LEGISLATIVE COUNCIL

Thursday 5 June 1980

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

MINISTERIAL STATEMENT

The Hon. C. M. HILL (Minister of Local Government): I seek leave to make a statement.

The PRESIDENT: The Hon. Minister of Local Government seeks leave to make a Ministerial statement. Is leave granted?

The Hon. C. J. Sumner: No.

The PRESIDENT: Leave is not granted.

PETROL

The Hon. C. J. SUMNER: I ask the Minister of Consumer Affairs whether, in view of the Government's apparent support for the Fife package in relation to the petrol retailing industry, in particular the proposal that lessees or licensed dealers will be given the right to obtain compensation from oil companies for an unjust termination of their lease or licence or refusal to renew a lease or licence, the Government will accede to the requests of the South Australian Automobile Chamber of Commerce for the State Government to initiate an inquiry into the plight of dealers because of new lease and rental proposals by the Amoco Company, the suggestion being that an inquiry would be carried out by the Motor Fuel Licensing Board. If the Government will not accede to that request, will the Minister say why it will not? What steps will the Government take to alleviate the problem, in view of the comments made last year by Mr. Dean Brown (the Minister of Industrial Affairs), when he was shadow Minister, about the Liberal Government legislating to protect the independent retailers?

The Hon. J. C. BURDETT: Representatives of the Chamber saw the Acting Minister of Industrial Affairs recently on this matter. The Acting Minister of Industrial Affairs saw Amoco yesterday, and the matter discussed between the Acting Minister and me was that we would seek to follow the course mentioned by the Leader, namely, to put the matter to the board. However, as the Leader knows, this requires the approval of Amoco. I have not yet heard from him what their attitude was, but he intended to ask whether they would agree to the matter being put before the board.

The Hon C. J. Sumner: What happens if they don't agree?

The Hon. J. C. BURDETT: If they do not agree it cannot be put before the board.

The Hon. C. J. SUMNER: In the case of the Amoco Company not agreeing to the matter going to the Motor Fuel Licensing Board, what action does the Government intend to take?

The Hon. J. C. BURDETT: In that event, I am sure that the correct procedure is that which we already have in train, namely, to put to the Federal Government as strongly as we can that there ought to be implementation of the full Fife package, because it is obvious that this is the kind of matter which cannot be satisfactorily handled on a State basis. The oil industry is a national industry and, moreover, because of the nature of the product, it is bought by people in cars moving from State to State.

The proper way to handle the matter is on a national basis and, if it cannot be handled on that basis, we will consider doing it ourselves.

DIRECTOR OF FISHERIES

The Hon. B. A. CHATTERTON: Will the Minister of Local Government, representing the Minister of Fisheries, say what are the formal qualifications of the newly-appointed Director of Fisheries in fisheries biology, fisheries management, fisheries economics, and public administration? Also, will he say how many applicants applied for the position of Director of Fisheries in the South Australian Department of Fisheries, how many of those applicants were interviewed, and, of those interviewed, how many were South Australian public servants?

The Hon. C. M HILL: I may be able to satisfy the honourable member in relation to some of the information that he has sought. For other details, I will ask my colleague in another place. I can tell the honourable member that the Government considered 11 applications for the position of Director of Fisheries and decided that Mr. Stevens had the most appropriate qualifications for the position. His experience as Executive Officer with the Australian Fishing Industry Council, in which he gained an excellent knowledge of the commercial fishing industry, along with his experience advising three Federal Government Ministers on fisheries matters, is invaluable to the position of Director of Fisheries. Mr. Stevens has also had extensive administrative experience in the private and public sectors, and the Government considers that his appointment combines the necessary administrative capacity and knowledge of the fishing industry. I will seek a reply in relation to the more technical information that the honourable member has sought.

LAND COMMISSION

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Housing a question about the South Australian Land Commission.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday, I asked the Minister of Housing a series of questions concerning his involvement in the recommendations regarding the dismantling of the South Australian Land Commission. Some of the recommendations to which I referred and which were made by the committee directly concerned the South Australian Housing Trust.

In the circumstances, I find the Minister's answers somewhat less than credible. In fact, I find them rather amazing. One is almost inclined to think that the Minister may not have been concentrating at the time or that he may have inadvertently misled the Parliament. He pointed out that the South Australian Land Commission comes under the administration of the Minister of Planning. As the Opposition spokesman on planning matters, I am acutely aware of that. However, that had little or no relevance to the questions that I asked. I find it somewhat beyond belief that the Minister says that he cannot recall being involved at all in regard to the matters that I raised. Perhaps, now that the Minister has had time to sleep on the matters that I raised yesterday, his memory may have improved.

I therefore ask the Minister specifically, first, as Minister of Housing, directly responsible for the South Australian Housing Trust, whether he was involved in discussions concerning committee recommendations on Housing Trust land made by the committee of inquiry; secondly, why the recommendations were rejected; and, thirdly, whether he was involved in any way in the

preparation of the submission to Cabinet from the Minister of Planning which was approved in April.

The Hon. C. M. HILL: The answer to the honourable member's first and last questions is "No". What was the second question?

The Hon. J. R. Cornwall: Why were the recommendations rejected?

The Hon. C. M. HILL: I cannot say which recommendations were rejected. I do not know what the recommendations were. I should like to go further and say that the manner in which the questions asked of me yesterday were framed was undoubtedly meant to cast aspersions on and to impugn the character and good name of people associated with the giving of advice to this Government. The explanations of the questions asked yesterday were mischievous in the extreme. The honourable member's approach in this matter is one sure way for him to show the true nature of his Party and to substantiate the public's belief that it is not fit to be in office. The answers to the honourable member's question are as follows:

The final recommendations of the Committee of Inquiry into the South Australian Land Commission were considered by Cabinet on 24 March 1979. The report was formally accepted by Cabinet as a broad thrust of the recommendations outlined as consistent with the Government's stated objectives with respect to the Land Commission.

No Cabinet subcommittee was formed to consider the report and recommendations of the committee of inquiry.

I reiterate what I have already said, namely, that the matter of the Land Commission comes under the administration of the Minister of Planning, and I categorically deny that I had anything to do with the preparation of the submission adopted by Cabinet.

As well, absolute assurance has been give by the person named in the Council yesterday that at no time did he act in any manner or carry on any business which would conflict with his position on the committee of inquiry while he was a member of that committee.

In a written reply to the Minister of Planning, Mr. Neil Wallman has said that at no time during his term as a member of the committee of inquiry of since has he corresponded with any subcommittee of Cabinet upon any matter.

Further, at no time during his term as a member of the committee of inquiry or since has he corresponded with any individual Minister, except on 30 October 1979 to acknowledge to the Minister of Planning his appointment to the committee. Also, Mr. Wallman has advised that during his term as a member of the committee of inquiry and since he has not been knowingly involved in any submission from developers to any subcommittee of Cabinet or to any individual Minister suggesting how land held by the South Australian Land Commission could be held by individual developers.

The honourable member's total disregard for the good name and character of reputable people in the business community is to be deplored by this Council. As well, he has taken it upon himself to create fictitious Cabinet subcommittees in an attempt to do nothing less than cause mischief. The honourable member's handling of this matter is less than one could reasonably expect from a person of his alleged capacities.

DESERTED WIVES

The Hon. N. K. FOSTER: I seek leave to make a statement prior to asking the Minister of Community Welfare a question about payments to deserted wives.

Leave granted.

The Hon. N. K. FOSTER: I do not expect that the Minister will be able to reply today and I very much doubt that he would be in possession of the information I am about to divulge.

The Hon. L. H. Davis: You're talking in riddles.

The Hon. N. K. FOSTER: I am not. The department is trying to make the matter a riddle. I wish that the Hon. Mr. Davis would dicontinue his snide remarks, particularly at Question Time. Information has been given to me from an extremely reliable source, not from anyone in the Liberal Party, because they are not reliable enough.

The Hon. L. H. Davis: An anonymous person?

The Hon. N. K. FOSTER: No. Information has been given to me that the Minister's department is to make an announcement not later than the end of July this year that the State Government will discontinue to pay deserted wives for the first six months. Further, the Commonwealth department is to advise these deserted women that they will need to make an application for special benefits from the Commonwealth Social Security Department to tide them over for the initial six-month period. I hope my question stops this happening, and I hope this matter receives some publicity to that end: if it does not, that is not my responsibility. After a period of six months, according to my information, these women will then become eligible for what is termed a widow's pension.

That initial six months is the critical period, not only in relation to financial distress, but in emotional and social distress that can occur to a woman and her dependants, if they are left with her. As I have said, that period is most critical. In fact, an examination of some reports will reveal that suicide and homicide are more likely to occur during that critical six-month period than at any other time.

Therefore, will the Minister prepare a statement disclosing whether my information is incorrect and that the Government is not going to disadvantage women in the community who are deserted by their husbands or the breadwinner in the family? Further, will the Minister treat this matter as extremely urgent?

The Hon. J. C. BURDETT: As usual, the honourable member has his facts about half right, or less than half right. The true position is that in the past the deserted wife's pension has been paid half by the State and half by the Commonwealth for the first six months. As from 1 January this year the Victorian Government (having previously announced its intention to the Commonwealth) stated that it would not meet payments for the first six months of the desertion and that it expected the Commonwealth to meet the entire payment. The Commonwealth Government has accepted and made all those payments, and deserted wives in Victoria have not been disadvantaged in any way at all but have received, from the beginning of their desertion, the full deserted wife's pension.

The difference has been that this pension has been paid entirely by the Commonwealth and not part by the State as in the past. Similar discussions have taken place between the South Australian Government and the Commonwealth about South Australia following the Victorian lead. The State Government intends to announce shortly that it will be following the Victorian lead, namely, that as from 1 July it will not be paying half of the deserted wife's pension, but that the Commonwealth will pay the lot. Therefore, deserted wives will not be disadvantaged and will certainly not be committing suicide or homicide, as mentioned by the honourable member. Deserted wives will receive exactly the same amount of money as they received in the past.

The Hon. Anne Levy: With no delay?

The Hon. J. C. BURDETT: Without delay. Because of certain factors in the past when these women first applied to my department, they received certain other services and fringe benefits, which my department will make sure continue as they have in the past. The situation is simply that the deserted wives will receive exactly the same benefits as they have received in the past. However, those benefits will be forthcoming from the Commonwealth Government instead of from the State, and fringe benefits and services that have been provided by the State will continue as previously.

The Hon. N. K. FOSTER: The Minister's reply has confirmed the information that I have been given and I thank him for that. Will the Minister consider this position further? I was aware of what was happening in Victoria, because that has been happening there for some time. This provision was sought by that Government well before it was introduced. The fact is, however, that there has been considerable delay in Victoria. I therefore request the Minister to ensure that there is no loss of benefit now paid by the State to deserted wives in respect of their initial application and that the State continue to pay this money on the basis that it can recover the amount involved from the Commonwealth. In many respects the State department is in a much better position to pay out this money initially than is the gigantic organisation that has grown up with all its secret probings, snooping and secrecy in regard to applications, particularly applications by widows to the Social Security Department.

The Hon. J. C. BURDETT: I am not aware that there has been any delay in Victoria. I am certainly sympathetic to the matter raised by the honourable member and, if there is a delay factor, I would certainly be most sympathetic, and so would the Government, to taking action to ensure that any delays are avoided.

ORGAN TRANSPLANTS

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about brain death and organ transplants.

Leave granted.

The Hon. L. H. DAVIS: In 1977 the Australian Law Reform Commission published a report on human tissue transplants. Its proposals, after making reference to the situation in both the United States and Canada, which have uniform laws to deal with giving organs and tissues, recommended amongst other things provision for the removal of donor tissues obtained during normal autopsies, simplified procedures for organ donation by people dying in hospitals, and protection by law for medical staff acting honestly and without negligence in this area.

