present provision which protects it as a service abattoir. The new section 93j of this Bill preserves the right of the Minister, or any person authorised by him, to grant permits under this section. I believe that the Bill should be supported but I will move an amendment to it in the Committee stage.

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

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

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 10 and 11, but had disagreed to amendments Nos. 1 to 9 and 12 to 19.

Consideration in Committee.

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

That the Legislative Council do not insist on its amendments Nos. 1 to 9 and 12 to 19.

These amendments were canvassed fully in this Council when the Bill was debated here. The House of Assembly has had a good look at them and has decided it cannot agree with all the amendments, though it agreed with some of them. I believe that this Council should not further insist on its amendments and I could not agree more with the reason given by the House of Assembly for disagreement.

The Hon. D. H. LAIDLAW: With respect to the Minister, I believe that because of the logic of its amendments this Council should insist on all of those to which the House of Assembly has disagreed.

The Committee divided on the motion:

Ayes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, M. B. Dawkins, R. C. DeGaris (teller), R. A. Geddes, C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. Jessie Cooper.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the process of consideration to continue, I give my casting vote to the Noes.

Motion thus negatived.

*Later*:

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.15 a.m. on Wednesday, December 8, at which it would be represented by the Hons. D. H. L. Banfield, J. C. Burdett, R. C. DeGaris, D. H. Laidlaw, and C. J. Sumner.

## ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

The House of Assembly intimated that it had agreed to the Legislative Council's amendment No. 1 but had disagreed to amendments Nos. 2 to 5.

Consideration in Committee.

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

That the Council do not insist on its amendments Nos. 2 to 5.

The Committee has already debated these amendments in considerable detail and I do not wish to canvass those arguments again.

The Hon. C. M. HILL: I believe this Council should insist upon its amendments. I am greatly disappointed that the House of Assembly did not give more consideration to the amendments than obviously it did. Amendment No. 2, moved by the Hon. Mr. Whyte, was reasonable. There was some opportunity for compromise in regard to amendments Nos. 3, 4 and 5, which dealt with the penalties for overloading, which this Council thought were high in the original Bill, and they were amended on the basis of their being double the existing penalties.

The Government wanted the penalties for overloading to be in excess of double, which was completely unreasonable. The Government says that the reason for disagreeing with the amendments is "Because the amendments are inconsistent with the principles of the Bill." That should be explained further in this Chamber, because it is a reason I cannot recall being given before in these circumstances. We should further insist on our amendments.

The Hon. A. M. WHYTE: The reason for rejecting my amendment is difficult to comprehend. Honourable members will remember that I drafted a private member's Bill, which would have placed this amendment in the Act but, after discussion with the Minister of Transport and receiving his acceptance of my amendment being placed in his Bill, I withdrew my private member's Bill and instead set down the amendment to the Minister's Bill. It seems rather late to give me the reason he has, because my private member's Bill would have been well under way by this time to being accepted by both Houses. This is playing ducks and drakes. I urge the Committee to insist on my amendment.

The Committee divided on the motion:

Ayes (9)—The Hons. D. H. L. Banfield, F. T. Blevins, B. A. Chatterton (teller), J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

Noes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris (teller), C. M. Hill, D. H. Laidlaw, and A. M. Whyte.

Pair—Aye—The Hon. T. M. Casey. No—The Hon. R. A. Geddes.

The CHAIRMAN: There are 9 Ayes and 9 Noes. To enable the legislative process to continue I give my casting vote in favour of the Noes.

Motion thus negatived.

*Later*:

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

The Legislative Council agreed to a conference to be held in the House of Assembly conference room at 9.30 a.m. on Wednesday, December 8, at which it would be represented by the Hons. B. A. Chatterton, J. R. Cornwall, M. B. Dawkins, C. M. Hill, and A. M. Whyte.

## POLICE OFFENCES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from December 1. Page 2659.)

The Hon. J. C. BURDETT: I support the Bill, which is tied to the Alcohol and Drug Addicts (Treatment) Act Amendment Bill. When the Minister gave his second reading explanation he spoke to both Bills, and I intend to speak on the whole scheme and, when I speak to the second Bill, I will merely support its second reading. The Bills follow a recommendation made in the first report of the Mitchell committee. The basic recommendation is that the offence of public drunkenness be abolished, that detoxification centres be established wherever practicable and that elsewhere police cells be designated detoxification centres.

The recommendation follows submissions from the Commissioner of Police, several of his senior officers, many prison officers and Aboriginal welfare organisations. It is said in the report that it cannot be seriously suggested that the short term of imprisonment imposed has a rehabilitative effect. The report also states:

If drunkenness in a public place ceased to be an offence there arises a need for some means of dealing with persons found drunk in public.

The method suggested by clause 8 is that drunken people be removed to a sobering-up centre, approved premises or the apprehended person's own home. This clause provides that, where an apprehended person is remanded to a sobering-up centre and admitted, he may be detained there for a period initially not exceeding 18 hours. Where certified by a medical practitioner this may be extended for a further period not exceeding 12 hours, and a court of summary jurisdiction may extend the period for a further 72 hours.

The superintendent may discharge him at any time, and the person detained shall be allowed a reasonable opportunity to communicate with a solicitor, relative or friend. A person may, before the expiration of 30 days from discharge, apply to a court for a declaration that he was not at the time of detention under the influence of a drug, which is defined for this purpose as meaning alcoholic or intoxicating liquor or any specified drug.

The scheme would fail unless it provided a means of getting drunken persons off the street. I was worried about country areas where there were no sobering-up centres available. However, if police cells or, where it can be arranged, existing hospitals can be utilised for this purpose, the problem will not arise. In his second reading explanation, the Minister suggested areas where it is intended to establish sobering-up centres. I support the second reading of the Bill.

The Hon. C. M. HILL: I also support the second reading of this Bill and the associated Bill. As the Hon. Mr. Burdett said, the two Bills relate to one another, and my comments encompass both Bills. I am most interested in this subject and commend the Government for moving in this direction. I refer to the problems applying to road safety and road fatalities. No-one would question, especially from the information available, the fact that more than half the deaths on our roads involve alcohol. This measure improves many problem areas associated with alcohol and improves the position in relation to road accident problems. In this legislation we see considerable change which, a few years ago, would not have been suggested and which would not have been accepted by the public. I refer to a 1969 report by the Alcoholism Foundation of Victoria entitled "The care and treatment of alcoholics in Victoria". The point made in 1969 was that a proposal for sobering-up centres, as is contained in these two Bills, would not have been acceptable to the public. The following paragraph of the report substantiates this point:

Suitable reception centres ("detoxification units") might help both the offenders and the police officers. Once the condition of these individuals—many of whom are identifiable alcoholics—is recognised as a disease (as is becoming more and more the case today) the incongruity of activities by the Police Force and the courts becomes more apparent and, on the whole, less satisfying to those for whom it is at present an inescapable duty. Of course it is unlikely that suitably located detoxification centres could be provided throughout the whole State, including sparsely settled rural areas. Nevertheless where such treatment can be made practically available useful medical remedies may lead to saving lives or avoiding serious conditions of illness and in some cases premature death. At the present time it seems unlikely that public opinion would approve a more tolerant treatment of these offenders than that resulting from the practical decisions of individual police officers.

The years have passed and now we find such legislation acceptable to the public and those interested in civil liberties. The aims and objectives of the scheme—

The Hon. J. C. Burdett: Protection is provided because of the limited periods involved.

The Hon. C. M. HILL: I agree. I refer to the initial period of 18 hours, the extension of a further 12 hours with a certificate by a medical practitioner, a period not exceeding 72 hours after that, where the court has been involved. These are reasonable and proper periods to have included in such legislation. I commend the members of the Alcohol and Drug Addicts (Treatment) Board, particularly the Chairman, Mr. Walter Bridgland, for the diligent and conscientious way in which they have approached their work. I hope that, when this legislation takes effect, it will help to solve the problems that it is designed to solve, particularly the problem of road safety. I support the Bill.

