

## LEGISLATIVE COUNCIL

Thursday, March 9, 1978

The **PRESIDENT (Hon. A. M. Whyte)** took the Chair at 2.15 p.m. and read prayers.

## ASSENT TO BILLS

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

Licensing Act Amendment,  
Parliamentary Superannuation Act Amendment.

## APPRENTICES ACT AMENDMENT BILL

At 2.18 p.m. the following recommendations of the conference were reported to the Council:

*As to amendment No. 1:*

That the House of Assembly do not further insist upon its disagreement.

*As to amendment No. 2:*

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

Page 5, lines 16 to 21 (clause 18)—Leave out subsection (2) and insert in lieu thereof the following subsection:

(2) The Commission shall not give an approval under subsection (1) of this section, unless it is satisfied—

- (a) that the relevant advisory trade committee for the trade in relation to which it is proposed that the approval shall be given has recommended that the approval be given; and
- (b) that, if the approval is given, the opportunities for persons, not being proposed mature-age apprentices, to be apprenticed in the relevant trade will not be unduly restricted.

and that the House of Assembly agree thereto.

*As to amendments Nos. 3 to 9:*

That the House of Assembly do not further insist upon its disagreement.

Consideration in Committee.

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

That the recommendations of the conference be agreed to. This was one of the best conferences that I have attended. The Minister of Labour and Industry, seeing that the Council managers felt strongly about their amendments, immediately agreed not to insist on the House of Assembly's disagreement in relation to the proposed penalties.

The main question was in relation to whether the relevant trade committee would have to be unanimous before it made a recommendation to the Apprenticeship Commission about a mature-age apprentice. After consideration, the recommendation of the conference that I have just read was accepted and a good compromise was reached. I commend the recommendations of the conference to the Committee.

The **Hon. D. H. LAIDLAW:** I support the motion. I, too, believe that it was a satisfactory conference. We had an interesting discussion and reached a compromise. It is important to recall that South Australia, in line with four other mainland States, has taken away the bar against mature-age apprentices, but I stress that this Bill applies only to apprentices engaged under State awards and more

than half the apprentices in the State are engaged under Federal awards. In most Federal awards, there are still bans against taking on mature-age apprentices.

I hope that, when the Bill passes, the Minister of Labour and Industry will pursue his objective to persuade the Federal Government to arrange meetings of employers and employees to try to get agreement to remove the bans in the Federal awards. I believe that those bans are archaic. There is no need to retain them, although I am pleased that provisions are being made as a result of the amendments moved in this place to the effect that the Apprenticeship Commission must consider the right of school-leavers to become apprentices. It is important that there should not be a deluge of adult apprentices.

The **Hon. C. M. HILL:** I also support the motion. I commend the Hon. Mr. Laidlaw, first on his interest in this matter from the time when the Bill was introduced and secondly for the way he was the architect of these amendments and the way he made the points on behalf of this Chamber at the conference. The original Bill provided that the advisory trade committee could prevent an applicant for mature-age apprenticeship from being indentured, by way of a veto by just one member of the committee. That has now been erased from the legislation.

It simply means that an applicant must overcome two hurdles: first, the advisory trade committee must agree by a simple majority that that applicant's indenture should be considered by the commission and, secondly, the commission, armed with that recommendation from the advisory trade committee, is to consider the case but, as the Hon. Mr. Laidlaw said, in doing so it must bear in mind school-leavers' opportunities to become apprentices. The Bill has undoubtedly been improved tremendously as a result of the conference.

Motion carried.

*Later:*

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

## PETITIONS: MINORS BILL

The **Hon. R. C. DeGARIS** presented a petition signed by 144 residents of South Australia, praying that the Legislative Council would reject any legislation that deprived parents of their rights and responsibilities in respect of the total health and welfare of their children. Petition received and read.

The **Hon. ANNE LEVY** presented a similar petition signed by 165 residents of South Australia.

The **Hon. J. A. CARNIE** presented a similar petition signed by 71 residents of South Australia.

Petitions received.

## QUESTIONS

## URANIUM ENRICHMENT

The **Hon. R. A. GEDDES:** I seek leave to make a short statement prior to directing a question to the Minister of Health, representing the Premier, about uranium enrichment.

Leave granted.

The **Hon. R. A. GEDDES:** In the United Kingdom, an inquiry headed by Mr. Justice Parker into the reprocessing of radio-active waste has just concluded. It was called "the Windscale inquiry" and recommended that Britain build a \$1 000 000 000 nuclear fuel reprocessing plant to handle spent nuclear fuel at Windscale, Cumbria, in the United

Kingdom. As the Premier will be visiting the United Kingdom soon, will he give serious consideration to a visit to the Windscale plant, either by himself or by one of his responsible officers, to discuss and observe the methods used to handle dangerous radio-active by-products and further to discuss what plans that nuclear fuel company has for the enlarged plant, now that the Parker inquiry has been concluded, with a view to the possibility of the establishment of an enrichment plant in South Australia in due course?

**The Hon. D. H. L. BANFIELD:** I will refer the honourable member's question to my colleague.

### POLICE INQUIRY

**The Hon. J. R. CORNWALL:** I seek leave to make a statement prior to directing a question to the Minister of Health, representing the Chief Secretary.

Leave granted.

**The Hon. J. R. CORNWALL:** In the *Advertiser* of February 8, 1978, an article appeared on page 1, headed "Ex-policeman seeks to clear name", by Mr. Bob Whittington, South Australia's most senior and respected investigative journalist. The article concerned a former policeman, J. J. O'Leary, who is seeking to clear his name following allegations of bribery against him in 1972. Since this article appeared, a great deal of information has come to me from confidential sources and the facts seem to be as follows.

In 1972, a police constable named John James O'Leary, attached to the C.I.B. Fraud Squad, was called before the then Chief of the C.I.B. (Superintendent N. R. Lenton) who was conducting a departmental inquiry into allegations that O'Leary and maybe other members of the Police Vice Squad had accepted bribes. The allegations flowed from what has become known as "The Duncan Case". Dr. George Ian Ogilvie Duncan, a lecturer in law at the University of Adelaide, died soon after 11 p.m. on May 10, 1972, in the River Torrens. The Coroner found the cause of death was drowning due to violence on the part of persons of whose identity there was no evidence. Three members of the Vice Squad resigned from the Police Force during the inquest, after they had refused to answer questions put to them by Superintendent Lenton. At the time of Dr. Duncan's death, Constable O'Leary was stationed at Whyalla and was not in Adelaide. Former Constable O'Leary has been described to me as "a very active and a very good cop" and a man who could be trusted.

Information has come to me privately (and I stress that no part of it whatsoever has come from the Premier or the Chief Secretary, nor have I discussed the information with them) that Mr. Stewart Cockburn was the prime informant for the action against Mr. O'Leary. The allegations were that O'Leary had been taking bribes when in the Vice Squad. Mr. Cockburn has become notorious in recent weeks for scandal-mongering and character assassination by innuendo and rumour. However, this is apparently not a recently acquired talent.

**The PRESIDENT:** I hope the honourable member's explanation is somehow in character with the question, as I believe he is straying.

**The Hon. J. R. CORNWALL:** I will come back to the point. I quote part of a report to the officer in charge, Region G, dated August 21, 1972, from J. J. O'Leary, Constable 1675, paragraph 7, which states:

The chart prepared by Superintendent Lenton is quite explicit but not completely accurate. He has apparently been misled by Mr. Stewart Cockburn, a journalist from the

*Advertiser.*

**The Hon. R. C. DeGARIS:** I rise on a point of order. Standing Order 109 (I believe that the honourable member is straying from that Standing Order) provides:

In putting any question, no argument, opinion or hypothetical case shall be offered, nor inference or imputation made . . .

**The Hon. J. R. CORNWALL:** I am quoting direct.

**The PRESIDENT:** The Leader has a point of order, and I would remind the Hon. Mr. Cornwall that he should soon complete his explanation, having had sufficient time, I believe, to make the point he wishes to make.

**The Hon. J. R. CORNWALL:** I am continuing to quote.

**The Hon. R. C. DeGaris:** Question!

**The Hon. J. R. CORNWALL:** This is the most contemptible thing that has happened since I have been in this Chamber. I am trying to discuss a serious matter.

*Members interjecting:*

**The PRESIDENT:** We went through this yesterday at the request of the Minister of Health, It was defined that when a member calls "Question", the member on his feet must ask his question.

**The Hon. J. R. CORNWALL:** I shall do that. Is the Minister aware that the quote states:

Cockburn appears to have carried out his own personal Royal Commission into police corruption in South Australia.

**The Hon. R. C. DeGARIS:** On a point of order, this is not a question but a further explanation.

**The Hon. J. R. CORNWALL:** I am asking the Minister whether or not he is aware.

**The PRESIDENT:** The honourable member should proceed with his question.

**The Hon. J. R. CORNWALL:** The disturbing fact about his inquiries and findings is that all allegations made by him and Mr. Paul Foss, editor of *Woroni*, are completely unfounded and cannot be substantiated. Mr. Cockburn then elected to forward such material to the police, an action which I feel lowers his ability and capacity as a journalist.

**The PRESIDENT:** That is an opinion, not a question.

**The Hon. J. R. CORNWALL:** That is the end of the quote. Is the Minister aware that O'Leary was cleared after a 28-day investigation by Superintendent Lenton, who I am informed had promised to have publicised O'Leary's innocence, if he was so proved? Is the Minister also aware that, subsequently, an apology was published by the *Advertiser* but even five years later people refer to him as the O'Leary who was sacked whereas in fact he resigned? Is the Minister aware that O'Leary was found to be innocent, but during the inquiry my information is that a sergeant G. T. Hassett had, after first denying the matter, admitted to having purchased a house in O'Leary's name and signed his (O'Leary's) signature to the documents involved in the transaction?

Is the Minister also aware that Sergeant Hassett also admitted opening two bank accounts at an Unley bank in the names of O'Leary and another policeman, and provided the bank with specimen signatures of the two officers? Is the Minister also aware that the sergeant had deposited money in the accounts amounting, I understand, to some thousands of dollars, which he later withdrew to pay \$10 000 in bank cheques for the house mentioned in yesterday's *Advertiser* report at Penang Avenue, Colonel Light Gardens, which was shown in the Land Titles Office as belonging to John James O'Leary, clerk, of 10 Frederick Street, Clarence Park? Is the Minister also aware that it has been alleged that Sergeant Hassett admitted to Inspector R. J. Kennedy that he had signed the signature of J. J. O'Leary to the documents and bank papers? Is the Minister aware that, as I said earlier, my

information is that O'Leary suffered in his police career as a result of the allegations and resigned from the force. The only information I can find that touches ex-Constable O'Leary in any way is an unpublished statement by Mr. Stewart Cockburn that "he was transferred out of the Vice Squad after his over-zealous activities in the September, 1970, moratorium demonstrations"? Is the Minister also aware that people still believe that he was sacked for bribery? Is the Minister aware that I believe Sergeant Hassett is still in the Police Force?

Can the Minister tell me whether he has any knowledge of these facts and is an inquiry being conducted within the force to clear O'Leary's name? Secondly, is Sergeant Hassett still a member of the force? Thirdly, did Sergeant Hassett commit any offence and, if so, what action was taken against him? Fourthly, if Sergeant Hassett was deemed not guilty of a criminal offence, were his actions tantamount to a breach of the Real Property Act? Fifthly, after the inquiry, if O'Leary is found innocent, will the Chief Secretary make a public announcement to that effect? I thank you for your forbearance, Mr. President.

**The Hon. D. H. L. BANFIELD:** I will refer the honourable member's question to my colleague and bring down a reply.

#### RAINFALL

**The Hon. R. A. GEDDES:** Recently, I asked the Minister of Lands whether it was possible to ascertain the percentage of agricultural land in South Australia with a rainfall of 14in. or less. I understand that the Minister now has a reply.

**The Hon. T. M. CASEY:** Between 7 per cent and 8 per cent of land has an average annual rainfall of 14in. or less.

#### NORTHERN ADELAIDE PLAINS

**The Hon. M. B. DAWKINS:** I direct my question to the Minister of Health, representing the Minister of Works. Is the Minister aware that the Prime Minister wrote to the State Premiers last month inviting them to nominate projects for consideration in a five-year national water resource programme? The Minister would be aware that the Commonwealth Government intends to provide a total of \$200 000 000 for distribution amongst projects that are approved, particularly in relation to water supplies for urban rural areas, including the use of recycled water. In view of the parlous situation that exists in the Northern Adelaide Plains underground water basin, has the Government considered availing itself of the Prime Minister's announcement last month and, if it has not, will the Government seriously consider the matter?

**The Hon. D. H. L. BANFIELD:** I will seek that information for the honourable member.

#### FISHING

**The Hon. N. K. FOSTER:** I seek leave to make a statement before asking the Minister of Fisheries a question regarding fishing matters.

Leave granted.

**The Hon. N. K. FOSTER:** Some publicity has been given to the fact that the Prime Minister, Mr. Fraser, is about to visit the Soviet Union. I can only expect that the Prime Minister will now appear on file as a result of associating himself with another country that has a political system so alien to the thoughts and aspirations of

most of the honourable gentlemen who sit opposite in this Chamber. Also, I draw the Council's attention to the recent controversy, a High Court decision—

**The PRESIDENT:** Order! The Hon. Mr. Foster does not need to draw the Council's attention to anything: he needs merely to explain his question.