Some aspects of this matter were referred to briefly in a question asked in this Chamber yesterday by the Hon. Mr. Blevins. Pursuant to the Australian Law Reform Commission report of 1977, Queensland in late 1979 passed an Act to make provision for and in relation to the removal of human tissues for transplantation, for post mortem examinations, for the definition of death, and for other related matters.

The Australian Capital Territory has also passed similar legislation. Further, I understand that the State Attorneys-General and State Ministers of Health late last year discussed this matter, and that there is general agreement on the desirability of introducing uniform legislation to cover the field and remove the present uncertainty that exists. Such legislation would assist the act of donating kidneys, eyes, and other organs of the body.

As members would be aware, there is a considerable cost attached to dialysis treatment for people with inefficiently functioning kidneys. There are about 70 in South Australia regularly linked up to dialysis machines, at a cost of about $20 000 per year per patient, making a total of $1 400 000 a year. South Australia has another 30 patients at home who have a portable dialysis machine at a cost of $8 000 a year. The cost of performing a kidney transplant is one-tenth the cost of maintaining a dialysis patient.

If the suggested legislation is adopted by South Australia, the present difficulties involved in transplanting kidneys and other organs can be more easily resolved and would leave doctors and patients in less doubt as to what is the law. Will the Government give this matter urgent consideration?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

CIGARETTES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question concerning cigarette smoking.

Leave granted.

The Hon. FRANK BLEVINS: Over the past few months I have asked questions of the Minister of Health relating to cigarette smoking. In particular, I requested that the Minister investigate the possibility of having the tar and nicotine content printed on cigarette packets. The aim obviously is to encourage people to be aware of just how much damage they are doing to themselves in smoking cigarettes.

This information is required in America and the United Kingdom and I thought that perhaps it should be required here. Another question I raised with the Minister was that of an excise on cigarettes. Perhaps she would investigate having a lower excise on low-tar and nicotine cigarettes to encourage people to do the least possible damage to themselves if they have to smoke. The answers from the Minister, I concede, were excellent. She agreed with both propositions and said that she would put the questions to the next meeting of Health Ministers. I believe that that meeting has been held. Will the Minister say whether the question of detailed labelling on the tar and nicotine content of cigarettes and the low excise on low-tar and nicotine cigarettes was discussed at the last conference of Health Ministers? If so, will the Minister tell the Council the results of the discussions and say when we can expect some action to implement measures that the Minister agreed would be worthwhile?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring back a reply.

BIRTHLINE

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about Birthline.

Leave granted.

The Hon. ANNE LEVY: The *Clarion* newspaper of 22 May contained an article on the agency Birthline written by a wellknown Adelaide reporter, Alex Kennedy. In that article she reports on highly critical statements about the agency Birthline made by a number of people in Adelaide.

She quotes a leading gynaecologist as saying that the agency is blatantly misleading and is positively dangerous. She also quotes the Council for the Single Mother and her Child which states that they have to pick up the mess that Birthline leaves behind. She also quotes hospital social workers who have complained about the mental traumas found in some of the teenage girls that Birthline had counselled. The article also states that Birthline is financed by concerned business men, churches and a Government grant. I am surprised that, if the report is accurate, the Government would help finance an organisation so criticised. Will the Minister ascertain how large a Government grant Birthline has received in each of the last three financial years and what grant is projected for the next financial year?

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

CAPITAL PUNISHMENT

The Hon. C. J. SUMNER: Will the Attorney-General say whether the Government supports the reintroduction of capital punishment in South Australia? If so, when will legislation be introduced, and for what offences will capital punishment be applied?

The Hon. K. T. GRIFFIN: The answer is "No".

AGE PENSIONERS

The Hon. J. E. DUNFORD: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about age pensioners.

Leave granted.

The Hon. J. E. DUNFORD: If you, Mr. President, were in Adelaide a couple of weeks ago you would have seen a large demonstration outside Parliament House. There were over 1 000 age pensioners demonstrating, and they were addressed by Mr. Bannon, Mr. Millhouse and Mr. Grant Chapman, who is the Federal member for Kingston.

The Hon. J. R. Cornwall: Government Grant!

The Hon. J. E. DUNFORD: Yes, Government Grant is what they call him.

The PRESIDENT: Order! What someone else calls the honourable member for Kingston has nothing to do with the explanation.

The Hon. J. E. DUNFORD: The pensioners called Mr. Chapman a lot more things than Government Grant and certainly gave him a hot time. That event was followed by an open letter to Mr. Fraser in the *Advertiser* on 27 May. It was written by a woman who stated, "I have been an avid Liberal supporter all my life, and my parents before me."

The Hon. D. H. Laidlaw: Can you blame her?

The Hon. J. E. DUNFORD: The Hon. Mr. Laidlaw says, "Can you blame her?" I do blame her.

The PRESIDENT: Order! I do not think that interjections help the Hon. Mr. Dunford. He will continue with his explanation.

The Hon. J. E. DUNFORD: This letter answers the question that Mr. Laidlaw just asked. The letter further states, "I refuse to live as a pauper now and I would sooner die." That is written by a woman who has been an avid Liberal supporter all her life, and now she would sooner die than try to live on a mere pittance of a little more than $60 a week that she receives from the Liberal Government. On the news services last night we heard that Mr. Fraser will now receive $92 000 a year, as well as the huge amounts of money he receives from his wool, which he sells to the Soviet Union.

The PRESIDENT: Order! The amusing part has gone out of the explanation. If the honourable member is going to deal with age pensioners, please do so, although I remind him that it is a Federal matter, which the Attorney-General may not be obliged to answer.

The Hon. J. E. DUNFORD: There is nothing amusing about this matter. If the Liberals are laughing, I am not. I am simply making a comparison. Mrs. Hoffman is not looking for charity but she is asking for justice in her letter, and she is asking the most uncharitable Prime Minister in the history of the Australian Government. I would like to have this letter inserted in *Hansard*. I know that you, Sir, will not give me much time to make a short explanation, although that is not the case with other members on both sides of the Council. I seek leave to have the letter inserted in *Hansard* without my reading it.

The PRESIDENT: The letter is available to the general public and I see no reason for it to be inserted.

The Hon. J. E. DUNFORD: I want the letter to go in *Hansard* as a permanent record, and it is a matter of time.

Members interjecting:

The PRESIDENT: Order! I do not propose to allow the letter to be inserted.

The Hon. J. E. DUNFORD: This is an open letter seeking a reply from the Prime Minister. To my knowledge, it has not been answered, because the writer says that if a reply is received, she will give it to the *Advertiser* to print. In 1978 Mrs. Guilfoyle stated that she had no answer; in fact, she appeared quite unconcerned that over $50 000 000 was wrongfully paid out in social services. It makes one wonder what pensioners must think when they see these huge sums wasted by an incompetent Minister. The A.L.P. would consider implementing a national superannuation scheme from which everyone would benefit on retirement, and there is much to be said for that. I can see that you, Mr. President, are getting very impatient, so I will ask my question.

Will the Attorney-General ask the Premier to refer Mrs. Hoffman's letter to the Prime Minster, and also ask what action, if any, the Prime Minister intends to take to relieve the financial burden on pensioners so that they can live in some sort of dignity in their twilight years?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier.

Mr. ROSS STORY

The Hon. C. J. SUMNER: Will the Attorney-General, as Leader of the Government in the Council, say, first, whether Mr. Ross Story is an officer of the South Australian Public Service or a politically-appointed Ministerial officer in the Premier's Office? Secondly, is Mr. Story a former member of this Council and a member of the Liberal Party? Thirdly, as Mr. Story was a member of the selection panel for the appointment of the Public Service position of Commissioner for Equal Opportunity, will the Attorney say what is the Government's policy regarding Ministerial officers being members of Public Service selection panels and, in particular, specify what Public Service positions will now be selected in part by the Government's political appointees?

The Hon. K. T. GRIFFIN: I am not sure of Mr. Story's status, or whether he is a member of the Public Service.

The Hon. Frank Blevins: That's an outrageous lie, and you know it.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I am not sure whether or not Mr. Story is a public servant.

The Hon. C. J. SUMNER: Will the Attorney-General, as Leader of the Government in the Council, say, as Mr. Story was a member of the selection panel for the appointment of the Public Service position of Commissioner for Equal Opportunity, what is the Government's policy regarding Ministerial officers being members of Public Service selection panels and, in particular, will he specify what Public Service positions will now be selected in part by the Government's political appointees?

The Hon. K. T. GRIFFIN: I will refer the Leader's question to the Premier.

PARA HILLS PADDOCKS

The Hon. R. J. RITSON: Will the Minister of Local Government say whether the Government has reached a decision concerning the Para Hills Paddocks situation, about which Salisbury council and a member of another place have shown concern?

The Hon. C. M. HILL: Recent statements in the northern suburbs local press and a question in another place by Mr. McRae have indicated that there has been considerable disquiet in the local community over the area bounded by Main North Road, Kesters Road, Bridge Road and Maxwell Road. This is an area known locally as the Para Hills Paddocks.

The issue dates back to 1972, when there were various communications between the Para Hills Progress Association, the local member, Mr. R. J. Giles (Chairman of Save the Paddocks Committee), Salisbury council, the then Premier (Hon. D. A. Dunstan), and the South Australian Housing Trust. Local residents had met on a number of occasions and had expressed their opinion publicly on the issue in question. There was great concern that the allocation of open space within the Para Hills subdivision was below the standard generally accepted for the metropolitan area. This concern was eventually expressed by strong opposition to the South Australian Housing Trust plans to subdivide all of the land known as The Paddocks for residential purposes.

The local residents were thus intent on preserving a reasonable proportion of land for recreation. This proportion varied between 15 per cent of the 156·5 acres owned by the Housing Trust and the full 320 acres, being sections 3015, 3016, 3017 and 3018. Discussions involving the General Manager, South Australian Housing Trust, and the then Premier between July and September 1972, led to a Cabinet decision that the land be developed and that a significant proportion be devoted to open space. The then Premier announced this decision in the *Advertiser* of 19 September 1972, when he stated at a public meeting in Para Hills that a Governor's Warrant had been issued for $500 000 to buy 280 acres of land, half of which would be open space.

The original suggestion was that the State Planning Authority should acquire the open-space area. However, complications became apparent which were never resolved by the Government of the day, and the land was eventually acquired by the South Australian Housing Trust. This was done with the proviso that the recreation area would be held by the trust until such time as title could be passed to the State Planning Authority. The original concept was that the land should be acquired by the State Planning Authority out of Loan funds with changes in Metropolitan Development Plan regulations to allow this to occur.

However, since 1972 the original intentions of the Government were lost in what has become an extremely confused situation. The upshot of the problem is that the Housing Trust has held this land since this time and now quite rightly wishes to see the matter settled. In addition, Salisbury council is concerned that it does not become involved in acquiring the land, as it was its original understanding that this would be covered by the State Government. Thus, although there has been considerable deliberation, including a major report from the Para Hills Paddocks Committee on future land use in the area, the whole question of ownership and development of the open space remained vague and confused. The Housing Trust has carried out its part of the agreement, and since 1974 has developed the bulk of the residential land, while providing an open space area according to the recommendations of the Para Hills Paddocks Committee report.

Following eight years of confusion, the Government has taken steps to settle the matter in accordance with the understandings of all parties. It is the Government's intention that the following steps be undertaken to carry this out. The State Planning Authority is to prepare a supplementary development plan to designate the 35·27 hectares of land that has been developed for recreation use as a proposed open space reservation and, following this procedure, the State Planning Authority will purchase the area designated as open space reservation from the South Australian Housing Trust for the sum of $225 000.

