LEGISLATIVE COUNCIL

Wednesday, December 7, 1977

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

PRICES ACT AMENDMENT BILL

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

That Standing Order 254 be suspended to enable the conference on this Bill to continue while the Council is sitting.

Honourable members will recall that the conference was arranged to commence at 9.30 this morning, and it is not quite finished. I therefore seek honourable members' co-operation in this respect.

Motion carried.

QUESTIONS

PUBLIC AND CONSUMER AFFAIRS DEPARTMENT

The Hon. C. M. HILL: On behalf of the Hon. Mr. Burdett, who is involved in the conference to which the Minister of Health just referred, I ask the Minister for a reply to a question that my colleague recently asked about the Public and Consumer Affairs Department.

The Hon. D. H. L. BANFIELD: I have received from my colleague, the Minister of Prices and Consumer Affairs, the following answer to the question raised by the Hon. Mr. Burdett:

The comment by the Auditor-General on the appointment of management consultants to review the accounting and budgetary control procedures of the department was in no way related to the increase of $964 000 in the administrative costs of the department, as the honourable member has inferred.

Management consultants were appointed by the Public Service Board's Financial Management Advisory Committee at the specific request of the Department of Public and Consumer Affairs. This action was taken shortly after the establishment of the new department with the object of assisting in the establishment of a self-accounting system. The accounting function of the new department had previously been the responsibility of the Department of Lands.

The consultants have completed the review, and their recommendation was that "a centralised accounting function be established to control and co-ordinate the principal accounting functions of the department under the direct responsibility of the Senior Administration and Finance Officer". The implementation of this recommendation has now reached an advanced stage.

RIVERLAND FRUITGROWERS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking a question of the Minister of Agriculture about the plight of Riverland canning fruitgrowers.

Leave granted.

The Hon. J. R. CORNWALL: There have been many reports from the Riverland that indicate that there is severe unrest in that area among canning fruitgrowers because they are not being paid for their past deliveries to the Riverland cannery. A meeting was held last night at which the Chairman of the Riverland Cannery Board stated that there was no way in which past debts could be met because the cannery sustained severe losses during the 1975 and 1976 season. The plight of some of the growers (who have assumed debts themselves in expectation of settlement for their past deliveries) is critical, and it seems obvious that something must be done to help them. Can the Minister tell the Council just what the situation is in the Riverland and to whom the growers should make representations for some aid in this matter?

The Hon. B. A. CHATTERTON: The situation of the Riverland canning fruitgrowers causes me great concern. Their financial situation is very serious indeed. The major cause is the change that has taken place in the marketing of canned fruit overseas. The most important factor in that change has been the United Kingdom's joining the Common Market, resulting in our losing many markets in the United Kingdom, to which most of the fruit from the Riverland cannery was sent. To help to overcome the problem, the South Australian Government has done a considerable amount to support the cannery; for example, we have converted our half-share of the loan made to the cannery to a grant. Further, we have provided assistance to the cannery in the form of management expertise, which is already having a considerable effect. A cost reduction programme is being undertaken at the cannery as a result of this management expertise.

We have guaranteed a price for the fruit that will be delivered in the 1978 harvest to the cannery and we expect that this will cost the Government about $300 000. So the State Government has provided considerable help to the cannery and I think it is time the Federal Government did likewise and also helped the cannery.

It was very disappointing to see reported in the Riverland press only last week that the Federal Minister for Primary Industry had given exactly the same excuse why the Federal Government could not convert its half share of the loan it made two years ago, and that excuse was that the legislation did not allow for this to happen. It has had two years in which to amend the legislation to allow the Federal Government to convert its share of the loan to a grant and therefore help those Riverland growers, but nothing has been done. It is deplorable that the Federal Government has been so callous in its attitude to those growers.

TYRE ADVERTISING

The Hon. J. A. CARNIE: Has the Minister of Health a reply to a question I asked recently about tyre advertising?

The Hon. D. H. L. BANFIELD: The television advertisement has been examined and, whilst the commentator referred to particular tyres as suitable for cars like Cortinas, Datsun 180B's and others, the specific size of the type being discounted, AR78513, was displayed on the screen. It has been ascertained that this size of tyre cannot legally be fitted to a TC or a later model Cortina car, although it can be fitted to all previous models of Cortina cars. It is not considered that this advertisement is in breach of the Unfair Advertising Act. However, the State manager for the company concerned has indicated that in future advertisements the words "early models of" or "late models of" will be used to clarify the offer.

URANIUM MINING

The Hon. F. T. BLEVINS: I believe the Minister of Agriculture has an answer to a question I asked him on November 22 about uranium mining.

The Hon. B. A. CHATTERTON: I have received the following reply from the Minister of Mines and Energy:

> Of the four companies specifically named, only Esso (Esso Exploration and Production Australia Incorporated) is an exploration company. The other three, Rockdrill, Thompson and Nieztche, are drilling contractors employed by various exploration companies in all parts of the State. Four exploration licences currently include parts of Plumbago station. Three are held by Esso, one by Mines Administration Proprietary Limited—Teton Exploration Drilling Company Proprietary Limited—Carpentaria Exploration Company Proprietary Limited and one area partly within the station is currently under application by Carpentaria for an exploration licence to replace a portion of their expired exploration licence No. 259. Several other licences are currently held in the same general area between the Broken Hill line and Lake Frome, but do not include any of Plumbago station. The exploration licence allows the holder to explore for all minerals excluding precious stones and extractive minerals. However, the area covered by one of the Esso licences on Plumbago includes the Crockers Well and Mount Victoria uranium prospects, investigated in detail originally by the South Australian Department of Mines. Small uranium concentrations have also been located elsewhere in the Lake Frome region and so this commodity could be said to be a primary exploration target. However, the area is well known for its mineral potential and a variety of metallic and non-metallic minerals is likely to be found. It must be pointed out that, with the current ban on mining and export of uranium in South Australia, exploration specifically for this mineral has been drastically reduced.

PARKING RESTRICTIONS

The Hon. N. K. FOSTER: I seek leave to make a statement prior to asking a question of you, Mr. President, as President of the Council, regarding alleged parking restrictions.

Leave granted.

The Hon. N. K. FOSTER: Being a member of this place and very sensitive to the dictates of the Chair and the Standing Orders of the place, I was surprised at the reaction I received when I was, early last Friday morning, in front of this building.

I was prevailed upon by a wellknown political writer and a photographer, and was told that the President of the Council had forbidden me to park there. I had no knowledge whatsoever of any letter written by you, Sir, to members, or of any letter, in the hands of members of the House of Assembly, written by the Speaker of that place.

I raise this matter with you to ensure that in future no embarrassment is caused to members by those who are unfortunate enough to have to report to their various newspapers the political happenings in this State. I have nothing against Mr. Rex Jory, who is a very good reporter. However, he had a camera-clicking bloke with him who was taking photographs, to which I took exception. Indeed, I told Mr. Jory to get the "Anthony Armstrong-Jones" type out of the way. Will you, Sir, act responsibly in future to ensure that rulings made on a matter such as that referred to in your letter do not take effect forthwith?

As you, Sir, know, this place did not meet last Thursday. On that day, and indeed on Friday, I was engaged in the country. I was here early in the morning before leaving for Jamestown, only to find on Monday morning that there was a letter in my box the ruling in which applied almost immediately. In matters such as this, involving the giving of dictatorial instructions, I ask that such instructions take effect at least a week from the date of sending the letter to members.

As you, Sir, being a member of the legal profession, should realise, the legality of this matter is indeed doubtful, as one could argue for a week about who has control over the strip of land in front of Parliament House. However, I resent being accosted and told by someone that the President had sent me a letter, which I picked up almost a week later and the ruling contained therein was to operate, without members being consulted, straight away.

The PRESIDENT: It appears that there may well have to be further consultation with the Speaker in another place, as this ruling may not be able to apply at all. We may have been right in principle but wrong in law.

The Hon. N. K. Foster: I could have told you that straight away.

The PRESIDENT: The letter was circularised, as we considered that this was a matter of some urgency, because real problems arise on sitting days and not often on non-sitting days.

FIRE CONTROL OFFICERS

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

Leave granted.

The Hon. R. A. GEDDES: I understand that the Woods and Forests Department moved its foreman and forester from the Bundaleer area just before the beginning of the bush fire season. Both these men knew the area well, which is essential in relation to forest fires. I understand that at present there are no Woods and Forests Department officers in the Bundaleer forest reserve. Is the Minister familiar with this problem and will he consider instructing his departmental officers how unwise it is to move experienced fire control officers away from such an area at the beginning of a bush fire season?

The Hon. B. A. CHATTERTON: I will obtain a report on the matters that the honourable member has raised. Although I was aware of some of the changes that have taken place within the department, I am not familiar with the one to which the honourable member has referred. If what he has said proves to be correct, I will certainly take up the matter to ensure that something is done.

FEDERAL ELECTION

The Hon. J. R. CORNWALL: I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Minister of Labour and Industry.

Leave granted.

The Hon. J. R. CORNWALL: The Federal election campaign has been characterised by lies, misrepresentation, and distortion by the Liberal Party—

The Hon. R. C. DeGaris: Come on!

The Hon. J. R. CORNWALL: —particularly by the Prime Minister. I can give two examples, one relating to inflation that is completely incorrect, and another relating to child allowances. Members opposite obviously do not like—

The Hon. R. C. DeGaris: Question!

The PRESIDENT: "Question" has been called.

The Hon. N. K Foster: You'll get it in a minute.

The Hon. J. R. CORNWALL: My questions are: is it right that we are about to enter the blackout period on the electronic media; is it a fact that there is a big fiddle about unemployment figures that are to be released on Friday;

and is it a fact that two figures that may be used are those of the number registered as unemployed and those receiving unemployment benefits, for which there is a lag time of two weeks, so that the figures may be artificially deflated? Further, is it a fact that workers who were temporarily stood down during the power dispute and are now re-employed will also be used to produce a false claim of a figure of anything up to 15 per cent when this was not the fact at all? Can the Minister confirm or deny any of those allegations?

The PRESIDENT: I do not think the Minister can reply without getting further information.

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

PLANNING AND DEVELOPMENT ACT REGULATIONS

Order of the Day, Private Business, No. 3: **The Hon. C. J. Sumner** to move:

That the regulations made on April 28, 1977, under the Planning and Development Act, 1966-1976, in relation to rural land subdivisions, and laid on the table of this Council on July 19, 1977, be disallowed.

The Hon. C. J. SUMNER moved:

That this Order of the Day be discharged.

Order of the Day discharged.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1176.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The Bill inserts in the schedule to the South Australian Health Commission Act a provision allowing the Chairman of the Central Board of Health to be nominated by the Minister. This is a minor matter. I believe it is due to the fact that the Director of Public Health is retiring and therefore there will need to be an appointment made to the Central Board of Health. The Bill provides for that.

Since the passing of the Bill establishing the South Australian Health Commission several changes in health matters in South Australia have taken place, some of which are viewed with concern by people associated with health services. Many complaints are now coming through and, although this Bill does not directly deal with these complaints, I ask the Minister when he replies to deal with the question of how the commission's operations are proceeding and whether any serious problems have developed, especially in country areas in relation to the establishment of the commission and the status of country hospitals. This Bill overcomes the problem created by the retirement of a top public servant, and I have no objection to it.

The Hon. D. H. L. BANFIELD (Minister of Health): Regarding the Health Commission, discussions have been proceeding between the commission and hospitals in country regions. So far we do not expect the incorporation of hospitals not already in the schedule before July 1, but discussions are proceeding and any problem that arises will be resolved in time for hospitals to be incorporated. No hospital must necessarily be included on the schedule other than the listed hospitals, although I believe the discussions taking place will bear fruit and allow hospitals to become incorporated by July 1.

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

STATE CLOTHING CORPORATION BILL

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

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

That this Bill be now read a second time.

It provides for the establishment of a statutory corporation to be known as the "State Clothing Corporation". The functions of the corporation are to be the manufacture, supply, and delivery of clothing, linen, and other textile goods required by Government departments or agencies and to carry out repairs of textile goods and other sewing work for Government departments and agencies.