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

## ALCOHOL AND DRUG ADDICTS (TREATMENT) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2659.)

The Hon. J. C. BURDETT: As I indicated earlier this afternoon, the Bill now before the Council and the Police Offences Act Amendment Bill (No. 3) constitute a single scheme, about which I spoke when I dealt with the earlier Bill. I therefore support the second reading of this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Enactment of Part IIIA of principal Act."

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

Page 3—Line 3—Insert after "the" the words "member of the police force or the"

After line 35 insert new subsection as follows:

(4a) Where a person apprehended under this section is admitted as a patient into a sobering-up centre, the officer by whom he is admitted shall, in the presence of the member of the police force or the authorised person, take custody of—

(*a*) any object removed from the apprehended person in pursuance of subsection (2) of this section;

and

(*b*) any valuable object on his person at the time of his admission,

and any such object shall, on or before discharge of the patient, be returned to him.

The first of these two amendments is a drafting matter; the words sought to be inserted are for the purpose of clarity. The second amendment follows a suggestion made by the Police Association of South Australia. It was suggested by the association that the Bill provide that personal property of a person apprehended under the proposed new Part of the principal Act should be removed from him, checked in at the centre, and kept in safe keeping until returned to that person when he leaves the centre. Furthermore, the association suggested that the procedure for checking in personal property be done in the presence of the apprehending officer. The Government has accepted this suggestion. The purpose of it is two-fold. First, it offers some protection to the apprehending officer and officers of the centre against subsequent allegations of misconduct against them and, secondly, it offers some protection to the insensible drunk whilst he is in the centre against possible theft by other inmates.

Amendments carried; clause as amended passed.

Clause 9 and title passed.

Bill read a third time and passed.

*Later*:

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

## BEVERAGE CONTAINER ACT AMENDMENT BILL

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

[*Sitting suspended from* 5.42 *to* 7.45 *p.m.*]

## DEFECTIVE PREMISES BILL

The House of Assembly intimated that it did not insist on its disagreement to the Legislative Council's amendment No. 11.

## VALUATION OF LAND ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## ELECTORAL ACT AMENDMENT BILL (No. 4)

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

The Legislative Council agreed to a conference to be held in the Legislative Council conference room at 9.15 a.m. on Thursday, December 9, at which it would be represented by the Hons. D. H. L. Banfield, F. T. Blevins, M. B. Cameron, R. C. DeGaris, and A. M. Whyte.

## WATER RESOURCES ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

## POULTRY PROCESSING ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 7, page 3, line 31—Leave out "the operator of".

No. 2. Clause 7, page 3, line 40—After "operator" insert "jointly".

No. 3. Clause 7, page 4, lines 9 and 10—Leave out "who are stamped in relation to a declared operation" and insert "which are specified in relation to a declared operator".

No. 4. Clause 7, lines 22 to 26—Leave out all words in these lines.

No. 5. Clause 8, page 6, line 30—Leave out all words in this line and insert "(a) by the operator or proposed operator of a farm for approval of the farm or proposed farm;".

No. 6. Clause 8, page 6, line 32—After "a farm" insert "or proposed farm".

No. 7. Clause 8, page 7, after line 6—Insert subclause as follows:

(4a) The Committee may, on granting approval under this section in respect of a proposed farm, stipulate that the approval shall have effect upon the proposed farm being established in accordance with conditions specified in the approval within a period specified in the approval.

No. 8. Clause 8, page 7, line 12—After "the raising" insert "annually".

No. 9. Clause 8, page 7, lines 13 and 14—Leave out "during a period specified in the approval".

No. 10. Clause 8, page 7, line 15—Leave out "amend, vary or evoke" and insert "from time to time vary".

No. 11. Clause 8, page 7, line 16—After "section" insert "in a manner that reasonably reflects variations in the demand for the supply of chickens for processing".

No. 12. Clause 8, page 7, line 21—After "such" insert "relevant".

No. 13. Clause 10—Leave out the clause.

No. 14. Clause 11, page 8, line 8—Leave out "16" and insert "15".

No. 15. Clause 11, page 8, line 11—Leave out "16a" and insert "15a".

No. 16. Clause 11, page 8, line 15—Leave out "16b" and insert "15b".

No. 17. Clause 11, page 8, line 24—Leave out "16c" and insert "15c".

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to. These amendments, in a sense, are consequential on some amendments moved in this place, and they seek to clarify some of the operations of this legislation. In particular, some Opposition members were concerned that the Bill should allow more freedom for people who wished to enter the industry. Therefore, several of the amendments are designed to make the position much clearer. The amendments have been discussed clearly with the industry and the working party that was originally involved with the legislation, and processors and growers in the industry support them.

The Hon. J. C. BURDETT: I support the motion. The amendments have arisen largely as a result of what has been done by the working party, and, as a result

of a conference between processors and growers, complete agreement has been reached. I attended one meeting with the working party, when we considered the amendments. All amendments have my support, as they do not depart from the principle in the Bill.

The Hon. M. B. DAWKINS: I also support the amendments. Unfortunately, I could not be present at the final discussion between processors and producers. The Hon. Mr. Burdett was able to be present and is a little more *au fait* with the position than I am. However, discussions with members of another place have led me to believe that the amendments are as I have understood them to be. They represent final agreement between the two groups. As the Bill left us, it was acceptable to producers, and then processors had second thoughts so that agreement has now been reached between the two groups. I point out to the Minister that our task would be much easier if the No. of the Bill could be shown on the schedule of amendments.

The Hon. C. M. HILL: The amendment that concerned me was the one to clause 8, on page 6, namely, the amendment moved by the Hon. Mr. Cameron adding after the words "approved farms" in line 22 the words "using existing facilities". I thought at the time that the amendment was ideal, because it restricted the existing operators, when an application was lodged to established a plant of this kind, to increase their production within their existing facilities, and I thought that it gave some hope for a new applicant to become established. The Hon. Mr. Cameron was interested in this matter at that time, and I commend him for moving his amendment. It took away from the legislation that closed-shop character which it had and which I personally found somewhat objectionable. I thought it was a worthwhile amendment, because it brought back the competitive spirit in the Bill and gave something to the Bill that free enterprise likes to see in legislation of this kind. As a result of this whole page of amendments from the other place, is the amendment moved by the Hon. Mr. Cameron, or the spirit of it, affected?

New subclause (4a), in effect, provides that, if the committee is considering granting approval for a proposed farm, that farm is to be established in accordance with conditions specified in the approval and within a specified time. Can the Minister say what the specified conditions would be? Also I repeat the Hon. Mr. Dawkins request that the Bill number should be shown on all schedules of amendments.

The Hon. B. A. CHATTERTON: The amendments are not introducing any new principles, but merely clarify some of the situations which may arise partly because of the Hon. Mr. Cameron's amendment.

The Hon. J. C. BURDETT: It is contemplated that in some circumstances new growers will be admitted to the industry. They will not be able to build their sheds unless they receive approval, therefore it will be necessary to provide for approval for a proposed farm. On the other hand, they cannot operate until they have built the sheds. A proposed new grower could apply for approval and the approval would be granted conditional upon his building sheds. The conditions that are contemplated are as to his providing suitable shedding, and so on, within a prescribed period, and when he has done that approval will operate. The purpose of the amendment was to facilitate a new person's coming into the industry. He would apply for and be granted conditional approval: when the shedding was provided, the approval would become absolute.

The Hon. R. C. DeGARIS (Leader of the Opposition): Would the Minister report progress? I agree with what the Minister said: I do not think the amendments make any fundamental changes in principle, but would the Minister grant us half an hour to study the 17 amendments, and then we could proceed with more certainty on this matter?

The Hon. B. A. CHATTERTON: Yes; I am happy to have progress reported.

Progress reported; Committee to sit again.

*Later:*

The Hon. C. M. HILL: Since the Minister kindly reported progress honourable members from this side, who did not have an opportunity to participate in the discussions and conferences that have taken place over many weeks, have been able to examine the long list of amendments, which were confusing when we first examined them and which were not easy to follow. Since our perusal of them, we believe that they are in order. As the Bill has been before Parliament for months, I hope that when it becomes law, it works to the benefit of the poultry processing industry, including both processors and growers. I am pleased that Parliament has seen to it that new applicants can obtain licences in future and that, therefore, competition, which is so essential to private enterprise, remains as a force in the industry.