It is the Government's intention that agreements previously made with Salisbury council and local residents are honoured, and therefore the land will be transferred free of charge from the State Planning Authority to Salisbury council on condition that the council agree to maintain and further develop the open space for the citizens of the area. It is considered that this procedure will bring to an end what has been eight years of confusion and indecision.

Mr. ROSS STORY

The Hon. C. J. SUMNER: Will the Minister of Consumer Affairs say whether he suggested the appointment of Mr. Story, a member of the Premier's office and of the Liberal Party, to the selection committee for the position of Commissioner for Equal Opportunity? If so, on what basis was a political appointee nominated to that selection committee? If not, who was responsible for Mr. Story's appointment to the selection committee?

The Hon. J. C. BURDETT: I am not prepared to disclose who was responsible for that appointment.

The Hon. C. J. SUMNER: I take it that, despite the Minister's comments on the previous two sitting days that he was not prepared to divulge to the Council who was on the selection committee, he is now prepared to say that Mr. Story was a member of that committee.

The Hon. J. C. BURDETT: Yes, I do make that disclosure.

NET FISHING

The Hon. B. A. CHATTERTON: Will the Minister of Local Government, representing the Minister of Fisheries, say whether a family impact statement was conducted when consideration was being given to the recently announced regulations concerning netting by amateur fishermen?

In particular, was the regulation prohibiting amateurs setting nets from boats looked at carefully under the family impact scheme? Did the study consider the possible

loss of life that may occur from this prohibition? If a family impact statement was not made on the matter of loss of life, does the Government intend to make such a family impact statement in connection with these regulations, and to reconsider them if the family impact statement recommends that it do so?

The Hon. C. M. HILL: I will refer the question to my colleague and bring back a reply.

NATIONAL PARKS

The Hon. J. R. CORNWALL: I seek leave to make a short explanation prior to directing a question to the Attorney-General, as Leader of the Government in the Council, concerning Government policy on land acquisition for the national parks system.

Leave granted.

The Hon. J. R. CORNWALL: On 15 May the Minister of Agriculture addressed a Rangelands Society dinner at the Grosvenor Hotel. Apparently, he believed he was speaking to an audience exclusively representing pastoral interests. He further assumed, quite erroneously, that there was an irreconcilable conflict between all pastoralists and conservationists. He therefore waxed quite lyrically in bashing the National Parks and Wildlife Service and he then made some quite tasteless jokes about national and conservation parks.

He then made what amounted to a major policy statement concerning further acquisition of land for the parks system. He told his audience that, under this Government, there was a policy that generally no more broad acre land would be acquired for parks. Given the mess that the National Parks and Wildlife Service is in at the moment, perhaps that is not a bad thing. The Minister went on to say that, even if situations arose where areas became available on advantageous terms or in exceptional circumstances, any submission by the Minister of Environment would have to be approved by the Ministers of Land, Mines and Energy, and Agriculture before going to Cabinet. This information was relayed independently by three people who were present at the dinner. My secretary contacted the Minister's press secretary to ask for a copy of the speech, but it transpired that the Minister was apparently speaking off the cuff.

Because it was a major policy announcement, I would have imagined that the Minister was giving a prepared address. However, it transpired that he was speaking off the cuff, shooting from the hip and the lip. I ask the Attorney-General, as Leader of the Government in the Council, the following questions on the matter of policy. Was the information given by the Minister of Agriculture an accurate statement of Government policy? If so, how can it be justified? If not, does the Minister agree that the tendency for the Minister of Agriculture's mouth to act independently of his brain is an increasing source of embarrassment to the Government?

The Hon. K. T. GRIFFIN: I will have inquiries made as to the alleged contents of the address and bring back a reply to the honourable member's request for an explanation of the Government's policy with respect to national parks.

LIVE SHEEP EXPORTS

The Hon. N. K. FOSTER: I desire to direct a question to the Minister of Community Welfare, when Davis gets out of his ear.

The PRESIDENT: Just ask the question.

The Hon. N. K. FOSTER: I desire to direct a question to the Minister of Community Welfare, representing the Minister of Agriculture, in respect of live sheep export rip-offs. I briefly quote from a newspaper, as follows:

> Wethers bought on Western Australian farms for $30 were sold for as much as $US500 ($450 Australian) in Saudi Arabia, an Australian now living in Saudi has claimed. Ron Ingram, a buying officer for an oil compnay, revealed the price difference on the A.B.C. *Country Hour* last Friday. Since then, *Country Hour* compere Owen Grieve—

he is well known to the farming community—

> has been inundated with calls from farmers who want the programme re-run. Mr. Ingram attacked what he called the monopolistic situation that existed in the trade. He said two companies controlled the trade; both were Arab-owned and one was involved with a local stock company.
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> "I have seen instances where other people have gone broke landing sheep in Saudi. The monopoly will not buy the sheep but just lets them sit and rot until such time as the exporter is forced to take the price the monopoly wants to give them," Mr. Ingram claimed.
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> "The Arabs are getting it all the way along the line. We should be the monopoly, we should dictate to them the price we want for the sheep. They'll pay it.
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> "They have no qualms about doubling the price of oil but in this case the Australian representatives selling the sheep are amateurs.
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> "The Australian representatives of the various boards that go there have risen to heights of their incompetence. We are just so far behind the eight-ball it is not funny. In fact it is embarrassing. In the eyes of the Arabs, Australians are mahfi-muk—no brains."
>
> Mr. Ingram said the $500 price was the maximum paid during religious festivals. Generally, he paid around $US250 for a live sheep and $US150 for a chilled or frozen Australian lamb.

Recently, there was a live sheep ban by certain trade unions in South Australia and one Ian MacLachlan had himself on television four nights in a row showing a 1 000 hectare paddock, with one dead sheep on it. This is an emotional splurge. I did not see him referring to the thousands of sheep that went down in a disaster off our coast.

The Hon. L. H. Davis: Ian McLachlan did not do too badly at Wallaroo.

The Hon. N. K. FOSTER: You would not want me to give you a report on Wallaroo, would you?

The PRESIDENT: Order! The honourable member can continue his explanation and ask a question.

The Hon. N. K. FOSTER: Ian MacLachlan has shown no regard for the thousands of sheep that have been lost as a result of marine disasters, including 80 000 that sank in the Middle East some years ago, if my memory serves me correctly. I wish to ask the Minister the following question, when Hill gets out of his ear.

The PRESIDENT: The honourable member can ask his question.

The Hon. N. K. FOSTER: Will the Minister of Community Welfare request the Minister of Agriculture to obtain the report on the A.B.C. *Country Hour* programme claiming that farmers were being ripped off by receiving only about $30 per head for live sheep that sold in Saudi for $450?

Can the Minister furnish a report to the Council for the benefit of all concerned in the trade? Finally, can the Minister clarify the position that could arise as to whether live sheep exports can re-enter South Australian ports—the ports of origin? Will the Minister clarify the question of quarantine restrictions in such circumstances?

The Hon. J. C. BURDETT: I will refer the several questions to the Minister and bring back a reply.

REPLIES TO QUESTIONS

The Hon. K. T. GRIFFIN: I have some replies that have been forwarded to members by letter. I seek leave to have them inserted in *Hansard* without my reading them.

Leave granted.

MOPEDS

In reply to the **Hon. D. H. LAIDLAW** (21 February).

The Hon. K. T. GRIFFIN: The House of Representatives Standing Committee on Road Safety recommended that the minimum age for granting a licence to ride a moped be one year less than the age for a motor cycle licence. If the age is reduced it was considered that appropriate training courses should be completed by moped riders. The Committee also recommended that the requirement that moped riders wear crash helmets should be retained.

The Committee did express concern that mopeds may disrupt the traffic flow because of their inability to accelerate with and keep up with other vehicles. It is a well accepted traffic engineering practice that deviations from the speed of surrounding traffic can cause conflict and result in accidents.

Although overseas experience indicates that mopeds are a safer form of transport than motor cycles it should be noted that the urban speed limit in European countries is generally less than the 60 km/h in Australia, thus reducing the speed differential.

The lower accident rates recorded overseas are obtained from countries where mopeds form a relatively large proportion of the motorised two-wheeled population and it is possible that until mopeds form a similarly large proportion of vehicles in Australia, their use, with the acceleration and speed deficiencies, may result in higher accident rates.

It is considered that the initial purchase price, ease of operation and low fuel consumption are the main factors which influence sales of these vehicles and mopeds may well become more popular as fuel costs rise. The Government currently provides an incentive by exempting such vehicles from payment of a registration fee and the question of any further incentives is being kept under review.

HANDICAPPED EMPLOYEES

In reply to the **Hon. J. E. DUNFORD** (21 February).

The Hon. K. T. GRIFFIN: The Government has considered exempting employers from payment of payroll tax on the wages of handicapped persons whom they employ, but has concluded that it would not be an effective means of obtaining equal opportunity in employment for handicapped persons. Such a scheme would be difficult to administer and would not ensure that handicapped persons gained employment. The high cost of such a scheme would not achieve comparable benefits to the handicapped. The Government is well aware of the problems faced by the handicapped and proposes introducing legislation later this year to protect their rights and to provide machinery for investigating complaints about discrimination generally, including discrimination in employment.

TREASURER'S GUARANTEE

In reply to the **Hon. R. C. DeGARIS** (25 March).

The Hon. K. T. GRIFFIN: The contingent liability of the Treasurer under these guarantees is similar to that of an insurance company in that it is not envisaged that it would ever be called upon in total at any one time. However, the liability in respect of any particular commitment is readily available. The Premier's Department Research Branch is engaged in a review exercise in relation to statutory authorities at present. The information being requested in connection with this review includes up to date information on indebtedness subject to Treasurer's guarantee. Information on guarantees to other organisations is included in Part IV of the Auditor-General's Report.

Financial guarantees are sanctioned by various Acts of Parliament, most of which authorise the Treasurer, in the event of default, to meet any claims for the repayment of moneys deposited with, or borrowed by, various undertakings from the General Revenue of the State. Those clauses give the necessary appropriation authority.

Any expenditure which became necessary would be reported under the heading "Payments for which Specific Appropriation is Authorised in Various Acts" in Part VIII of the Auditor-General's Report and in the Estimates of Expenditure for the following year (P.P.9) under a similar heading. The last payment of this kind was made in 1977-78 pursuant to the Industries Development Act. The Auditor-General referred to it on page 48 of his report for that year.

T.A.B. PAY-OUTS

In reply to the **Hon. J. E. DUNFORD** (26 March).

The Hon. K. T. GRIFFIN: At the present time, the Government does not have any specific policy with respect to after-race pay-outs by the T.A.B. However, the Committee of Inquiry into the Racing Industry that has been established by the Government has been specifically asked to inquire and report upon the payment of dividends after each race. The question of after-race payments will be thoroughly examined by the Government on receipt of the report and recommendations of this committee of inquiry.

BUILDING COMPANY FAILURES

In reply to the **Hon. C. W. CREEDON** (26 March).

The Hon. K. T. GRIFFIN: The answer is that Braehouse Pty. Ltd. has not applied for a licence under the Builders Licensing Act, nor does the Builders Licensing Board have any evidence that this company is undertaking building work and thus breaching the law. You have also inquired how persons (or companies) can continue to obtain licences after being involved in financial failure. Bankruptcy, or association with a company which has gone into liquidation, does not disqualify a person from obtaining a licence under the present Act. Likewise, unless the board can show that any of the directors of a company applicant for a licence are not persons of good character and repute, a builder's licence must be granted provided that all other requirements are met. On its own, the fact that a director of a company applying for a licence had been associated with some other company which had gone into liquidation would not disqualify that company from being licensed. When a company goes into liquidation and any director applies to the board for a licence, investigations are made by the board and the applicant is usually asked to meet with the board to show reason why his licence should be granted.