The Government proposes that the corporation's operations will be conducted at a new factory to be established at Whyalla, providing many jobs in an area suffering from relatively high unemployment.

State Government departments and agencies currently purchase clothing, hospital linen and other textile goods valued at over $2 500 000 from supplies in South Australia and interstate each year. It is expected that establishment of the corporation will reduce costs to the Government in this area and reduce reliance on supplies from outside the State. It is also anticipated that the corporation will provide the means whereby the public sector's requirements for textile goods and services are met in a more responsive manner and the quality of such goods and services is more effectively controlled.

The Government intends that the corporation with a new up-to-date factory will combine modern management and production techniques with a progressive approach to industrial relations and organisation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal and clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure and clause 4 is the definition section. Clause 5 provides for the establishment of the corporation and clause 6 provides that the corporation is to be constituted of five members appointed by the Governor, one of whom is to be Chairman.

Clause 7 regulates the terms and conditions of office as a member of the corporation. Clause 8 provides for remuneration of the members of the corporation. Clause 9 regulates the conduct of meetings of the corporation. Clause 10 ensures the validity of acts of the corporation notwithstanding any defect in the appointment of a member and protects any member from personal liability for any act in good faith in the course of his duties as a member.

Clause 11 requires members of the corporation to disclose any conflict of interest and refrain from taking part in any decisions relating to any matter affected by such conflict. Clause 12 provides for the execution of documents by the corporation. Clause 13 sets out the powers and functions of the corporation. The functions of the corporation are, as has been stated above, to manufacture, supply and deliver textile goods and to

provide sewing services to Government departments and agencies. The corporation is also empowered to perform these functions for other persons or bodies of persons approved by the Minister.

Clause 14 provides that the corporation is to be subject to the general control and direction of the Minister. Clause 15 provides for delegation by the corporation to particular members or employees of the corporation and clause 16 provides that the corporation may appoint employees and that its employees are not to be subject to the Public Service Act. Clause 17 provides that the corporation may enter into arrangements under section 11 of the Superannuation Act, 1974-1976, with the Superannuation Board with respect to superannuation for any employee or class of employees and clause 18 provides that the corporation may make use of the services of public servants and officers of Government agencies.

Clause 19 requires the corporation to conduct its business in accordance with the usual methods of financial management and to attempt to break even or secure a trading surplus. Clause 20 requires the corporation to adopt annual estimates of its income and expenditure and to expend moneys only in accordance with estimates approved by the Minister. Clause 21 empowers the corporation to borrow money and clause 22 provides that the corporation may establish banking accounts. Clause 23 provides that the corporation may invest any temporary surplus.

Clause 24 requires the corporation to pay to the Treasurer the equivalent of any tax from which it is exempt. Clause 25 requires the corporation to keep proper accounts and provides for their audit. Clause 26 requires the corporation to prepare an annual report to the Minister on its activities and provides for its tabling before Parliament. Clause 27 provides for summary proceedings for any offence and clause 28 provides for the making of regulations. This Bill has been considered and approved by a Select Committee in another place.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT AMENDMENT BILL

(Second reading debate adjourned on December 6. Page 1174.)

Bill read a second time and taken through Committee without amendment.

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

That this Bill be now read a third time.

The Hon. R. C. DeGARIS (Leader of the Opposition): A number of questions were raised in the second reading debate, not directly related to this Bill, but related to other matters concerning drainage in the South-East. These matters require a Government opinion; therefore, will the Minister comment on the inequity and injustice in the present position concerning drainage rates in the South-East, and in particular, in three areas? These are under the control of the South-Eastern Drainage Board, the Millicent and Tantanoola councils, and the Lands Department, in the Eight Mile Creek area.

The Hon. T. M. CASEY: I will get the information for the honourable member.

Bill read a third time and passed.

BARLEY MARKETING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1171.)

The Hon. R. C. DeGARIS (Leader of the Opposition): The question of oat marketing has been contemplated for some time by the Government, and no doubt many honourable members have received the opinions of primary producers on this question. I do not wish to canvass those viewpoints, and I support the general concept of the Bill, which is mainly covered in clause 11, which provides:

> The following section is enacted and inserted in the principal Act after section 14 thereof:—
>
> 14aa. (1) Subject to this section, a person shall not after the appointed day sell or deliver oats to any person other than the board.
>
> (2) Nothing in this section shall apply to—
>
> *(a)* oats retained by the grower for use on the farm where it is grown;
>
> *(b)* oats which have been purchased from the board;
>
> *(c)* oats sold or delivered to any person with the approval of the board;
>
> *(d)* oats sold at any auction market in accordance with a permit granted by the board;
>
> *(e)* oats the subject of trade, commerce or intercourse between States or required by the owner thereof for the purpose of trade, commerce or intercourse between States; or
>
> *(f)* oats sold to a person where those oats are not resold by that person otherwise than in a manufactured or processed form including, without limiting the generality thereof, the processed form of chopped, crushed or milled oats.

One aspect has not been mentioned in that provision—seed oats. A number of merchants in the State trade in seed oats; those merchants buy from growers and they resell to other growers. It is not provided that nothing in new section 14aa will apply to the kind of trade to which I have referred. In connection with barley growing and wheat growing, the grower gets a permit or exemption that allows him to sell to merchants dealing in seed wheat and seed barley. Can the Minister say whether that kind of provision will apply to oats? Will he make a statement in regard to seed oats from the viewpoint of this Bill? Apart from that, I support the second reading.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The Barley Board and the Wheat Board have given permits to people to trade in seed barley and seed wheat in the past, and that same system would be adopted with oats. There is no reason why it should not work satisfactorily. That covers the question raised by the Hon. Mr. DeGaris and the Hon. Mr. Whyte. The board would, of course, issue permits for the kind of trade to which those honourable members referred. The Hon. Mr. Dawkins raised the question of the extension of the Barley Board's area of operations. I have discussed this question on a number of occasions with the Ministers of Agriculture from New South Wales and Victoria. The present system operates only in South Australia and Victoria, and the New South Wales Government is keen to have a working relationship with the Australian Barley Board. Eventually, the aim is to have a board that covers the three States—New South Wales, Victoria, and South Australia. If that arrangement could be developed, it would greatly benefit barley growers throughout the three States. The ball is now in the court of the New South Wales Government, which has to resolve the quite complicated board structure in that State. Such a matter is not straightforward and would require considerable amendments to the relevant legislation.

This Bill demonstrates the advantages of having a well-researched report before we decided to move to legislate

on the matter. Many honourable members have stated that this Bill resolves some of the conflicts that were present in previous legislation dealing with oats. The fact that these conflicts have been resolved can be traced back to the green paper produced by my department; that green paper highlighted some of the problems, gave details of research into the marketing of oats, and provided a basic document on which further discussions could take place. Those discussions were all the more rational and all the more likely to solve the problems because of the research done during the preparation of the green paper.

The Barley Board will now have the opportunity to market other grains, but it will not be obliged to do so. I hope that its opportunity to market other grains will benefit South Australian primary producers. A number of grain crops could be developed that would be to the advantage of primary producers in this State if marketing arrangements were provided. The expertise of the Barley Board will be valuable in these areas, too. I refer particularly to field peas and lupins, which have been grown for some time. They could be grown more widely if there was a more stable marketing system for them. Other experimental crops are showing promising signs of developing into commercial enterprises.

Bill read a second time.

In Committee.

Clauses 1 to 20 passed.

Clause 21—"Application of Act."

The Hon. A. M. WHYTE: I move:

Page 7, line 9—leave out "four" and insert "two".

My amendment reduces the period of application from five years to three years. Knowing the arrangements concerning this legislation that have taken place over the years and having listened to debates for and against the marketing of grain, I believe that there are still some areas where growers are querying the advantage of this legislation. If we are to have a definite period of application, I believe that five years is too long.

My amendment reduces from five years to three years the period in which this legislation must come before Parliament again for reconsideration. By that time, I believe it will have established itself to the point where we shall not need to have it rescinded. However, at this stage I should like to provide for a revocation, if that is necessary, at the end of three harvests instead of five.

The Hon. M. B. DAWKINS: I have already said that, by and large, this is an excellent Bill, and I stand by that comment; but I support the Hon. Mr. Whyte in his amendment to make it two years instead of four (assuming that, in his reference to five years and three years, he is including the 1978-79 harvest). This is an amendment the Minister should well consider: at the end of three seasons we would know exactly how the growers felt. I would hope there would be no need to repeal this measure. I support the amendment.

The Hon. B. A. CHATTERTON (Minister of Agriculture): I oppose the amendment. I think it puts the Barley Board into a difficult position; it makes it difficult for it to carry out the successful marketing of oats. It may create difficulty in entering into forward contracts for the expected oat harvest, as the board will find it difficult to make contracts overseas, which is where its main area of activity will be, because there will be no long-term continuity of supply. There is a general consensus within the farming community that this move is desirable and that the Australian Barley Board is a good and efficient marketer of barley. I am confident in its ability to handle oats for farmers and get the best possible returns. I do not think we should be putting anything in the way so that we are giving something on the one hand, but on the other hand making it difficult. The board should be given the opportunity to market oats as it does barley—on the basis of five years. For these reasons, I oppose this amendment.

The Hon. A. M. WHYTE: At no time did I cast any reflection on the ability of the Barley Board to handle the marketing of oats or any other grains. I am full of praise for its ability. I realise, too, the position that the Minister suggests may arise—the need to negotiate further contracts—but how much further ahead does the board need to contract? When we come to the end of five years, will it then say, "We have foresold for the next two seasons"? Perhaps it would be better to give this shorter testing period than let it go on for five years, when we may have a series of contracts ranging into seven or eight years of commitments. However, I do not intend to divide the Committee on the issue; I place the matter before the Minister, who should have all the relevant facts. I leave it, then, to him to decide.

Should it then backfire, I shall have done what I believe is right in suggesting this period of establishing whether oat marketing through a statutory body or through an agent is the better course. We must remember that the value of oats to the grain section of primary industry in South Australia has never been large. We believe that, perhaps because there is a greater use of coarser grains, this market will expand, but I doubt whether it will ever reach a peak of being one of our main grain commodities. It would be remiss of us, as legislators, and of the Minister, as the administrator of the present Act, if we were to curtail entirely the marketing of oats because we had legislation that inhibited the free movement of the amount of oats we grow. Oats are not one of our major crops and I doubt whether they ever will be.

However, I am prepared to say, "Well, this is my suggestion to the Minister, that it should not be a longer term, because of the further involvemement of the Barley Board in making contracts for future sales." It would be better to say at the end of three years, "This is not going well". As I understand it, the Barley Board is not terribly enthusiastic. It is prepared to do this on a testing basis. To market oats does not mean very much to it; it means more work and perhaps it is not of any real benefit to the board itself. It hopes, as the Minister and I do, that it is of benefit to the growers.

The Hon. R. A. GEDDES: I raise one point with the Minister. He said that the Hon. Mr. Whyte was giving an assurance for only two years to the board to market oats and make future contracts. How much better equipped would the board be in, say, its fourth year of operation to make contracts past the fifth year, when the legislation would have to be reviewed? The validity of the argument for two years applies equally to the argument for five years, in respect of the assurance the board requires in the forward marketing of oats. It would be wise for the Government to accept this amendment to let the grower who has been concerned with the marketing of this product at least see within two years how efficient the whole scheme might be. If it is found not to be efficient at the end of the fifth year and Parliament votes for its repeal, then not only will the goodwill that the Barley Board has built up be adversely affected as regards the marketing of oats but also its excellent reputation in the marketing of barley will suffer.

I am disappointed that the Minister has not accepted the Hon. Mr. Whyte's amendment, which seems to be sound and sensible and which would give growers a chance, in the short term, to make contracts.