The Hon. M. B. DAWKINS: I, too, am satisfied with the amendments. I had been concerned about new section 11i (4a). While I was engaged on another matter, the Hon. Mr. Burdett was able to attend a conference that resolved problems between processors and producers. This Bill, as now amended, will satisfactorily meet the industry's requirements, and I am therefore pleased to support the motion.

Motion carried.

## RACING BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments Nos. 6 and 7, but had disagreed to amendments Nos. 1 to 5.

## PASTORAL ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

## COUNTRY FIRES BILL

Adjourned debate on second reading.

(Continued from November 30. Page 2564.)

The Hon. R. A. GEDDES: I shall speak briefly to this Bill, which is upgrading the old Bush Fires Act, which has been so effective for years in dealing with problems of country fires. I well remember as a fire control officer being given a preview copy of the existing Act many years ago; it was one of my earliest attempts to interpret an Act of Parliament. It was an efficient piece of legislation but, naturally, it is obvious that we must move forward and amend provisions so that methods of employing and caring for emergency fire crews and the population in general are improved. It is only fair to pay a tribute to the committees that have sifted through the reports, anomalies, and problems of the existing Bush Fires Act, and have

made suggestions and given advice to the Ministers, including the Hon. Mr. Casey, who initiated the first committee on this new legislation, and the Hon. Mr. Chatterton, who took the responsibility of preparing it.

The other person who has done a remarkable amount of work under the present Act is Mr. Fred Kerr, Director of the Emergency Fire Services. His dedication and concern are respected throughout the rural areas of the State, wherever bush fire organisations meet together. Mr. Kerr's word is gospel to all when he makes a comment or gives advice. At all times, he has been a most co-operative member of the Government service, who is liked and respected.

It is no exaggeration to say that the greatest fear that any people in rural areas have is fire. They can put up with floods, droughts, good seasons and bad, high or low prices, but in the months between November and March the great fear of fire is constantly in the minds of country people, because they are worried about what fire can do.

We have seen some drastic fires that have caused a loss of stock and a hardship to owners. Fortunately, not a large loss of life has resulted in the history of fire organisations in this State, especially in latter years. The debate on this Bill has highlighted the vastness of the State, and how fire can and is interpreted in different ways. The Hon. Mr. Whyte referred to the clearing of scrub on Eyre Peninsula: he referred to a good fire day and the fact that as long as the winds were good, the complete destruction of scrub is ensured and is a great economic factor to the people of that rural community.

In the mid-North community in which I live, on a day of fire risk, whether there be a fire ban or not, the slightest sign of smoke causes everyone to become alert, telephones are used, bush fire wirelesses are put to work, and every effort is made to meet and battle with fire whenever and wherever smoke appears. I am privileged to be a member of the Wirrabara Emergency Fire Services, which claims to be the oldest such organisation in South Australia. It was formed in the early 1920's as a result of the efforts of a dedicated editor of the local Laura newspaper. He saw the danger of the Flinders Range in relation to fires.

Lightning, too, has always been the cause of many fires in the Flinders Range. The editor of that paper was able, through the power of his pen, to persuade people to form a viable organisation, the Wirrabara Fire Services. That organisation has continued in existence, and it is only in latter years that it has been incorporated in the Emergency Fire Services. The pride of the local people caused them never to join that organisation, and it was only because of the need for workmen's compensation insurance and for subsidies on vehicles that they swallowed their pride and became part of the big E.F.S. family.

In the years I have lived in the area I have been indoctrinated by the elders of the community about the severity of past fires, how they set about fighting fires and how they have continued to fight them. When the Flinders Range lights up much heat is created, and many wind switches and changes cause great concern. I have already referred to the use of fire on Eyre Peninsula, and what happens in my district when smoke is spotted.

One cannot help but express concern about the need for care that all members of the community must take in the Adelaide Hills. People have built their houses in the district, like eyries, on rocks or under trees, believing that they have a place away from the environment and smells of the city. However, in many instances it seems that little thought has been given to fire prevention. I am greatly concerned about this aspect. It is no good for people merely to say that the Government must do something. All the publicity, television advertising, and similar persuasion can be measured only in an inverse proportion to the amount of effort that house owners put into the care of their properties. Will they be secure on a bad day when there is a fire?

I refer to the fire reported in yesterday's press. If that fire had caused loss of life or serious damage to property, the cry would have been for the Government to help. That is exactly what people do these days. Once they used to grin and bear it, and, as Kipling would say, "Stoop to build again." Many people today, because of their foolhardiness, may lose their possessions, then they come clamouring to the Government, regarding it as a wondrous source of funds to rehabilitate themselves.

I hope that it is not by example that people in the Adelaide Hills learn the bitter lesson of loss of life and loss of property. I hope that the new Country Fire Services Board will be able to indoctrinate people through the various committee systems to be established of the need for the care and maintenance of their properties. Those properties will be saved in an inverse proportion to the amount of effort that house owners put into properly safeguarding them. As other honourable members have referred to most of the operating clauses, I will confine my comments to explaining the amendments I have on file. In my first amendment to clause 15, I suggest that the board should have power to test and evaluate bush fire equipment, so that the Country Fire Services can go to the board's representative, when there is a problem, to obtain sound advice. I have had personal experience of two agents in a town seeking to sell their pumps when a new pump was required. They tried desperately to get their respective pump sold, irrespective of whether the best pump was obtained. Scant regard was given to this aspect by the agents: all they wanted was to make a sale. I recall one brummy pump, which was not proved to be brummy until it was wanted.

Similarly, I have noticed today that fire units are being sold with plastic hoses. True, plastic hoses are light and efficient and the flow of water is much better in them than through hoses made of other compounds, but plastic hoses melt. Therefore, it seems illogical that such units are allowed to be sold with hoses which, when they get warm or hot, will melt. As a result, the opportunity to deliver water efficiently is lost. By my first amendment I want the board to have the authority and ability to check, advise, and help.

For many years I have been concerned about the misuse of incinerators in rural areas. The 44-gallon drum has been used to burn rubbish on many farms in rural areas for many years. With the advent of Besser blocks, there is an increased sale of a better type of incinerator than the 44-gallon drum. However, there is only one type of incinerator sold in South Australia that has the hallmark of safety; that is the type authorised by the New South Wales bush fire authority as being suitable for use in rural areas under certain conditions. It is a down-draught type of incinerator. I hope the board encourages storekeepers to sell this type of equipment. If the type of apparatus used is efficient, the chances of sparks escaping are reduced. One wonders whether the present plastic knapsacks are the best type of knapsack. They are often carried on trucks with bulk bins. At times, the knapsacks sit and gather dust and often, when they are checked, it is found that the plastic seams have developed leaks.

I cannot find any reference in the Bill to the authority of Woods and Forests Department officials to have control over fires on the department's property. I have the greatest admiration for the type of unit that the department uses, for the training the department has given its men, and for the foresters in charge. The efficiency of Woods and Forests Department equipment in the Wirrabara forest has often saved the day. The previous legislation clearly stated that fires on Woods and Forests Department land were under the control of the department or the man in charge, but I cannot see any such reference in this Bill. I cannot speak with great authority on the department's work in the South-East, but I have heard of the excellent job that the department's men and equipment do there, where extensive forests are controlled by that department. I imagine that some friction could occur if an Emergency Fire Services fire captain in the South-East was to go on to Woods and Forests Department land and tell the forester what to do, because there is no authority for the forester himself to be in charge. Will the Minister explain why this matter is not made clear?

It has been suggested that the Government ought to consider providing in the Bill for rewards to be given to people who report fires that have been lit illegally on "fire ban" days. We often read in the press of firebugs who are responsible for serious fires, and it has been suggested that rewards be given to people reporting the activities of such firebugs. Has the Minister considered this suggestion? Because this Bill is designed to provide for many regulatory powers, I am concerned that the men in control in rural areas may not always be kept up to date with amendments to regulations. I therefore suggest that, after regulations have been gazetted, copies of them should be sent to all country fire authorities, so that there will be no excuse if the regulations are ignored. I support the Bill, and I again compliment all those who did the preparatory work. I hope the country fire services will move ahead efficiently.