**The Hon. N. K. FOSTER:** I am doing this in the course of my leave to explain the question, Sir.

*Members interjecting:*

**The Hon. N. K. FOSTER:** Mr. President, did a member opposite call "Question"? That was the very reason why I rambled on: to have that happen. Did the Hon. Mr. Dawkins call "Question"?

**The Hon. M. B. Dawkins:** I did not.

**The Hon. N. K. FOSTER:** You did. Do not be a liar. If I am being unparliamentary in saying that, let the honourable member climb to his feet. I could not care less. His attitude to Government members in this Council is nothing short of disgraceful. Yesterday, and indeed last week, he called us communists. Let the honourable member at least have the courage of his convictions and—

**The PRESIDENT:** Order! The Hon. Mr. Foster knows the rules of the Council. They were explained to him yesterday.

**The Hon. N. K. FOSTER:** But he called "Question".

**The PRESIDENT:** I will call "Question" if any honourable member does so, and I will make sure that the Hon. Mr. Foster hears me. "Question" has not been called, and I ask the honourable member to concentrate his remarks on the question that he is about to ask the Minister. After all, it is an opportunity for the honourable member to make his explanation, and not to debate some stupid thing on the floor of the Chamber.

**The Hon. N. K. Foster:** It wasn't some stupid thing.

**The Hon. J. R. CORNWALL:** On a point of order, surely it is out of order for you, Sir, to refer to the handsome Dawkins as some stupid thing.

**The PRESIDENT:** That is not a point of order. I call on the Hon. Mr. Foster to continue with his explanation.

**The Hon. N. K. FOSTER:** My question relates to the publicity given to the Prime Minister's statement that he is to go to Russia and to make an offer to it of fishing rights on the Australian coast in exchange for a beef contract. In view of the controversy and the High Court decision regarding fishing areas, as that decision affects the South Australian coastline and this State's rights, I have no objection to the Prime Minister's going anywhere he likes in the interests of trade, provided that he is fair dinkum, which of course he usually is not.

Has the Minister or any of his departmental staff been contacted regarding the matter that has been given some publicity in the Prime Minister's Department, and will he have inquiries made regarding the possibility of an infringement of the High Court decision in relation to fishing rights off the South Australian coast?

**The Hon. B. A. CHATTERTON:** It is interesting that the Prime Minister should be going to Russia to have trade talks in which the exploitation of the 200-mile limit will be one of his main bargaining points. I recall a similar statement being made some months ago by the Federal Minister for Primary Industry, Mr. Ian Sinclair, except that on that occasion it related to the Japanese. So, the 200-mile Australian fishing zone is obviously to be used as a bargaining point in a number of trade negotiations. I do not think this will be satisfactory for the Australian fishing industry. Many people in that industry have contacted me and have expressed concern that the exploitation of this fishing zone is being used as a bargaining point and that their interests have not been considered.

There is another important aspect in relation to this

matter. The main area of the 200-mile zone that could be exploited is the north-west part of the Northern Territory and the northern part of Western Australia. Taiwanese fishing interests are already fishing that area extensively. It is my understanding of the international conferences that have been held that they would have a continuing right to some participation in that fishery. I wonder, therefore, whether the question of using the 200-mile fishing zone as a bargaining point has any validity and whether the Taiwanese would not be able to claim, in international circles, anyway, the right to have first go at any resources that were being exploited.

#### CHRISTIES BEACH HOSPITAL

**The Hon. C. M. HILL:** In view of the proposed moratorium on expenditure in the Minister of Health's department for the rest of this financial year, will the announced programme for the new hospital facilities to serve the Christies Beach area be in any way delayed or adversely affected? My question is prompted by the fact that the Government is committed to spend some funds in that proposed development.

**The Hon. D. H. L. BANFIELD:** The honourable member obviously read about this matter in the *Advertiser* yesterday. The answer to his question was contained in that report.

**The Hon. C. M. Hill:** Is the answer "No"?

**The Hon. D. H. L. BANFIELD:** The answer is "No".

**The Hon. C. M. Hill:** I did not see the newspaper.

#### WINGATE ROAD

**The Hon. N. K. FOSTER:** I seek leave to make a statement prior to directing a question to the Minister of Agriculture, representing the Minister for Planning, regarding Wingate Road, Angle Vale.

Leave granted.

**The Hon. N. K. FOSTER:** Most of Wingate Road in the Northern Adelaide Plains is unmade. Will the Minister ascertain whether any representations have been made by any member of the House of Assembly or of this Council or by local councils in the area about whether there has been any suggestion that Wingate Road should be upgraded, widened, or sealed?

**The Hon. B. A. CHATTERTON:** Perhaps the question would more suitably be directed to the Minister of Transport, but I will get the information for the honourable member.

#### WALLAROO HOSPITAL

**The Hon. C. M. HILL:** Can the Minister of Health say what progress has been made, or is being made, to upgrade the geriatric wards at the Government hospital at Wallaroo?

**The Hon. D. H. L. BANFIELD:** I do not know what progress has been made, but I will get the information.

#### DENTAL TECHNICIANS

**The Hon. M. B. DAWKINS:** I seek leave to make a short statement prior to directing a question to the Minister of Health regarding dental technicians.

Leave granted.

**The Hon. M. B. DAWKINS:** I understand that some

time ago consideration was being given to the possibility of registering dental technicians in this State, as I understand has been done in Tasmania. Dental technicians in South Australia seem to be at a real disadvantage unless they are employed by a dentist, although some dental technicians are quite competent and able to conduct business on their own account, if registration is granted. Can the Minister say what action has been taken regarding the preparation of legislation? If the matter has not been considered further, will he reconsider it?

**The Hon. D. H. L. BANFIELD:** The matter has been considered and I have given a reply in this Chamber that the Government intended to have dental technicians registered. A committee has been investigating the requirements necessary to enable dental technicians to deal competently direct with patients, and soon I will be establishing a working party to draw up legislation for registration. Registration applies not only in Tasmania. It applies also in Victoria, and I understand that in New South Wales the Government has introduced legislation, but I am not sure what progress has been made.

#### PORT WAKEFIELD ROAD

**The Hon. N. K. FOSTER:** I seek leave to make a statement prior to directing a question to the Minister of Lands, representing the Minister of Transport, regarding possible restrictions on the use of Port Wakefield Road as a result of reconstruction of the railway bridge over that road.

Leave granted.

**The Hon. N. K. FOSTER:** I think every member of this Council is aware that the existing bridge over the railway crossing complex on the Port Wakefield Road, just south of the Salisbury Highway intersection, has been the subject of restrictions at weekends because of pile-driving operations and associated works. The programme is to complete the project in about 18 months or two years. Residents in the northern areas have expressed concern about the likely restriction on the use of that crossing, causing lengthy delays to traffic. Will the Minister find out whether alternative routes are available to people who usually use the Salisbury Highway? Has there been an investigation of the possibility of using Cross Keys Road, which extends from the Cross Keys Hotel and meets Kings Road near Parafield aerodrome? Can alternative level crossing arrangements, even though they may have restrictions, be made adjacent to the reconstruction work for use by traffic going north?

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

#### COMPANY INTERESTS

**The Hon. J. R. CORNWALL:** I understand that the Minister of Health has a reply to the question I asked about company interests on February 23.

**The Hon. D. H. L. BANFIELD:** I have a reply from my colleague, comprising 15 pages, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

#### Reply to Question

On Thursday last, February 23, 1978, in another place, the Hon. John Cornwall, M.L.C., asked a series of questions relating to the business activities, company directorships, and shareholdings of Mr. A. G. Saffron, a

Sydney businessman, and of his business associates.

The Hon. John Cornwall had, on October 12, 1976, asked questions about associated matters, in particular Mr. Saffron's possible involvement in the illegal sale of drugs in South Australia and illegal activities in other States and overseas.

Since Mr. Saffron's business interests and other activities in South Australia first came to the notice of the Government, we have kept a close watch on these matters, and since my appointment as Attorney-General I have personally, under direction from the Premier, kept the South Australian activities of Mr. A. G. Saffron and his associates under careful scrutiny. With close co-operation of members of the South Australian Police Force and officers of my department, I have at various intervals monitored the involvement of Mr. Saffron in South Australia. Later in this statement I will detail the precise actions that this Government has taken to stop the spread of Mr. Saffron's activities and, where possible, to put a stop to Mr. Saffron's involvement in the South Australian business community.

The steps taken by the Government in this area, whilst being co-ordinated by me, have been undertaken in close co-operation with the Premier, members of the Police Force and members of my department.

I am now in a position to give the House details of Mr. Saffron's involvement in South Australia and also details of his activities in other States and overseas, and I do so in light of Mr. Cornwall's request for detailed reasons as to why Mr. Saffron has been described as a person well known to the police throughout Australia and overseas for his criminal activities. The account I shall give to the House this afternoon is by no means a comprehensive account of the activities of the Saffron organisation.

Members of both sides of the House will be well aware of the activities of organised crime and its ability to legitimise business activities and infiltrate respectable and legal business enterprises, thereby creating an illusion of respectability and honest business practice. The behaviour of such organisations as the Mafia in the United States of America has been well documented by various United States Senate subcommittees and, in recent years, suggestions have been made that the phenomena of huge multi-national crime corporate enterprises has manifested itself in Australia.

To emphasise this point I need go no further than to refer to the findings of the Moffitt Royal Commission into infiltration of organised crime into the licensed club and entertainment industries in New South Wales, which studied the operations of the Bally Corporation of the U.S. in Australia. From the experience of organised crime in both America and the United Kingdom, it is becoming apparent that criminal organisations attempt to legitimise their operations by devolving their economic wealth into what ostensibly is legal business activity. This is the phenomena of corporate crime in the post-war era.

Mr. Saffron's activities in New South Wales have in the past come under the attention of police authorities in that State. Mr. Saffron was a key figure in the 1953 Maxwell Royal Commission into liquor trading in the State of New South Wales. I would like to quote for the benefit of the House certain excerpts from Judge Maxwell's findings. At page 12:

A. G. Saffron employed a number of persons to conduct various hotels on his behalf though this was concealed from the Licensing Court. The facts shortly are as follows: Saffron was at the material times licensee of the Gladstone Hotel, Sydney. Before the Commission, he first swore that no-one else had an interest in the licence (transcript p. 171); he later admitted that one Kincaid had a half share in it (p. 213).

Kincaid was interested in other hotels with Saffron, but it was—as stated—concealed from the Licensing Court. The licence of the Mortdale Hotel was held on his behalf by Mrs. Frack, of the Cumberland Hotel by one Kornhauser. Kornhauser admitted that on his application he misled the Licensing Court. Mrs. Frack also admitted that she concealed the facts, as she "thought it necessary to tell lies to the Licensing Court." H. Taylor, licensee of the Civic Hotel, misled the Licensing Court as to Saffron's interest in the hotel, because "I had given a promise I would not mention his name." Taylor swore falsely before the Commission.

Before passing from individual ownership in leases, where the owner or lessee is also a licensee of one or—by subterfuge—more than one licence, it is proper to draw attention to Saffron's interest in the Roosevelt Restaurant, for this purpose only: the evidence clearly establishes that it is undesirable for the holder of a publican's licence to be financially interested in any restaurant or night club, even though it is the holder of a restaurant permit in the present form or any other form in the future.

At page 30:

A. G. Saffron ultimately admitted his beneficial interest in a number of hotels using different persons as "dummies". These hotels included West End Hotel, Westdale Hotel, Cumberland, Gladstone, Albert Hotel. These interests were successfully concealed from the Licensing Court; and before this Commission—with a clear appreciation of his obligation to abide by his oath and of his liability if he failed—he engaged in systematic false swearing.

Honourable members will note that Mr. Saffron's personal involvement with the police appears to have ended abruptly in 1964, but, despite this, he was called as a witness to the 1973 Moffitt Royal Commission inquiring into the infiltration of organised crime into the licensed club and entertainment industries in New South Wales.

During the proceedings of the Moffitt Royal Commission it was put to Mr. Saffron that he was one and the same person who was commonly referred to in the press as the Mr. Sin of Australian organised crime. Mr. Saffron denied this allegation. However, one matter which became apparent from the proceedings of the Royal Commission was that Mr. Saffron had close involvement with Mr. Jack Rooklyn of the Bally Poker Machine Company. That organisation has close links with the Mafia in America.

In his report the Royal Commissioner, Judge Moffitt, said that the continued operation of the Bally company in Australia posed a real threat of the infiltration of organised American crime syndicates into this country.

Further evidence of the activities of Mr. Saffron and his organisation came to light in a special report in *Nation Review*. Further, for honourable members' information, I have a copy of an interview between Detective Sergeant K. Arkins, of the New South Wales Police Force, and Antony Reeves, a New South Wales journalist and Alderman on the Sydney City Council, who has been investigating the activities of Mr. Saffron in Sydney. That document indicates the links between establishments in Sydney owned by Mr. Saffron and certain employees of Mr. Saffron with the circumstances surrounding the mysterious disappearance of Juanita Nielsen on July 4, 1975, who, it is believed, was murdered.