The Hon. B. A. CHATTERTON: The great amount of expertise possessed by overseas buyers is sometimes overlooked. These people scrutinise closely what happens

in Australia. I think particularly of Japanese buyers, whose information on what is happening in Australia is usually excellent. The internal politics of the various marketing boards and the general situation regarding changes that are made are usually also well known. The Barley Board's moving into this area creates certain problems because of difficulties associated with the marketing of oats. The board must prove itself as a creditable organisation worthy of being involved in oat marketing. That is why it is important that it be given the same period of time as applies to barley so that in this respect it can go out on the world market. If the period is reduced, doubts will surround the board's activities, as a result of which it will be more difficult for it to build up a rapport with overseas buyers. Whether it relates to formal contracts or a build-up of goodwill, it is important that the board be given the same period of time as that which applies to barley, with which much success has already been achieved. There is no doubt that such success will be repeated in future.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

PRICES ACT AMENDMENT BILL

At 3.9 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council insists upon its amendment and the House of Assembly does not further disagree thereto.

As to Amendment No. 2:

That the Legislative Council does not insist upon its amendment but makes the following amendment in lieu thereof:—

Page 1, lines 23 to 25 (clause 2)—Leave out all words in these lines and insert—

(d) a borrower, or a prospective borrower of money under a credit contract within the meaning of the Consumer Credit Act, 1972-1973, not being any such credit contract—

(i) under which money is borrowed on the security of land for the purpose of the purchase of land; or

(ii) to which Part IV of that Act does not apply,

and that the House of Assembly agree thereto.

As to Amendment No. 3:

That the Legislative Council does not insist upon its amendment but makes the following amendment in lieu thereof:—

Page 2, lines 18 to 21 (clause 5)—Leave out all words in these lines and insert—

(a) by striking out from paragraph *(d)* of subsection (1) the passage "the receipt and" and inserting in lieu thereof the passage "subject to subsection (1a) of this section, the",

and that the House of Assembly agree thereto.

As to Amendment No. 4:

That the Legislative Council does not insist on its amendment but makes the following alternative amendment in lieu thereof:

Page 2, after line 26 (clause 5)—insert the following paragraph:

(c1) by inserting after subsection (1) the following subsections:

(1a) The Commissioner shall not conduct an investigation under paragraph *(d)* of subsection (1) of this section except—

(a) upon the complaint of a consumer;

(b) at the request of any person appointed or constituted under a law of the Commonwealth or a State or Territory of the Commonwealth having some functions similar to the functions of the Commissioner under the laws of this State; or

(c) where the Commissioner suspects on reasonable grounds that excessive charges for goods or services have been made or that an unlawful or unfair trade or commercial practice has been or is being carried on or that an infringement of a consumer's rights arising out of any transaction entered into by him as a consumer has occurred.

(1b) Where the Commissioner conducts an investigation pursuant to paragraph *(c)* of subsection *(1a)* of this section, he shall as soon as practicable after he commences to conduct the investigation notify the Minister of the substance of the investigation,

and that the House of Assembly agree thereto.

As to Amendments No. 5 to No. 7:

That the Legislative Council does not further insist on its amendments.

As to Amendment No. 8:

That the Legislative Council insists upon its amendment, and that the House of Assembly does not further disagree thereto.

Consideration in Committee.

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

That the recommendations of the conference be agreed to.

The conference was not an easy one, as initially both Houses were poles apart in relation to the matters involved. However, what came out of the conference was something of which the managers from both Houses can be extremely proud. The Minister from another place conducted the conference in an excellent manner, and I assure honourable members that he was most considerate regarding the recommendations made by the Council managers. Nevertheless, there were some areas on which I should have liked to see more compromise than was actually reached. What resulted from the conference was worth while, and I congratulate the Council managers on the way in which they argued the Council's case.

The Hon. J. C. BURDETT: I support the motion. Amendment No. 1 inserted here included the purchaser of land in the definition of "consumer". Our amendment No. 2 included the borrower of money in that definition, and the effect of what has been agreed to is that the borrower of money shall be so included where the transaction is a credit contract under the Consumer Credit Act, not being any such credit contract under which money is borrowed on the security of land. Our amendments Nos. 3 and 4 were each partly concerned with the question of widening the powers of the Commissioner to allow him to use the investigatory powers under the Act without complaint. Members here felt strongly on that matter and felt that the Commissioner should not be able to use those wide powers unless a complaint was made. The compromise arrived at was that the Commissioner could undertake an investigation without complaint where he had reasonable grounds to suspect that there had been improper conduct. In such a case, he must report to the Minister that he has so acted. In addition, the Commissioner was given power to

investigate without complaint where he had been requested so to do by a Commissioner from another State or a similar person.

The managers for this place agreed not to insist further on our amendments Nos. 5 to 7. The Bill enabled the Commissioner not only to institute or defend proceedings, as he can do now, but also to undertake the conduct of proceedings or defences already instituted. The amendment made here prevented that from being done. Whilst I believe that there was merit in the arguments raised here on that point, we felt that the matter was not important and that this was an area where this place could compromise. Therefore, we agreed to recommend that we do not further insist. Amendment No. 8 deals with the annual review. We agreed to recommend that we insist on this and the House of Assembly managers agreed to recommend that the Assembly not further disagree thereto.

I agree with the Minister's comments on the conduct of the conference. Certainly the attitude of the Assembly managers was good. The conference was conducted in a friendly spirit and atmosphere and there was much discussion on the various points raised. I should mention that during the conference the Liberal Party managers for this place gave the undertaking that the Party would, during the course of the next 12 months, reconsider its attitude to insisting on an annual review by Parliament of the price-fixing provisions of the Prices Act. In view of the administrative difficulties attendant upon these provisions being renewed from year to year as at present, the Party will consider agreeing to the price-fixing provisions being on a triennial basis in lieu of an annual basis.

The Assembly managers pointed out that there were many administrative difficulties about the annual review. If Parliament, without warning, agreed not to renew the price-fixing provisions, there would be prosecutions that had already been undertaken, other prosecutions that were in the pipeline, and so on. Therefore, there would be some chaos. We were convinced that that should not mean that there should not be an annual review but we gave the undertaking that the Liberal Party would consider the matter again during the next 12 months.

The Minister has said that he felt that the Council could have compromised more. I think most managers for this place, because of the strong views that members here held on the extension of the definition of "consumer", the extension and widening of powers of the Commissioner, and particularly the periodic review of the legislation, felt that we could not compromise more than we did. I realise that the Assembly managers held strong views that were contrary to ours. In conferences of this kind, there is need for compromise on each side. We compromised as far as we could and I believe that what was arrived at was good, certainly from the point of view of this place.

The Hon. M. B. DAWKINS: I do not wish to speak in detail about the conference: the detail has been read by the Minister and canvassed by the Hon. Mr. Burdett. I agree with the Hon. Mr. Burdett that the managers for this place did compromise as much as we felt it was possible or wise to do in this situation. The conference was conducted in an amicable and proper way, and I appreciate the spirit that obtained.

There was much discussion and much difference of opinion, but the conference was conducted in a way in which I think the people who made provision for this type of conference in the Constitution considered that conferences should be held. It reflected credit on this and the other place. I do not agree with the Minister that we could have compromised more. I think we reached a satisfactory conclusion in deciding to give way on some lesser matters and in retaining what I consider to be the important views sustained by this place.

Motion carried.

Later:

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

INDUSTRIAL COMMISSION JURISDICTION (TEMPORARY PROVISIONS) ACT AMENDMENT BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

The amendment was to make sure that, if these conditions were to continue beyond December, 1978, a Bill would have to be introduced each time to extend the provisions. The Government believes that the Bill is a temporary measure, as is indicated in its title, and it wants to act on it as long as wage indexation operates. There is no reason why it should have to come back to Parliament each year, provided that wage indexation remains in force. For those reasons I ask that the Committee do not insist on its amendment.

The Hon. D. H. LAIDLAW: I am disappointed that the Government will not agree to my amendment couched in identical words to an amendment it moved last year. Undoubtedly there is some logic in the Government's reasoning, even if I cannot fathom it. My colleagues and I believe it is important to maintain the principle of wage indexation and, in these circumstances, I do not insist on my amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): In supporting the views of the Hon. Mr. Laidlaw, I point out that this Chamber's amendment was reasonable, especially as it reflected the Government's view of only a few months ago. The Bill contains some measures of value to the community, and I support the Minister's motion. However, I express my disappointment that the Government has not seen fit to accept a reasonable amendment.

Motion carried.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1178.)

The Hon. J. C. BURDETT: I support the second reading. However, the Bill in its present form goes much too far. It would enable any Government department, for example, Works, Fisheries, Transport, or any other department, to employ legal practitioners who would have the right of audience in the courts (and this is important), whether or not the Crown is a party to the proceedings. There has always been strong opposition to an employed practitioner having the right of audience in the courts, unless the practitioner's employers were themselves practitioners and, therefore, subject to the discipline of the courts.

The point is that counsel are responsible not merely to their clients but also to the courts as officers of those courts. This is not fiction: it is a matter of real practical concern. A counsel appearing before the court is an officer of the court, with a duty to the court as well as to his client. Therefore, how can a practitioner fulfil his duty to the

court if he is an employee and subject to the direction of his employer in the same way as are all other employees? If the employer is himself a practitioner and owes a duty to the court, the position does not arise. However, a private person, a company, or a Government department (it makes no difference), which employs a salaried soliciter is not itself subject to the court and has no duty to it. The salaried practitioner is under pressure to obey directions from his employer (which, after all, is ordinarily the duty of an employee) and is under pressure to put his duty to his employer higher than his duty to the court.

This would inevitably lead to all kinds of abuse if each Government department could not only employ its own practitioners (many of them do so now) but, if these practitioners had the right of audience, such practitioners could easily fall into the trap of carrying out their superior's instructions and disregarding their duties to the court. A Minister or department armed with a battery of legal practitioners with a right of audience and subject to the Minister or department could exercise a great and arbitrary power over citizens. It must be remembered that the Crown need not be a party to the proceedings. I appreciate that, in order to have the right of audience, the practitioner must act with the approval of the Attorney-General but, with a system of departmental practitioners such as I have outlined, such approval is likely to have little factual significance.

In my opinion it is the Attorney, the principal law officer of the Crown, who should have direct supervision of all actions conducted on behalf of the Crown. The multiplicity of Ministers, not necessarily nor usually being themselves solicitors or subject to the discipline of the court, having the power to direct practitioners employed by the departments to conduct legal proceedings, will be viewed with less than equanimity by many citizens.

Employed practitioners have a conflict of interest, a conflict between their duty to the court, on the one hand, and a permanent employer who may be their sole source of income, on the other hand. This applies whether the employer is a Government department or a company in the private sector. Of course, it can be said that the arguments that I have used apply equally to practitioners employed in the Crown Solicitor's office. However, in all Westminster countries there has been a long tradition of Crown Law offices in which practitioners carry out their duties with as much professional integrity and as much recognition of their duties as officers of the court as practitioners in private practice. It is my observation from many years' experience that the bench has had a high regard for the practitioners of the Crown Law Office. Of course, the Crown Solicitor is a senior legal practitioner.

Amendments have been placed on file by the Minister of Health that do clear up these defects to my satisfaction and, because of the late stage of this part of the session, there have been some discussions on this matter. The amendments on file are designed to codify the present practice in statutory form. The effect of the amendment is to set down the right of the Crown Solicitor and practitioners instructed by him to have audience, but not to allow the right of an audience to any other practitioner employed in any other Government department, with one exception, to which I will come in a moment. This will keep the conduct of actions brought or defended by the Crown under the surveillance of the Crown Solicitor and this, I think, is how it should be.

In his second reading explanation the Minister stated that one of the reasons for the Bill was to make it possible for legal practitioners employed by the proposed new Corporate Affairs Commission to appear in the courts. Only last week the Corporate Affairs Department was gazetted as a department. As I understand it, there is to be introduced later this session or sometime next year a Bill to establish a complete Corporate Affairs Commission. In modern times the need for such a commission has become apparent, and such commissions have been established in several places, notably Queensland. Everyone agrees that officers of the commission or department should in the meantime have the right of audience. I would have thought, if this department had not already been established by proclamation under the Public Service Act, that the right place to provide a right of audience would be in the Bill, when it is introduced, establishing the Corporate Affairs Commission.