PETROL POLICY

In reply to the **Hon. N. K. FOSTER** (1 April).

The Hon. K. T. GRIFFIN: The answer is "No".

AFFIRMATIONS

In reply to the **Hon. ANNE LEVY** (1 April).

The Hon. K. T. GRIFFIN: I have taken up the matter with the Sheriff and he has advised that the present method of grouping the inquiry as to whether a person wishes to take an affirmation with other questions is a procedure that has been followed for a long time and was initiated with the intention of trying to avoid embarrassing a person wishing to affirm and who may feel that he or she is being singled out before a large group of people. I agree that there could be some confusion with the present system and have therefore arranged with the Sheriff that in future jurors will be advised that they may either take an oath or affirmation immediately before such oaths and affirmations are administered.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: I, too, have some replies that have been forwarded to members by letter. I seek leave to have them inserted in *Hansard* without my reading them.

Leave granted.

HOUSING TRUST RENTALS

In reply to the **Hon. FRANK BLEVINS** (28 February).

The Hon. C. M. HILL: At 31 December 1979, the Highways Department held 849 houses and 77 flats for future road projects. Negotiations are still in progress concerning the management of at least some of these houses by the Housing Trust, as advocated by the Low-Income Housing Forum. With regard to houses owned by the State Transport Authority, there are approximately 300 surplus ones in the non-metropolitan area, and these are being disposed of in accordance with established practices. In the metropolitan area some 70 houses owned by the Authority are rented to former S.A.R. employees and the authority is pursuing a policy of disposing of them as the opportunity arises, with due consideration being given to existing tenants. Normal procedures for the disposal of houses require that all Government bodies, including the Housing Trust, are first given the option to acquire them. I believe the Minister of Transport may have already written to you about this.

At 5 March 1980, the Housing Trust held 113 houses in the metropolitan area for sale: 78 at Hackham West/Morphett Vale, 21 at Para Hills West, 5 at Salisbury Downs, and 9 at Elizabeth Field. Four of the above houses in the Hackham West/Morphett Vale area were completed in August 1979 and in March had remained unsold for a period of six months, this being the longest period.

Under the Trust's usual policy, houses unsold for this period are handed over to the letting section for allocation as rental houses to families from the waiting list. In the case of the four houses mentioned above, they were transferred to the letting section in March. It should be pointed out that since July 1979 the Trust has averaged 57 sales per month so the above total is in effect only two months supply.

ENERGY SAVING

In reply to the **Hon. L. H. DAVIS** (1 April).

The Hon. C. M. HILL: In an endeavour to promote a programme for energy conservation and management in buildings in South Australia, the Government has appointed the Energy in Buildings Consultative Committee. The committee is chaired by Dr. M. Messenger, Director, Energy Division, Department of Mines and Energy, which department services the committee. This committee has been formed to provide advice to the Minister of Mines and Energy on the formulation of policies, guidelines and action measures necessary to promote conservation and more efficient utilisation of energy in buildings. The committee held its first meeting in January 1980.

The design and construction of new buildings, the more efficient utilisation of energy in existing buildings, and the retrofitting of existing buildings, are to be included in the committee's deliberations. The scope of the committee's work is to include public and private buildings, housing, commercial and industrial buildings. Changes in building practices will initially be promoted through education and the provision of information. At a later date changes to the various planning and building regulations may be considered. Wide representation of concerned groups has been achieved on the committee. Membership includes representatives of the consumer divisions of energy suppliers, building industry organisations, designers involved in Government departments, professional groups and manufacturers, etc.

The Housing Trust is very conscious of the importance of energy conservation and last year undertook the low energy housing project at Seaton-Grange on a pilot scheme basis to determine the value and the degree of success of a number of design and siting features with a view to possibly incorporating them in future housing developments. These pilot scheme houses have been fitted with a series of instruments for recording their performance and are being monitored daily for at least a period of the four seasons to obtain the necessary technical data.

Apart from this, the trust is paying particular attention in its more recent house designs to those obvious features such as wider eaves, window location and sizes, the provision of thicker insulation material in ceiling spaces and, of course, to orientation. In fact, the working drawings of each house type in the most recent range of designs specifically note the particular orientation to be used in siting them on the allotment to facilitate energy saving.

The Public Buildings Department has introduced a number of measures to promote energy conservation in buildings. These include:

1. The introduction of the American Society of Heating, Refrigeration and Air Conditioning Engineers, Standard (ASHRAE) 90/75 as an interim design code. The intent of the standard is to establish minimum requirements for thermal design of the building envelope and to limit energy use requirements for mechanical and electrical plant.

2. An energy conservation programme in the State Administration Centre which includes:

(a) reduction of light levels in non-work areas;

(b) alterations to thermostat settings to allow higher temperatures in summer and lower in winter;

(c) reduction in hot ablution water temperature;

(d) increase in chilled drinking water temperature;

(e) modifications to air conditioning plant and distribution system and reduction of running hours;

(f) blocking out and insulation of 50% of windows on eastern side of building coupled with use of reflective curtains in remaining 50% and on the western side.

3. Recording of energy consumption in Public Buildings Department controlled buildings. Energy audits to be carried out initially on those buildings which are identified as greatest users of energy.

4. Conversion of boilers from oil fired to gas. The State Administration Centre has already been partially converted.

5. Light levels in schools are currently being studied with a view to reduction where possible.

6. Cleaning contractors are now required to use team cleaning techniques. This ensures that fewer lights are used during the cleaning process.

7. A Public Buildings Department engineer is currently carrying out energy audits of hospitals for the Health Commission.

HOUSING TRUST CONTRACTS

In reply to the **Hon. M. B. CAMERON** (1 April).

The Hon. C. M. HILL: The repurchase clause has applied in the main to rental purchase homes sold in accordance with the Commonwealth State Housing Agreement (7 or 10-year encumbrance) and to sales of rental properties involving sitting tenants (5-year encumbrance). However, as houses are no longer being sold under the Commonwealth State Housing Agreement Act at concessional interest rates and as sales of rental properties are at market valuation with finances being obtained from external sources, the repurchase clause will not be included in future contracts. In cases where this clause already exists, the South Australian Housing Trust prefers to consider each case on its individual merit with a general policy of not exercising the rights of repurchase.

WOMEN'S ADVISER

In reply to the **Hon. ANNE LEVY** (25 March).

The Hon. C. M. HILL: On 6 March 1980 Cabinet decided to defer the appointment of a women's adviser to the Department of Further Education. Since that time the Government has had opportunity to reconsider this appointment's priority within the wider policy related to the size of the Public Service and the resultant Government expenditure. This reconsideration involved discussions with the various officers in the Department of Further Education, the South Australian Institute of Teachers, the Commissioner for Equal Opportunity (Mary Beasley), the Women's Adviser to the Premier (Rosemary Wighton), and with others who had an interest in this matter.

It has now been decided to proceed without delay with the appointment of a women's adviser to the Department of Further Education. The appointment will follow the normal procedures related to advertising, interviews and selection. This decision is consistent with the Government's previous decision to defer and reconsider rather than to cancel such an appointment.

FESTIVAL CENTRE

In reply to the **Hon. L. H. DAVIS** (6 March).

The Hon. C. M. HILL: The area has been the subject in the past of considerable deliberation. In August 1973, the Torrens Bank Development Committee was convened to resolve residual development problems in the area surrounding the drama complex. It presented a report, incorporating the Hassell and Partners Report of November 1973, to the Premier in January 1974. The committee included representatives from the Arts Development Division of the Premier's Department, the Festival Centre, the Adelaide City Council, and the then South Australian Railways.

In August 1978, Hassell and Partners were commissioned by the Arts Development Division (at that time a division of the Premier's Department) to compare an up-to-date report covering the development of the south bank of the River Torrens adjacent to the Festival Centre. In essence, the report recommended that the Torrens Bank Development Committee be reconvened and that it work to the following guidelines which were approved by the Cabinet of the previous Government on 26 February 1979:

(1) Identify future possible building requirements for Parliament House, the State Transport Authority and the Adelaide Festival Centre.

(2) Determine the optimum traffic circulation patterns.

(3) Determine future car parking requirements for the area.

(4) Determine the future extent of railway platforms and the feasibility of any construction above or alongside them.

(5) Relate the findings to planning policies for the area and a system of management.

Due to other matters of higher priority, the committee was not reconvened and the situation has not been formally considered since that Cabinet approval was given. It has always been envisaged, however, that the Torrens Bank area would become an extension of the Festival Centre complex appropriately landscaped and available for public use.

The area is now untidy and detracts from the aesthetic appeal of the Festival Centre and Torrens Lake nearby. I shall be arranging a meeting with the Minister of Transport with a view to reconvening the Torrens Bank Development Committee so that some action may be resolved. In the short term, methods will be instituted to maintain the area so that any untidy elements may be controlled.

KANGAROO ISLAND LAND

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the Kangaroo Island Land Management Study.

Leave granted.

The Hon. B. A. CHATTERTON: The *Islander* newspaper carried a report recently of a meeting between the Minister of Agriculture and the Gosse Committee, at which the Minister of Agriculture offered to release to the 34 settlers on the island a copy of the Kangaroo Island Land Management Study. Will the Minister release copies of that study to members of Parliament?

The Hon. J. C. BURDETT: I will refer the honourable member's question to my colleague and bring down a reply.

FEMALE CIRCUMCISION

The Hon. Anne LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question

about female circumcision.

Leave granted.

The Hon. ANNE LEVY: There have been a number of articles appearing in various journals recently about female circumcision, which is still practised in a number of countries, particularly those in Africa. I will not take up the time of the Council by describing these operations in great detail, but I refer honourable members to a recent article in the *National Times* if they wish to obtain that information. I am sure all honourable members would agree with me that this is an extremely barbaric practice that should not be tolerated in any civilised society.

A number of women's groups throughout Australia have bitterly condemned this procedure. Very recently one of these groups, the National Council of Women in New South Wales, made a forthright statement about this issue. I am sure all honourable members would agree that this practice is a much greater affront to human dignity than is tattooing, which this Parliament recently outlawed in relation to minors. Will the Minister inform me whether any operations for female circumcision have been performed in South Australia in public hospitals in recent years? Does the Minister have any information about such operations being performed in the private sector? Will the Minister give very serious consideration to outlawing or legislating to make such operations illegal in this State? In view of the fact that a practice with a much lesser degree of effect to an individual (in this case the tattooing of minors) was recently legislated against by this Parliament, will the Minister give serious consideration to legislation to prevent this operation occurring to minors in this State?

The Hon. J. C. BURDETT: I will refer the honourable member's question, in relation to both the public and the private sector, to my colleague in another place and bring down a reply.

PYRAMID PARTIES

The Hon. J. E. DUNFORD: I do not have much time, but I would still like to make a brief statement before asking the Attorney-General a question about pyramid parties.

Leave granted.

The Hon. J. E. DUNFORD: Last night I watched the *Willessee at Seven* television show, which presented a young lad in his early 20's bragging about making $200 000 from pyramid parties. Apparently people attend these parties, invest $1 000, and as a result collect $16 000. You must exploit your friends and take them to the party also, because the more friends you bring the greater the likelihood that people will move up the scale and collect their $16 000.

This morning's *Advertiser* spells out this game, which began in America. The article explains that in Los Angeles one invests $1 000 cash. Each pyramid game has 32 participants and when one's name reaches the top of the pyramid one collects $16 000. A diagram provided with the article depicts how the game works. The article points out that the mathematics of the game is its most important feature. For example, if the last 16 people in the pyramid are to get their money, 256 people have to be involved. If those people are to receive their money, it has to grow to 8 191—

The PRESIDENT: Order! Call on the business of the day.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That Standing Orders be so far suspended as to enable the honourable member to ask his question and receive an answer.