Further, I have a copy of a record of an interview with one Shirley Brifman taken by the Queensland and New South Wales police. Ms. Brifman makes certain allegations concerning involvement of the New South Wales police, the Saffron organisation, and organised crime generally.

What emerges from all this is that Mr. Saffron has been, for time to time, publicly linked with criminal and illegal

activities in the State of New South Wales in particular, and that his behaviour and organisations with which he is associated have been the subject of a number of Royal Commissions and inquiries conducted by various authorities.

I am making no claims as to the veracity of the allegations made in the documents I have produced this afternoon. However, it was important, in light of the Hon. Mr. Cornwall's question as to reasons why Mr. Saffron has been described as a person well known to the police throughout Australia and overseas, to make the information contained in those documents available to honourable members.

In this regard I make clear to the House that I have been informed by the police that Mr. Saffron is a key figure in organised crime in this country.

I now turn to other matters referred to by the Hon. Mr. Cornwall in order to apprise all members as to the activities of Mr. Saffron in South Australia and as to the response of the law-enforcement agencies of this Government which I have co-ordinated in consultation with the Premier.

1. Licensed premises in which A. G. Saffron personally holds a shareholding interest or, alternatively, companies in which A. G. Saffron holds shares:

Castle Motor Inn (Hotel), 1010 South Road, Edwardstown.

Elephant and Castle Hotel, 179 West Terrace, Adelaide.  
West End Silvers Restaurant, 173 Hindley Street, Adelaide.

La Belle Cabaret, 181 Hindley Street, Adelaide.

Companies registered in South Australia of which A. G. Saffron is a director:

Burbridge Properties Pty. Ltd., 195 Victoria Square, Adelaide.

Mosman Holdings Pty. Ltd., 209 Hutt Street, Adelaide.

West Side Holdings Pty. Ltd., 231 Greenhill Road, Dulwich.

Parisiene Restaurant Pty. Ltd., 231 Greenhill Road, Dulwich.

Co-ordinated Consultants Pty. Ltd., 231 Greenhill Road, Dulwich.

China Palace Pty. Ltd., 231 Greenhill Road, Dulwich.

Elephant and Castle Pty. Ltd., 231 Greenhill Road, Dulwich.

Cook's Hotel Pty. Ltd., 209 Hutt Street, Adelaide.

Register Investments Pty. Ltd., 231 Greenhill Road, Dulwich.

West End Freeholds Pty. Ltd., 231 Greenhill Road, Dulwich.

La Belle Restaurant Pty. Ltd., 231 Greenhill Road, Dulwich.

2. Co-directors of the above companies:

Burbridge Properties Pty. Ltd.

Bruce Combe Calman, 6 Shirley Crescent, West Beach.

Grant W. Davidson, 13 Upper Sheoak Road, Mosman, New South Wales.

Jack Rooklyn, 252 Pitt Street, Sydney.

Mosman Holdings Pty. Ltd.

Grant William Davidson, Sheoak Road, Crafers.

George Edmonds Davidson, 32 Bridge Street, Sydney.

Robert L. Davidson, 32 Bridge Street, Sydney.

Frederick George Storm, 98 Bunga Heid Road, Newport, N.S.W.

West Side Holdings Pty. Ltd.

Peter Paul Farrugia, 80 Kyle Bay, Kyle Parade, N.S.W.

Parisiene Restaurant Pty. Ltd.

Peter Farrugia, 26 Bennett Place, Maroubra, N.S.W.

Robert John Booth, 6 Payneham Road, Stepney, S.A.

Allan Gerald Taylor, 10/372 Military Road, Tennyson,

S.A.

Co-ordinated Consultants Pty. Ltd.

Peter Paul Farrugia, 26 Bennett Place, Maroubra, N.S.W.

Brian Arthur Scott, 80 Hamlyn Street, Elizabeth Downs, S.A.

Elephant and Castle Pty. Ltd.

Peter Paul Farrugia, 26 Bennett Place, Maroubra, N.S.W.

Daphne Estelle Quirini, 179 West Terrace, Adelaide, S.A.

John Scott Sutton, 2 The Grove, Dulwich, S.A.

China Palace Pty. Ltd. formerly West End Casino Pty. Ltd.

Peter Paul Farrugia, 26 Bennett Place, Maroubra, N.S.W.

Cooks Hotel Pty. Ltd.

Grant William Davidson, Sheoak Road, Crafers, S.A.

George Edmonds Davidson, 50 Wolseley Road, Point Piper, N.S.W.

Robert L. Davidson, 32 Bridge Road, Sydney, N.S.W.

Frederick George Storm, 98 Bunga Heid Road, Newport, N.S.W.

Register Investments Pty. Ltd.

Vincent Farrugia, 14 Conway Avenue, Rose Bay, N.S.W.

Peter Vardon Fairweather, 1 Woodland Road, Springfield, S.A.

West End Freeholds Pty. Ltd.

Peter Vardon Fairweather, 1 Woodland Road, Springfield, S.A.

Irene Jill Vickery, Main Road, Cherry Gardens, S.A.

La Belle Restaurant Pty. Ltd.

Geoffrey Roy Cassidy, 24 Natalie Avenue, Salisbury, S.A.

3. Mr. Saffron had an interest in the licensed restaurant Jeremiah's, 6A James Place, Adelaide, between April, 1975-December, 1977. Associates of Mr. Saffron have substantial interests in the following licensed premises: the Pooraka Hotel, and the Belair Hotel. Associates of Mr. Saffron operated the Tivoli Hotel from March, 1976, until the licence was transferred in April, 1977. Mr. Saffron has interests in the following non-licensed businesses:

The Private Bookshop, Hindley Street, Adelaide.

Love Craft Shops—

125 Gawler Place, City.

278 Jetty Road, Glenelg.

116 O'Connell Street, North Adelaide.

The Ecstasy Sex Shop, Gouger Street, City.

West End Casino, Hindley Street, City (now closed).

Clipeat Amusements Pty. Ltd. (now ceased trading).

Adult Movie Club, Hindley Street, City.

4. The Hon. Mr. Cornwall has sought details of any activities or investigations which I or my departments have undertaken to control or oppose the issue or transfer of licences to Mr. Saffron or his associates. Prior to my appointment as Attorney-General, the following Licensing Court decisions and actions taken by the licensing administration relating to licences in which Mr. Saffron or his associates have an interest took place:

September, 1970: The Licensing Court refused an application by Burbridge Properties Pty. Ltd. to erect a hotel to be known as "The Sundowner" on land at the corner of Burbridge and Military Roads, West Beach.

August, 1972: The Licensing Court granted a Cabaret licence for the "La Belle" premises, Hindley Street, subject to a condition sought by the Superintendent of Licensed Premises that all full-time and part-time persons employed by the licensee company in operating the business of the cabaret licence (except those employed as entertainers) were to be

persons approved in writing by the Superintendent of Licensed Premises.

Following my appointment as Attorney-General, discussions were held between me and the Premier concerning Saffron's activities in South Australia, and it was agreed that all steps legally available to the Government should be taken to try and limit and where possible to eradicate the influence of Mr. Saffron and his associates in South Australia. To implement the Premier's policy on this matter, the following steps were taken:

December, 1975: An application to transfer the Surabaia Restaurant to Stormy Summers Pty. Ltd. was, on my instructions, opposed by the Assistant Superintendent of Licensed Premises, and the application was not proceeded with.

January, 1976: An objection was lodged to a further application for the transfer of the restaurant known as the Surabaia to Stormy Summers Pty. Ltd. The application was again, at my direction, opposed by the Assistant Superintendent of Licensed Premises and the application was subsequently withdrawn. However, as a serious breach of the provisions of the Licensing Act was proved against the licensee, again at the behest of the Government the licence was voided for the balance of the year.

January, 1976: Mr. Peter Vardon Fairweather was interviewed regarding his involvement with breaches of the Licensing Act at the Surabaia Restaurant. This was done with my knowledge and in accordance with the policy laid down by the Premier.

February, 1976: An application for J. E. J. Coffey to be appointed manager of Jeremiah's Restaurant was opposed by the Superintendent of Licensed Premises, with my knowledge and consent, and was refused by the court.

March, 1976: Objections were lodged to applications for renewal of the liquor licences for all companies in which Peter Vardon Fairweather was a director, including the companies operating the Castle Motor Inn, the Elephant and Castle Hotel, the Pooraka Hotel, Jeremiah's Restaurant, and the La Belle Cabaret. These objections were lodged by the Superintendent of Licensed Premises following discussions with myself.

In July, 1976, the Licensing Court decided that the licences for the above premises would not be renewed so long as P. V. Fairweather remained a director. The Licensing Court determined that he was not a fit and proper person to hold a liquor licence following the taking of evidence, presented by the Superintendent at my direction.

In the judgment the Deputy Chairman said of Fairweather that on the most charitable view of his conduct as a director of licensed premises, he was irresponsible and careless. At the worst it can be said that he was a conscious and deliberate party to a wholesale flaunting of the Licensing Act. Later in his judgment he said, "very much of what Fairweather said went far to demonstrate that he was not a fit and proper person to be licensed, judged alone on what he said he did as well as on what he failed to do in his determination to preserve this licence for Saffron and Farrugia."

February, 1977: Again with my knowledge, Messrs. Davidson and Schembri were interviewed regarding the unsatisfactory conduct and management of the Tivoli Hotel. Subsequently, this hotel licence was transferred to interests outside of the Saffron group in May, 1977.

May, 1977: the licensee of the Pooraka Hotel was convicted of failing to keep a lodgers book in accordance with the provisions of section 161 of the Licensing Act. The persons in residence at the Pooraka Hotel who had not signed the register were New South Wales police

officers attending the national police golf titles in Adelaide.

In April, 1976, after consultation with the Premier, I arranged to have prepared proposals for a review of certain aspects of the licensing legislation to control the then growing practice of licensee companies being "taken over" rather than the licence being transferred in accordance with the provisions of the Licensing Act. This step became necessary because of the licensee take-overs of the Elephant and Castle Hotel in December, 1970, Jeremiah's Restaurant in April, 1975, and the Pooraka Hotel in August, 1975, and various other company take-overs of licensee companies without the approval of the Licensing Court. In the second reading speech on October 12, 1976, (*Hansard*, page 1443), I said:

The Bill deals with the provisions of the principal Act relating to the holding of licences by companies. For some time the Government had been concerned by the fact that licences can be effectively transferred from company to company by means of company takeover, rather than in accordance with the normal procedures of the Licensing Court. The effect of the Bill is to provide that no change in the directorship of a company that holds a licence under the Licensing Act, and no change in the membership of a proprietary company or a public company that is not listed on the stock exchange, is to take place without the approval of the Licensing Court.

On November 3, 1976 (page 1893), in answer to a question from the member for Fisher, I said:

... The problem is that some persons are able to transfer a licence to other persons without those persons who are to become owners of the licence being approved by the Licensing Court. The shares of that company might be in the hands of person A, who decides to sell his shares to person B, and the effective control of that company is transferred to person B. Presently, the Licensing Court had no say in whether or not the second owner is a satisfactory person or group to hold a licence."

Section 82 of the Licensing Act has now been amended and the new provisions regarding company take-overs of licensee companies came into operation in December, 1976.

The Hon. Mr. Cornwall's questions related largely to the involvement of Mr. Saffron and his associates in licensed premises in South Australia and, as can be seen from the information now before the House, the policy which I have applied, in consultation with the Premier on behalf of the Government, has been reasonably successful in controlling and limiting Mr. Saffron's activities in this area. There has been, in fact, a decrease in the number of licensed premises controlled by the Saffron interests in this State.

As the direction of the honourable member's question was towards the situation involving licensed premises, I have not sought to deal in any detail with Saffron's interests in this State in other areas. However, members can be assured that the Government's policies in such areas are being applied vigorously by the South Australian Police Department with considerable success, and I would like to place on record the Government's appreciation of the excellent work that the police in this State have done and are continuing to do in this area.

I have put this information before the House this afternoon to enable members of this Parliament and the public of South Australia to be aware of the operation and activities of Mr. Saffron and his organisation in this State. When his activities are put in the total picture of his involvement and influence in other States, it is clear that the South Australian Government has placed a high priority on the possible infiltration of organised crime into

this State.

While it is true that Mr. Saffron has not been charged with criminal offences since 1964, it is also clear that he is one of the principal characters in organised crime in Australia. The fact that he has been the subject of a number of Governmental inquiries and independent investigations, and that he is without doubt involved in more than 100 companies throughout Australia, makes it imperative that the public be aware of the extent of his influence.

The phenomena of organised crime is one which has pointed up some inadequacies in the existing criminal law. Organised crime, unlike sporadic and unco-ordinated instances of criminal behaviour, can only be understood as part of a pattern of criminal behaviour, a pattern which involves legal and illegal operations. I want to assure the House, the Parliament, and the people of South Australia, that this Government will not stand by and simply allow organised crime to infiltrate this State, and that we will take such action as is necessary, whether it be administrative or legislative, to ensure that this is the case.