I have been told that there is a problem, because the department was established, and there is a need for its officers to appear in the courts. The second part of the amendment placed on file allows legal practitioners employed in that department the right of audience. I do not believe anyone disagrees with that. In accordance with modern practice, it is likely that the Commissioner will always be a legal practitioner, and I see no objection to officers in that department being allowed the right of audience in the courts. However, it seems quite improper that all trained legal officers employed in a Government department should have the right of audience. That would remove the present situation where the Attorney-General has surveillance over all proceedings to which the Crown is a party. I support the second reading.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Legal practitioners employed by Crown."

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

Page 1, line 13—After "the State" insert being—

(a1) the Crown Solicitor or a legal practitioner who is employed by the Crown and acting on the instructions of the Crown Solicitor; or

(a2) a legal practitioner who is employed in the Department for Corporate Affairs;"

This amendment restricts the need for the proposed new section 69 to be inserted in the principal Act. Its provisions only apply to the Crown Solicitor and his officers, and officers employed by the newly created Department of Corporate Affairs. As the Hon. Mr. Burdett indicated, there have been discussions and we are aware of his views. We feel that this is a compromise, or something which can be accepted to meet the wishes of the Opposition. I commend the amendment to honourable members.

The Hon. J. C. BURDETT: The amendment does give the effect I wanted. It restricts the right of audience to officers of the Crown Law Department and the Department of Corporate Affairs. For the reasons I have mentioned, I support the amendment.

The Hon. A. M. WHYTE: I, too, support the amendment and I believe that it makes the Bill much more acceptable. As the Bill stood in my mind, it was a vote of no confidence by the Government in its Attorney-General, and was designed to take away certain powers and authorities from him and invest them in individual Ministers. This could have created a situation where each Minister was armed with his own legal protection, and I do not know the cost to the taxpayer, if there had been half a dozen or so of our best lawyers on a retainer of possibly $30 000 a year.

The Hon. N. K. Foster: They would all be Liberals, if they were paid that amount.

The Hon. A. M. WHYTE: I do not doubt that they would be the best brains in the country. The problem I saw was the absolute slap at the Attorney-General. The

amendment will save the South Australian taxpayer somewhere around $300 000 a year, at a conservative estimate, and for that reason it is well worth my supporting the Bill.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the amendment and congratulate the Hon. Mr. Burdett on the speech he made in the second reading debate. The Government had its own reason to put in the amendment that would have been moved by the Hon. Mr. Burdett, and which covers the point he raised in the second reading debate. I hope that the Minister of Health has already liaised with the House of Assembly, and if so there will not be any need for an obstructive attitude from the House of Assembly when this worthwhile amendment gets to that place.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

SOUTH AUSTRALIAN OIL & GAS CORPORATION PTY. LTD. (GUARANTEE) BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1177.)

The Hon. R. A. GEDDES: The South Australian Oil and Gas Corporation began earlier this year as a consortium of the South Australian Gas Company and the South Australian Pipelines Authority. The idea was that the corporation buy from the Commonwealth Government a 50 per cent share of the Cooper Basin that the late Mr. Connor, as Minister for Minerals and Energy in the Whitlam Government, had purchased from Delhi International Oil Corporation, in order to "buy back the farm", which was Mr. Connor's philosophy. The South Australian Oil and Gas Corporation's policy is that those who agree with this concept should be able to search, find and guarantee adequate supplies of natural gas for South Australians after the deadline of 1986, when it has been suggested that known supplies of reserves of natural gas in the Cooper Basin will be diminishing.

This corporation will only be running in harness with private enterprise, and private enterprise was responsible for finding natural gas in the Cooper Basin, sufficient for the metropolitan area and for turbines at ETSA at Port Adelaide; it found sufficient supplies for the cement company at Angaston, and for Broken Hill Associated Smelters at Port Pirie for its lead smelting complex; there were sufficient supplies also to provide Sydney, the largest metropolitan city of Australia, with natural gas; and there are plans to provide the industrial might of the Eastern seaboard near Sydney with natural gas.

From the dream of finding gas in this part of Australia came the aspirations of Sir Lyell McEwin, as Minister of Mines in the Playford Government and Leader of the Government in this place at that time. He introduced the first Mining and Petroleum Act, which came into existence in 1940. One can well imagine the situation in the second year of the war when this State was concerned that future supplies of petroleum should be available for the benefit of South Australians and of the nation. I believe that the oil petroleum lease granted by the Government at that time was the largest oil search lease ever granted in the world.

Santos took the initial lease, and Delhi came in to provide technological help and financial help from the United States of America. These companies have done all the obvious things related to natural gas. In the search for natural gas, these companies have also been able to prove sufficient reserves to justify considering the formation of a petrochemical plant in the Redcliff area, should it be possible for Dow Chemical Company or any other company to get the necessary "go-ahead" from the State Government and the Commonwealth Government. These circumstances gave birth to the South Australian Oil and Gas Corporation Proprietary Limited. An initial payment of $12 450 000 is provided for in the agreement, and the amount of US$8 558 000 is to be the subject of a guarantee under this Bill. The payments are to be in 30 equal instalments in respect of the understanding that the Commonwealth Government originally had with Delhi when it purchased 50 per cent of Delhi's holdings in the Cooper Basin.

To a degree, this Bill seems to be quite ludicrous. It provides for an instruction that the Industries Development Committee shall have the necessary authority to recommend to the Treasurer that a Government guarantee be given for US$8 558 000. At the same time, this Council has on its Notice Paper the Industries Development Act Amendment Bill, which provides for further instructions to be given to the Industries Development Committee. Why is it that the need relating to the Industries Development Committee expressed in the Bill now being considered could not be incorporated in the Industries Development Act Amendment Bill, so that, if another occasion arises in the future when a guarantee is to be given from one party to another party, the committee will have the necessary authority? This authority will be a "one off" authority, dealing only with this matter. Therefore, the Industries Development Committee has no room to manoeuvre and no room to advise the Treasurer whether or not it is a wise loan to guarantee. If approval is not given, the South Australian Oil and Gas Corporation Proprietary Limited would be embarrassed, because of the commitments it already has with the Commonwealth Government.

So, the Bill is ludicrous, and I am loath to support it on the two grounds to which I have referred: first, that there is an instruction to the Industries Development Committee that it must agree; and, secondly, that authority for the instruction should be written into the Industries Development Act itself. In this financial year in South Australia, private enterprise companies have already announced planned expenditure of $7 300 000 for exploration in the Cooper Basin, whereas the Government, through the South Australian Oil and Gas Corporation Proprietary Limited, will spend only $4 750 000, $250 000 of which will be on stratographic work by the Mines Department. So, the principle behind the Bill is to assist the corporation, and I must agree to that, but I do not agree with the method by which it is being implemented.

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

SAVINGS BANK OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1175.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill so that it can reach the Committee stage, where I will support an amendment by the Hon. Mr. Hill to clause 3, which gives the trustees of the Savings Bank of South Australia power to extend the business of the bank.

The main object of this Bill is to amend section 46 of the principal Act so that commercial bodies (that is, companies and partnerships) can deposit funds with, operate cheque accounts with, and borrow from the Savings Bank. I accept that this amendment is desirable because the present Act is too restrictive. However, I object to the provision in clause 3 that grants undefined power to extend the business activity of the bank. What does this mean?

If it is merely intended to increase the number of depositors and the amount of deposits and to invest the extra funds in traditional fields of Savings Bank lending, the clause is unobjectionable. However, if the Government intends the Savings Bank of South Australia to enter all forms of banking activity, including perhaps hire-purchase financing, I believe such activities are undesirable, because the Government already owns the State Bank, which is itself a trading bank.

Further, I object to granting such wide powers because the Savings Bank of South Australia is not subject to the controls set down in the Federal Banking Act, 1959, with regard to liquidity reserves and the need to maintain statutory reserve deposits with the Reserve Bank at minimal rates of interest; nor is it subject to the Savings Bank regulations, created under the Federal Banking Act, which state the objects in which prescribed savings banks can invest. The savings bank departments of the seven major trading banks as well as the two trustee savings banks in Tasmania come within these regulations, whilst the Commonwealth Savings Bank is controlled by a separate Federal Act. However, the State Bank of Victoria, the Rural and Industries Bank in Western Australia and our own Savings Bank of South Australia are exempt from these Federal regulations because they are State-owned instrumentalities.

The regulations state that not less then 7·5 per cent of the deposits of each prescribed savings bank must be deposited in Australia with the Reserve Bank or in Treasury bills, and that not less than 45 per cent of the deposits in each bank must be invested in Commonwealth and State Government securities. The balance shall be invested in traditional fields such as housing loans against the security of land.

Prescribed savings banks cannot grant personal loans or finance commercial activities, whereas the Savings Bank of South Australia already actively pursues the personal loan business, in many cases at a higher level than that granted by ordinary trading banks, and under this amending Bill it is proposed that the Savings Bank will be able to provide facilities for commercial organisations.

For the reasons stated, I believe that Parliament should not grant sweeping powers to the trustees of the Savings Bank of South Australia to extend their activities when and where they like without some explanation of what they intend. I support the second reading and shall support the amendment placed on file by the Hon. Murray Hill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Limitation on powers of bank."

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

Page 2, line 1—Leave out the words "or extend".

The Hon. Mr. Laidlaw has just made a strong submission to the Council in which he argued that the Savings Bank should not be given the right to expand its banking operations into the field of private organisations. I commend him for that argument.

The Hon. C. J. Sumner: You mean there should not be competition?

The Hon. C. M. HILL: Broadly, the business of the Savings Bank is to act as a savings bank for the State.

The Hon. C. J. Sumner: Why don't you answer?

The Hon. C. M. HILL: It is publicised as the people's bank and its functions are, broadly speaking, to provide a savings bank service for the people to make deposits, for the bank to invest its funds in public and semi-government utilities, and for profit purposes, particularly in the field of lending money for housing. Its function has never been conceived to be that of expanding as a trading bank. That is adequately catered for by the State Bank here in South Australia; that bank provides the form of trading bank activity that the Savings Bank would appear to be trying to get.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C. M. HILL: The extension of the facilities involves vastly different types of lending. The present Savings Bank staff is inexperienced in this field, but their past record is splendid, in my view, in banking practice as that practice applies to savings bank work. I pose the question to the Government: is there any need for the Savings Bank to expand its operations into this field? If the Government believes there is a need, I should like to hear the Government on it.

The Hon. N. K. Foster: What about competitors of this bank? That is what you should be looking at.

The Hon. C. M. HILL: The honourable member knows that two aspects of banking facilities here in this State are provided for by State institutions. The State Bank provides a splendid trading bank service, and the Savings Bank has also provided a splendid savings bank service. I ask: have the depositors involved in the Savings Bank had any notice of this plan? Do they know what is going on with the Government introducing this Bill? It has not been referred to the depositors.

The Hon. N. K. Foster: Have you asked your constituents whether they agree to it? Of course you have not. Did you ask for a poll in the *Sunday Mail?*

The Hon. C. M. HILL: The depositors certainly made their feelings known about joining with the State Bank, because they withdrew their money from the Savings Bank.

The Hon. C. J. Sumner: You organised that.

The Hon. C. M. HILL: No, we did not.

The Hon. C. J. Sumner: You did; you know that as well as I do.

Members interjecting:

The Hon. C. M. HILL: I do not believe that the depositors would support a change of this kind. It would be extremely unwise for the Savings Bank to be given this power.

The Hon. N. K. Foster: Rymill would be proud of you!

The CHAIRMAN: Order! The honourable member's comments are out of order.

The Hon. N. K. Foster: Of course they are, but they are true.

The Hon. D. H. LAIDLAW: Members on the Government side seem to have misunderstood what we have agreed to. As the Hon. Mr. Hill and I have explained, we support extending the powers to be given to the Savings Bank to enable it to deal with commercial bodies, which it previously has not had the power to do. The only thing we are objecting to is this: we are asking the Government to define the forms of commercial banking activity. We are merely saying that, if the Government wants the Savings Bank to enter the hire-purchase field, it should say so.