The Hon. R. C. DeGARIS (Leader of the Opposition): I endorse the congratulations extended by other honourable members to members of the working party who did preparatory work prior to the introduction of this Bill. I also express my appreciation to all those who have served voluntarily in the State's fire-fighting services. Statistics show that we have made remarkable progress over the years in connection with the efficiency of our fire-fighting organisations. The point I want to make probably applies more to the South-East than anywhere else. The Woods and Forests Department has an excellent record in the South-East as regards the efficiency of its fire-fighting services not only in its own forest reserves but also over the whole of the South-East.

A few years ago the chief fire control officer in the South-East told me that, with the aid of the series of lookouts over the South-East, they could have a unit at the seat of a fire within seven minutes of smoke being reported; that is a remarkable achievement in a rural area. There are about 81 000 hectares under the control of the Woods and Forests Department in the South-East. Under the Bill, there is no certainty that the forester in charge of fire-fighting in the forest reserve will actually be in control of a fire if it occurs in the forest reserve. I know that there are regulation-making powers in the Bill that can stipulate that the person in charge will be in charge of that fire. I do not want anyone to think, as a result of what I am saying, that I am opposed to or have an antipathy towards other Government reserves. For many years, the Woods and Forests Department has built up expertise in forest fire fighting, of which expertise the State should be proud. We should stipulate in the Bill that the fire officer in charge of a Woods and Forests Department reserve should take charge of any fire that occurs therein.

It may be asked why this should not apply to other reserves. I have stipulated Woods and Forests Department reserves only because of the high degree of expertise that obtains in that department. I ask the Minister why this matter has been left to regulation. I should very much like to see a provision in the Bill that, in case of a fire on a Woods and Forests Department reserve, the fire officer in charge thereof should take charge of the fire-fighting activities. I support what other members have said, and congratulate those who have spent much time and done much work on producing the Bill.

The Hon. B. A. CHATTERTON (Minister of Agriculture): It was intended to overcome by regulation the situation to which the Hon. Mr. DeGaris has referred. This Bill was introduced to simplify as much as possible the situation in relation to regulation-making powers. Regulations can be made which will lay down a chain of command and which will relate to the very matter raised by the Hon. Mr. DeGaris. Problems are also associated with stipulating Woods and Forests Department reserves.

Bill read a second time.

In Committee.

Clauses 1 to 6 passed.

New clause 6a—"Duty of the Crown."

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

Page 4—After line 29 insert new clause as follows:

6a. (1) It is the duty of the Minister in whom the control or management of Crown lands is vested to take reasonable steps to reduce the danger of the outbreak of fire on those lands, or the spread of fire through those lands.

(2) It is the duty of a Minister or other instrumentality of the Crown in which the ownership of any lands is vested to take reasonable steps to reduce the danger of the outbreak of fire on those lands, or the spread of fire through those lands.

I hope that the Minister will accept this new clause, just as he accepted a similar amendment to the Pests Plants Bill last year. I seek to include this provision because I believe the Government would not accept an amendment providing that the Act should bind the Crown, and I would not blame the Government for not accepting such an amendment. This provision does not legally bind the Crown, although it spells out specifically that it is the Minister's duty to take reasonable steps to reduce the danger of fire, and so on.

Under this amendment, if a person owns land adjoining, say, a national park, and through the default of that park a fire starts and burns out his property, the landowner can at least go to the Minister and say, "It was your duty to take reasonable steps." Surely such a person should have some hope of getting something done on the basis that the Minister had failed to perform a duty for which he was specifically responsible.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The new clause, which, as the honourable member has said, is similar to an amendment to the Pest Plants Bill that I accepted last year, is acceptable to the Government. Although it does not specifically bind the Crown in a legal sense, it lays down certain duties. I think it is reasonable.

New clause inserted.

Clause 7 passed.

Clause 8—"Membership of the board."

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

Page 5, line 11—Leave out "nominated by the Minister" and insert "who has, in the opinion of the Governor, wide experience in rural affairs".

My amendment will not mean that whoever becomes Chairman of the Country Fires Board will need to have experience only in business management and rural affairs. If the Committee thought that the amendment did mean that, I would be willing to insert before "rural affairs" the words "particularly in business management and". However, I do not think that that is necessary. I accept the proposition that in all probability someone of this nature will have to be appointed.

We are now considering legislation that could be on the Statute Book for many years. The aim of my amendment is merely to ensure that at some stage in the future a person is not appointed who has no business experience or does not know the rural scene. It is important that the person who becomes Chairman should know the rural scene very well. After all, he is to be the Chairman of the Country Fires Board, and a person with expertise is needed to hold down that position.

The Hon. B. A. CHATTERTON: Unfortunately, this is one of the few amendments moved by the Hon. Mr. Dawkins that I cannot accept. Although I understand his reasons for moving the amendment, I do not think it adds anything to the Bill. Indeed, it could be a severe disadvantage. The authority is to have four representatives who will be involved in country fire services at the local and regional level, as well as two council representatives. Again, almost certainly they will be from country councils, so representation from country people will be strong, as it should be. I do not think that the Chairman should be tied in this way.

I should like to mention briefly some of the Chairmen in similar types of country fire authority in other States. Most of these people would be excluded under a provision such as that contained in the amendment, yet they have proved to be successful Chairmen. In Victoria, the full-time Chairman is Brig. R. T. Eason, M.C., E.D., who has had a long and distinguished career in the Australian Army, particularly in communications. I understand that he is highly thought of as Chairman. The first Chairman of the Rural Fires Board in Tasmania was Major J. C. Roberts, M.C., who, again, had a career in the Australian Army. I do not know whether he qualified in terms of having wide experience in rural affairs.

The present Chairman in Tasmania is Mr. M. Geard, who is definitely within the categories that the Hon. Mr. Dawkins has mentioned: he is a rural landholder and has been a director of a public company. The Bushfires Council in New South Wales has as Chairman Air Vice Marshall W. E. Townsend, who has had a long and distinguished career in the Royal Australian Air Force. Again, I doubt that he would qualify, in the way this amendment has been drafted.

The Hon. M. B. DAWKINS: The Minister said that he did not want the person concerned to be tied in this way, but he would not be tied only to these qualifications. As I have said, if the Minister thought the amendment did not make the position clear, I would alter it. The person concerned should have wide experience in business management and in the rural situation.

The Hon. A. M. WHYTE: I understand the point that the Hon. Mr. Dawkins has made, and I have some sympathy with the Minister, because there is provision for rural representation. The Bill would not preclude a man with rural experience from being Chairman. I hope the Minister would see fit to appoint a man with rural experience, because we are dealing with country fire services and no-one else would be more appropriate. We would hope that the person had the expertise that the Hon. Mr. Dawkins has mentioned and I am sorry that the Minister does not want that spelt out. However, I would hope that the Minister would indicate that this would be the case and that most likely the Chairman would be a man with business and rural expertise.

The Hon. B. A. CHATTERTON: That is quite likely. I think a person with wide rural experience would be a suitable candidate. My point was that there have been successful Chairman of other country fire authorities who have not had this rural experience. Reports indicate that they seem to have been successful, and there should be flexibility to choose the best person. He should have the widest possible experience in relevant fields. However, other fields are also relevant, and I am confident that we will get a successful Chairman. I readily give the assurance, and I oppose the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I get concerned when I hear Ministers say that they want more flexibility, because that is not a strong argument. Nevertheless, the restriction in the amendment seems to be too narrow. I should like there to be some reference to the experience of the Chairman. I am not certain that the amendement gives sufficient movement.

The Hon. B. A. CHATTERTON: If we laid down all the areas that would be relevant, we would never find someone with all the experience. We must make the best selection from the candidates available.

Amendment negatived.

The Hon. B. A. CHATTERTON: I move:

Page 5, lines 17 to 20—Leave out paragraph (*d*) and insert paragraph as follows:

(*d*) four shall be persons who are, in the opinion of the Governor, suitable persons to represent the interests of regional associations;

Under the Bill, we would have difficulty in appointing the four members representing the Country Fire Services. We would like the board functioning as soon as possible and that is the purpose of this amendment; to facilitate the rapid appointment of representatives of regional fire-fighting associations to a board. Since they cannot be appointed representatives through associations, because the associations are formed under the Act itself, we believe that it is necessary to have this amendment to get them on to the board in the early formative stages.