Motion carried.

The Hon. J. E. DUNFORD: Will the Attorney-General—

The Hon. J. C. Burdett: This is a question for the Minister of Community Welfare.

The Hon. J. E. DUNFORD: Yes, but I have had all the trouble in the world trying to get replies to questions from the Minister of Community Welfare. In fact, I have a question four months old that has not been answered.

The PRESIDENT: Order! The Hon. Mr. Dunford has a special dispensation to ask his question.

The Hon. J. E. DUNFORD: Will the Minister of Community Welfare ask the Attorney-General to take the necessary legislative action to subvert any attempt to introduce pyramid parties into South australia?

The Hon. J. C. BURDETT: I am aware of the report referred to by the honourable member. The matter has been referred to my department. From a brief look at the matter, it appears that the practice referred to by the honourable member is not prohibited by present South Australian pyramid sales legislation, or any other Act. This matter will be checked further and, if it is found that legislation is required to prevent this practice, it will certainly be considered.

LEAVE OF ABSENCE: HON. J. A. CARNIE

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

That two months leave of absence be granted to the Hon. J. A. Carnie on account of absence overseas on Commonwealth Parliamentary Association business.

Motion carried.

CHILDREN'S PROTECTION AND YOUNG OFFENDERS ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Children's Protection and Young Offenders Act, 1979. Read a first time.

The Hon. K. T. GRIFFIN: I move:

That this Bill be now read a second time.

The principal object of this Bill is to provide a child who has defaulted in paying a fine with the option of spending a number of hours participating in a work programme arranged by the Director-General of Community Welfare, in lieu of a period of detention in a training centre. The present system of a mandatory period of detention on the basis of one day of detention for each $10 dollars unpaid is both costly to the Government and non-productive as far as the child is concerned. It is envisaged that a non-residential work programme centre will be established and that a child who takes up the option of "working off" his unpaid fine in community work will be required to attend the centre for a number of hours on days that he is not in paid employment. It is proposed that the child work eight hours for every day that he would have spent in detention. Thus, for example, a child who would normally spend seven days in detention, would perhaps be directed by the Director-General to spend four hours in a work programme each Saturday and Sunday for seven weeks, or perhaps seven hours each Saturday for eight weeks, and so on. Each child who takes up this option will have a roster worked out for him that will strive to be both achievable by the child and yet at the same time a significant loss of leisure time, so finding a reasonable balance between

rehabilitation and punishment.

The Bill also contains sundry amendments for the purpose of easing a few minor difficulties that have arisen in relation to the administration of the Act since it came into operation in July 1979. These amendments have been requested by the Children's Court Advisory Committee which has closely monitored the operation of the Act over the past 10 or so months. The import of these amendments will be explained as I deal with the clauses of the 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 for the commencement of the amending Act on a day to be proclaimed. Clause 3 inserts a definition of "prison" in the Act. It is provided throughout the Act that a child is not to be detained in a prison except in certain special circumstances. It is desirable to make it clear that police prisons, police stations, watch-houses and lock-ups are included in the meaning of "prison". Clause 4 deletes the provision that vested the jurisdiction under the Guardianship of Infants Act in the Children's Court. It has become apparent that this jurisdiction would impose a severe strain on the resources of the Children's Court and that therefore applications under that Act should continue to be dealt with either in the local court or the Supreme Court. Most applications are in fact brought in the Supreme Court and are dealt with without undue delay. The provision to be deleted has never been brought into operation, and all the courts involved have indicated that the status quo should be maintained.

Clause 5 provides that in remote areas of the State, a child who has been apprehended for an offence may be detained in a police prison or an approved police station, watch-house or lock-up until he is brought before the court. The Act presently provides that a child may not be detained in a prison, but experience has shown that in some country towns there is no secure place other than the local police cells, and that, as the town is too remote from any training centre, there is no feasible alternative than to detain the child in those cells.

Clause 6 effects an amendment to the section dealing with remand proceedings. The intention and practice has always been that an adult court to which a child is committed for trial is required, if at any time it remands the child in custody, to order that he be detained in a place approved by the Minister, but not in a prison. New subsection (4) provides accordingly. Clause 7 deletes a provision that has not, to date, been brought into operation as the Children's Court believes that it could cause considerable difficulty. The Act presently provides that, once the trial of a child has been completed, the court must deliver its verdict as to the child's guilt within five working days. This limitation is impracticable, particularly in view of the fact that, in relation to indictable offences, the court must deliver a written judgment. The amendment provides that the court must deliver its verdict as expeditiously as is reasonably practicable.

Clause 8 provides for further flexibility in the sentencing powers of the Children's Court. It is provided that, where the court discharges a child without penalty in respect of an offence, the court may or may not, in its discretion, record a conviction against the child. As the Act presently stands, the court may not in such a case record a conviction. Secondly, the situation is clarified in relation to a child who is before the court on multiple charges. It is made quite clear that if the court decides to sentence the child for some, but not all, of the offences, the court can take the "discharged" offences into account when fixing sentence for the others. Furthermore, where the court decides to do this, it is not bound by subsection (12) necessarily to record a conviction in respect of any "discharged" offence that happens to be a group I or group II offence.

Clause 9 makes it quite clear that a member of the Children's Court who is a special justice or justice of the peace is empowered to make an order for detention upon default at the time he imposes a fine upon a child, notwithstanding that a special justice or justice of the peace is not empowered to sentence a child to detention in respect of an offence. Clause 10 provides that the Children's Court, when it is considering an application for the absolute release of a child from the remainder of his sentence of detention, may hear any person it thinks fit. The primary object of this amendment is to allow the Commissioner of Police to make submissions on such an application if he wishes to do so. The rules of court will provide for notification of the Commissioner of Police when such an application is lodged with the court. The Police Department has indicated its satisfaction with this arrangement.

Clause 11 makes it clear that officers of the Department of Community Welfare not only have the right to appear before the Children's Court or an adult court for the purpose of making submissions as to the sentencing of a child, but also as to the way in which a child is to be dealt with in any remand proceedings. Clause 12 clarifies the situation with respect to the enforcement of fines. The intention is that the relevant provisions of the Justices Act should apply in all respects in relation to the enforcement of fines or other court orders for payment of money made by the Children's Court in respect of a child, the only qualification being that a child cannot be sent to a prison but must instead be detained in a place approved by the Minister. The Justices Act provides for the imposition, at the time of sentence, of a period of imprisonment on default or, if no such order is made at that time, application can be made to a justice for an order for imprisonment if default has been made. The Justices Act also provides for the clerk of the court to give extensions of time for payment of the fine or other order. The specific provision of the Children's Protection and Young Offenders Act providing for extensions of time is therefore to be deleted, as it is virtually superfluous, and indeed has never been used. Where a child is fined by an adult court, the normal rules relating to enforcement apply, subject only, of course, to the general limitation that the child can only be detained in a place approved by the Minister, and not in a prison. Clause 13 is consequential upon the amendments effected by clause 12.

Clause 14 provides for the new system of so-called "work orders" for children who make default in paying fines or other orders for payment of money. Upon default, the normal mandate (that is, warrant) for detention will be issued, but will be suspended while the Director-General notifies the child that a mandate has been issued and that he has the option either of serving the period of detention as specified in the mandate, or of attending a non-residential centre for the purpose of participating in work projects. Power is given to the court imposing sentence to direct that this option is not to be available to any particular child. If a child does not take up this option, the mandate will be executed. If the child does take up the option, he will be directed to attend at the work centre in order to have a programme worked out for him. He will

have to work, in total, eight hours for each day specified in the mandate, but may not be required to work more than eight hours on any one day. While the child continues to attend the work centre as required, the mandate for his detention will continue to be suspended. The Director-General is given the power to release the child from all or any of the last third of the total number of hours to be served, if he thinks good reason exists for doing so. If the child fails to attend the centre as required, the mandate will be executed if there is no reasonable excuse for his failure, and of course if he has served any unit of eight hours at the work centre, the number of days to be spent in detention at a training centre will be reduced accordingly.

Clause 15 amends the section that deals with moving a child from one place of detention to another. As the Act presently stands, the removal of the child from one place of detention to another may only be carried out by the Director-General of Community Welfare upon the approval of the Training Centre Review Board. This latter requirement has caused administrative difficulties, in that the need to move a child from one training centre to another happens reasonably frequently. Accordingly, this requirement is removed. The power of the Director-General to move a child is to be restricted to transfers from one training centre to another. In all other cases, the power to move the child from any other place of detention will be left with the courts. Clause 16 amends the schedule to the Act by deleting the amendments to the Guardianship of Infants Act which, as explained previously, have never been brought into operation.

The Hon. C. J. SUMNER secured the adjournment of the debate.

APPROPRIATION BILL (No. 1), 1980

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

I propose to make a few brief comments about the State's general financial situation. In presenting the Revenue and Loan Budgets in October last, the Premier and Treasurer said that the Government planned for a small surplus of about $2 100 000 on the combined operations of the two accounts for 1979-80 and, accordingly, the small accumulated surplus of $600 000 held on the combined accounts as at 30 June 1979 was expected to increase to about $2 700 000 as at 30 June 1980. It was the Government's intention to hold those funds in reserve and to use them towards major developments of economic and social importance to the State. Infrastructure for the Redcliff proposal was first in order of priority. I am happy to say that recent reviews now indicate that, despite the difficult financial and economic background against which the Budget was framed, its position has improved steadily and substantially over the year. The improvement is a reflection of two main factors: namely, the tight restraint which the Government has applied and is continuing to exercise over all public expenditure, and the improvement in some receipts and repayments.

As to the Revenue Account component, the original plan was to achieve an effective surplus of $6 000 000, to transfer this to Loan Account to supplement capital programmes and thus to finish the year with a recorded balance (neither surplus nor deficit). Now, for receipts, recent reviews suggest that pay-roll tax is likely to be up by about $2 000 000 and succession duty by about $2 000 000 also, due largely to the finalisation of some outstanding transactions. Because of the improved rural conditions, receipts from marine and harbor charges are expected to exceed the Budget estimate by as much as $4 000 000. After allowing for a number of other minor variations, both above and below Budget, it now seems likely that, overall, Revenue receipts will be above Budget by some $5 000 000.

Although the Bill provides for appropriation of $35 000 000, much of this is either accounting arrangements or simply to provide specific departmental appropriations in respect of the round sum allowances included in the original Budget to cover salary and wage increases and price rises. These arrangements, together with some other special appropriations, including the provision for an interim payment in respect to our indebtedness to the Commonwealth Government on account of Monarto and natural disaster relief to cover storm and bush fire damage, are explained in detail later. Suffice to say for the moment that, putting on one side the matter of transfers to Loan Account, there is likely to be a net saving of at least $2 000 000 against the original Budget expectation for payments. There may be more.

In summary, an expected improvement of some $5 000 000 in receipts, coupled with an expected saving of some $2 000 000 in payments, would result in an overall improvement of $7 000 000 on Revenue Account for 1979-80. Such a result would make possible the transfer of $13 000 000 to Loan Account to support capital programmes. However, the result for the month of May 1980, just to hand, shows some further improvement and it may be possible to transfer even more. In the hope that the underlying trend in May will continue into June, the Government proposes to make provision for a transfer of as much as $20 000 000 to Loan Account.

As to the Loan Account component, the original plan was to receive a transfer of $6 000 000 from Revenue Account and finally to have about $2 100 000 unspent so that it could be held against future needs. For several reasons, however, including a more critical examination of projects before entering into firm commitments and the letting of contracts to competitive tender, it now seems likely that savings of some $16 000 000 will emerge on payments from Loan Account.