The Hon. C. M. HILL: I support what the Hon. Mr. Laidlaw has said. Members opposite should realise that my amendment will not stop the bank conducting business

as the Government said it should do in its second reading explanation of the Bill. That explanation hinged on the fact that a natural person having an account in his own name has found in the past that, if he establishes a private company and wants to conduct business in that company's name, he has been precluded from being taken into the Savings Bank as a customer. My amendment does not prevent that but limits the bank's activity to that kind of private enterprise.

The Hon. F. T. Blevins: Why?

The Hon. C. M. HILL: Because the bank can lend to protect its business. That man's association with the bank can continue if my amendment is carried. However, the bank will not be able to advertise that it can seek accounts from business enterprises.

The Hon. F. T. Blevins: Why shouldn't it?

The Hon. C. M. HILL: Members opposite said that we were cutting back on what the Government was trying to do. However, the amendment does not do that: it merely limits the bank to conducting business in accordance with what the Government has said it wants to achieve by this Bill.

The Hon. N. K. FOSTER: I ask the Hon. Mr. Hill to tell me whether the Bank of Adelaide or any other private bank has a restriction imposed on it in the business world to the extent that this amendment seeks to impose a restriction on the Savings Bank.

The Hon. F. T. Blevins: Sir Arthur Rymill would be proud of them.

The Hon. C. M. HILL: The restrictions placed on trading banks by the Reserve Bank are far greater. Indeed, in many cases they do not apply under Statute to the Savings Bank. However, that bank, because it has always played the game, has adopted the requirements imposed on trading banks by the Reserve Bank. Suddenly it is desired to make the Savings Bank a trading bank cum Savings Bank operation.

The Hon. D. H. LAIDLAW: As I said in my second reading speech, there are far greater restrictions on trading banks and the savings bank departments of those banks than apply to the Savings Bank of South Australia. Indeed, the restrictions are also greater than those imposed on the State Bank.

The Hon. C. M. HILL: I think it ought to be said, in reply to an interjection in which Sir Arthur Rymill was mentioned, that Sir Arthur has not been in touch with me for about 12 months. Regarding the insults that have been thrown across the Chamber about Sir Arthur Rymill, I remind honourable members that his record in this State in the political, banking and business fields is impeccable.

The Hon. N. K. Foster: You didn't read his statement in the weekend press some time ago—

The CHAIRMAN: Order! The Committee is not debating Sir Arthur Rymill now.

The Hon. C. M. HILL: Sir Arthur Rymill certainly has not been in touch with me and, in relation to those Government members who are critical of his bank, I remind them, and the Government of which they are members, that they are trying to bring that fine institution to its knees by the Government's latest decree ordering Government and semi-government institutions that bank with private banks to place all their business with Government banks.

The Hon. C. J. Sumner: That's nonsense.

The Hon. C. M. HILL: The Government ought to be ashamed of itself for its attack on the bank through that back-door method.

The Hon. D. H. LAIDLAW: It appalls me to think that possibly one of the major decisions made in the lifetime of the Savings Bank of South Australia, which was formed in 1848, could be covered by two words in a subclause of the Bill, and that is what I object to.

The Hon. B. A. CHATTERTON (Minister of Agriculture): The Government totally opposes the amendment. It considers that it is perfectly proper that the power referred to in this provision should be excercised to extend, as well as protect, the interests of the bank. The implications of the amendment are such that it will destroy many of the things that the Government is trying to do under this Bill.

The Committee divided on the amendment:

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

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

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

Amendment thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

Earlier this afternoon we had a complete debate on this amendment, and not much more can be said. It seems a fairly clear-cut difference of opinion between the principles held by the Government and those held by the Opposition.

The Hon. C. M. HILL: I ask the Council to insist upon its amendment. I agree with the Minister that there appears to be a clear-cut difference between the Government and members on this side of the Chamber regarding this matter. Full arguments in support of my claim that we should insist upon the amendment were put extensively this afternoon. I see no great benefit in repetition, and urge honourable members to insist upon the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I doubt whether it involves disagreement to principles held by the Council so much as to principles held by the Government. I do not think the Government has shown that the Bill as amended does not fulfil the Government's second reading explanation. That is the essential point in the Council amendment; the Council has amended the Bill so as to provide what the Government said it wanted to provide. So far the Government has not explained why the words "or extend" take the Bill further than the second reading explanation states. I support the Hon. Mr. Hill in insisting upon our amendment in order to get the matter to a conference so that both sides of the question can be put.

Motion negatived.

Later:

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

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 9 a.m. on Thursday, December 8, at which it would be represented by the Hons. J. A. Carnie, B. A. Chatterton, J. R. Cornwall, C. M. Hill, and D. H. Laidlaw.

Later:

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

That the Hon. J. R. Cornwall be discharged from attending the conference and that the Hon. J. E. Dunford be appointed in his place.

Motion carried.

INDUSTRIES DEVELOPMENT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1169.)

The Hon. R. A. GEDDES: I support the Bill. It is of particular interest to try to give a word picture of what the South Australian Industries Assistance Corporation, as it is at present known, has done over many years to try to provide sensible assistance to many industries. It has helped many industries that have wanted to make an initial start in South Australia and it also has assisted industries which have encountered financial difficulties and which have a need for more capital on a long-term basis.

The latter industries wish to borrow in a way in which the State can act as the guarantor, following investigation by the corporation into the affairs and expected viability of the company and the corporation's agreement on the matter. Of the many millions of dollars that have been lent to industries, few failures have been reported. As a member of the Legislative Council over the years, I have been able to direct to the corporation the concern of small industries, particularly in the rural area, which have wished to expand and modernise their plant. In some cases the corporation has helped by finance and in other cases it has helped by investigation, pointing out better ways to run the industry, particularly in the accounting field. It has shown better ways to account for the disappearing dollar, and the companies have been able to pull themselves up without coming under the umbrella of the corporation.

Naturally enough, when the corporation helps, in order to protect the public involvement it must lay down stringent guidelines about how the company will operate and progress. In the case of every industry that needs financial assistance of more than $100 000, the institution must first prove that it can be made viable by a guaranteed loan at the bank. Obviously, the Government guarantees to the bank that the loan will be repaid. In some instances, the corporation injects new capital into a company by investing in shares.

This assistance of more than $100 000 must receive the approval of the Industries Development Committee, which has on it two members from this Council and two members from the House of Assembly. It is my privilege to represent the Opposition in this Council on the committee, and the Hon. Mr. Cornwall represents the Government. This committee has spent many hours inquiring and probing into the various projects that have come before it for assistance. For instance, the Birdwood Mill, which was set up as a museum to contain a record of as many vintage motor cars as it would be possible to assemble under one roof, encountered financial difficulties. The museum approached the Government for assistance and eventually came to the corporation for help, when the corporation recommended that the Government buy the company out and operate the museum itself. That is still operating, and the progress of the company can be followed through the Auditor-General's Report annually.

Football Park was a case where the Industries Development Committee spent many hours probing into the possibility of the building of a costly undertaking at West Lakes by the authority responsible, and ultimately it was agreed that the Government should provide a large guaranteed loan, in arrangement with one of the major trading banks in Adelaide. This gave the Football Park authority the impetus to build a fine stadium and sports area. The committee has inquired into many other undertakings and helped many people, including small rural brick manufacturers, boat builders, and blacksmiths. The committee also has assisted in a company which builds equipment that checks 8 satellites that move across Australia, as well as assisting the lowly tailor engaged in making suits and uniforms and the company that makes electric light poles for our streets.

The remaining member of the committee is an officer of the Treasury Department who is also a member of the corporation. In other words, he wears two hats. There have been situations in which the committee has considered it wise to appoint its own directors or to have directors appointed on the recommendation of the Treasurer. These directors have been appointed to companies to oversee them and make sure that companies that borrow money with a Government guarantee are running their affairs in the best possible way. Some interesting results have come from the appointment of directors by the Treasurer on the recommendation of the committee. They have helped companies that otherwise were unable to manage their affairs to become more viable. Because of the confusion between the names of the South Australian Industries Assistance Corporation and the Federal Industries Assistance Commission, it has been necessary to change the name of the corporation, and the new name will be the South Australian Development Corporation.

The Bill spells out that the corporation or committee can deal with overseas companies. This concerns the problem found in the South-East Asian area where Governments wishing to deal with manufacturers in South Australia are often loath to deal with private enterprise, although they are willing to deal at a Government-to-Government level. A year or two ago this Parliament agreed to the corporation's being able to conduct affairs overseas, and there is a small amendment in the Bill to write in a definition of overseas industry.

Clause 4 deals with the Industries Development Committee, giving the committee the authority to receive direct instructions from the Treasurer, where the Treasurer considers it would be able to assist industry. The present chain of command is for the corporation to hand instructions to the Parliamentary committee, and this clause gives authority to the Treasurer to instruct the committee. I commend this provision. Clause 7 deals with the maximum sum the corporation can borrow. Presently it can borrow up to $5 000 000 but, in the light of inflation and general costs, $5 000 000 for a corporation to handle in one financial year is not a large sum and the Government, acting on advice from the corporation, has removed this barrier completely so that no maximum limit is stipulated in relation to the corporation's borrowing.

Clause 8 deals with the slightly controversial problem of the corporation's power and right to buy shares in public companies. From my experience this has happened where shares have been bought but, because of a ruling by the Crown Solicitor, it is not possible for the corporation to buy shares in existing companies, although it may buy shares in new companies. The injection of funds into companies in that way is unsatisfactory.

The Hon. Mr. Laidlaw has an amendment on file to clause 8 to remove the right of the corporation to inject funds into existing companies through the share capital structure. This is a debatable point, especially as it can

slow down the means by which the corporation can inject funds into a company. However, in defence of the amendment, now that the corporation has unlimited borrowing powers I am sure it will be able to write contracts with companies whereby it will be able to assist without requiring the added security of shares in the company.

If the company receiving assistance is to be viable, which is the name of the game, this provision will not preclude the provision of assistance required. I refer to the problem reported on the A.B.C. news this morning concerning the Riverland cannery at Renmark. Growers in the area have not received payment for some seasons for their produce because the cannery has been unable, because of prices, markets, and a host of similar problems, to make sufficient profit to pay growers their just rewards for their fruit.

The S.A.I.A.C. has already injected $300 000 into the cannery, but I understand that much more assistance will be required in order for the cannery to get out of its difficulty and make payments to blockers, who have delivered their fruit in good faith but who have been unable to obtain a just reward for it. The Bill is interesting and I support it, and I will listen with interest to the arguments advanced by the Hon. Mr. Laidlaw in support of his foreshadowed amendments.

The Hon. D. H. LAIDLAW: I support the second reading of the Bill so that in the Committee I can move an amendment to clause 8, which purports to give the South Australian Development Corporation power to purchase up to $1 000 000 worth of existing shares in any company based in Australia or overseas. Under clause 8 public funds can be used to purchase shares from outside shareholders, and these funds in such circumstances will not be given or lent to the company in difficulty.

I object strongly to the use of public funds in such a manner. The South Australian Industries Assistance Corporation was originally created to provide help for companies and businesses in financial difficulties. It was not established to pay money to outside shareholders or, as one person recently told me, to bail out shareholders whose share prices had fallen too low.

In contrast, under the existing Act S.A.I.A.C. can subscribe either for new shares at the time of incorporating the company or for a new issue to provide extra working capital. Additionally, it can provide loans or give Government guarantees of repayment of capital and/or interest, which facilitates the borrowing of money at a favourable interest rate. If S.A.I.A.C. is given power to purchase existing shares, honourable members will realise that the Government will still be involved at some later stage in injecting funds into the company or business in order to make it viable.

It has been claimed that S.A.I.A.C. needs this new power to obtain representation on company boards. However, this is a spurious argument because, if a company is in dire financial straits, it could not resist a reasonable request from the corporation for board representation.