### RACING ACT AMENDMENT BILL

**The Hon. T. M. CASEY (Minister of Lands)** obtained leave and introduced a Bill for an Act to amend the Racing Act, 1976. Read a first time.

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

*That this Bill be now read a second time.*

This short Bill expands the membership of the Dog Racing Control Board from five members to six members by adding to the membership a nominee of the Greyhound Owners, Trainers and Breeders' Association of South Australia Incorporated. The amendment gives effect to an undertaking to Parliament made by the Government at the time of the passage of the Racing Act, 1976.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 27 of the principal Act by expanding the membership of the Dog Racing Control Board from five members to six members by adding to the membership a nominee of the Greyhound Owners, Trainers and Breeders' Association of South Australia Incorporated.

**The Hon. R. C. DeGARIS (Leader of the Opposition):** I have not had an opportunity to examine this Bill in conjunction with the principal Act, but I support the general principle of the measure. The Minister has said that an undertaking was given to the Parliament when the Racing Act went through Parliament in 1976, and the expansion of the number of members on the board from five to six was agreed to then. I ask that the debate be adjourned at this stage so that at the weekend I can fit the Bill into the principal Act and see whether it is all right. However, I support the second reading.

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

### BOTANIC GARDENS BILL

Second reading.

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

*That this Bill be now read a second time.*

It is intended to replace the Botanic Garden Act, 1935-

1961, which established a board to manage the public botanic gardens of the State. Several amendments to that Act have been desirable for some time but the form of that Act is considered to be so out-moded that enactment of a new Act is appropriate.

The major changes of substance made by the Bill are the provision of a borrowing power in the board, the requirement that the board make an annual report to Parliament, and provision for imposition of expiation fees for illegal parking on land under the control of the board. The quorum of the board, which has eight members, has been increased by the Bill from three to five members. The Bill also changes the name of the board from the "Governors of the Botanic Garden" to the "Board of the Botanic Gardens". Finally, the Bill provides that the board is to be subject to the general control and direction of the Minister in accordance with the general policy of the Government in relation to statutory authorities. I seek leave to insert the explanation of the clauses in *Hansard* without my reading it.

Leave granted.

### Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Botanic Garden Act, 1935-1961. Clause 5 sets out definitions of terms used in the Bill.

Clause 6 provides for the continuation of the board known under the present Act as the "Governors of the Botanic Garden" under a new name, the "Board of the Botanic Gardens". Clause 7 provides a membership of eight for the board, as is the present situation. Clause 8 regulates the term for which and conditions on which members of the board hold office. Clause 9 provides for the validity of acts of the board. Clause 10 provides for annual election of a chairman of the board.

Clause 11 regulates the procedure for meetings of the board and increases the quorum from the present three to five members. Clause 12 provides for attendance of the Director of the Botanic Gardens at meetings of the board. Clause 13 sets out the functions and powers of the board, being principally the establishment and management of public botanic gardens. Clause 14 provides that land is not to cease to be vested in or under the control of the board except in pursuance of a resolution of both Houses of Parliament. Clause 15 provides that the board is to be subject to the general control and direction of the Minister. Clause 16 provides for delegation by the board.

Clause 17 provides that the board may borrow moneys from the Treasurer, or, with the consent of the Treasurer, from any other person, for the purpose of performing its functions. Clause 18 provides that the board may, subject to approval by the Treasurer, invest its moneys that are not immediately required. Clause 19 provides for and regulates the operation by the board of a cheque account. Clause 20 provides for appointment of a Director of the Botanic Gardens and other officers. Persons appointed for this purpose are to be appointed under the Public Service Act, 1967.

Clause 21 requires members of the board who have any interest in a contract contemplated by the board to disclose such interest and thereafter refrain from any deliberation on the contract. Subsection (3) provides that board members who are also board employees are deemed not to have any interest in a matter relating to employment by reason of their being a board employee. Clause 22

provides for the preparation and audit of the accounts of the board. Clause 23 requires the board to prepare an annual report and provides for the tabling before Parliament of the report and audited accounts of the board.

Clause 24 provides a penalty for damage to any property of the board. Clause 25 provides the summary disposition of offences. Clause 26 provides for moneys for the purposes of the measure. Clause 27 empowers the making of regulations including the imposition of expiation fees for parking offences.

**The Hon. JESSIE COOPER** secured the adjournment of the debate.

#### ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second reading.

**The Hon. T. M. CASEY (Minister of Lands):** I move:  
*That this Bill be now read a second time.*

It deals with a subject that has become a very distinct community problem in recent years. Some time ago a reasonable balance existed between the number of families seeking to adopt children and the number of children available for adoption. Now, for a variety of reasons, the number of children available for adoption has fallen off considerably. The resulting imbalance creates difficult and intractable problems for welfare authorities. There are now many couples who are ready and eager to adopt children, and who would indeed provide excellent homes for adopted children, but whose desire to do so will inevitably be disappointed. In these circumstances measures must be taken to distinguish between the various applicants for adopted children on the fairest possible basis.

Absolute justice in a matter like this is, of course, unattainable and it is inevitable that the criteria chosen to reduce the lists of approved applicants will be to some extent arbitrary and inflexible. Nevertheless, the Government believes that strenuous efforts should be made to achieve the greatest possible measure of justice in the present difficult circumstances. Of course, it is most important to bear in mind that, under the law of adoption, the interests of the child are the paramount consideration. Thus, the interests of persons who are anxious, and in some cases desperately anxious, to adopt children must always be subordinated to the overriding interests of the child.

The present Bill provides for setting up an adoption panel consisting of experts of various kinds and also representatives from the community to make recommendations principally in relation to criteria that should be adopted as the basis for determining eligibility for approval as prospective adoptive parents. The panel will also act as a general advisory body and will recommend procedures for carrying out research into adoptions.

The Bill also provides for the setting up of adoption boards which will be empowered to review a decision by the Director-General refusing to approve a person as being a fit and proper person to adopt children and various other decisions by the Director-General on related matters. It is envisaged that these review boards will be normally constituted of members of the adoption panel.

The Bill also deals with the constitution of adoption courts. It is hoped that, when the proposed new Children's Court of South Australia is constituted, that court (in its civil jurisdiction) will take over adoption proceedings. These proceedings are presently heard by a court consisting of a magistrate and two justices. The amendment provides for adoption proceedings to be heard

by a court constituted of a judge of the Children's Court of South Australia, a Local Court judge, or a special magistrate. The Bill also empowers the Minister to grant financial assistance to adoptive parents in certain cases where the care of the adopted child creates unusual financial burdens because of physical or mental disabilities of the child, or other special needs of the child.

Clauses 1 and 2 are formal. Clause 3 deals with the constitution of adoption courts. Clause 4 empowers the Minister to make financial grants to adoptive parents. Clause 5 establishes the adoption panel and sets out its functions. Clause 6 provides for the constitution of the review boards to which I have referred above.

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

#### LOCAL GOVERNMENT ACT AMENDMENT BILL

Second reading.

**The Hon. T. M. CASEY (Minister of Lands):** I move:  
*That this Bill be now read a second time.*

It contains extensive amendments to a large number of sections of the principal Act. This large Bill has come about because there was no opportunity in the last Parliament to carry out numerous minor amendments that had been approved over the last year. This Bill, therefore, brings about many changes to the Act requested by local governing bodies and will facilitate the operations of local authorities in their normal day-to-day business. The greatest proportion of these amendments has come from local government itself. I am grateful to the South Australian Local Government Association and individuals and local authorities for the free and constructive discussions that I and my officers have had with them on most of the matters in this Bill.

This Bill introduces a number of amendments that continue the process of substantial revision to the Act. Some of the most significant of these are detailed further. The Bill provides for revision of Division VIII of Part II of the Act which deals with the process of altering the boundaries of local government areas. Our intention is that the Local Government Advisory Commission will be permitted to act upon a petition which, in its view, though having technical problems, is clear in its intention and description. Recent decisions of the Supreme Court have prevented the commission dealing with the substance of matters, and lengthy and expensive Supreme Court actions have occurred based on minor inaccuracies in petitions.

Next, the Government has been concerned that the Advisory Commission can only make comment on proposals exactly as contained in petitions. This has led to the unfortunate situation where the commission may be forced to recommend against a proposal, although all parties are generally in agreement with the basic need to bring about boundary adjustments.

It would seem reasonable that the commission be given flexibility to suggest alternative proposals to the parties so that local intentions may be given effect to, although these may not be in the exact terms of the original petition. The flexibility granted to the commission under this new Division VIII of Part II will enable the commission itself to make alternative proposals; however, any such proposals would be subject to exactly the same scrutiny by councils and electors as the present provisions.

Recently, the Parliament accepted legislation to enable the Minister to ensure the proper administration of a council where the council has ceased to properly exercise its responsibilities. This Bill seeks to insert a new Part IIA to make this provision permanent but adds the additional

safeguard that the Minister must report to the Parliament within 10 sitting days the circumstances relating to action the Governor takes under this provision.

Following recent amendments to the electoral provisions of the Act, further developments are proposed that will continue the process of bringing the Local Government Act into line with the Electoral Act and also to overcome certain mechanical difficulties that have affected the compilation and management of voters rolls. In section 88, the definition of elector is extended to all persons over 18 years who are resident in local authority areas and also provides to ratepayers not living in the State who have an interest in property, to exercise the right to vote. This amendment is a response to requests by councils bordering Victoria to overcome the disenfranchisement of many ratepayers who do not live in this State.

Section 89 will be amended to provide for two closing dates for rolls in each year to enable ease of administration of the numerous petition and polling provisions in the Act. It will also streamline the maintenance of the voters roll by providing for the roll to be kept in two parts. The first part will be a roll of resident electors made by the Electoral Commissioner, and the second for all other electors whose qualifications are based on other rights which will be maintained by the clerk.

Relevant sections of the Act will be amended to provide for the appointment by the council of an officer of the council who will be the permanent returning officer and will be responsible for all aspects of preparation for and the conduct of elections and polls that may occur throughout the year. A particular measure will prohibit the returning officer from disclosing any information in regard to nominations prior to the close of nominations. This will remove the quite heavy pressure sometimes placed on returning officers by candidates around election time. These amendments would not be proclaimed until after the next annual local authority elections. The Bill provides for a court of disputed returns.

Section 259 of the Act will be amended to provide to councils the right to no longer raise fines where these are below an amount set by council. As well the definition of financial hardship will be widened so that councils may remit fines where circumstances other than financial hardship have created genuine difficulties in meeting rate payments on time. This will save councils considerable expense where fines, frequently less than a dollar, must now be statutorily raised on rates that are in arrears by only one or two days.

Following strong and unanimous pressure from the Local Government Association and each of its regional associations, amendments are proposed to section 427. These are directed at the avoidance of expensive and time-consuming polls which generally fail. It is now accepted that the use of Loan funds is part of the normal financial management of any modern local authority. As a result, this Bill would require that the demand for a poll must be signed by at least 10 per cent of the enrolled electors instead of the present 21 electors for district councils and 100 for municipalities which has made it possible for very small numbers to commit a council to an expensive and unnecessary poll. Also, a proposal to borrow can only be defeated by 40 per cent of those enrolled voting against the proposal; this again will ensure that a council's forward financial planning cannot be arbitrarily disrupted by small groups with special interests in the community while retaining the principle of genuine community objection.

The Act will be further amended to remove the power of councils to distrain the goods of resident occupiers where rates are overdue. The Henderson Poverty Commission commented unfavourably on this practice

and, from time to time, it is clear a few authorities have used this power insensitively. Local authorities have other recourse to enforce collection of rates including the ultimate weapon of forced sale after a minimum three years non-payment. A new section 50A will be introduced to permit a council wide powers of delegation to its officers, with proper safeguards in matters of fundamental financial or legal significance. Modern local authorities now require proper streamlined management procedures based on sensible delegations, while councils will now, if they so wish, be able to clear their business papers of the voluminous routine material that prevents proper discussion of major policy matters. Members will note that it will be up to individual councils to decide the extent of any delegations.

Lengthy amendments are to be made to the sections of the Act dealing with by-laws. However, in practice these will have the effect of bringing all by-law-making powers into line for municipalities and district councils. The most significant variation will make the Parliamentary disallowance procedure similar to that for regulations. No longer will the implementation of by-laws have to wait for Parliament to resume, forcing councils occasionally to wait some months. As well, all penalties in the Act of less than \$200 will be raised to this figure. If penalties are to act as effective deterrents, the present levels often as low as \$5 need to be made realistic in terms of today's costs. Numerous other amendments are being made that will clear up problems of definition and operation, and these are outlined in the attached detailed explanations of clauses. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends the definition section of the principal Act by providing new definitions of "elector" and "nominated agent". These definitions reflect the different approach to enrolment on the voters' roll whereby the names of corporations and groups are entered on the roll and the name of their nominated agents recorded alongside. The clause amends the definition of "foreshore" so that it extends to the boundary of any road, section, reserve or privately held land and is not limited to a distance of 30 metres from the high water mark which does not include areas of foreshore reclaimed by the Coast Protection Board. The clause also amends the definition of "ratable property" so that lands or buildings owned or occupied by a university for use as a dwelling house are ratable.