The main details of the expected savings are about $7 000 000 on waterworks and sewers, $2 000 000 on school buildings, $3 000 000 on other Government buildings and $5 000 000 on hospital buildings. Taken in conjunction with other minor variations, both above and below Budget, it seems that payments in aggregate may fall some $16 000 000 below estimate. A slight improvement of about $1 000 000 in repayments and recoveries from departmental sources is expected. It now seems likely that a surplus of as much as $17 000 000 could be achieved on the 1979-80 operations (before providing for any transfers from Revenue Account).

While relatively small percentage variations could change the results on both the Revenue and Loan Account components by several million dollars, it does seem likely that the Government could show a surplus of at least $30 000 000 on the 1979-80 operations of its combined accounts—and it could be as high as $35 000 000. It is the Government's intention to record the surplus as being held on Loan Account, by transferring the prospective surplus on Revenue Account to Loan Account. This Bill makes provision for the transfer of $20 000 000 from Revenue Account to Loan Account on the assumption that the unexplained improvement in May continues into June 1980.

I am sure that I need not remind honourable members

of the major development projects which confront this State, nor of the immense economic and social benefits which those developments will bring to South Australia and the nation as a whole. In the case of Redcliff, the Government believes that development is close at hand. While the Australian Loan Council has approved special borrowing arrangements for this project, there will still be a heavy demand on State funds for such infrastructure components as port and harbor facilities, water and sewerage services, schools, health services and housing. As to the North-East transport corridor, substantial funds from State sources will be required to meet the costs involved. With this in mind, the Government proposes to set aside in 1979-80 the surplus expected to be recorded on Loan Account by transferring: namely, some $20 000 000 or more to the Housing Advances Account towards the demand for Redcliff and to meet an expected increase in demand for housing funds generally; and some $10 000 000 to the State Transport Authority towards the expected demands for the North-East transport corridor.

APPROPRIATION.

Honourable members will be aware that, early in each financial year, Parliament grants the Government of the day appropriation by means of the principal Appropriation Act. If these allocations prove insufficient, there are three other sources of Authority which provide for supplementary expenditure, namely, a special section of the same Appropriation Act, the Governor's Appropriation Fund and a further Appropriation Bill. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

APPROPRIATION ACT—SPECIAL SECTION 3(2) AND (3).

The main Appropriation Act contains a provision which gives additional authority to meet increased costs resulting from wage awards. This special authority is being called upon this year to cover most of the cost to the Revenue Budget of a number of salary and wage determinations, with a small amount being met from within the original appropriations. However, it is available only to cover increases in salary and wage rates which are formally handed down by a recognised wage fixing authority and which are payable in the current financial year.

The main Appropriation Act also contains a provision which gives additional authority to meet increased electricity charges for pumping water. Rainfall early this financial year exceeded expectations and, despite the dry period over recent months, it will not be necessary to call on this special appropriation. In fact, the Premier and Treasurer has told me that he expects savings of about $1 000 000 will be made against the original provisions for pumping.

GOVERNOR'S APPROPRIATION FUND

Another source of appropriation authority is the Governor's Appropriation Fund which, in terms of the Public Finance Act, may be used to cover additional expenditure. The operation of this fund has been explained to honourable members several times previously. The appropriation available in the Governor's Appropriation Fund is being used this year to cover a number of individual excesses above departmental allocations and this is the reason why some of the smaller departments do not appear in the Bill, even though their expenditure levels may be affected by the same factors as those departments which do appear.

SUPPLEMENTARY BILL

Where payments additional to the Budget estimates cannot be met from the special section of the Appropriation Act, or excesses are too large to be met from the Governor's Appropriation Fund, a further Appropriation Bill must be presented. Further, although two block figures were included in the Budget as general allowances for increases in salary and wage rates and in prices, they were not included in the schedule to the main Appropriation Act. To cover the costs of higher prices or of wage increases not falling within the special Section 3 (2) of the Appropriation Act, honourable members are being asked now to appropriate moneys specifically for some part of these general allowances. As usual, release of funds provided in this Bill will be subject to the Treasurer's specific approval.

DETAILS OF THE BILL

TREASURY

An additional $640 000 is required to provide for remissions of stamp duty. Late last year, the Government decided to provide an exemption from stamp duty, to a maximum of $580, on the purchase of a first home. In addition, it was decided to exempt life offices from payment of duty on the investment portion of their deposit administration business. In each case, these concessions have been implemented prior to the enactment of amending legislation by payment of the duty from Treasury appropriations.

TREASURER, MISCELLANEOUS

The Government is seeking to increase the provision for Treasurer, Miscellaneous, in five areas. First, it will be necessary to provide $1 485 000 to cover the first repayment to the Commonwealth Government in relation to loans received for natural disaster relief in 1977-78. This amount will be recouped from surpluses in the Farmers Assistance Fund as soon as the necessary amendments to the Primary Producers Emergency Assistance Act are made.

Secondly an additional contribution of $230 000 to the Electricity Trust of South Australia for subsidies in country areas is required, due chiefly to increases in oil prices. Thirdly an additional transfer of $565 000 to the Government Insurance Fund is required as a result of several large school fires and extensive damage to the Mylor Recreation Centre during the Adelaide Hills bushfire. Fourthly the Government is presently negotiating a revised financial arrangement with the Commonwealth Government in respect to the future use of land at Monarto. Honourable members will recall that this joint venture was entered into between the Commonwealth and South Australian Governments of the day in 1974. Negotiations about disposal of land and sharing of obligations are still proceeding and we hope to be able to finalise the extent of the State's indebtedness shortly. The proposed allocation of $2 000 000 merely makes provision for an interim payment in respect to the State's indebtedness as may be agreed with the Commonwealth. Finally, a further $14 000 000 is being sought for a transfer to Loan Account to supplement capital programmes. The original provision was $6 000 000. The total authority to be available is now proposed to be $20 000 000.

SUPREME COURT

A decision to recharge costs incurred by departments using the services of the Government Reporting Division of the Law Department will increase payments by the Supreme Court Department in 1979-80 by about $350 000. The receipts of the Law Department will be increased correspondingly and, therefore, the payment will have no effect on the Revenue Account overall.

INDUSTRIAL AFFAIRS AND EMPLOYMENT

Similarly, additional appropriation of $300 000 is required for the reporting services used by the Department of Industrial Affairs and Employment.

EDUCATION

As in previous years, the amount required to cover incremental steps in teachers' salaries and the effect of new degrees and diplomas has been provided within the round sum allowance for salaries and wages increases. Specific appropriation for Education Department is now sought to cover these costs, as well as flow-ons from national wage increases which did not qualify for automatic increases to appropriation. In addition, the cost of long service leave and terminal leave payments has increased substantially over the 1979-80 provision. Further, there has been an increase in fixed charges incurred by schools, particularly in respect to fuel and power. The additional appropriation requirement to meet all of these costs is $8 300 000.

FURTHER EDUCATION

Additional appropriation of $620 000 is sought for Further Education. The provision covers incremental payments due to lecturing staff (for which provision was made in the round sum allowance in the original Budget), increased incidence of long service leave, extension of the Adult Migrant Education programme and the effect of price increases on goods and services. In the case of the migrant education programme, there will be no Budget impact as this expenditure is subject to reimbursement by the Commonwealth.

POLICE

An additional $650 000 is required for this department. Of this amount, $515 000 is required to cover increased salary costs and $135 000 to cover additional contingency charges. The payment of a bonus to police officers ($310 000), together with a lower level of staff separations than was originally anticipated, which has resulted in payment of additional increments, accounts for the additional salary requirements. An increase in the net cost of replacement of motor vehicles as a result of lower than anticipated re-sale prices, together with the effect of other price increases, will result in additional contingency payments.

CORRECTIONAL SERVICES

The Bill provides for an additional sum of $870 000 for this department. A continued increase in the number of offenders held in custody, higher than anticipated penalty payments to prison officers to ensure that prisons are manned adequately, and the effect of price increases, are the reasons for the additional requirements.

MARINE AND HARBORS

The department has faced additional costs arising from an increase in general cargo and bulk handling operations. Additional costs involved are recoverable from users of port facilities. It is estimated that additional appropriation of $550 000 will be required.

AGRICULTURE

The Bill provides $300 000 for this department to cover the additional costs associated with the fruit fly outbreak this year.

AGRICULTURE, MISCELLANEOUS

Additional appropriation of $3 000 000 is sought to provide financial relief and emergency shelter for people affected by the Mid-North storm, the Port Pirie flood and the Adelaide Hills bushfire. In addition, appropriation of $400 000 has been included to enable the State Bank of South Australia to make a loan to the Southern Vales Co-operative Winery Limited, so that it may finance the 1980 vintage and make payments to growers at a level comparable with that applying in 1979. The Government indicated at the time that this was a maximum level. Evidence now indicates that the intake of grapes has not been as great as expected and, consequently, the loan may now be in the order of $250 000 only.

TRANSPORT

The sum of $250 000 is required for this department, mainly to cover increased salary costs which have resulted from additional terminal leave payments and a lower level of staff separations than was expected.

HIGHWAYS

The further $490 000 being sought for the Highways Department is attributable to an increase in the proportion of work being charged to Revenue Account rather than against other funds and a lower level of staff separations than expected. The additional provision has no Budget impact as it will be offset by a corresponding reduction in the amount transferred to the Highways Fund under special Acts.

The Hon. C. J. SUMNER secured the adjournment of the debate.

SUPPLY BILL (No. 1), 1980

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

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a second time.

It provides for the appropriation of $220 000 000 to enable the Public Service of the State to be carried on during the early part of next financial year. In the absence of special arrangements in the form of the Supply Acts, there would be no Parliamentary authority for appropriations required between the commencement of the new financial year and the date, usually in October, on which assent is given to the main Appropriation Bill. It is customary for the Government to present two Supply Bills each year, the first covering estimated expenditure during July and August and the second covering the remainder of the period prior to the Appropriation Bill becoming law.

Honourable members will notice that this Bill provides for the same amount as that provided by the first Supply Bill last year. Despite the higher levels of costs now prevailing, the Government believes this Bill should suffice until the latter part of August when it will be necessary to introduce a second Bill. Clause 1 is the short title. clause 2 provides for the issue and application of up to $220 000 000. Clause 3 imposes limitations on the issue and application of this amount.

The Hon. C. J. SUMNER secured the adjournment of the debate.

TRUSTEE ACT AMENDMENT BILL

Bill recommitted.

Clause 8—"Power of court to authorise variations of trust"—reconsidered.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

Page 6, lines 3 to 34—Leave out section 59c and insert new section as follows:

59c. (1) The Supreme Court may, on the application of a trustee, or of any person who has a vested, future, or contingent interest in property held on trust—

(a) vary or revoke all or any of the trusts;

(b) where trusts are revoked—

(i) distribute the trust property in such manner as the Court considers just; or

(ii) resettle the trust property upon such trusts as the court thinks fit; or

(c) enlarge or otherwise vary the powers of the trustees to manage or administer the trust property.

(2) In any proceedings under this section the interests of all actual and potential beneficiaries of the trust must be represented, and the court may appoint counsel to represent the interests of any class of beneficiaries who are at the date of the proceedings unborn or unascertained.

(3) Before the court exercises its powers under this section, the court must be satisfied—

(a) that the application to the court is not substantially motivated by a desire to avoid, or reduce the incidence of tax;

(b) that the proposed exercise of powers would be in the interests of beneficiaries of the trust and would not result in one class of beneficiaries being unfairly advantaged to the prejudice of some other class;

(c) that the proposed exercise of powers would not disturb the trust beyond what is necessary to give effect to the reasons justifying the exercise of the powers; and

(d) that the proposed exercise of powers accords as far as reasonably practicable with the spirit of the trust.

(4) An order made by the Supreme Court in the exercise of powers conferred by this section is binding upon all present and future trustees and beneficiaries of the trust.