The Hon. M. B. DAWKINS: I have had discussions on the amendment and I can see the reasons for it. I certainly do not intend to oppose it but I would seek an assurance from the Minister that when nominating these people for the Governor's consideration he will seek nominations from the existing E.F.S. regional associations so that those nominations can be considered before the appointments are made.

The Hon. B. A. CHATTERTON: Certainly, that is the way that we would operate and administer this legislation and I can give that assurance to the honourable member.

Amendment carried; clause as amended passed.

Clause 9—"Terms and conditions upon which members of the board hold office."

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

Page 5, lines 30 to 33—Leave out subclause (1) and insert subclause as follows:

"(1) A member of the board shall be appointed for a term of four years unless he is one of the persons first appointed as members of the board in which case

he shall be appointed for such term of office (not exceeding four years) as is specified in the instrument of his appointment."

This amendment follows along the lines of some amendments which have been moved in other legislation during this session designed to give members of the board some permanency of appointment. I think this is desirable and probably other honourable members also think it desirable. It also provides for the staggering of the appointments in the first instance so that each member can be appointed for a different period and the board members will not all be retiring at the one time. I ask the Minister, in the interests of the permanency of the board and for some security of policy of the board, to accept this amendment.

The Hon. B. A. CHATTERTON: I am prepared to accept the amendment. I think the way that it is drafted gives the opportunity for the staggering of the appointments, which I think is essential to provide a continuity of membership. Otherwise, there is the possibility of too many changes at one instance.

Amendment carried; clause as amended passed.

Clauses 10 to 14 passed.

Clause 15—"Functions of the board."

The Hon. R. A. GEDDES: I move:

Page 7, line 4—After "15." insert "(1)".

After line 14—Insert—

"(2) The board may test and appraise fire-fighting equipment and other equipment that may be of use for fire-fighting and publish the results of the appraisal for the benefit of C.F.S. organisations."

I spoke to this amendment in my second reading speech and made reference to the fact that incinerators are recommended in rural areas. I mentioned the type of equipment being sold today with plastic hoses which, when exposed to heat, such as fire, deteriorated rapidly, and I mentioned there should be authority within the board to look at these things so it can advise the C.F.S. organisations when they wish to glean information from the board.

The Hon. B. A. CHATTERTON: I am prepared to accept the amendment. I do not think it is essential. It is something that the board will be able to do anyway. It highlights the fact that under the present situation there is a need for bringing together the various organisations associated with the control of bush fires, the equipment, and so on. This is one of the reasons this sort of thing has not been done in the past to the level that it should have been done. This highlights what the legislation will achieve in bringing the various groups under the control of the one body.

Amendment carried; clause as amended passed.

Clauses 16 to 23 passed.

Clause 24—"Fire control officers."

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

Page 10, line 9—Leave out paragraph (*b*).

Clause 24 refers to the council's power to appoint fire control officers and it indicates in the first three subclauses the method of appointment of suitable persons to be fire control officers. In subclause (4) it indicates that the following persons are fire control officers:

(*a*) the director;
(*b*) the person in charge of the Government reserve;
(*c*) every forester;
and
(*d*) every person holding a prescribed office.

The purpose of my amendment is to delete paragraph (*b*) "the person in charge of a Government reserve", because there has been considerable concern that in some instances a person in charge of such reserve would not be suitably qualified or experienced to hold the position of a fire control officer. I would point out that, in those cases where such a person is suitably experienced, he can be appointed under paragraph (*d*) "every person holding a prescribed office". He can be appointed by the board, or a council can appoint a person under subclause (1). Therefore, I think paragraph (*b*) should be deleted from this subclause in the interests of making sure that everyone who is appointed a fire control officer is suitably qualified and experienced for that responsible position.

The Hon. B. A. CHATTERTON: I was originally opposed to the amendment that was on file by the Hon. Mr. Dawkins, but he has now suggested he is going to move in a different form. I would like the opportunity to look at this amendment further and I ask that progress be reported.

Progress reported; Committee to sit again.

## MINING 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 insert the explanation of the Bill in *Hansard* without my reading it.

### Explanation of Bill

The present Mining Act came into effect on July 3, 1972. Experience in the operation of that Act over a period of four years has shown that it is necessary to make a number of adjustments, principally to remove certain anomalies and to overcome legal problems. The only change in principle concerns the provision for exploration or mining of minerals other than opal which may be situated below the proclaimed precious stones fields, while at the same time preserving the top 50 metres of the ground as the exclusive preserve of the opal miner. It is germane to point out the recent discovery by drilling of copper by Western Mining Corporation in the vicinity of Andamooka, at 350 metres, and that opal has never been discovered at a greater depth than about 35 metres. The individual clauses of the Bill and the reasons for the proposed amendments are as follows:

Clauses 1 and 2 are the usual introductory clauses. Clause 3 concerns definitions. "Authorised person" refers to persons authorised under clauses 20, 25 and 35. The definition of "minerals" is varied to ensure (1) that coal is included, and (2) that the Mining Act applies to the tailings discarded from treatment plants such as Government gold batteries or in other usual circumstances where the tailings are not located on a mining tenement. "Mining tenement" is amended to include miscellaneous purposes licences as there is nothing at present to prevent mining claims being pegged out over land comprised in such licences. The amendment to the definition "precious stones field" is necessary to permit exploration for other minerals below the opal levels.

As regards clause 4, problems have arisen in that notices of entry have been served upon the former South Australian Railways Commissioner (now State Transport Authority). Consequently, clause 4 incorporates "railways and tramways" in the definition of exempt land. The present provisions of section 9 prohibit mining within 400 metres of a dwellinghouse. In the case of Andamooka and Coober

Pedy, the existence of houses and dugouts near the town boundaries can prevent access to potential fields close to the towns. In addition, a dugout outside the town areas can prevent legal access to a large area surrounding it. This is now corrected in clause 4. Clause 5 is designed to ensure that the maintenance of the various registers takes place under the control of the Registrar. Clause 6 prevents transferability of miners rights.

Clause 7 is necessary to ensure that applications for renewal of miners rights are *bona fide* made by the holder and not by someone else purporting to act on his behalf. Clause 8 deletes section 24 (2). The extension of the time for registration can be better dealt with as an application under section 27. Unfortunately, there has been some abuse of section 25 (2) as a result of agreements between landowners and mining operators designed to avoid the payment of royalty and environmental restraints. It is proposed by clause 9 to give the Director of Mines the power to authorise the removal of more than one tonne of material. Clause 10 is designed to close a loophole in section 27 whereby it is possible to hold a claim indefinitely by abandoning it a few days before it lapses and then repegging the same piece of ground as a new claim. Clause 11 removes section 28 (5), which is in conflict with section 80 (2). The latter is considered to be more effective.

Clause 12 is designed to ensure that the original intent of section 30 is made effective. It can be argued that the enumeration of constraints prevents the Minister from taking into account any problems other than those specified. Clause 13 deals with the same problem as clause 12, but in relation to mining leases. Clause 14 is consequential upon clause 5. The opinion of the Crown Solicitor is that the existing provisions of section 38 permit only one renewal of a mining lease. This was certainly not intended, as clearly a mining operator who complies with the conditions of his lease should be entitled to continuity of title. Clause 15 removes any doubts. Clause 16 is the same as clause 6 but refers to precious stones prospecting permits. A real problem exists on the opalfields in that people avoid the principle of one person one claim by obtaining permits and pegging claims in the names of friends and relatives, who, other than giving their name to the enterprise, take no active part in the working of the claim. This results in a proliferation of claims which are difficult and time-consuming to remove, and acts against the interests of the genuine miner who abides by the spirit of the Act.