Clause 5 repeals Division IA of Part II of the principal Act which is to be re-enacted with slight modifications as a permanent Part IIA of the principal Act. Clause 6 amends section 12 of the principal Act by providing that a proclamation for the union of areas may determine that a council will be a declared council pursuant to section 65a. Clause 7 amends section 22a of the principal Act by providing that an officer of the Local Government Office appointed by the Governor, rather than the Secretary for Local Government, shall be a member of the Local Government Advisory Commission.

Clauses 8 and 11 make it clear that the time for making a proclamation upon petition or presenting a counter-petition under Part II is fixed by reference to the last publication of the substance of the petition. Clause 9 amends section 27a of the principal Act by requiring that an electors' petition for severance and annexation must be signed by one-half of the electors on the roll for the

portion concerned and by deleting subsections (2) (3) and (4) which provide for an elaborate notice procedure in addition to the notice given by the Minister under section 41.

Clause 10 substitutes a new section 27b providing for a poll on a petition to sever and annex. New section 27a provides that a poll may be requested by 30 per cent of the electors for the portion concerned. The poll is to be deemed to be carried unless a majority of those voting, constituting not less than 40 per cent of the electors for the portion, vote against the question. Under the new section, the Governor may make the proclamation giving effect to the petition if a poll is not demanded or the poll is carried. Clause 12 clarifies section 36 which provides for presentation to the Governor of petitions and counter-petitions. Clause 13 is a drafting amendment to section 41.

Clause 14 widens the scope of section 42 of the principal Act so that the Local Government Advisory Commission may investigate matters connected with a petition or counter-petition that is invalid and the matter of any non-compliance with the procedures and requirements under the Act in relation to petitions and counter-petitions.

Clause 15 inserts a new section 42a under which the Local Government Advisory Commission may, on considering a matter connected with a petition or counter-petition, put forward a proposal alternative to that in the petition or counter-petition and the proposal may be given effect to by proclamation if a poll on the question is not demanded or is carried. A poll must be demanded by 15 per cent of the electors for the area or portion concerned and is carried unless the question is voted against by a majority of the electors, constituting not less than 40 per cent of the electors for the area or portion.

Clause 16 amends section 45 of the principal Act enabling the Governor to make a proclamation under Part II of the Act notwithstanding any minor non-compliance with matters required by the Act as preliminary to such proclamation. Clause 17 amends the definition of "prescribed number" in subsection (4a) of section 45a of the principal Act so that the number of electors is related to the number of electors for the area rather than the number of separately assessed properties.

Clause 18 inserts after section 45a of the principal Act a new section 45b dealing with defaulting councils and the procedures to be adopted by the Minister in relation to them. The new defaulting councils provision differs from the present provision in that a proclamation declaring a council to be a defaulting council is to continue until revoked by proclamation but not longer than 12 months and that the Minister is to cause a report to be made to Parliament within 10 sitting days of the circumstances giving rise to the proclamation.

Clause 19 inserts after section 50 of the principal Act a new section 50a providing for the delegation of powers of a council to its officers. Clause 20 amends section 52 of the principal Act by striking out subsection (1a), the requirement that a member of a council must be a British subject. Clause 21 amends section 65a of the principal Act and provides for the selection of deputy mayors. Clause 22 deletes reference to the Highways Department, and substitutes reference to the Public Service.

Clause 23 substitutes a new Part VI dealing with enrolment of local government electors. New section 88 sets out the criteria for entitlement to be enrolled. These are that a natural person may be enrolled if he is enrolled as a House of Assembly elector in respect of a place of residence within the area or ward; his place of residence is within the area or ward; or he is a ratepayer in respect of ratable property within the area or ward and solely owns or occupies that property.

The significant change reflected in these criteria is that a person need not be entitled to be a House of Assembly elector to be enrolled for local government purposes as a resident or ratepayer. New section 88 also provides that a body corporate that is the sole owner or occupier of ratable property may be enrolled as a ratepayer but, in the case of a proprietary company, only if one or more of its members is not enrolled as a natural person. The section also provides for enrolment of a group of persons, whether companies or natural persons, who are ratepayers in respect of jointly owned or occupied property, but, again, only if one or more of the members of the group is not entitled to be enrolled individually either as a natural person or as a body corporate that is the sole owner or occupier of ratable property.

These provisions are intended to ensure that persons or companies do not obtain more than one vote, in the sense that the members of a company or a group of ratepayers, if all are enrolled as individuals, may not have a further vote through the company or group. Resident electors are required by subclause (2) of new section 88 to apply annually for enrolment. This is necessary for the obvious administrative reason that a council has no way of knowing nor the capacity to ascertain those persons other than House of Assembly electors or ratepayers who are resident in its area.

Subclauses (3) and (4) of new section 88 provide that a body corporate or group of persons entitled to be enrolled may nominate a nominated agent. Nominated agents may vote in their own right as electors and on behalf of each company or group in respect of which they are nominated agents.

New section 89 provides that the Ministers may fix two closing dates for each year and that only those electors entitled to be enrolled as at one month before any closing date may vote at an election, meeting or poll occurring between that closing date and the next closing date.

New section 90 provides that it is an offence for any officer to enrol a person or group knowing that the person or group is not entitled to be so enrolled. This offence is necessary for the reason that the voters roll as prepared by the clerk and other officers is by virtue of new section 92 to be conclusive evidence of the right of any person enrolled thereon to vote and for the reason that it would not be practicable to have a procedure for objecting to entries on a local government roll given the frequency of elections, meetings and polls and the shortage of staff in many councils.

The provision that local government voters rolls are to be conclusive evidence of the right to vote substantially reduces the possibility of elections being invalidated. It is thought that this approach is a justifiable compromise given that those persons whose names are entered on voters rolls as a result of clerical error are not likely to vote, while those persons whose names are not entered on the roll, but who are entitled to vote, may obtain a vote by virtue of new section 94 which corresponds to the present section 91.

New section 91 provides that voters rolls are to be made available to the public. New section 93 provides that voters rolls are not invalidated by reason of printing or copying errors or by reason of any misnomer or misdescription so long as it may be understood. New section 95 provides that any reference in the principal Act to a number of electors shall be construed as a reference to the number of electors enrolled on the voters roll.

Clause 24 amends section 102 of the principal Act which presently provides for the appointment of the returning officer to preside at a particular election so that instead a returning officer is appointed annually by each council.

Clause 25 amends section 105 of the principal Act by providing that nomination forms are to be lodged and the nomination procedure is to be carried out by the returning officer instead of the clerk as at present, and also by providing that there is to be no right of public inspection of nomination forms or any disclosure of information as to any nomination before the hour of nomination when nomination forms are to be made available for public inspection. Clauses 26 and 27 make amendments consequential on the amendment providing for annual appointment of a returning officer.

Clause 28 provides for the enactment of a new Part VIIA establishing a court of local government disputed returns and a disputed returns procedure that is in substance the same as that applying under the Electoral Act, 1929, to State elections. New section 142aa provides a definition of the court. New section 142b provides for the establishment of the Court of Local Government Disputed Returns. The court under this new section is to be constituted of a panel of Local Court judges who are to sit individually and in different places to hear proceedings on disputed returns.

New section 142c provides that the court shall have jurisdiction to hear and determine any petition disputing the validity of an election or return. New section 142d provides for the appointment of a clerk of the court. New section 142e sets out the procedure for petitions. New section 142f sets out the powers of the court. New section 142g provides that the court shall not inquire into the correctness of a voters' roll, the qualification of any nominator, the sufficiency of any nomination or into the qualification of voters but only into the identity of voters and the acceptance or rejection of votes.

New section 142h provides that a finding that an illegal practice occurred in connection with an election shall not invalidate the election unless the result of the election would be likely to have been affected by the illegal practice. New section 142i requires that the clerk of the court advise the Minister of any finding of an illegal practice. New section 142j provides that the court is not bound by the rules of evidence and is to consider each case on its own merits.

New section 142k provides that decisions of the court are to be final and not subject to appeal. New section 142l provides that parties to proceedings may be represented by a legal practitioner. New section 142m provides that the court may state a question of law to the Full Court of the Supreme Court. New sections 142n to 142p deal with the costs in proceedings before the court. New section 142q provides for the effect of decisions of the court. New section 142r provides that the members of the court may make rules as to procedure and fees.

Clause 29 amends the provisions in section 157 of the principal Act providing for portability of long service leave for local government officers. The clause provides that portability applies notwithstanding a break between local government employment of 13 weeks or such longer period as is agreed to by the council. The clause also enables the superannuation and long service leave provisions to be extended to other authorities by regulation.

Clause 30 amends section 170 of the principal Act by removing the requirement that names may not be removed from the assessment book within 10 days before an election, meeting, or poll. This provision is no longer required in view of the changes made to the enrolment procedure. Clause 31 makes a similar amendment to section 172.

Clause 32 amends section 190 of the principal Act by

providing that a demand for a poll on the application of Division III of Part X, that is, assessments based upon land value, must be made by not less than 10 per cent of the electors for the area instead of, as at present, 100 electors.

Clause 33 makes a corresponding amendment to section 197 in relation to a demand for a poll on the question whether Division III of Part X should cease to apply to an area. Clause 34 makes a corresponding amendment to section 227 in relation to a demand for a poll on the imposition of a special rate. The clause also extends the period within which such poll must be held to 42 days after the demand is made. Clause 35 amends section 251 of the principal Act to remove the liability for rates of residential occupiers of ratable property.

Clause 36 amends section 259 of the principal Act which provides for the imposition of fines for late payment of rates. The amendments enable a council to fix a level of rates which will not attract fines for late payment and to remit a fine where there is a reasonable excuse for late payment. Clause 37 provides for the repeal of sections 261, 262 and 263 of the principal Act. These sections empower councils to distrain goods on non-payment of rates. Clause 38 makes an amendment consequential on the repeals effected by clause 37.

Clause 39 amends section 267b to empower a council to remit rates payable by any non-profit organisation that provides facilities for children or young persons. Clause 40 amends section 286 of the principal Act to enable councils to use cheque-writing machines in accordance with a procedure approved in writing by the auditor. Clause 41 amends section 293 of the principal Act so that the provisions providing for an audit of the accounts of the council on the termination of the services of the clerk apply on the termination of the services of any other officer in charge of the accounts of the council.

Clause 42 amends section 319 of the principal Act by applying to the recovery from owners of the cost of constructing a public street the provisions providing for payment by instalments and imposing fines for late payment that apply in relation to payment of rates. Clause 43 makes a corresponding amendment to section 328, which deals with recovery of the cost of paving footways. Clause 44 makes the same amendment as to the imposition of fines for late payment of the cost of paving a footway at the request of the owners of property under section 330.

Clause 45 amends section 342 of the principal Act by providing for the imposition of fines for late payment of the cost of construction or repair of a private street carried out by the City of Adelaide. Clause 46 makes a corresponding amendment to section 343 in relation to recovery of such costs by other councils. Clause 47 amends section 344a by providing for the imposition of fines for late payment of the cost of construction or repair of a private street carried out under that section.

Clauses 48, 50, 51 and 52 remove the subheadings to Division XIV of Part XVII which divide the Division into provisions dealing with municipal councils and those dealing with district councils. This method of division is inappropriate in view of the amendment proposed by clause 53 to section 375 whereby councils may allow owners of land within a municipal council area as well as a district council area to fence in public roads that are not in use as roads.

Clause 49 amends section 362 by providing that councils may provide cycle tracks across park lands, squares, reserves or any other council lands. Clause 54 enacts a new section 392a empowering the Minister to vary a scheme for joint works and undertakings of councils under Part XIX of the principal Act. Clause 55 removes the requirement of

the consent of the Minister to the letting or sale of surplus land or property of a council under section 422 of the principal Act.

Clause 56 makes a number of amendments to section 424 of the principal Act which confers borrowing powers on councils for permanent works and undertakings. The clause amends this section providing that borrowing pursuant to section 382d shall not be included for the purpose of determining the amount of borrowings pursuant to section 424. The clause amends the section by providing that both municipal and district councils may borrow under the section at the level presently prescribed for municipalities. Finally, the clause provides that council borrowings under the section may exceed the prescribed limit with the consent of the Minister.

Clause 57 amends section 426 of the principal Act by providing that the rate of interest payable on debentures need not be included in the notice of proposal for borrowing, that public notice of a proposal for borrowing is not required to be given by the council in respect of borrowings under section 435 but only before proceeding to borrow under section 424 and that the notice be given before adoption of the borrowing and not within the period presently fixed by the section.

Clause 58 amends section 427 by providing that 10 per cent of the electors must demand a poll with respect to a council borrowing, whether the council is a municipal or district council, and that 40 per cent of electors must vote against the question before the poll is lost. Clause 59 makes a drafting amendment to section 430. Clause 60 amends section 435 by including within the schemes for authorisation by the Minister schemes for providing financial assistance for community facilities provided within the area whether or not provided by the council itself and by providing that the Minister may with the approval of the council amend any scheme under the section.

Clause 61 amends section 437 by fixing the rate of interest on council debentures at the rate fixed by the Australian Loan Council for local government borrowing at the time the loan is entered into. Clause 62 amends section 449c by providing that loans under the section may be secured by debentures issued on the security of the general rates. Clause 63 amends section 454 by providing that the consent of the Minister of Lands must be obtained in respect of the use as a camping ground or caravan park of any lands dedicated or reserved under the Crown Lands Act, 1929.