(5) This section does not apply to—

(a) a trust affecting property settled by an Act; or

(b) a charitable trust.

(6) This section does not derogate from any other power of the Supreme Court to vary or revoke a trust, or to enlarge or otherwise vary the powers of trustees.

During the previous Committee stage of the Bill, in response to the Leader of the Opposition I said that I would refer the proposed new section 59c, as I had then moved it, to the Chairman of the Law Reform Committee with a view to obtaining a response. The Leader expressed concern about what appeared to be a much wider application of the provision than that in the original Bill. I referred the matter to the Chairman of the Law Reform Committee who, because of other court commitments, was able to look at it for only a short time. However, in that time he drew attention to several matters which needed further attention, so I will paraphrase what I understand to be his comments on proposed section 59c.

He was concerned about proposed subsection (1); he thought it might be too wide, particularly in respect of the power to resettle trusts, on which the court had exercised power to revoke. He also believed that proposed new subsections (4), (5) and (6) which were in the original Bill should be in the Bill that passes in this Chamber. Having considered those responses, I asked for a redraft of the proposed section 59c which would take into account the comments of the Chairman of the Law Reform Committee. Proposed subsection (1) relates to the resettlement of trusts, providing that the court shall have power to revoke trusts and, where it revokes trusts, then to distribute the trust property in such a manner as the court considers just, or to resettle the trust property upon such trusts as the court thinks fit. So the power to revoke and then to distribute or resettle the trust property is governed by what the court considers either just or fit.

In addition, it is important to recognise that, although it may be that the court has inherent jurisdiction to resettle trusts that it revokes, it is always helpful for practitioners, if not for courts, to have such specific power included in the legislation. So, what I am seeking to do is provide that, where the court exercises the power to revoke trusts, if it feels that those trusts ought to be resettled it will have express power to do it. The power of variation, revocation or resettlement, or enlarging the powers of the trustees or those contained in the trust deed, is qualified by proposed subsection (3), which provides:

> Before the court exercises its powers under this section, the court must be satisfied—*(a)* that the application to the court is not substantially motivated by a desire to avoid or reduce the incidence of tax.

That is the same as the provision we have already passed. Subsection (3) *(b)* provides:

> that the proposed exercise of powers would be in the interests of beneficiaries of the trust and would not result in one class of beneficiaries being unfairly advantaged to the prejudice of some other class;

That also is in the Bill as previously considered. Subsection (3) *(c)* provides:

> that the proposed exercise of powers would not disturb the trusts beyond what is necessary to give effect to the reasons justifying the exercise of the powers;

That is a new provision which seeks to limit the authority of the court to vary the trusts only to the extent that it thinks the reasons put to it would justify. Subsection (3) *(d)* provides:

> that the proposed exercise of powers accords as far as reasonably practicable with the spirit of the trust.

That is the same as in the Bill previously considered. Those matters which the court must take into account limit significantly the power of the court to vary, revoke or resettle trusts; so, whilst in proposed subsection (1) it appears that the power of the court is unqualified, one must look further to proposed subsection (3) to recognise that there are limitations on it.

Those limitations are directed towards achieving fairness between beneficiaries, and will ensure that, as far as possible, any variation will disturb the trust as little as possible, and that any variation accords with the spirit of the trust. The additional proposed subsections were in the Bill that came before the Council originally but were deleted when I moved a further amendment.

They are that an order made by the Supreme Court in the exercise of powers conferred by the section is binding on all present and future trustees and beneficiaries of the trust. I doubt whether there would be any difficulty if that provision was not included, but I take the view that it is important to include it if only to assure courts and those dealing with trusts that the decision is binding.

I am also seeking to insert a provision that the section does not apply to a trust affecting property settled by an Act of Parliament. If an Act of Parliament deals with trust property, an appropriate variation should be done by the Parliament and not by the court. This does not affect

charitable trusts.

Honourable members will recall that in another part of the Bill there is specific power for the court to consider variations in charitable trusts. In addition, I am seeking to include a proposed subsection providing that this section does not derogate from any other power of the Supreme Court to vary or revoke a trust, or to enlarge or otherwise vary the powers of trustees.

The fear expressed by the Chairman of the Law Reform Committee in respect of that provision was that, unless it was included, the section could be construed as an exclusive code which would remove the other powers of the court under the Trustee Act or its inherent powers at equity. For that reason, it is important that it be inserted.

I seek honourable members' support, because I believe that this clarifies significantly the doubt that the Leader raised when we last considered this matter in Committee. It now accords with the views of the Chairman of the Law Reform Committee.

The Hon. C. J. SUMNER: I thank the Attorney for referring the matter to Mr. Justice Zelling, the Chairman of the Law Reform Committee. It was a wise precaution, because this new section inserts in the Trustee Act a completely new provision giving the Supreme Court power to vary or revoke trusts. Indeed, it is much more extensive than what was in the Bill which was originally introduced and which, indeed, had been considered by the Labor Government.

I have only two minor questions. First, why under proposed new section 59c (1) *(b)* is there thought to be a need for a difference in what should happen once trusts are revoked, in that the court may distribute the trust property in such manner as it considers just, and that it may resettle the trust property upon such trusts as it thinks fit? Why ought there not to be a power for the court to resettle a trust property in a way that it considers to be just, as it distributes the trust property in a way that it considers just? That would limit to some extent the court's broad discretion, and may be desirable.

Secondly, can the Attorney-General assure the Committee that the limitations in proposed new section 59c (3) will be enforceable, given the broad discretion in proposed new section 59c (1)? I would like an assurance that proposed new section 59c (3) amounts to an enforceable limitation on the court's general discretion.

The Hon. K. T. GRIFFIN: I will deal first with the Leader's second question. As far as I am able to ascertain, the criteria set out in proposed new subsection (3) do qualify the power of the court under proposed subsection (1). Where the court makes a distribution on the basis that it considers just, or resettles it on the basis of what it thinks fit, I consider that the criteria apply equally, and that it would be open to any beneficiary or trustee (any person who has an interest in the trust) to take the matter on appeal if he was not satisfied that the court had applied the criteria properly and fairly.

I cannot give an absolute undertaking. Indeed, I do not think anyone could do so, as it would depend on the minds of the judges who constituted either the court before which the application was made or the court to which the appeal was directed. However, I give an assurance that, if in the application of the court's powers it appears to the Government that the section does not provide fairness and equity, action will be taken to remedy the situation.

Regarding the distinction to which the Leader referred, the distribution must be undertaken as a matter of justice between beneficiaries. It is still qualified by the criteria of proposed new subsection (3). On the other hand, a resettlement of trust property involves other considerations, such as the consideration of justice and of the criteria in proposed new subsection (3). It also must take into account the long-term consequences. What may appear at the moment not to be just may be able in the longer term to be seen by the court to be just as between classes of beneficiary. In those circumstances, it seems to me that the court will be able to take into account the longer-term view, particularly because its responsibility for resettlement is different from that for distribution. Resettlement means that a trust will be a continuing trust, whereas with distribution it takes place now.

Nothing is left in future upon which a court, the beneficiaries or anyone else could act. It seems to me that that distinction ought to be made; it does not detract from justice, but enables the court to take into account other factors that impinge on the decision as to resettlement of a trust which will continue for some time into the future.

The Hon. C. J. SUMNER: In the original proposal in clause 8, new section 59c contained a limited power to enforce the variations of trusts. I refer to proposed subsection (2). In the present proposal, broad general power is given to the Supreme Court to revoke or vary trusts, but a similar provision to subsection (2) does not appear. By proposed subsection (3), the court must be satisfied that the proposed exercise of powers would be in the interests of beneficiaries, but that is not the same as saying that the court must not approve of an arrangement if the arrangement is to someone's detriment. I would like to know the reason for the original formulation and the current proposal. Secondly, regarding benefit in the original proposal, the welfare of the family was talked about, but that is not so in this proposal.

The Hon. K. T. GRIFFIN: The original proposal was limited, in that the court was to be granted power to give certain approval in relation to a person who had an interest where, by reason of infancy or other incapacity, that person was not *sui juris*, which means that he did not have the necessary capacity to make a decision on whether the variation of the trust should be approved. It really looks to the future. A person may not have an interest now but possibly would have an interest in future. In part, the court was to be given power to approve a variation on behalf of any unborn or unknown person.

In variations, it is sometimes possible for beneficiaries and trustees, as well as their advisers, to find that there are beneficiaries who may not be known, either because they may be grandchildren of a beneficiary or because there may be 10 of them scattered throughout the world. Further, the beneficiary may not yet have been born. It is in that fairly limited context that the court is given power that was to be limited by the then proposed subsection (2). We felt it was important that, in those circumstances, if the court were to exercise its powers, it could do so only if it was not to the detriment of the person on whose behalf it was approved, but in the present proposal we are looking at a much wider power to vary or revoke any trust.

It may be that, in the range of interests, one beneficiary is disadvantaged but not unfairly and it may be that that disadvantage is not any financial disadvantage on that beneficiary, and it may be in the long-term interest of the beneficiary to approve the variation. In those circumstances, it seems to me that the court ought to have a very wide power that it will not exercise without having proper regard for balancing the claims of beneficiaries and their interests, and the court will not be able to make that variation without the parties being represented.

In the proposal before us, there is provision that all actual or potential beneficiaries of the trust may be represented. If they are not, the court may appoint counsel. We have tried to build in protection by ensuring that all classes are represented and to provide the other

the tenancy from week to week. In other words, that such a tenancy is not a series of separate weekly tenancies but a criteria in subsection (3). These criteria limit further the power of the court in much the same way as the old subsection (2) limited it, but the provision is not on all fours with that. It is a wider power, and the court may make an order, notwithstanding that it may disadvantage a beneficiary or class of beneficiary, but it may not do so if it is an unfair disadvantage. It may be a momentary disadvantage as against a long-term advantage. There are protections against beneficiaries being disfranchised.

The Hon. C J. SUMNER: This is a novel proposal in South Australia. I am pleased that the Government will keep the position under review. Doubtless, if any mischief arises, the Attorney will introduce amending legislation. In some areas where we have no experience and where there is a novel proposal, there is a need for legislation to ensure that the bugs are ironed out before it becomes law. The Attorney has tried to do that by circulating the proposals amongst the legal profession and others who have worked in this jurisdiction. He has also agreed to my request that the matter be referred to the Law Reform Committee. I believe that we have taken the matter as far as it can be taken.

The Hon. K. T. GRIFFIN: I indicated at the beginning of the debate that I regarded the Bill as important, and I was anxious to ensure that it worked fairly for all parties. I was anxious to ensure that all the bugs were ironed out. It would concern me if it worked to the disadvantage of parties. If problems arise as a result of the courts considering the extent of their power and the way it should be exercised, I will be among the first to know and to want to ensure that the defect is rectified.

Amendment carried; clause as amended passed.

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

In response to a request by the Hon. Mr. Davis, who raised the question of investment in subsidiaries of banks, I have decided that at this stage I will not seek to amend that provision. If over the recess it appears that this provision should be amended, that will be considered when the Trustee Act is next reviewed in this context. Members might recall that the Hon. Mr. Davis asked why, if there were deposits or debentures in a subsidiary of a bank, the bank should have to unconditionally guarantee the repayment. I believe that, that provision having been included in the Bill, no great difficulties will occur among banks and their subsidiaries. Therefore, it would be appropriate to review that provision at a later stage. This Bill is complex, and I thank all members for their contributions and consideration of its various provisions.

The Hon. L. H. DAVIS: I am happy to be assured by the Attorney-General that the matter I raised in connection with trustee investments involving subsidiaries and trading banks will be kept under review in the future. Once again, I commend the Attorney-General for introducing this Bill because, as I mentioned in my second reading speech, this legislation is long overdue in an important area that affects many individuals in this State.