Clause 17 is the same as clause 7 but refers to precious stones prospecting permits. Clause 18 makes it an offence for a person to attempt to hold more than one precious stones claim at any one time. It is an extension of the problem outlined in clause 16. Clause 19 is the same as clause 10, but refers to precious stones claims. Clause 20 removes the power of a warden to authorise disposal of waste. Wardens are judicial officers and it is anomalous for them to have this power. Clause 21 provides the machinery to permit exploration for and the mining of any minerals which may be below the opalfields at Andamooka and Coober Pedy. The amendment will permit the Director of Mines to stipulate the conditions applicable to such operations, provided, of course, that these conditions give due cognisance of the interests of opal miners and are in accordance with prescribed regulations. These proposals have been discussed with representatvies of the miners on the fields and are generally acceptable to them. Clause 22 is the same as clauses 12 and 13, but in this instance refers to miscellaneous purposes licences.

Clause 23 is to rectify the same problems of renewal of miscellaneous purposes licences as was referred to in clause 15. Legal authorities suggest that a person who fails to give notice of entry under section 58 and pegs out a tenement may merely be liable for a penalty, but his tenement will still be valid. Clause 24 is designed to rectify that situation. Clause 25 is designed to permit, where there is no inspector, on a precious stones field, as is the case in Andamooka, another officer of the Mines Department resident on the field to have authority to order backfilling of bulldozer cuts. At present, mining wardens have no authority to deal with a contempt of court in the same way as persons presiding in other jurisdictions. This is corrected in clauses 26 and 27. In a recent appeal case, the Full Bench of the Supreme Court expressed the opinion that the deletion of the phrase "in such manner as may be just" appearing in the repealed Act may have reduced the authority of the Warden's Court to grant squitable relief. Clause 28 rectifies this situation.

Clause 29 is designed to ensure that breaches of the regulations under other Acts affecting mining, such as the Mines and Works Inspection Act or Pastoral Act, are encompassed in the provisions of section 68. It is considered anomalous that at present the Director of Mines is unable to present to the Warden's Court information he may have concerning a particular application. The first proposed amendment to section 69 under clause 30 rectifies this situation by creating a relationship between the court and the Director of Mines similar to that existing between the Superintendent of Licensed Premises and the Licensing Court. The second amendment to this section gives the Director the authority to institute an application for forfeiture of a claim. At present, there are provisions for the Crown to terminate a lease for breach of conditions, but no similar provisions exist in respect of claims. The provision of section 74, which permit the Minister to make an order expelling a person from the opalfields, have proved an effective way of overcoming some of the problems relating to violence on the opalfields. Some six persons have been expelled to date.

Clause 31 proposes to continue this power indefinitely, but at the same time it is only reasonable that there be power to revoke such an order. That power does not exist at present. Section 75 can be read to mean that it is in order to obtain extractive minerals for personal use from any land. Clause 32 rectifies this situation. Clause 33 is designed to prevent some of the malpractice which occurred in other States during the mining boom, and to ensure that valuable geological data are not lost. The existing section 86 concerning the disposal of abandoned machinery does not apply if the mining tenement is forfeited or surrendered. Clause 34 covers this situation. Clause 35 is to ensure that authorised officers of the Mines Department have the authority to enter mining tenements to ascertain whether provisions of the Act are being complied with. Clause 36 corrects a drafting error.

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

## BUILDERS LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 2. Page 2728.)

The Hon. J. C. BURDETT: I support the second reading of this Bill. I have read the debate on it in the other place and have been in touch with my colleagues in that place during that debate. In the Committee stage,

co-operation and reasonable compromise between the Government and the Opposition was particularly evident. It was reminiscent of the excellent co-operation during the Committee stage of the Health Commission Bill in this Council. Of course, there is frequently co-operation in the interests of the people of the State between the Government and the Opposition, but the Health Commission Bill in this Council and the present Bill in the other place are really outstanding examples. It is a pity that the press, which is so quick to report clashes of any kind between the Government and the Opposition, does not report outstanding examples of co-operation.

I often hear people say, "Why are you people and the Government always fighting? You should get together in the interests of the whole State." I have to tell them that there is co-operation, that the majority of Government Bills are not opposed by the Opposition, and that many Opposition amendments are readily accepted by the Government. I think that the press is largely responsible for the impression that people have of incessant bickering through failing to report positive and newsworthy examples of co-operation.

The Bill subjects persons who construct swimming pools to the provisions of the principal Act. I agree that this is desirable. A number of cases of difficulty experienced by persons having pools constructed for them have come to my notice. The definition clause is as follows:

"Swimming pool" means a structure of a kind declared by regulation to be a swimming pool for the purposes of this Act.

This would mean that the Government could, by regulation, define, for example, a dog kennel, a chicken coop or a bird bath as being a swimming pool. I think it is desirable that there be a power to define by regulation, because this will enable the Government, in effect, to exempt kinds of swimming pool that should not be caught by the legislation. It is desirable to do this by regulation to ensure flexibility.

On the one hand, certain pools should be exempted; on the other, a flexible definition procedure is necessary to prevent evasion of the provisions of the Bill. I propose an amendment to confine "swimming pool" within the meaning of the Act to its ordinary meaning. Structures that are swimming pools will be able to be more exactly defined by regulation.

I turn now to clause 5, which concerns the composition of the Builders Licensing Board. I have placed amendments on file which, I think, preserve the Government's intention and should meet with its approval. I support the representation of consumers on the board. I hope that, when the new voluntary consumer organisation is fully established, one of the persons representing consumer interests will in fact be appointed in consultation with that body. I support clause 7, which enables conditions to be imposed in regard to the licence where the builder wants to carry out only a limited class of work. Clause 12 repeals section 24 of the principal Act and enacts a new section. The purpose of the clause is to prevent abuses in regard to rise and fall clauses. Such abuses occur. It sometimes happens that builders are in no hurry to complete their contract. They are quite content to delay and be paid at an inflated price.

The provision in the Bill is moderate in one respect: the builder can take advantage of a rise and fall clause as to labour and materials, provided a completion date is specified and prior to the expiry thereof. He can of course agree with the owner as to the time to be specified. Clause 12 (5), inserted in another place, allows for prime cost and similar contracts. There is some difficulty in regard to costs other than for labour and materials. No rise and fall is permitted other than in regard to labour and materials. Increased costs brought about by, say, an increase in workmen's compensation or Government charges could not be passed on.

I am sorry that this complicated and far-reaching measure has come in at this stage in the session. Because of the shortage of time, the only solution, in trying to cover other ancillary costs, has been to move an amendment, which I propose to do in Committee, to enable other amounts, unliquidated at the time of the contract of a kind stipulated by the regulations, to be taken into account. Will the Minister undertake to look at the matter of taking into consideration rises in ancillary costs? Will the Government consult with the industry before bringing in such regulations?

I refer to the advisory committee. This has met, I believe, only twice in seven years. It is provided for in regulations. I understand that the Government is contemplating lessening the number on this committee with a view to making it less unwieldy. Can the Government state what its intentions are in regard to this committee? Will it consult with the industry in regard to the composition of that committee? Is that composition to be changed? I understand that the Hon. Mr. Laidlaw proposes to move an amendment to the definition of a "rise and fall clause" to provide that overheads can be taken into account. I shall support that amendment.

Then there is the matter of binding the Crown in respect of the Housing Trust. Certainly, it is proper that the Housing Trust should be bound by the principal Act. It constructs many houses that are sold to consumers, and there is no reason why it should not be bound and why those consumers should get less protection than do consumers who purchase from private builders. I understand that this matter was raised in debate in the other place and that the Attorney-General expressed the view that the South Australian Housing Trust was bound because the trust is, by the provisions of the principal Act, deemed to be the holder of a licence, and, therefore, the obligations are imposed on the trust that are imposed on licence holders. It seems to me that this interpretation is correct and that the trust is bound.

I ask the Minister, when he replies to the second reading debate, to give the specific assurance, which I believe was not made in the other place, that the Government's interpretation of the principal Act is that the trust is obliged to comply with the requirements of the principal Act. I support the second reading.

The Hon. D. H. LAIDLAW: I have placed on file an amendment to clause 12. This clause repeals section 24 of the principal Act and inserts a new section 24. As the Hon. Mr. Burdett pointed out, it defines more clearly the meaning of "rise and fall". New subclause (2) provides:

(2) If a contract stipulates that domestic building work is to be completed within a specified period, it shall be lawful to include a rise-and-fall clause in the contract.