Clause 64 amends section 457 by providing that councils may lease park lands or reserves for the purpose of providing any community facilities and that councils may resolve to hold a poll on the question even though a poll is not demanded. Clause 65 amends section 530c of the principal Act by empowering the Minister to amend a sewerage effluent disposal scheme with the approval of the council; by providing that any connection to a sewerage effluent scheme must be in accordance with specifications laid down by the Central Board of Health; and by empowering councils to, at any time, require the desludging of septic tanks and, upon any failure to do so, enter, carry out such work and recover the cost.

Clause 66 amends section 536a by providing that it is an offence to discharge waste, impure water, or other matter into a stormwater drain, and by increasing the penalty for an offence against the section. Clause 67 makes a drafting amendment to section 602 of the principal Act. Clause 68 amends section 603 by empowering the council to revoke a licence for erecting hoardings and charge a monthly licence fee which may increase during the period of the licence. Clause 69 amends section 666b which empowers

municipal councils to require owners to eliminate unsightly conditions by extending its application to district councils.

Clause 70 repeals Divisions I and II of Part XXXIX of the principal Act (sections 667 to 690 inclusive) and enacts new corresponding divisions containing new sections 667 to 684. Section 667 sets out, in rearranged form, the pre-existing purposes for which councils may make by-laws. These are grouped in categories relating to (1) procedure at meetings, (2) structures, (3) uses and licences, (4) nuisances and health, (5) animals, (6) fires and fire prevention, (7) streets, roads and footways, (8) council property, and (9) miscellaneous.

Section 668 sets out the procedure for passing by-laws, and section 669 provides for the submission of by-laws to the Crown Solicitor. Section 670 lays down the procedure on by-laws after the Crown Solicitor's certificate of validity has been obtained, and section 671 provides for the special approval of by-laws relating to particular matters, that is, the foreshore and public health.

Section 672 provides for the saving of past operation of repealed or altered by-laws, and section 673 for the title and numbering of all by-laws. Section 674 provides that by-laws shall not exempt any person from proceedings for nuisance, and section 675 that by-laws shall not be inconsistent with other laws of the State. Section 676 empowers a council to prescribe any forms or requisitions required by a by-law and section 677 provides that by-laws may fix minimum and maximum penalties.

Section 678 provides that by-laws dealing with the granting or issue of licences may stipulate that the granting or issue be subject to compliance with an examination by the council or subject to council requirements. Section 679 provides that by-laws may apply only to portions of an area, and section 680 for the fixing and variation of rates, fares or fees. Section 681 deals with the adoption of by-laws of previous councils when two or more areas unite. The procedures laid down are similar in substance to those prevailing for the adoption of model by-laws by councils.

Section 682 empowers the Governor to make model by-laws and provides for the procedure by which they may become available for adoption by councils. Section 683 provides that no alteration or repeal of a model by-law shall effect any prior adoption by a council, and section 684 sets out the power and procedures for councils to adopt model by-laws.

Clauses 71, 72 and 73 effect amendments that are consequential on the amendments providing for the disputed returns procedure. Clause 74 makes a minor drafting amendment to section 743. Clause 75 enacts a new section 748ba after 748b of the principal Act and empowers a council to recover the cost of clearing debris resulting from motor vehicle accidents from the drivers of the vehicles involved. Clause 76 provides for minor amendments to subsections (1) and (2) of section 782a of the principal Act, dealing with walking or driving a vehicle on a cycle track, that are consequential on the amendments to section 362 effected by clause 49.

Clause 77 effects minor amendments to paragraph (d) of subsection (1) of section 796 of the principal Act, providing that the returning officer instead of the clerk is to fix the day for a poll demanded by a meeting of electors and that the day is to be not less than 28 and not more than 42 days after the day of the meeting. Clause 78 effects corresponding amendments to section 797 of the principal Act which is concerned with the procedures for taking a poll of electors on the question of a loan.

Clause 79 strikes out subsection (1) of section 799 of the principal Act and inserts a new subsection in lieu providing that the returning officer shall preside at any poll of

electors. Clause 80 repeals section 800 of the principal Act, which formerly empowered a returning officer to appoint a deputy in certain circumstances. Clause 81 effects amendments to subsection (2) of section 833 of the principal Act, providing that applications for postal votes may be made up to the day of the election.

Clause 82 amends section 835 of the principal Act by inserting a new subsection after subsection (3) providing that applications for postal votes made by persons whose names do not appear on the relevant voters roll. Clause 83 inserts after paragraph III of section 841 of the principal Act a new paragraph providing for persons referred to in the amendment to section 835 above to state, by declaration, the grounds on which they claim to vote. A consequential amendment is also effected to paragraph VI of section 841.

Clause 84 amends section 846 of the principal Act by striking out paragraph (b) of subsection (1) and inserting a new paragraph providing for procedures on scrutiny of postal votes, including votes made by persons having made a declaration pursuant to amended section 841. Clause 85 corrects a cross-reference in section 858 of the principal Act.

Clause 86 amends section 871e of the principal Act by inserting after subsection (3) a new subsection providing that notice of intention to acquire land for purposes of realigning streets need not for the purposes of the Land Acquisition Act, 1969-1972, be served on all persons having an interest in such land. A new subsection is also inserted after subsection (12) empowering the council to abandon any realignment proposal and offer the land concerned for sale to the previous owner.

Clause 87 effects an amendment to section 875 of the principal Act providing that the clerk or any officer of a council may provide a statement of the charges upon any ratable property. Clause 88 repeals the ninth and tenth schedules to the principal Act, which set out certain forms for inventories and fees and charges upon distress for rates. Clause 89 amends the twenty-third schedule to the principal Act by substituting a reference to electors for that of ratepayers in the form for the declaration verifying a notice or writing demanding a poll.

Clause 90 amends, by way of schedule, all penalties under \$200 provided in the principal Act. In general, the maximum for such penalties has been increased to \$200. In cases involving continuing offences other appropriate modifications have been made.

The Hon. K. T. GRIFFIN secured the adjournment of the debate.

#### STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from March 8. Page 2020.)

The Hon. M. B. DAWKINS: I rise to support this Bill which, as the Minister has said, is a measure designed to overcome an apparent deficiency in the Act. I understand that elsewhere some concern was expressed about this matter. I indicate at the outset that I do not have that concern to the same degree, although I think honourable members must always be responsibly concerned when public moneys are being used, involving public utilities, and where a public body such as the State Transport Authority is given the opportunity to borrow money. The Premier made this comment last year:

There is another way in which we can get limited access to additional Loan funds. Statutory authorities can borrow up to \$1 000 000 a year each without the permission of Loan

Council. Each \$1 000 000 borrowed costs \$100 000 a year to the State Budget to service, and so does not create a heavy burden on revenue as compared with the immediate benefit of capital expenditure. New authorities will be created and some additional borrowing powers for existing ones will be provided.

This Bill is providing a borrowing power for the State Transport Authority. This necessary provision was overlooked when that authority was created some few years ago. In effect, the Bill provides that the State Transport Authority should have similar borrowing powers to those that the Municipal Tramways Trust had under the old Bus and Tramways Act. When we study the State Transport Authority, we realise that it is mainly comprised of the Municipal Tramways Trust and the metropolitan section of the South Australian Railways; so it may be said that we are providing the borrowing powers which were previously available under the old Bus and Tramways Act (which will be dealt with in a moment) to the State Transport Authority which includes the suburban railways.

The Hon. R. A. Geddes: Is that power in the Bill?

The Hon. M. B. DAWKINS: The power is similar; I think that is the answer to the honourable member's question. The statutory authorities and, I think, some semi-government departments may borrow up to \$1 000 000, as the Premier indicated last year, without upsetting our quota of Loan funds. As I understand it, there are up to 60 or 70 such authorities in the larger States. Therefore, I see no great concern about this Bill. It is a matter that should properly have been included in the original legislation. However, in supporting this Bill, I believe that the Minister should provide a report to Parliament every year about the borrowing activities that the State Transport Authority will use as a result of the power conferred by this Bill. I do not intend to delay matters any longer on this small measure and (with some reservations about what may be done in Committee) I support the second reading.

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

#### BUS AND TRAMWAYS ACT AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from March 7. Page 1947.)

The Hon. M. B. DAWKINS: As I indicated a few moments ago, the measure that I have just discussed and this one are inter-related. This Bill, as the Minister said, has two objects. The first is to repeal section 43 of the principal Act, and the other is to effect metric conversion amendments to that Act. I have examined the metric measurements; they are for the most part the nearest convenient conversion to the existing measurements and I think that this clause is quite acceptable. Clause 2 repeals section 43 of the Act, which provides:

(1) With the consent of the Treasurer, the authority may borrow money—

(a) to extinguish any liability, present or future, to the Treasurer; or

(b) to do anything authorised by this Act and may issue debentures in favour of the lender on such terms as the authority may determine.

(2) Such debentures shall not affect any right of Treasurer against the authority or its assets or otherwise in respect of any moneys paid by the Treasurer.

That section is no longer necessary if the State Transport Authority is to be given the opportunity to borrow money.

In supporting this Bill, I suggest that it would be wise if Parliament required that the Auditor-General must report fully on all matters relating to borrowed money when dealing with these statutory authorities.

It is probably a good thing that statutory authorities are able to borrow in the manner to which I have referred. In other States, 60 or 70 statutory authorities do this and, as long as the money borrowed does not impose a real burden on the authority concerned, I think it is good business. It would be a wise provision if Parliament were to require the Auditor-General to report fully on all such borrowings. I support the Bill.

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

### CONSTITUTIONAL MUSEUM BILL

Adjourned debate on second reading.

(Continued from March 8. Page 2027.)

The Hon. R. A. GEDDES: I support the Bill. To be honest, it was not until the beginning of this decade, when so many towns in the northern areas of South Australia started to plan for and celebrate their centenaries, that I, as one interested in so many of these towns, learnt of the difficulties experienced by committees that were set up to plan for their centenary celebrations. Naturally, these towns wanted to find as much information as they could about the founders or forefathers of the respective areas.

Almost in every instance an author was found in the community, and plans were made to write a book on the history of that district for the preceding 100 years. The difficulty that these authors have had, and indeed are still having, in compiling what was almost a folklore about what, say, Bill Smith or Josiah Hollitt had done or of what had happened in the early days became quite a problem. However, much of the information that they needed was lost. Although members of families spoke to one another about what their grandparents or great grandparents had done, there were no records.

Because of the way in which the South Australian Parliament was operating even 100 years ago or more, voluminous records must be available. Much paper work is done today, and this information should not be hard to find. I support and commend the concept of having a museum to trace the history of the Parliamentary system in this State from its inception. Without commenting on the costs to the State of such a venture, or saying that we cannot afford to indulge in these pleasantries, I hope that the passing of this Bill will not result in the Government's delaying the commencement of work to be done in relation to the museum.

When it was decided by the Joint House Committee of the Parliament to display photographs of former members in the Parliament to be hung in the reception rooms, much difficulty was encountered in obtaining from families photographs of their forebears. I remember an instance in my own family of a Mr. Shannon from Kapunda, who was a member of another place for two years. Although everyone in the family knew about great grandfather, no-one knew where a photo of him could be found. Eventually, one was located.

It is easy for one to forget things and, if records are not complete and an attempt is not made to compile records, future generations will miss out on some of the history of what is obviously a young nation, that of Australia, including South Australia. The Hon. Mr. Foster made a most thought-provoking speech. He opened up to me another aspect of the matter, referring as he did to the

industrial trouble which was experienced at Port Adelaide in 1928 and which he described as involving volunteer employment. I remember, as a young lad, being told about that same strike, and about those who went there to picket the strikers and load the ships. I was also told about the farmers and others who went there with rifles to see that the ports of Port Adelaide and Outer Harbor were kept free.

The Hon. Mr. Foster also referred to pickets in the sandhills and on the beaches. The unionists involved, believing that they had a justified claim, were being frustrated. It is only right, as the Hon. Mr. Foster said, that a record should be kept of these occurrences. Perhaps, in referring to these matters, I am wandering a little from the debate, which concerns the setting up of a constitutional museum. However, the Hon. Mr. Foster's remarks regarding what must have been the grim days in 1928 reminded me of other examples.

The Hon. Mr. Foster also referred to records that were stored and gathering dust in the vaults of the Port Adelaide Town Hall, and possibly in the Adelaide Town Hall. He asked whether, because of the Parliamentary nature of the museum, the second tier of Government, local government, should have material displayed in the museum. To this end, I will have amendments prepared and I hope the Government will consider them. I do not want to copy all of the honourable member's good speech but he said:

The dungeons below the Port Adelaide Town Hall contain tonnes of such matter, but it is gathering dust and is rotting.

A measure ought to be introduced to ensure the preservation of historical documents and material, and this Bill should go further than it does.

At this stage I do not think it practicable to move amendments in terms of what the honourable member envisages, but I urge him to take up with the Government the matter of the records, wherever they are stored, being classified so that their historic nature can be taken advantage of in future.