It is also claimed that S.A.I.A.C. could use this new power to help keep ownership of South Australian based companies in local hands. I am fairly parochial myself, but this attitude can act to the detriment of efficiency, and we must continually strive to broaden the operation of our industries, Australia-wide and overseas, in order to achieve economy of scale.

I am in favour of the S.A.I.A.C. retaining power to subscribe to new shares, because the money then goes directly to the company. There is a precedent for this. In 1939 the Playford Government partly underwrote a new issue of shares in Cellulose Limited in order to support the establishment of a paper-making industry in the South-East. It took up to about 20 000 of the 165 000 £1 shares. Cellulose prospered and the Government continued to subscribe for its share of new issues. By 1969, the Government held 693 420 50c ordinary shares and 416 052 convertible notes, at which time Australian Paper Mills Limited made a successful bid to acquire the company. I am conversant with the activities of the Government because I was a director of Cellulose Limited at the time of the take-over.

In contrast, the Australian Industries Development Corporation, which was established some years ago by the Federal Government, does have power to acquire an equity interest in companies. However, I think that the Federal Government is in a different position from the States and that it should have power to act in the national interest from time to time to protect companies from overseas domination.

My argument is quite simple; if public funds are to be expended, they should go to provide additional working capital for the company in need of assistance. I believe that the board of S.A.I.A.C., which consists of a number of experienced businessmen, will be able to achieve its objectives with the use of powers in the existing Act, plus other amendments in the Bill, which I shall support. I shall support the second reading, but in Committee will move the amendment that I have on file.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Powers of corporation."

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

Page 2, lines 8, 9 and 10—Leave out all words in these lines.

I do so for the reason explained in my second reading speech.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government not only cannot but will not agree to this amendment. The Hon. Mr. Geddes referred to the Birdwood Mill: in those circumstances it was necessary to set up a new company so that the museum could continue to operate, but the Government believes that it should not be restricted in the way the amendment provides. The case in point may not happen often, but this was a clear illustration of it, and for those reasons the Government ruled that, on the few occasions where it might be necessary, the Government should be able to use the existing provision. I ask honourable members not to agree to the amendment.

The Hon. D. H. LAIDLAW: I am appalled by the Government's attitude; this is a case of making a law to cover one instance. I warn the Government that if this goes through and if the S.A.I.A.C. buys existing shares, the Government will become God's gift to market speculators. People will go around buying shares in South Australian companies at a low price, being fairly sure that the Government will bail them out. The Government will fall into a terrible trap.

The Hon. C. M. HILL: Can the Minister tell me how the Government will be assisting an industry or entity in financial difficulty? When the Government buys shares from a shareholder, the money it should be pumping into the operation to assist it is not going back into that operation at all; it will go into the pocket of a shareholder. That is the crunch in regard to this proposal, as Mr. Laidlaw has pointed out. Will the Government explain how it will assist industry by providing funds not for the particular industry but for a shareholder or shareholders in

that industry?

The Hon. D. H. L. BANFIELD: As I indicated in the case of the Birdwood Mill, this State would have lost an asset had shares not been put into it, and that assisted the tourist industry. If the Hon. Mr. Hill is not interested in tourism, let him say so. He asked me where the Government had given assistance, and that was one instance; there might be others, and that is why I oppose the amendment.

The Hon. C. M. HILL: I am interested in tourism as much as if not more than the Minister. The Government found machinery to overcome its problem regarding the Birdwood Mill, and it achieved what it set out to do. Why cannot the Government do it again in future without opening the door, as it is doing in this Bill, for the Government to buy equity shares from shareholders right across the board in South Australia?

The Hon. R. C. DeGARIS (Leader of the Opposition): I am sorry that the Minister has taken this rather uncompromising view. If one examines the question in isolation, perhaps one could agree with the Minister. If a South Australian company appears to be having difficult times or appears to be running down, someone interstate could buy shares cheaply, knowing that the Government was going to assist, and that person could make a profit as a result. It is not our intention to restrict the Government's ability to assist a genuine industry as an employer of labour in this State by some means or other, existing as it is at present with the aid of the industries assistance legislation.

We are concerned about the possibility of the Government's purchasing shares that will not in any way assist the firm concerned; rather, the Government's purchase will merely allow a large profit to be made by someone who can exploit the situation. At this stage I suggest that honourable members should support the amendment, and the Government should consider the points raised. I am certain that there could be a satisfactory compromise between the Opposition's view and the Government's view.

The Hon. M. B. DAWKINS: There is all the difference in the world between injecting funds directly into an enterprise needing assistance and using funds to buy a shareholder's equity in that enterprise. If the latter course is adopted, not one cent goes into the business itself: the money goes only into the purchase of shares. I appeal to the Government to reconsider the matter. We are not opposed to assisting industry that needs assistance, but buying shares from private people will not assist industry one iota: it only assists people who want to sell shares at a profit.

The Hon. D. H. LAIDLAW: I have spent about 20 years in trying to raise money for companies.

The Hon. N. K. Foster: And for the Liberal Party.

The Hon. D. H. LAIDLAW: That is a worthy cause, too. Many public companies issue blocks of new shares to financial institutions, as they would to the S.A.I.A.C. in this instance. Money invested in this way goes into the organisation itself: it does not go to a fly-by-night shareholder in Hong Kong or anywhere else. Further, possibly up to 90 per cent of shareholders have no loyalty to the companies in which they have shares.

The Hon. D. H. L. BANFIELD: The Government, being aware of the Opposition's views, examined this amendment, but the Government will not accept it. We got around the Birdwood Museum problem, but we had to set up another company to do it. The Opposition often asks the Government to take on airy-fairy propositions to assist the Opposition's friends, but I point out that the Government is very prudent in handling its finances. It is entirely up to honourable members opposite as to whether or not this Bill is passed.

The Hon. R. A. GEDDES: There are excellent checks and balances under the Industries Development Act, whereby the Government refers matters to the Industries Assistance Corporation, which must consider the financial viability of the firm concerned and, in certain circumstances, the corporation then refers the matter to the Industries Development Committee.

A family set up the Birdwood Museum and later wished to quit its interest in the museum. The corporation bought out the family and then had to set up a company to run the museum. The point at issue is whether the Government should inject funds directly into a firm needing assistance or whether the Government should acquire shares from existing shareholders.

The CHAIRMAN: There is a big difference between the two.

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, C. M. Hill, D. H. Laidlaw (teller), and A. M. Whyte.

Noes (11)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, R. A. Geddes, Anne Levy, and C. J. Sumner.

Majority of 2 for the Noes.

Amendment thus negatived; clause passed.

Clause 9 and title passed.

Bill read a third time and passed.

VERTEBRATE PESTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1170.)

The Hon. M. B. DAWKINS: As the Minister has said, this short Bill corrects a simple drafting error in the Act that amended the principal Act earlier this year by changing the reference to the permanent head of the Lands Department, consequent upon the shifting of the responsibility for this Act from the Department of Lands to the Department of Agriculture and Fisheries. The amending Bill earlier this year referred to the person "holding or acting in an office determined by the Governor", and this almost certainly referred to a senior member of the Department of Agriculture and Fisheries under these new arrangements. This person should be the logical person to serve as Chairman of the Vertebrate Pests Authority. Unfortunately, the previous Bill omitted to designate the person who was to be determined by the Governor as Chairman of the authority. The purpose of this Bill is to correct that omission, and I support it.

The Hon. A. M. WHYTE: I, too, support the Bill. The Hon. Mr. Dawkins has outlined its purpose, merely to correct a drafting error. Because of that error, there has been slight uncertainty in the department because the authority did not have a Chairman. Although it was well understood who should be the chairman (Peter Trumble) and that he was performing that duty, he had no official standing. This amendment corrects that error, and I am sure that the Vertebrate Pests Authority will be pleased to have Peter Trumble installed officially as its Chairman. I support the Bill.

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

FILM CLASSIFICATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1172.)

The Hon. C. M. HILL: I shall speak briefly to this Bill. I refer to that section of it that deals with the Government's intention to obtain the right to prohibit the exhibition of restricted classification films at drive-in theatres. I commend the Government for legislating to secure this power but it worries me that there is no reference in the Minister's second reading explanation to the effect that the Government intends to invoke that power.

There is a need for the Government to show its sincerity in this matter, which is important to the community at large, and to give some form of undertaking that it intends to take action to prohibit at least some of the restricted classification films from being shown in drive-in theatres.

That is the only point that I wish to make regarding the Bill. I ask whether the Government will give an assurance that, now that it is obtaining this power under the Bill, it will soon take action to improve the situation.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading, although I wish to make one point regarding the Bill. When the principal Act was passed, certain arguments regarding it were not accepted by the House of Assembly. More than that, an agreement was reached at the conference between the two Houses on the Bill, and I believe that the spirit of that agreement has not been implemented by the Government.

It was obvious when the film classification legislation was introduced initially that an ability for drive-in theatres to show R classification films without any restriction whatsoever would cause much concern in the community. I think every honourable member has been approached by many people who have complained, justifiably, about such films being shown at a drive-in theatre near which there were possibly hundreds of homes and many small children.

I stress that these matters were raised and debated in the Council when the original legislation was passed, but the Government did not listen. Then, the spirit of an agreement reached at a conference between the two Houses was not implemented by the Government. I hope that it will implement that spirit in future.

Bill read a second time.

The Hon. J. C. BURDETT moved:

That it be an instruction to the Committee of the Whole that it have power to amend section 11a of the principal Act relating to nominees.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—"Film to which classification has been assigned may be lawfully exhibited notwithstanding law of obscenity, etc."

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

Page 1—After line 11, insert new clause as follows:

2a. Section 11a of the principal Act is amended by inserting after subsection (3) the following subsection:

(4) The nominee of the Minister referred to in subsection (3) of this section must be a person who resides in this State.

This matter was referred to by the Hon. Mr. DeGaris in his second reading speech. When the 1974 amending Bill was before the Council, the Hon. Mr. Hill moved an amendment providing that a classification under the corresponding law would not be sufficient unless the Minister had personally viewed an exhibition of the film. The report of that debate appears in *Hansard.*

The only objection to the amendment was that the Minister would spend all his time viewing dirty films. Wishing to save the Minister from this dreadful fate, the Hon. Mr. Hill sought to amend the provision by inserting after "Minister" the words "or his nominee". That amendment passed, and that is how the Act now stands.

However, the Government appointed a Federal officer in Canberra as the Minister's nominee, and the intention of this Council was thus obfuscated. This is a South Australian Act dealing with films shown in South Australia to South Australian viewers and in South Australian conditions, and the responsibility for classifications rests with the South Australian Government.

Because it became clear in the debate that it was not reasonable to expect the Minister personally to view films, the Council was willing to allow a nominee to be substituted. However, that nominee should be responsible directly to the Minister and have some direct knowledge of the South Australian environment and community standards. Also, the classification allocated must surely have regard to South Australian matters, and the South Australian public should have ready and direct access to the nominee.

This is a reasonable amendment and, indeed, is in the spirit of what was intended by the Council in 1974, with the agreement of another place. I trust that the Government will accept it.

The Hon. D. H. L. BANFIELD (Minister of Health): I must admit that they do not come any more parochial than the Hon. Mr. Burdett. In no way at all could he be classed as an Australian. The honourable member ought to be ashamed of himself for not wanting to be known as such. Rather, he wishes to be known as a crow-eater, because his amendment means that a person must reside in this State before he can view films for classification purposes. The Government believes that the Act has worked well in relation to viewing these films and that no purpose can be served by accepting this amendment. The Government therefore rejects the amendment.

The Hon. R. C. DeGARIS (Leader of the Opposition): I am always amazed at the Minister's ability to argue against himself. I point out that new clause 2a provides that the nominee of the Minister, referred to in subsection (3), must be a person who resides in this State. If one looks at clause 3, one finds that the Minister may prohibit the exhibition of any film to which a restricted classification has been applied.

If one examines the history of this matter, one finds that the Government agreed originally that the Minister or someone should make decisions regarding the exhibition of R classification films in this State. However, as it was argued that the Minister would not have time to view all such films, it was agreed that his nominee could do so. But the nominee so appointed was a Commonwealth person who has already made the classification.