Later in clause 12 "rise and fall" is defined as follows:

means a contractual provision for variation of a price stipulated for performance of domestic building work that reflects variations in the cost of labour and materials to be incurred by the builder.

It may well be that the Government intends "labour" to mean labour plus related overhead expenses. I know from bitter experience over the years that much confusion has arisen in contractual work relating to the meaning of "labour".

By "overhead expenses" I mean such expenses as the provision for workmen's compensation, sick leave, annual leave, long service leave and the extra pay for clerical staff and such things. Under the Master Builders Association terms of contract, which I understand are agreed by the Public Buildings Department from time to time for work done for the Government, an accepted formula exists for overhead expenses. In order to clarify this matter, my amendment merely adds that "rise and fall" means:

a contractual provision for variation of a price stipulated for performance of domestic building work that reflects variations in the cost of labour (including related overhead expenses) and materials to be incurred by the builder.

I shall move that amendment in the Committee stage. I support the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

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

Page 2, lines 8 to 10—Leave out definition of "swimming pool" and insert definition as follows:

" 'swimming pool' means a structure—

(*a*) designed for swimming or wading;

and

(*b*) of a kind declared by regulation to be a swimming pool for the purposes of this Act:"

I referred to this matter in my second reading speech. A swimming pool should be a swimming pool in the ordinary sense of that term, but any refinements in definition could be left to regulation. It could be possible for some swimming pools to be exempted. It would not be possible under the definition, as the story unfolded, for builders to evade the Act by using technical devices. It would seem to me that this amendment would give sufficient flexibility. For instance, it was stated in the second reading explanation that it was intended in regulations to provide that the only pools that would be included would be those having circulation and filtration systems.

It could be possible at some time for an ingenious constructor of swimming pools to form two companies, one of which may construct the pool and the other could construct the filtration and circulation devices. It could be said that the pool as supplied was not a pool having those devices, and therefore did not come within the meaning of "swimming pool" in the Bill. To make these final definitions by regulation would seem to me to be a flexible, sensible means of enabling on the one hand maximum exemption but on the other hand the prevention of evasion.

The Hon. D. H. L. BANFIELD (Minister of Health): We accept the amendment.

Amendment carried.

The PRESIDENT: Parliamentary Counsel has drawn my attention to two necessary minor drafting amendments. They are: in line 2 that "definition" be struck out and the word "paragraph" be inserted in lieu thereof; and that the word "or" is needed before "(*c*)". They are purely drafting amendments.

Amendments carried; clause as amended passed.

Clause 5—"The board."

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

Page 2—Leave out this clause and insert new clause 5 as follows:

5. Section 5 of the principal Act is amended by striking out subsection (4) and inserting in lieu thereof the following subsection:

(4) Subject to this Act, the board shall consist of five members appointed by the Governor of whom—

(*a*) one shall be a legal practitioner of not less than five years' standing, who shall be the Chairman of the board;

(*b*) one shall be a person with substantial knowledge of the building industry appointed by the Governor on the nomination of the Minister after consultation with the Master Builders Association of South Australia;

(c) one shall be a person with substantial knowledge of the building industry appointed by the Governor on the nomination of the Minister after consultation with the Housing Industry Association;

(*d*) two shall be persons who are in the opinion of the Minister appropriate persons to represent the interests of those on whose behalf building work is carried out and are nominated by the Minister for membership of the board.

I have discussed with the Government the composition of the board. I have also discussed it with other people. This amendment provides a method of appointing the board that, I think, is satisfactory to all parties.

The Hon. D. H. L. BANFIELD: It being near Christmas, we are willing to accept the amendment.

Amendment carried; new clause inserted.

Clause 6—"Licences generally."

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

Page 2, lines 30 and 31—Leave out paragraph (*c*) and insert paragraph as follows:

"(*c*) by striking out from subsection (2) the passage 'a further period of twelve months' and inserting in lieu thereof the passage 'such further period (not exceeding three years) as is specified in, or endorsed upon, the licence'."

One of the reasons for extending the period covered by builders licences was to cut down the considerable administrative burden involved in annual renewals. It is also intended to arrange for the expiry of licences to be staggered through the year so as to avoid the concentration of administrative work at one time. The purpose of this amendment is to enable licence renewals to be granted for various periods of up to three years so as to facilitate the staggering of expiry dates during the transitional period. The regulations will also be amended to provide for proportionate licence fees to be paid according to the period of renewal.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—"Restricted builder's licences."

The CHAIRMAN: The Parliamentary Counsel has pointed out that in line 11 the word "enforced" should be "imposed".

Amendment carried; clause as amended passed.

Clauses 9 to 11 passed.

Clause 12—"Contracts for performance of building work."

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

Page 5, lines 4 to 12—Leave out paragraphs (*a*) and (*b*) and insert paragraphs as follows:

"(*a*) the actual cost to be incurred—

(i) in acquiring specified goods to be supplied by the builder;

or

(ii) in carrying out specified work,

together with an additional amount not exceeding ten per centum, or such other percentage as may be prescribed, of that cost;

and

(*b*) other amounts, unliquidated at the time of the contract, of a kind stipulated by the regulations."

The first part of the amendment is setting out in a different form what was already in the Bill. I mentioned this matter in my second reading speech. It was designed to enable the Government by regulation to specify other amounts as well as those already specified unliquidated at the time of the contract which can be taken into account. This is the last amendment I have on file.

I point out that the Minister did not reply to the questions I asked in the second reading debate. I asked him whether he would either reply to those questions at some stage during this Committee debate or whether he would undertake to give me an answer in some other way, perhaps tomorrow. I would prefer that the answer be in a form which could be printed in *Hansard*.

The Hon. D. H. L. BANFIELD: In accepting the amendment of Mr. Burdett, the answer to his question is that the Housing Trust is bound by the principal Act.

The Hon. J. C. BURDETT: Another question I asked was: what is the Government's intention in regard to the advisory committee, whether it is intended to use it or whether it is intended to be reconstituted, and if so, will the Government consult the industry before reconstituting the committee by regulation?

The Hon. D. H. L. BANFIELD: I am informed that the Attorney-General is presently reviewing the constitution of the committee and other aspects of it with a view to making it a more viable and valuable contribution to the building industry. In relation to the question about whether the industry will be consulted, I can only assume that the usual procedure will continue.

Amendment carried.

The Hon. D. H. LAIDLAW: I move:

Page 5, line 22—Insert after "labour" the words "(including related overhead expenses)".

I have explained this amendment in my second reading speech. It is to clarify the meaning of the word "labour".

The Hon. D. H. L. BANFIELD: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 13 and title passed.

Bill read a third time and passed.

## COMMUNITY WELFARE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 1. Page 2670.)

The Hon. J. A. CARNIE: There are two main aspects of this Bill, the first being that it deals broadly with those people who have the care and control, either permanently or temporarily, of children other than their own. The Bill covers child-care centres, family day-care centres and children's homes, and, for the first time, baby-sitting agencies have to be licensed. The term "licensed children's home" will now mean any place where more than five children under the age of 18 years are kept; this is an alteration to the present legislation, which refers to children under the age of 15 years. Of course, the provision does not apply to parents and near relatives. In recent years there has been a growth in the number of such homes, mainly engendered by the feeling, especially among social workers, that this type of care is better than institutional care. Such homes play a real part in providing a family environment for children who would otherwise be faced with institutional life.

When the new section requiring the licensing of baby-sitting agencies was first mooted, concern was expressed by people who did baby-sitting for friends or by private arrangement, because they thought that they might need to register. However, we now see that they will not be required to register. The Bill does not affect the situation where baby-sitting is arranged privately; it applies only to agencies that supply baby-sitters for remuneration. This provision has been requested by baby-sitting agencies, following a serious incident earlier this year in another State. To the best of my knowledge, no serious incident has occurred in South Australia. A measure such as this could go some way toward preventing such problems. I have one or two queries about the licensing of baby-sitting agencies. New section 71a (2) provides:

The Director-General may grant a licence under this section subject to such terms and conditions as he thinks fit and specifies in the licence.