The Hon. Mr. Hill referred to an interesting point. The trust is to comprise five members appointed by the Governor, and the honourable member has proposed that two of those should be selected from a panel nominated by the Leader of the Opposition. There is much merit in that, to defuse any criticism against the Government of the time or the trustees of the time, if there seems to be a reference to one political Party having a bigger display than another.

My mind goes back to when the Steele Hall Government was in office and it was decided that the Education Department would put out a booklet on Parliamentary procedure and the ideals of political Parties so that schoolchildren could read it. Despite the fact that there was a Liberal Minister of Education at the time, the Liberal Party had a scant number of pages in the booklet and the Labor Party had many pages. This upset some parents. I do not know how it happened, but it happened when a Liberal and Country League Government was in office. It is that type of indiscretion that warrants consideration of the Hon. Mr. Hill's proposed amendment.

Regarding clause 16, members would be aware of the Hon. Mrs. Cooper's strong stand about there not being Ministerial control of the museum in terms of another Act, and my feeling on first reading the clause was the same as her view. However, on reading further, I find that we have stepped into the new age of raising money and, instead of there being a Government grant for this museum, the museum may borrow, with the consent of the Treasurer, money at interest from any persons. The ball game has changed. We will have a trust that can borrow from the

private sector for the museum, and it would be wise to have Ministerial oversight because of that.

I realise the difficulties that the Government is having about raising money in these difficult times and I realise the concept of the formation of trusts with the Government guaranteeing loans so that the trust can borrow from semi-government or outside sources. I am fully in accord with organisations that have income that can repay the loans. In other words, if an organisation borrows \$1 000 000, it should be able to say that it can repay the money. However, although there may be a charge for entry to the museum and a charge in the refreshment room, if the museum borrowed a large amount of money with the Government as guarantor, interest must be paid for many years by the Government, because I cannot see how the museum can develop and earn a good income.

I am under the impression that the Adelaide City Council was the first form of local government set up in South Australia before there was a Parliament. The settlers from Great Britain, who were accustomed to local government, set up, in the early days of the colony, local government that we now call the Adelaide City Council. After 10 years, because of insufficient revenue, the council went bankrupt and bailiffs took the furniture from the town hall. For about 10 years after that, there was no local government. Later, an Act was passed providing for the Adelaide City Council to again represent the people in that tier of Government. In those days, the city councillors adopted proportional representation for their election.

I understand that that was the first time that proportional representation had been used in voting for public office anywhere in the world. That is another point that could be noted regarding our new museum. I support the Bill and hope that it will be possible to incorporate local government in some way. I also hope that the museum will prove to be of much value to my grandchildren and, in turn, their children.

The Hon. JESSIE COOPER secured the adjournment of the debate.

#### PUBLIC SERVICE ACT AMENDMENT BILL

Adjourned debate on second reading.  
(Continued from March 8. Page 2020.)

The Hon. R. A. GEDDES: I rise to support the Bill, which appears to be a most innocuous one. Clause 3 provides:

Section 39 of the principal Act is amended by striking out paragraph (a).

That paragraph in the principal Act refers to "a British subject". This phrase "a British subject" has been recognised as a symbol of respect for many years, and it will be removed for all time from the Statute Book of South Australia in relation to the Public Service of this State. To be sentimental about this Bill would be foolish, but to pause and remember the meaning of these words is surely not being too nostalgic.

Since 1834, when the South Australian colonisation legislation passed the House of Commons, giving blessing to the South Australian Company to colonise this State, we have always accepted the term "a British subject" as being synonymous with our heritage. In Mr. Gordon Combe's book *Responsible Government in South Australia* (page 6) he refers to the passing of that legislation through the Mother Parliament and the words of the Bill's mover (Mr. Whitmore, a private member), who stated:

It would afford the means of transmitting to a foreign country the advantages resulting from the excellent institutions of Great Britain; it would afford the means of employment to all industrious subjects, to the rich as well as the poor; and the Bar, the church, and the medical profession, which were inundated with superfluous talent, would be afforded the means of a free exercise of their extensive and varied energies.

The then Secretary of State (Thomas Spring-Rice) stated:

... the Government was fully aware of the difficulties that surrounded the question, but they were overbalanced by the great advantages, and the great probability of success held out by the proposition contained in the Bill: they had, therefore, determined to countenance it, considering it one of its duties to do everything in its power to extend the advantages of British institutions to every part of the globe.

The Bill passed and the South Australian Company was formed, and the South Australian Parliament grew from that. Before the name of the British Empire is lost to all, save in the history books in this colony and State of which we are so justly proud, I remind the Council of the legal interpretation of the term "a British subject". I refer to Jowitt's *The Dictionary of English Law* which defines "British subject" as follows:

This expression formerly meant "a natural-born British subject, or a person to whom a certificate of naturalisation has been granted, or a person who has become a subject of His Majesty by reason of any annexation of territory".

The British Nationality and Status of Aliens Act was passed in 1914. As a result of the changing times, another definition was included in that Act in 1948, which provided:

... any person who is a citizen of the United Kingdom and colonies or a citizen of Canada, Australia, New Zealand, South Africa, Newfoundland (now one of the provinces of Canada), India, Pakistan, Rhodesia, Ceylon, Ghana or Malaya is a British subject or a Commonwealth citizen, these expressions having the same meaning.

Under the existing provisions our Public Service was able to employ a wide range of people through the network of the family of the Commonwealth Empire, which was formerly called the British Empire.

An interesting sidelight relates to the Racial Discrimination Act, 1976, which clearly provides that a person shall not be discriminated against on the grounds of his race in the field of employment. That Act actually provides the necessary authority to supersede the provisions of the Public Service Act in relation to British subjects. In legal terms the Bill merely corrects an inconsistency, but by doing so it removes three words from our Statute Book that have stood for about 144 years.

I regret the need for the amendment, but I do not mourn because we, as a State and as a nation, have advanced from the protection of the British Commonwealth and are now able to decide our own destiny.

The Bill contains another interesting amendment. When amendments were made to the Public Service Act in 1977, an amendment was passed providing long service leave payments to a person who resigned after five years service for the purpose of caring for an adopted child. That amendment referred to a child "over the age of two years", whereas it was intended that it should apply to a child "of or under the age of two years". I was overseas at the time, which is obviously why that mistake occurred! Finally, having been brought up to salute the school flag every day at school, I find it hard to believe that the words "a British subject" no longer have meaning on the Statutes of this State. I support the Bill.

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

**WATERWORKS ACT AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from March 8. Page 2027.)

**The Hon. M. B. CAMERON:** This short Bill increases the penalties for various offences covered by the principal Act. I have no objection to increasing the penalties, but in this case some penalties are increased by 500 per cent—an enormous increase.

**The Hon. D. H. L. Banfield:** When were they last increased?

**The Hon. M. B. CAMERON:** That is not the point. Until recently, when the Minister decided to make a change, these penalties were apparently considered adequate; if they were not considered adequate, the Government should have increased them earlier. Now, suddenly, they are found to be inadequate to the extent of 500 per cent. Some of the changes affect the department itself; for example, in the case of failure to observe proper precautions in connection with roadworks. In one instance, compensation is increased from £10 to \$50 a day. There is always the easy way out, of saying that this affects only the department. Of course, it does not affect only the department: eventually it affects the taxpayer or ratepayer, because ultimately it is the taxpayer or ratepayer, not the department, who meets these increases.

Citizens of South Australia are very concerned about the cost of water and, by increasing the penalties, the Government is potentially increasing departmental costs, leading to increases in rates. It would be wise in future for penalties to be changed in accordance with changes in the consumer price index. The Hon. Mr. Laidlaw has provided for a similar kind of change in another Bill.

I trust that the Minister will consider, even in this case, ensuring that the penalties are indexed in the future. Most of the penalties have not been altered since 1932. So that there is not another enormous increase after a considerable period within which there are no increases at all, it would be wise to apply the consumer price index to these penalties, so that they are increased automatically. I will consider amending the Bill along these lines to ensure that this sort of situation does not arise again. I support the second reading.

**The Hon. J. A. CARNIE** secured the adjournment of the debate.

**INDUSTRIAL SAFETY, HEALTH AND WELFARE ACT AMENDMENT BILL**

Adjourned debate of second reading.

(Continued from March 8. Page 2028.)

**The Hon. D. H. LAIDLAW:** This Bill makes minor administrative amendments to the principal Act, introduced in 1972. It is rare for me to agree with legislation introduced by the Minister of Labour and Industry, but I do so on this occasion. This Bill is uncontentious, well drafted, and commendably brief. It covers matters overlooked in the 1972 legislation and the 1976 legislation. I therefore support the second reading.

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

[Sitting suspended from 3.58 to 4.17 p.m.]

**CLASSIFICATION OF THEATRICAL PERFORMANCES BILL**

Adjourned debate on second reading.

(Continued from March 7. Page 1953.)

**The Hon. J. C. BURDETT:** I support the second reading of this Bill. The problem of pornography and obscenity in

our society has been serious in recent years. On the one hand, there has been greater recognition of the principle that people may choose their own form of entertainment; on the other hand, the utter depravity and degradation of much of what is available in publications, in films, and on the stage has made it more than ever necessary to protect people from this kind of corruption. It is a grave responsibility for the Government to grant such protection. Earlier this session, the Hon. Mr. Hill asked questions about the punk rock play *East* being performed during the current festival, and it was quite apparent from what he told the Council that the language used in the play was unnecessarily and almost unbelievably degrading and obscene.

**The Hon. Anne Levy:** It was taken quite out of context.

**The Hon. J. C. BURDETT:** However it was taken, it was still almost unbelievably degrading and obscene.

**The Hon. Anne Levy:** How do you know whether it was obscene?

**The Hon. J. C. BURDETT:** There was no need whatever to repeat over and over again, in the most obscene situations, the kind of language that was used.

**The Hon. Anne Levy:** You cannot say that without saying it in context.

**The Hon. J. C. BURDETT:** The Government declined to take any action in the matter. The solicitors for the Festival of Light wrote to the Attorney-General requesting either that he prohibit the production or that he grant his fiat for a relator action for an injunction. Both requests were declined. As was said in the second reading explanation, the Bill is designed to deal with the classification of theatrical performances on the basis of principles that have been applied to the classification of films and publications. It is interesting to note that the second reading explanation admits, by implication, that this Bill is an exercise in censorship. The Government has previously pretended that its classification legislation is not censorship. Of course, any kind of restriction or classification of films, publications or theatrical performances is a form of censorship. It is pleasing to see that the Government admits it. The controversial question is how far that censorship should go.

Previously, the Government has not been prepared to exercise any control whatever over theatrical performances. It is pleasing to see that it is prepared to exercise some control. However, in my opinion, the Classification of Publications Board and the film classification procedures have not given the public anything like the protection they should have given against hard core pornography. I have no doubt that the board set up under this Bill, which comprises the same personnel as the Classification of Publications Board, will not provide adequate protection for the public. However, I am prepared to support the Bill because I suppose it is better than nothing. More and more people are asking whether or not there is a connection between the greatly increased figures of reported rapes and the flood of pornography in our community.

Superintendent Thorsen of the South Australian Police Force acknowledges that there may be a connection. It has not been proved that there is a connection but in this kind of case I think it is significant that it has not been proved that there is not a connection. Unless and until the onus of proof is invoked, no-one is an accused person; no-one is being charged and, unless and until it is shown that there is no connection, the Government should take stronger steps to control pornography. The new Bureau of Criminal Statistics may come up with an answer. I refer now to Part III of the Bill, which may be termed the heart of the Bill. It is pleasing to see that in clause 10:

The board may, of its own motion, or at the request of any person, meet for the purpose of considering the classification to be assigned to a theatrical performance.

I am pleased to see that the board may take this action itself, of its own motion, or it may do so at the request of any person, so that the public may have access to the board. The board may itself decide to make an inquiry; it is not judged whether it is correct to do so either by the Government or by any person. It is pleasing to see that clause in the Bill.

Clause 11 sets out the criteria to be applied by the board, and this is absolutely vital. Clause 12 empowers the board to classify a performance as an unrestricted theatrical performance where it is satisfied that the nature of the performance is such that children might properly attend it. It also provides:

(2) Where the board is satisfied that a theatrical performance is—

(a) likely to cause offence to reasonable adult persons; or

(b) unsuitable for the attendance of children,

it shall, subject to subsection (3) of this section, classify the performance as a restricted theatrical performance.

(3) Where the board is satisfied that a theatrical performance is likely to cause serious offence to reasonable adult persons, it may refrain from assigning a classification to the performance.

There is no power to prohibit a particular performance. All that the board can do is refuse to classify it.

**The Hon. C. J. Sumner:** Do you agree with that?

**The Hon. J. C. BURDETT:** No. All that the board can do is refuse to classify and let the existing law take its course, but this is not very satisfactory because so far this Government has refused, in cases like *East*, which is about as degrading as one can get—

**The Hon. Anne Levy:** Have you seen it? You have read a small extract out of context.

**The Hon. J. C. BURDETT:** It does not matter what the extract is. There is no way to justify the words, on the criteria in the Bill. Nowhere in the Bible are there words like the disgusting words used over and over again in *East*. The Government refuses to use the existing law, and it is not very satisfying to find that the Bill provides that, where the production is particularly offensive, the board may refuse to classify and the existing law is allowed to run its course, because the law does not run its course under this Government. The Government has refused to use its powers. When the Bill to amend the Classification of Publications Act was before Parliament, the criteria set out were much the same as those stated in the second reading explanation of this Bill, I moved an amendment to insert the following new subclause:

When the board decides that a publication outrages standards of morality, propriety and decency that are generally accepted by reasonable adult persons, the board shall prohibit the sale, delivery or exhibition of the publication.