The argument regarding this Bill must come back to clause 3, under which the Minister is now able to view all these films and decide whether an R classification film should be exhibited in a drive-in theatre. If that is not a case of the Government arguing against itself, I do not know what is. All that the amendment provides is that the person doing the viewing must be a South Australian. In other words, the nominee must be a South Australian. That is perfectly fair and just, because how can the Minister examine all these R films to determine whether they will be shown in the drive-in theatres? I support the amendment.

The Committee divided on the new clause:

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

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

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

New clause thus inserted.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

Later:

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

Consideration in Committee.

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

That the Council do not insist on its amendment.

I think that the reason for disagreement given by the House of Assembly is very much to the point; that the amendments make an expensive and unnecessary administrative change and prevent the State from making use of relevant Commonwealth employees. There is no reason why the services of Commonwealth employees cannot be used in this regard, and I ask the Committee not to insist on the amendment.

The Hon. J. C. BURDETT: I cannot agree with the Minister. The South Australian Government is running the State, or trying to. Surely it should not resile from the necessary expense of seeing that its officers implement its policies. The reasons previously given in this matter are valid; surely it is necessary that the person making the decision as the Minister's nominee be here so that he knows what is going on in this place. As the provisions in the Bill itself are good and strengthen the legislation considerably, I will not suggest that the Council insist on its amendments. However, there were good reasons for carrying the amendment in the first place.

The Hon. R. C. DeGARIS (Leader of the Opposition): This Bill has some merit. Nevertheless, I am rather surprised at the Government's attitude to the amendment. New section 11b(1) provides:

> The Minister may prohibit the exhibition of any film to which a restricted classification has been assigned . . . in—
>
> *(a)* drive-in theatres, or any specified drive-in theatre;

A Commonwealth employee will be used to determine whether or not a film should be classified "R", but the Minister here has to determine whether or not that film will be shown at a drive-in theatre. How will the Minister determine, after a film has been classified "R", whether or not that film can be shown in a drive-in theatre? That decision must be made at the State level, not the Commonwealth level. Who has to make that decision and on what evidence?

The Hon. T. M. CASEY: Discussions concerning the screening of R films in drive-in theatres have been brought to the Government's notice on many occasions. People outside some drive-in theatres can view R films being shown in those theatres. This is detrimental to the whole purpose behind the R classification. If R films can be viewed outside a drive-in theatre, a ban will be imposed.

The Hon. R. C. DeGaris: Not all R films: only some. Who does the classification in that respect?

The Hon. T. M. CASEY: New section 11b(1) provides:

> The Minister may prohibit the exhibition of any film to which a restricted classification has been assigned, or of such films generally, in—
>
> *(a)* drive-in theatres, or any specified drive-in theatre.

So, the Minister makes the decision.

The Hon. C. M. HILL: I am disappointed that the Government has not seen the reason behind the amendment. I was involved in the debate when this legislation was previously before this place, when there were problems in the South Australian community involving R films. Someone had to take the responsibility, and I wanted the Minister in charge of this matter to look at the films and decide whether or not they should be given an R classification. It was explained at that time that that would involve an immense amount of work and time. So, it was agreed that the Minister's nominee would view the films, but the Minister would still be responsible.

The Premier then became rather a smart alec and appointed a Commonwealth officer interstate as the nominee; that was never the intention of this place, because we expected an officer in this State to be appointed. I do not accept the Minister's explanation that we might as well use the servies of a Commonwealth officer if one is available. I am concerned about South Australian people, who want to know who is classifying these films.

The Government should have appointed a South Australian nominee, because the people affected are South Australian people. The Hon. Mr. DeGaris raised the question of who would decide which R films would be shown in drive-in theatres. Irrespective of whether or not the films can be seen from outside a drive-in theatre, the Government tells us that some R films will be banned, because it believes that they are not fit for people within the theatres to see under the conditions applying in drive-in theatres. If the Government had agreed to a South Australian nominee, he would have been the person determining which films could be shown, but we still do not know who will have the say.

The Government is obtaining the power to ban some films, but who will decide on the banning? Is the Government merely playing with words? Perhaps the Government is not very sincere about this matter and is merely trying to placate its critics. I want some evidence that the Government is not introducing this measure as a sham. I hope I will get a reply.

The Hon. T. M. CASEY: The Government would not have introduced this Bill if it had not intended to do something about the matter. This Bill has been introduced following discussions about this whole matter.

Motion carried.

CLASSIFICATION OF PUBLICATIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from December 6. Page 1172.)

The Hon. R. C. DeGARIS (Leader of the Opposition): I do not wish to speak at length, except to make some broad comments on what has happened in South Australia regarding these matters. This State has the name in Australia of being the porn State. That tag may be unfair, but it is true if one reads the press in other States. One big difficulty facing a section of the community in relation to this sort of trade is the general degradation and exploitation of women that take place. A United Nations convention predates the views of all political Parties on this question, and that convention, to which Australia is a signatory, was one to resist the pressure of the pornography trade, even to try to prevent it from getting a foothold. This convention has never been denounced and it stands as United Nations Convention No. 710.

I wonder how many people, before they supported the

South Australian view, had ever seen pornographic material, particularly the revolting child pornography still available in this State. Several attempts have been made by this Council, particularly by the Hon. Mr. Burdett, to have this question recognised and corrected. The whole pornography trade and the whole permissive society mean that women, in particular, are on the receiving end of this sort of material. The material reinforces sexist attitudes towards women and, therefore, this State must look closely at its existing legislation regarding this material.

I believe that the Bill improves the position somewhat, although it does not go far enough to tackle the real problems facing the community in the pornography trade. Already, by the Film Classification Act Amendment Bill, the Government is rethinking its attitude of a few years ago, and I congratulate the Government on that. However, on both film classification and the classification of publications, further information and research are required, and probably more amendments to this legislation are needed. I look forward to a continuing change in the Government's attitude to both Statutes. I support the second reading.

Bill read a second time.

The Hon. J. C. BURDETT moved:

That it be an instruction to the Committee of the Whole House that it have power to consider new clauses relating to the composition of the board and related matters.

Motion carried.

In Committee.

Clause 1 passed.

New clauses 1a and 1b.

The Hon. J. C. BURDETT: I move to insert the following new clauses:

1a. Section 5 of the principal Act is amended—

(a) by striking out from subsection (2) the word "The" and inserting in lieu thereof the passage "Until the commencement of the Classification of Publications Act Amendment Act, 1977, the";

(b) by inserting after the word "Board" being the last word in subsection (2) the passage "and on and from that commencement the Board shall consist of eight persons appointed by the Governor of whom—

(e) one shall be a legal practitioner;

(f) one shall be a person skilled in the field of child psychology;

(g) one shall be a person with wide experience in education;

(h) two shall be persons appointed by the Governor from a panel of three nominated by The National Council of Women of South Australia Incorporated, each of whom is a parent and in the opinion of that body a suitable person to represent the interests of children; and

(i) the three remaining members shall be persons who, in the opinion of the Governor, possess other proper qualifications to participate in the deliberations and functions of the Board".

and

(c) by inserting after subsection (1) the following subsection:

(2a) Whenever nomination is required to be made by The National Council of Women of South Australia Incorporated, for the appointment of a member of the Board, the Minister may, by notice in writing addressed to that body and served personally or by post upon it, require it to make the nomination within twenty-one days of the date of the notice or such longer period as is specified in the notice, and if no nomination is made in accordance with that request, the Governor may appoint a person nominated by the Minister to be a member of the Board in lieu of a nominee of that body and a person so appointed shall, for all purposes, be deemed to have been duly appointed upon the nomination of that body.

1b. Section 7 of the principal Act is amended by striking out from subsection (1) the word "Three" and inserting in lieu thereof the word "Five".'

The board is presently comprised of six members, a quorum being three members. This amendment increases the size of the board to eight, with five members forming a quorum. The two additional persons appointed by the Governor will come from a panel of three nominated by the National Council of Women of South Australia Incorporated, each of whom is a parent and in the opinion of that body a suitable person to represent the interests of children. This amendment and the next one are identical with amendments moved in another place by the member for Coles. I regret that the Government did not allow debate on those amendments, which were put in another place without debate.

There are two reasons for moving this amendment to increase the size of the board. First, but not necessarily of most importance, with a board of six members and a quorum of three members a majority can be obtained by two members. Therefore, only two people may have a say on a matter that is vital to the citizens of this State. This amendment increases from three to five the number of members required to form a quorum, so that a decision made will be supported by three people, instead of two in allocating classifications that have far-reaching effects on citizens of this State.

Secondly, in regard to the National Council of Women, this is a most appropriate body to be represented on the board. The council is comprised of affiliated bodies and, through its affiliates, the council represents about 200 000 members in South Australia. It has 84 affiliated bodies. It is self-affiliated with the national body, the National Council of Women in Australia, which has 575 affiliates. In turn, the national body is affiliated with the World Council of Women. A small sampling of bodies affiliated with the South Australian council include the Country Women's Association, Girl Guides, Y.W.C.A., Catholic Women's League, the Mothers Union, Australian Church Women, Zonta, Soroptimists, and more, a total of 84 affiliates.

The Hon. Anne Levy: Is Women's Electoral Lobby affiliated?

The Hon. J. C. BURDETT: No.

The Hon. Anne Levy: What about Women's Liberation?

The Hon. J. C. BURDETT: No.

The Hon. Anne Levy: What about the Union of Australian Women?

The Hon. J. C. BURDETT: I do not know. Women's Electoral Lobby and Women's Liberation were invited to join. Women's Electoral Lobby does send representatives to some committees, but it declined to affiliate. Women's Liberation also send representatives to some committees and I have sat on some committees where such representatives were present. This body represents 200 000 women in South Australia.

The Hon. Anne Levy: Out of 600 000.

The Hon. J. C. BURDETT: This organisation seems to be most appropriate from which to nominate representatives to the board in the interests of children.

The Hon. Anne Levy: Why not school parent organisations?

The Hon. J. C. BURDETT: The honourable member can promote that organisation if she likes. Not all school bodies are affiliated with SASSO with which I have had much to do. In order to represent the interests of all children, whether they be schoolchildren or otherwise, this is the most appropriate body from which to select board members regarding pornography, pornographic publications and pornographic films, because the persons who have been most overlooked are the children. It is not appropriate for young children to sit on the board, and I can think of no better organisation than this to represent the interests of children.

The Hon. C. M. Hill: The National Council of Women has shown much interest in this subject.

The Hon. J. C. BURDETT: True, and it has a committee dealing with this matter.

The Hon. Anne Levy: So does Women's Electoral Lobby and Women's Liberation.

The Hon. J. C. BURDETT: Representatives from Women's Electoral Lobby and Women's Liberation have come to meetings of the council's committee on pornography. The committee has made representations to the Premier, to the Government, and to politicians generally. The council has shown a continuing interest in this matter. Presently, no-one is appointed to the board to look after the interests of children. With the principal Act as it is, the composition of the board is important. There is no Ministerial responsibility: the board is all-powerful. The only appeal is an appeal to the board (an appeal from Caesar unto Caesar).

When you, Mr. Chairman, spoke on the parent Act on either this matter or in regard to films, you said that the control of publications and films is a matter for the Government, for the Minister, that the Minister should exercise control, that if he did it well he should get the kudos, and if he did it badly he should get the brickbats. That has not happened. From a decision of the board there is no appeal to the Minister. There is no Ministerial control. Regarding child pornography, earlier this year when it became apparent that such material was distributed in South Australia—

The Hon. R. C. DeGaris: It was classified material.

The Hon. J. C. BURDETT: True, it was classified by the board with complete disregard for the interests of children. The Premier then had to write to the board asking it not to classify material as he did not have the power to direct the board not to classify material. Therefore, the board's composition becomes all-important while the Act remains as it is. Who is on the board determines the kind of decisions that are made. The kind of decisions now being made are detrimental to the South Australian public generally and to children in particular.

The CHAIRMAN: Does not the board follow the classifications of the Federal Government?