Can the Minister indicate what terms and conditions he is likely to think fit and specify in the licence? Also, is it intended to require each agency to keep a register of sitters who are on the agency's books? To prevent incidents such as the one to which I have referred and to assist in apprehending anyone who commits such an offence, an adequate register would have to be kept by baby-sitting agencies. Under section 251 of the principal Act, the Minister would have the power to make regulations governing the licensing of baby-sitting agencies and requiring them to keep a register. I should like the Minister to give an assurance to the Council that this will be done; if the Minister does not give that assurance, I foreshadow an amendment to ensure that it will be done. I am sure that, under section 251 of the principal Act, the Minister has the relevant power.

The second aspect, and the more important element of the Bill, is new Division III, to be inserted in Part IV of the principal Act. New Division III deals with the protection of children, and is a direct result of the Murray committee's inquiry into non-accidental physical injury to children in South Australia. The so-called battered-baby syndrome is one of the most horrifying aspects of our society today. The Murray report shows that in 15 months five children died because of abuse, 24 were permanently or seriously injured, and 11 suffered recurring injuries. In that 15-month period, there were 273 child victims of non-accidental physical injury, and another 910 children were considered to be at risk. The Murray report states:

Even allowing for some double counting, the size of the problem emphasises the need for further research and the implementation of effective treatment and preventive services.

I am sure that everyone would agree that it was a comprehensive report. One major result of the report is the broadening of the classes of person obliged to notify the department of child abuse. The principal Act came into force in 1972, when it was thought that doctors and dentists were in the best position to report such cases, but it now seems that they are not always able to determine such cases, largely because they are not consulted frequently enough to see the full pattern. The committee decided that most cases of child abuse were seen by teachers, kindergarten assistants, workers in child-care centres, and social workers.

The Bill broadens the classes of person obliged to report cases of child abuse by adding to legally qualified medical practitioners and dentists the following: any registered or enrolled nurse, any registered teacher, any member of the Police Force, and any employee of an agency established to promote child welfare or community welfare. The provision does not specify that employees of child-care centres are obliged to report cases of child abuse; the Murray committee recommended that such employees should be obliged to make reports. The committee recommended that it should be made compulsory for the following classes of person to notify

cases of physical maltreatment of children: medical practitioners, dentists, registered nurses, social workers, registered teachers, kindergarten and pre-school teachers, police, and child-care workers. These people are probably in as good a position, if not a better position, to see child abuse than are many others, and I ask the Minister whether he intends to name, under new section 82d (2) (*g*), any person of a class declared by regulation to be a class of person to which this provision applies. I hope that this will be done.

New section 82d also provides that any person may notify the department of suspected offences against children. This situation has always applied. The important difference, however, is new subsection (5), which provides that, where a person acts in good faith and in compliance or purported compliance with the provisions of the section, he shall incur no civil liability in respect of that action.

I am sure that there have in the past been cases that have not been reported because the person who would be doing the reporting was frightened that, if he was proved wrong, civil action could be taken against him. This new section provides that, if a person acts in good faith, no such civil action can be taken against him. However, this new provision is no good unless the public is made aware of it. I hope that the Government will ensure that this fact is widely publicised.

The Bill follows exactly the recommendations made in the Murray report regarding the setting up of regional panels. I have one or two queries regarding proposed new section 82a, which relates to this matter. Clause 16 enacts new section 82a, subsection (1) of which provides that, for the purposes of Division III of the Bill, the Minister may divide the State into such regions as he thinks expedient. Will the Minister say in reply whether he intends to follow the recommendations contained in the Murray report regarding community Welfare Department regions?

Subsection (2) of proposed new section 82a follows exactly the recommendations of the Murray committee. The regional panel shall consist of one person nominated by the Director-General; one nominated by the Mothers and Babies Health Association Incorporated; one experienced in child psychiatry nominated by the Director-General of Medical Services; one person nominated by the Commissioner of Police; and one legally qualified medical practitioner.

It is interesting to note the inclusion of a person experienced in child psychiatry. To me, the whole matter is very much one of psychiatry, from the viewpoint not only of the child but also of the offending parents. I ask the Minister whether he has considered this aspect in relation to the country regional panels that will undoubtedly be set up under the Act. It may be difficult to find in some country areas a person experienced in child psychiatry whom the Bill specifies must be included on the regional panel.

I am sure all honourable members would like to think that this Bill will end the incidence of non-accidental injury to children in South Australia. However, I think we are realistic enough to know that this will not be the case. I hope and believe that this Bill will help reduce the incidence of such cases, and for that reason I support it.

The Hon. N. K. FOSTER: I commend the Bill to the Council, and I commend the Government for introducing it. True, the report to which the Hon. Mr. Carnie referred is a good report. Many aspects of the report and the new innovations contained therein are no doubt derived from sources beyond Australia. I am concerned about one of the latter clauses of the Bill which relates to the right of a hospital, institution or treatment centre to detain a person for 96 hours in spite of the opposition of one parent or both parents, or of one guardian or two guardians. This is an important provision, to which I draw the Council's attention. Undoubtedly, some honourable members will think that this power should not be granted to an institution, doctor or anyone else who runs a registered organisation. I think everyone will agree, however, that, if the interests of the child are paramount, such a provision is necessary.

The Bill provides considerable protection for children, and this is, of course, its most important feature. As the law stands today, a police officer is almost powerless to protect a child from persons who have the so-called responsibility for the care and upkeep of that child. One has merely to speak to social workers in this city and to those in crisis centres that have been operating for only a short time to ascertain the true position. I refer specifically to the centre that is operating at South Terrace, Adelaide. It would be enlightening for honourable members to speak to the people who run such centres. A short conversation with those people would acquaint honourable members in this place or in any other Parliament with the tremendous difficulties being experienced in the community. They would also realise how powerless are those who are entrusted with the role of alleviating the serious suffering of the younger members of our community at the hands of parents who are cruel and unscrupulous and who, in many cases, get beyond themselves because of financial and domestic worries, as well as the 101 other hang-ups (if I can use that term) to which people have always been subjected. Although this seems to be more prevalent today (probably because it is not as hidden now as it used to be), it may not be any more prevalent now than it was in my younger days or in generations before that.

The Bill is indeed far-reaching in relation to the necessity for the acceptance of responsibility by child-minding centres. Of course, it will not overcome the situation in which some crank, crackpot or deranged person takes it upon himself or herself to carry out an act similar to that which sparked off the introduction of this legislation. I refer to the kidnapping of a child in New South Wales. This occurred when someone employed by a purportedly reputable child-minding agency was engaged.

The Bill does not contemplate any control over the private arrangements that are made between parents of children and their friends, neighbours or acquaintances who undertake the responsibility of caring for children. For those reasons, I do not think it will cure the ills of the unscrupulous. In New South Wales a few years ago there was a brutal murder, when some children were entrusted to the niece and nephew of the family involved. Having gone out for the evening, they returned to find that one of the children had been brutally put to death. That sort of situation will not be overcome.

This Bill is certainly worthy of being passed. I do not think there is any need for the Opposition, bearing in mind the manner in which it operates in this place, to take this matter upon itself at this late hour. I say that because of what is contained in the Bill and because of the necessity for it to be passed in the next two days so that it can be put into operation. It will give responsibility and powers in respect of people who take children against the will of the parents. Another aspect is that some mothers, whilst the father is at work will consult a doctor, who may put the child into hospital. The husband will come home, want to know where the child is, and wrest the

child from the hospital. The doctors and hospital people cannot do anything about the matter. The Bill will change this, and the paramount thing is the protection of the child.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention they have given to the Bill. I will reply to the two specific questions that have been raised by the Hon. Mr. Carnie. First, the period of the licence is 12 months. True, it is at the discretion of the Minister, but I assure the honourable member that the necessary investigations will be carried out and the necessary references made in regard to the parties before they get a licence. Further, a requirement will be that a register of baby sitters be kept by the agencies.

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

## ADJOURNMENT

At 10.8 p.m. the Council adjourned until Wednesday, December 8, at 2.15 p.m.