That amendment was based on the recommendations of the Longford indecent publications report published in England.

**The Hon. C. J. Sumner:** It was not an official report.

**The Hon. J. C. BURDETT:** No, but it was a most worthy report. The members of that committee came from all walks of life and all political Parties. The report comprised about 300 pages and it is no good saying that it was not an official report. It was put together well. I refer again to the word "outrage". It was only in the circumstances that the publication, or whatever it was, outraged the accepted sense of decency that it applied, and this was reasonable. The amendment was not acceptable to the Government.

In my opinion, a similar amendment ought to be made to this Bill. However, judging by the Government's previous attitude, it seems that it would not accept such an amendment now.

**The Hon. Anne Levy:** No way.

**The Hon. J. C. BURDETT:** All right. Clause 13 is necessary in regard to theatrical performances because, as opposed to publication as a rule and as opposed to films, it would be easy for a theatrical performance to be seen by the board, classified, and then changed. I suggest that the penalties provided in clauses 16 and 18 are fairly low, when one has regard to the gross takings in one day from such a theatrical performance. I am pleased that clause 18 imposes an obligation on the owner to see that no person between the ages of two years and 18 years is present. There is an escape clause if there is no way in which the owner could have known. I do not agree with an editorial in the *Advertiser* of February 24 which is headed "An unnecessary Bill" and which states:

The South Australian Government's intention to have all local theatrical performances classified in a similar fashion to films may at first glance seem reasonable enough. But close examination reveals no sound reason for turning the censorship clock back. The legislation now before the Assembly is the result of a hasty hip shot reaction to some raised eyebrows when it was announced the play *East* would be performed at the Festival of Arts.

In my opinion, the *Advertiser* always has had a blind spot in maintaining public decency. It has been said that there have not been many grossly pornographic or obscene theatrical productions. We have had *East*, *Flowers*, and *Oh! Calcutta!*

**The Hon. F. T. Blevins:** Have you seen them?

**The Hon. J. C. BURDETT:** I have not seen any of those. When the Film Classification Act Amendment Bill was being debated, a colleague, the Hon. Mr. Story, and I saw *Oh! Calcutta!* I found it not only disgusting but also boring.

**The Hon. F. T. Blevins:** Did it deprave you?

**The Hon. J. C. BURDETT:** No. I would not have minded so much if there had been a few blue spots but, when the whole thing from the start to finish was nothing but naked and unashamed depravity, I found it disgusting and boring.

**The Hon. Anne Levy:** Do you want to ban all things boring?

**The Hon. J. C. BURDETT:** No. I would like to see some of these things, which outrage all sense of propriety and decency, prohibited, not because they are boring but because they are depraved and depraving. At present there are not many of these plays but it has been said that, if this Bill passes, there may be many of them that will be restricted. We will have many fairly outlandish plays of this kind with a restricted classification in the same way as we had with films. That may be the case, and it may be the motive behind the Bill. However, as the Government has shown that at present it is not willing to use its existing powers at all, I will not vote against the second reading in the hope that this Bill indicates that the Government may use them. I support the second reading.

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

#### DAIRY INDUSTRY ASSISTANCE (SPECIAL PROVISIONS) BILL

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

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

*That this Bill be now read a second time.*

Some time ago the Federal Government asked the Industries Assistance Commission to inquire into dairy marketing arrangements. The recommendations by the I.A.C. have been considered by Australian Agricultural Council at several meetings during 1976 and 1977. Agreements so far reached by Agricultural Council have resulted in the development of Commonwealth legislation which has been designed to stabilise the marketing arrangements. Stage 1 of this legislation was introduced in July, 1977, and involves a compulsory equalisation scheme designed to protect the domestic market for a prescribed range of manufactured dairy products.

Stage 2 legislation is designed to bring about a production restraint by identifying a quantity of milk which will be called "a manufacturing milk entitlement". Agricultural Council has agreed in principle that a national aggregate entitlement should be determined and that this entitlement will be proportioned to each State. Commonwealth stage 2 legislation will be operative from July 1, 1978. This legislation will provide for a tax on the milk fat used in the manufacture of prescribed products. The Commonwealth legislation for stage 1 which provides for compulsory equalisation will continue to operate in conjunction with stage 2 of the Commonwealth legislation, which will provide for a tax on all milk fat used in the manufacture of prescribed products. This tax will be levied against the factories. In order that this State can participate in stage 2 of the Commonwealth scheme, which is understood to be operative from July 1, 1978, it is necessary for the Government to introduce this Bill. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the Act will come into force on a day to be fixed by proclamation. Clause 3 defines "Commonwealth Grants Moneys", "Proclaimed Dairy Factories" and "Proclaimed Dairy Producers". Clause 4 is formal, dealing with the arrangement of the Act. Clause 5 gives the Treasurer power to enter an agreement for the State to be an agent of the Commonwealth in connection with any tax which may be levied on the dairy industry by a Commonwealth Act.

Clause 6 enables the Treasurer, on the recommendation of the Minister, to make grants on an equitable basis to proclaimed dairy factories out of any Commonwealth grants moneys which he receives. This clause also gives the Governor power to declare dairy factories to be proclaimed dairy factories. Clause 7 enables the Treasurer, on the recommendation of the Minister, to make grants from any Commonwealth grants moneys which he receives to proclaimed dairy producers, and the Governor may, under this clause, declare dairy producers to be proclaimed dairy producers. If the Minister considers it desirable, he may establish a system to give proclaimed dairy producers entitlements to grants made under this clause. Clause 8 provides for offences against the Act to be disposed of summarily. Clause 9 gives the Governor power to make regulations and, in particular, regulations to establish a system of grant entitlements under clause 7 if the Minister considers that such a scheme is desirable. There is also a power to prescribe a penalty of not more than \$500 for breach of regulation.

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

#### RESIDENTIAL TENANCIES BILL

Bill recommitted.

Clauses 1 to 12 passed.

Clause 13—"Residential Tenancies Tribunal."

**The Hon. J. A. CARNIE:** I move:

Page 6, line 33—leave out "such term of office" and insert "a term of office of five years".

As subclause (3) stands, there is the possibility of an appointment of a member of the tribunal for life; this would not be in the best interests of the administration of the legislation. Further, subclause (5) makes it difficult to remove a member from office. On the other hand, any term of office shorter than five years may not provide the job security that a person may require. Therefore, a reasonable compromise is a term of five years.

**The Hon. D. H. L. BANFIELD (Minister of Health):** I oppose the amendment. The Government considers that members of the tribunal should be chosen from the widest range of people available. It is expected that there will be several persons appointed members of the tribunal and that their appointments will be on different bases. It is likely that one member could be appointed on a full-time basis, and other members appointed on a part-time basis.

The Committee divided on the amendment:

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

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. Summer.

**The CHAIRMAN:** There are 10 Ayes and 10 Noes. There being an equality of votes, I give my casting vote to the Ayes.

Amendment thus carried; clause as amended passed.

Clause 14 passed.

Clause 15—"Registrars."

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

Page 7, lines 13 and 14—Leave out "registrar of the tribunal and such deputy registrars as may be necessary" and insert "legal practitioner to be the registrar or a deputy registrar of the tribunal".

The amendment provides that the registrar of the tribunal and the deputy registrars shall be legal practitioners. This seems to be a reasonable compromise in the light of what was stated in the debate yesterday. I then agreed with the Hon. Mr. Carnie's amendment, and I still agree with it, that all members of the tribunal should be legal practitioners. I refer to the orders they can make under clause 21 such as specific performance or injunction orders. Conversely, it was advanced that the concept of the Bill was to keep the Bill simple, to emphasise conciliation, especially as some people who were not legal practitioners could do that well. I recognise the arguments on both sides.

We have already dealt with clause 13 for the second time, so that there is not a requirement that members of the tribunal be legal practitioners but, by providing that the registrars shall be legal practitioners, it will mean that there is someone to whom members of the tribunal can consult properly. The tribunal does not have access to the Crown Solicitor because of its *quasi* judicial nature, and there is no proper legal resource to whom the tribunal can apply. It can state a case to a higher court under the Bill,

but that is a lengthy procedure. My amendment represents a compromise.

**The Hon. D. H. L. BANFIELD:** I thank the honourable member for seeing reason, and the Government accepts the amendment.

Amendment carried; clause as amended passed.  
Clauses 16 to 29 passed.  
Clause 30—"Rent in advance."

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

Page 13, line 4—Leave out "or receive".

As a result of the existing provision, difficulties could arise. Under this amendment, if the tenant and the landlord agree to extend the collecting period, the tenant can pay the full amount of rent in advance, but that is not possible under the provisions of the Bill.

**The Hon. D. H. L. BANFIELD:** The Government accepts the amendment.

**The Hon. J. A. CARNIE:** This amendment will resolve the doubts that I expressed last evening.

Amendment carried; clause as amended passed.  
Clauses 31 to 47 passed.  
Clause 48—"Landlord's right of entry."

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

Page 18, after line 15—Insert paragraph as follows:

- (b1) at any reasonable hour for the purpose of collecting the rent under the agreement, where it is payable not more frequently than once every week and it is agreed that the rent be collected at the premises, and at the same time, but not more frequently than once every four weeks, for the purpose of inspecting the premises;

A person who now collects rent on a monthly basis and inspects a flat at the same time will not, under this clause, be able to do so in future. If a person wants to inspect a tenant's flat, he will have to give seven days notice. Under the amendment, if a person collects rent monthly, he will be able to inspect the flat while doing so without having to give seven days notice.

**The Hon. D. H. L. BANFIELD:** The Government accepts the amendment.

Amendment carried; clause as further amended passed.  
Clauses 49 to 55 passed.

Clause 56—"Cost of written agreement to be borne by landlord."

**The Hon. J. C. BURDETT:** When speaking in the second reading debate, I asked whether the Government would be willing to exempt residential tenancy agreements from stamp duty. Although this clause reverses the traditional position in making the landlord pay, instead of the tenant, the cost of preparation would not be great. However, the cost of stamp duty is involved. I said that this would be an expensive tax to collect and that possibly the cost of collection might even exceed the return. There would not be a great hardship, if any hardship at all, on the Treasury, if stamp duty was remitted completely on residential tenancy agreements. I realise that this cannot be done under the Bill and, accordingly, I have not moved an amendment.

**The Hon. D. H. L. BANFIELD:** The Government has considered the matter. It is not necessary for one to have a residential tenancy agreement. Such an agreement is entered into only if the landlord requires it and, if this happens, the landlord may want to pay the stamp duty fee.

**The Hon. J. C. Burdett:** I don't think he would.

**The Hon. D. H. L. BANFIELD:** The matter is left entirely in his hands. The landlord does not need to have an agreement. At this stage, the Government is not willing to exempt the landlord from paying stamp duty. If a landlord wants to have a residential tenancy agreement, it is his choice and is not something that is necessary for the purpose of letting premises.

**The Hon. J. C. BURDETT:** I realise that, where a landlord requires the execution of a written residential tenancy agreement or memorandum of a residential tenancy agreement, the cost of its preparation shall be borne by him, but there may be many cases in which the tenant requires it. It is in the tenant's best interests always to have such an agreement.

I am concerned about the stamp duty that is payable in these circumstances. That the Government has introduced this Bill is proof of its goodwill in trying to look after landlords and tenants where there are residential tenancies. This shows that the Government is concerned to ensure that people can get rental accommodation, and that landlords are not unduly disadvantaged. It seems, however, that the revenue collected by the Government as stamp duty from residential tenancy agreements will be small in relation to the cost of collection. On the other hand, the cost to the landlord and tenant on each occasion is significant.

Although I realise that the Minister cannot give an undertaking on behalf of the Government now, I ask him to refer the matter to the Premier to see whether the Government will consider exempting residential tenancy agreements from stamp duty.

**The Hon. D. H. L. BANFIELD:** I certainly give that undertaking, although I do not want the honourable member to be encouraged in relation to his request.

Clause passed.

Remaining clauses (57 to 94) and title passed.

Bill read a third time and passed.

#### MOTOR FUEL RATIONING BILL

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

Consideration in Committee.

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

That the Council do not insist on its amendments.

The arguments were canvassed very well when the Bill was before this Council. On your casting vote, Mr. Chairman, you allowed the Bill to go to the House of Assembly so that it could further consider it. That place could not accept our amendments. That is why I move this motion.

**The Hon. R. A. GEDDES:** I thank the Minister for his reference to the debate in this Council but I feel that the report of the debate has not been transmitted in quite the same way to the Minister in another place. I ask the Committee to disagree to the motion and insist on its amendments.

Motion negatived.

#### ADJOURNMENT

At 5.9 p.m. the Council adjourned until Tuesday, March 14, at 2.15 p.m.