The Hon. J. C. BURDETT: No. Publications are submitted and considered by the board. On a recent radio talk by a board member it seemed that there was no question of following the Federal Government's classifications. I believe the board makes up its own mind on the applications made to it for classification. Therefore, the personnel of the board is most important. The Government has a wide range of people it will put on the board, but I believe it selects them in such a way that they are likely to classify material in a fairly permissive way.

If there are to be people like that on the board, I believe there should be somebody on the other side. I can think of no more suitable body than the National Council of Women to represent children's interests. It will be only two members out of eight. I commend this to the Committee.

The Hon. D. H. L. BANFIELD (Minister of Health): It is interesting to hear the Hon. Mr. Burdett talk about what comprises a quorum and about a minority making a decision. He has moved an amendment to put on the board two women from the National Council of Women, a group which represents only one-third of the women in this State. This would be two women out of the eight, 25 per cent of the board. The Hon. Miss Levy pointed out that the National Council of Women does not represent all the women in this State. The Government is satisfied that the board is carrying out its duties conscientiously and in accordance with the spirit and intent of the legislation. Therefore, it sees no reason for varying the composition of the board.

The National Council of Women has created the impression that it is not entirely in sympathy with the objects of the principal Act. While the Government does not deny that people are entitled to hold views, the administration and proceedings of the board would, under the amendment, be rendered more difficult. The National Council of Women having indicated its views in this regard, how could its members, if appointed to the board, have an open mind? Nobody has said that the present board is not carrying out its duties in a manner befitting that. Board members are doing a good job. Even the Hon. Mr. Burdett did not dispute that. If the board is already doing a good job, why put on two extra women who have indicated their views so far as the Classification of Publications Act is concerned? If those two people were appointed, would it be fair to have no-one from bodies representing the other two-thirds of women in this State?

The Hon. JESSIE COOPER: It is ridiculous for the Government to belittle the National Council of Women, which is the only official body of women in this State; it is part of the Australian Council of Women and, therefore, part of the International Council of Women. I have been a member of various international bodies, such as the Graduates Association, but never before have I heard such an attack on the N.C.W. I am absolutely amazed by it. Perhaps the Minister could give me the name of a body of women in this State he considers to be official.

The Hon. D. H. L. BANFIELD: In no way did I belittle the National Council of Women and the Hon. Mrs. Cooper well knows that. I said that the National Council of Women does not represent more than one-third of the women of this State. If that is belittling that body it must be belittled easily. I said nothing against the National Council of Women, except that it had expressed views, which it had a right to do. I merely asked how its representatives could conscientiously have an open mind when they had already made a decision. Was that belittling the council? Of course it was not.

I am sorry that the Hon. Mrs. Cooper is so thin skinned about it. She is obviously upset because the N.C.W. cannot attract more than one-third of the women, and cannot represent more women in this State. In no way did I belittle the council, and I take exception to what the Hon. Mrs. Cooper said.

The Hon. ANNE LEVY: I oppose the amendment, and I make it clear that in no way am I attacking the National Council of Women, which I am sure is a very worthwhile body. However, as the Hon. Mr. Burdett has pointed out it represents only 200 000 females, when there are at least 600 000 females in this State. Other bodies represent women in the community, for instance, the Union of Australian Women. The Hon. Mr. Burdett's amendment seeks to include people who should represent children's interests. One does not have to be a parent to belong to the National Council of Women: many women who are not parents belong to it. Other women whose children

have long since grown up and left home belong to it. If one is really concerned about someone representing children's interests, a far more appropriate body is a parent organisation, such as SASSO, which represents at least 80 per cent of schoolchildren in this community and comprises only members who are parents of young children. If the aim is to have parents on the board, one should surely go to a parent body. I think the Hon. Mr. Burdett is confusing the aim of getting parents to represent their children with the idea of ensuring that women are represented on the committee.

The National Council of Women represents women; it does not represent children. It is children that the Hon. Mr. Burdett wishes to have represented, not women. Membership of the board largely comprises women who, as women, are already well catered for. The amendment is totally inappropriate, and I oppose it.

The Hon. J. C. BURDETT: In answer to the Hon. Miss Levy, it is stated in the amendment that each of two nominees shall be a parent, and in the opinion of that body, namely, the National Council of Women, a suitable person to represent the interests of children. It seems to me that there is a good case to be made for both aspects of this amendment: namely, that women should be represented, and that they are the most suitable people to represent the interests of children.

The Committee divided on the new clauses:

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

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

The CHAIRMAN: There are 10 Ayes and 10 Noes. As these proposed new clauses have not been considered by the House of Assembly, to enable that House to consider them I give my casting vote for the Ayes.

The Hon. N. K. Foster: The House of Assembly has already considered them.

The CHAIRMAN: Order! The Hon. Mr. Foster will please resume his seat. The honourable member must know that this matter has not been before the House of Assembly, because in that House a motion for an instruction in connection with new clauses was negatived.

New clauses thus inserted.

Clauses 2 to 4 passed.

New clause 4a—"Annual report."

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

After clause 4, page 2, insert new clause as follows:

4a. The following section is enacted and inserted in the principal Act after section 20 thereof:

20a. (1) The board shall, as soon as practicable after the thirtieth day of June in each year, report to the Minister on its activities under this Act in respect of the period of twelve months immediately preceding that thirtieth day of June.

(2) Each report under subsection (1) of this section shall, without limiting the generality of the matter to be included therein, include an assessment by the board of the extent to which in its opinion it has applied and given effect to the criteria set out in subsection (1) of section 12 of this Act.

(3) The Minister shall cause a copy of every report made under subsection (1) of this section to be laid before each House of Parliament within fourteen days of his receipt thereof if Parliament is then in session or if Parliament is not then in session within fourteen days of the commencement of the next session of Parliament.

The amendment is in the same form as that intended to be moved by the member for Coles in another place. I am indebted to you, Sir, for the knowledge that a motion for instruction in connection with new clauses was rejected in another place, the new clauses not being moved at all. It is therefore appropriate that the matter should be canvassed in this place. I will be amazed if the Government rejects this new clause. Surely it is only sensible that there should be a report to Parliament. The principal Act was assented to in 1974, when the Government made much of it. At that time the Government said it would be willing to consider amendments to the legislation if it did not work, and now we are not allowed to know how it is working because we do not get any reports on how it is working.

The Hon. C. J. Sumner: Evidently you did not review the legislation properly when it was previously before this place.

The Hon. J. C. BURDETT: We tried to do more than that, but this place was unsuccessful with its amendments at that time. We should at least be able to know how the legislation is working. I asked the research staff of the Parliamentary Library about the frequency with which statutory bodies are required to report to Parliament, and I received the following reply:

> From a random list of 20 statutory bodies, 16 were required to produce an annual report for the appropriate Minister. One was required to submit annually a balance-sheet prepared by the Auditor-General, and for the remaining four there was no requirement for a report in the relevant Act.

So, it is usual, where a board of this kind is set up, for it to report to Parliament. This reasonable amendment requires that there be an annual report so that Parliament knows how the Act is working. The Government says that it is proud of the Act; so, why can we not have an annual report, so that we can judge how well it is working?

The Hon. D. H. L. BANFIELD: I refer to proposed new section 20a (2). Surely the Hon. Mr. Burdett does not believe that the board would say it had not applied itself to the criteria set out in section 12 (1). Fancy asking the board to judge itself and report on itself. The honourable member has given no indication that the board is not doing its job properly; nevertheless, he is attempting to change the set-up, although apparently he is satisfied with the way in which the board is working. If the honourable member cannot advance any better reasons for his amendment, I will oppose it.

The Hon. J. C. BURDETT: In answer to the Minister, it is obvious that the board may well say that it is not able to apply the criteria because of other provisions in the Act or because of some other circumstances.

The CHAIRMAN: Do you think your amendment should state to what extent the board has been able to give effect to the criteria?

The Hon. J. C. BURDETT: Thank you, Mr. Chairman, for your suggestion. I think that would apply, anyway. The report will not merely be, "We are doing a good job" or "We are doing a bad job". The Minister knows that perfectly well.

The Hon. D. H. L. Banfield: But this is your amendment, not mine.

The Hon. J. C. BURDETT: The board will bring in a report and it will have to say how successfully the criteria have been applied.

The CHAIRMAN: You mean "how adequately"?

The Hon. J. C. BURDETT: Yes, how adequately, Mr. Chairman; you have correctly summed up the amendment. It amounts to how adequately the criteria are being applied. We have all seen reports from boards and committees and we know that the matters we want will be

set out if the board is instructed to report annually to Parliament.

The Hon. R. C. DeGARIS (Leader of the Opposition): We know that in the matter of child pornography there was a change by the board. The board was classifying child pornography; then the board did not classify child pornography. Is it not reasonable that the board should report to Parliament on what it has changed its mind about? I think it is. Therefore, I strongly support the amendment.

The Committee divided on the new clause:

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

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

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

New clause thus inserted.

Title passed.

Bill read a third time and passed.

Later:

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

[Sitting suspended from 6 to 8.30 p.m.]

STATUTES AMENDMENT (RATES AND TAXES REMISSION) BILL

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

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

That this Bill be now read a second time.

It gives effect to the Government's promise to increase the maximum remissions of rates and taxes originally provided for by the Rates and Taxes Remission Act, 1974, and increased by the Statutes Amendment (Rates and Taxes Remission) Act, 1975. The remissions are available to pensioners who are holders of a pensioner health benefit card or a State concession card and other persons in circumstances of financial hardship. The Bill increases from $50 to $75 the maximum remissions to be granted in respect of water or sewerage rates. It increases from $100 to $150 the maximum remission to be granted in respect of land tax or local government rates. The increases are to have effect in the next financial year.

Clause 1 is formal. Clause 2 provides that the measure shall come into operation on the first day of July, 1978. Clause 3 sets out the arrangement of the measure. Part II, comprising clauses 4 and 5, provides for an increase from $50 to $75 in the maximum remission to be granted in respect of water rates levied under the Waterworks Act. Part III, comprising clauses 6 and 7, provides for an increase from $50 to $75 in the maximum remission to be granted in respect of sewerage rates levied under the Sewerage Act.

Part IV, comprising clauses 8 and 9, provides for an increase from $100 to $150 in the maximum remission to be granted in respect of land tax. Part V, comprising clauses 10, 11 and 12, provides for an increase from $100 to $150 in the maximum remission to be granted in respect of local government rates, and an increase from $50 to $75 in the maximum remission to be granted in respect of drainage scheme rates levied under the Local Government Act. Part VI, comprising clauses 13 and 14, provides for an increase from $50 to $75 in the maximum remission to be granted in respect of rates levied under the Irrigation Act.

The Hon. R. C. DeGARIS (Leader of the Opposition): I support the second reading. As explained by the Minister, the Bill increases the maximum remissions under the Waterworks Act, the Sewerage Act, the Land Tax Act, the Local Government Act, and the Irrigation Act. Under the Waterworks Act and the Sewerage Act, the maximum remission is increased from $50 to $75 for pensioners, from $100 to $150 under the Land Tax Act, from $50 to $75 under the Local Government Act, and from $50 to $75 under the Irrigation Act. This probably does not fully cater for the effects of inflation over the years; nevertheless; I see no reason to delay the Bill, except to comment that I have always objected strongly to the Government making available remissions to pensioners at the expense of local government, because many of our council areas have differing densities of pensioner population. In some areas, the council may be able to give a remission and in other areas it may not be able to.

For example, in the area of Glenelg or other areas close to the sea, there will be a high density of pensioner population whereas in the newly-developed areas of, say, Morphett Vale and Tea Tree Gully that same density will not be there. Therefore, it is possible that pensioners in one area will be able to get a better deal than pensioners in another area. So I object to that principle in regard to local government. I claim that, if the Government wishes to do the right thing, it should provide a subsidy to the pensioners paid for by the Government, not paid for out of the rates of that area. With those comments, I support the second reading.

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

ADJOURNMENT

At 9.31 p.m. the Council adjourned until Thursday, December 8, at 2.15 p.m.