Honourable members can be assured that once this Bill is passed it will be legislation that is at least equal to any comparable legislation in any State of Australia. I am sure that the lawyers, accountants, trustee companies, and individuals who act as trustees will be gratified to see legislation that is appropriate to the needs of the community at this time.

Bill read a third time and passed.

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2201.)

The Hon. J. R. CORNWALL: The Opposition supports this Bill. The Bill's principal object is to abolish drainage rates in the South-East. This undertaking was given by the Liberal Party during the last election campaign, and it was confirmed in the Governor's Speech. Having said that, I now briefly turn to drainage in the South-East generally. This area is easily the most fertile and most productive in this State. However, because of over-drainage over many years, this area is presently afflicted with the present environmental errors of the past. It is a classic example of things that never would have happened if we had had environmental protection legislation in operation when drainage was first undertaken in this area. It is also a classic example of the balance one must strike in any development, that is, balancing environmental considerations against economic, social and other factors. I hope that the Government continues to give due consideration to action that might attempt to rehabilitate some of the grave damage that has been done in this area over many years, particularly considering the rehabilitation of some of the wetlands which, at the moment, have been lost to this area. The Opposition supports the Bill.

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

EIGHT MILE CREEK SETTLEMENT (DRAINAGE MAINTENANCE) ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2201.)

The Hon. J. R. CORNWALL: This Bill is consequential on the Bill that this Council has just passed, and the Opposition supports it also.

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

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Second reading.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That this Bill be now read a second time.

This Bill corrects an anomaly in the Residential Tenancies Act relating to periodic tenancies such as a lease from month to month or week to week but without any specific date of termination or any special provisions relating to giving notice of termination. If a person has, for instance, a weekly tenancy (generally determined by payment of rent each week), a week's notice to quit is deemed sufficient. This is much less than the requirements in the Residential Tenancies Act of, in normal circumstances, 120 days. It was originally thought that each separate period in a periodic tenancy constituted a new residential tenancy agreement, so that all periodic tenancies (generally weekly, fortnightly or monthly) would have been covered shortly after the Residential Tenancies Act came into force on 1 December 1978. The Act only applies to those residential tenancies agreements entered into after its commencment.

However, on 14 August 1979 in the case of *In Re Belajev,* Mohr. J. in the South Australian Supreme Court held that a weekly (or other periodic tenancy) continues indefinitely until terminated and there is not a renewal of

the tenancy from week to week. In other words, that such a tenancy is not a series of separate weekly tenancies but a continuous tenancy with weekly payments of rent. This has meant that a large number of tenants are not covered by the Act, that is, those periodic tenancies that commenced before the Act came into effect on 1 December 1978. It is particularly disturbing when one considers that the Excessive Rents Act was repealed and its provisions incorporated in the Residential Tenancies Act as these periodic tenancies which commenced before the Act came into operation are not covered by it and therefore now have no recourse in the case of excessive rents being charged. That is, they are in a worse position than prior to the operation of the Residential Tenancies Act. This was clearly not intended and is an intolerable situation which should be remedied as soon as possible. I would ask the Government to expedite the passage of this simple Bill through both Houses before the end of the session. While Minister of Prices and Consumer Affairs, I had undertaken to remedy the situation before the end of last year. I understand that representations have been made to the present Minister but it appears that no action is to be taken. The Bill is simple in scope, corrects an anomoly and I believe ought to receive the urgent attention of Parliament.

Clause 1 is formal. Clause 2 amends section 7 of the principal Act by providing for it to cover periodic tenancies whether entered into before or after the commencement of the Residential Tenancies Act.

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

STATUTES AMENDMENT (INTEREST ON JUDGMENTS) BILL

Second reading.

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

That this Bill be now read a second time.

This Bill reverses the decision of the Privy Council in the case of *Faraonio and Thompson* Privy Council Appeal No. 29 of 1978 which reversed a decision of the South Australian Supreme Court reported in 19 S.A.S.R. at p.56. The Privy Council held that interest on damages should not normally be awarded on that component of damages dealing with loss after the date of judgment.

During the debate earlier this year on the Wrongs Act Amendment Bill, 1980, I canvassed the arguments in favour of this Bill (*Hansard* p. 1263). It is my belief that an examination of the original legislation empowering courts to award interest on judgments in 1973, the comments of then Chief Justice Bray in *Sager v Morten & Morrison* (1973) 5 S.A.S.R. 143 and the comments of then Attorney-General King in introducing amending legislation in 1974 clearly indicate that the Privy Council has thwarted the intention of Parliament: I believe the 1974 intention of Parliament should be reaffirmed by the passage of this Bill.

Clauses 1, 2, 3 and 5 are formal or machinery measures. Clause 4 amends the Supreme Court Act 1935-1978 by providing that the court can award interest upon damages or compensation for the future effects of a loss or injury. Clause 6 effects the same amendment to the Local and District Criminal Courts Act, 1926-1978.

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

SITTINGS AND BUSINESS

The Hon. K. T. GRIFFIN (Attorney-General): I move:

That Orders of the Day, Private Business, Nos. 7 and 8 be made Orders of the Day for Wednesday next.

The Hon. C. M. HILL seconded the motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I oppose the motion, which has been moved by the Attorney-General in relation to private business that is quite correctly on the Notice Paper this afternoon. It is quite clear under our Standing Orders that Government business takes precedence on Tuesdays and Thursdays. I trust that the Hon. Mr. Milne is listening to this, because I feel this matter may interest him.

The Attorney is trying to restrict the rights of private members to move motions and have matters debated in this Council. The position is simple. I am putting to the Council seriously that the general rules in relation to Standing Orders in this Council are that Government business takes precedence over private business on Tuesdays and Thursdays, and that private business takes precedence over Government business on Wednesdays. That is the position under Standing Orders. On Tuesdays, if there if Government business, it takes precedence, and if there is private business also put down for that day, then the private business can be dealt with once Government business has been finalised.

On Wednesday, private business takes precedence over Government business; then, when the private business has been finished, Government business is proceeded with. That is the normal practice. However, for the Attorney-General now to adopt the approach of trying to adjourn private business, which yesterday was placed on the Notice Paper for today (and there is no dispute about that), is unfair. The Attorney-General is seeking to adjourn Orders of the Day Numbers 7 and 8 not to next Tuesday but rather to next Wednesday. One can only draw the conclusion that he is trying to deny the right of this Council to debate and consider private members' business.

The Environment Protection (Assessment) Bill, Order of the Day, Private Business No. 7, was introduced into this Council on 2 April. The National Parks and Wildlife Act Amendment Bill, Order of the Day, Private Business No. 8, was introduced on 26 March—over two months ago. Now, despite the fact that these two matters were made Orders of the Day by the Council yesterday, the Attorney-General seeks to put them off until next Wednesday. That is totally unacceptable. The Council should oppose a motion of this kind. The Attorney-General is seeking to take private members' business out of the hands of the private member who introduced the Bills. You will appreciate, Mr. President, that normally it is up to the private member in charge of the Bill to move for what day the matter should be made an Order of the Day. The Attorney-General got the call, despite the fact that it is Dr. Cornwall's Bill. The Acting President gave the Attorney-General the call quite improperly. The Acting President should not have given the Attorney-General the call; rather the Acting President should have given the call to the member who introduced the Bill. It is an attempt by the Government to put off the Bill, because it does not want to have this matter voted on or debated. The Government hopes to put the matters off until and beyond the end of the session. It is a complete denial of rights of private members. One matter was introduced into this Council over two months ago. Accordingly, I ask the Council to reject the motion. The Council ought to be prepared today to debate and, if necessary, vote on these Bills. If the Attorney-General, in reply, was prepared to give an undertaking that the Bills would be debated next Wednesday through all stages and voted on at the second reading, then I might take a different attitude. However, in the absence of those undertakings, the Council should

oppose this attempt by the Attorney-General to take over private members' business.

The PRESIDENT: The matter cannot be debated. The motion which was moved and seconded should not have been moved. The procedure associated with the Bill lies with the mover. I point out that there is no reason why the debate should not be further adjourned.

The Hon. J. R. CORNWALL: I do not intend that the debate be adjourned. I intend to close the debate.

The Hon. K. T. GRIFFIN: (Attorney-General): I move:

That the debate be adjourned.

The PRESIDENT: The Attorney-General was in some dilemma, as were other members, as to what was happening. I did say that there was no reason why the debate could not be adjourned. I understand that the Attorney-General wishes to move that the debate be further adjourned.

The Hon. K. T. GRIFFIN: As I understand it, the Clerk will call on Orders of the Day, Private Business No. 7. Then, I will take the appropriate course.

ENVIRONMENT PROTECTION (ASSESSMENT) BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2194.)

The Hon. K. T. GRIFFIN (Attorney-General): As I understand it, the Hon. Martin Cameron is absent through illness today. I therefore move:

That the debate be further adjourned.

The Hon. C. J. SUMNER: Before determining our attitude to that, would the Attorney-General give an undertaking that the Government allow debate on the second reading and a vote to be taken?

The PRESIDENT: There can be no debate.

The Hon. C. J. Sumner: It was a question.

The Hon. K. T. GRIFFIN: I cannot give that undertaking. There will be other business before the Council.

The Council divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, L. H. Davies, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, J. E. Dunford, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and N. K. Foster.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. J. R. CORNWALL: I am very disturbed by the tactics that have been used by the Government to try to stifle the debate on this important matter. It was indeed timely when I introduced the Bill, but it is even more timely now in view of the Government's intention to amalgamate the Department for the Environment with the Department of Urban and Regional Affairs. We have had only scant detail about that amalgamation. Unfortunately, all the people in the departments are completely in limbo at present.

The Minister made clear yesterday that the Government did not believe that any such legislation should bind the Crown. Of course, if environmental protection or environmental assessment legislation is to mean anything, it must bind the Crown. It does and must occupy a special position.

The Hon. Frank Blevins: Didn't they always move when in Opposition to have every Bill bind the Crown?

The Hon. J. R. CORNWALL: That is so, although I do not necessarily always agree with that. In some circumstances, it is not desirable or necessary to do so. However, it is necessary in relation to environmental protection legislation. An environmental audit should be no different from an audit that is carried out by the Auditor-General. There should be powers to bind the Crown so as to ensure that public utilities conform to the legislation in the same way that the private sector is asked to do so.

I said when I introduced the Bill that I thought it would give to the Department for the Environment cohesion and credibility that only such legislation could give it. The legislation is timely in the circumstances, as it is obvious what the Government is about. Despite its low-key approach to the amalgamation of the two departments, it is clear that the Government has made a political decision to wind down the activities of the Department for the Environment and to scale down the activities of the Department of Urban and Regional Affairs. Unfortunately, this is not good enough. This is an opportunity for all members to stand up and be counted and to let the public know what their attitude is on environmental protection. Is it a joke, or is it something about which we have a genuine concern?

Yesterday, the Minister said that, in view of the Ministerial statement that he had made in the Council the day before (which was an attempt to pre-empt the Bill), the general thrust of the Bill would be included in a Government package that covered other matters. The Minister also said that he hoped that I would consider it appropriate to wait until the Government introduced that Bill and, if I considered it necessary to do so, move amendments to it. The Minister would know very well, if he spent three minutes thinking about it, that the Government is proposing to abandon completely the concept of environmental protection legislation. It intends to make environmental aspects a weak appendage to the planning process.

It seems to me that, either deliberately or because of a total lack of appreciation of the current situation, the Minister of Environment and his colleagues are completely confused about the various roles that ought to be played by Government in such matters as State planning, strategic land use planning, land resource management, development control and environmental assessment. It is grossly inadequate to restrict environmental considerations to land use planning under planning legislation.

It has been stated repeatedly that Government has a great commitment to local government. It wants to see the role of local government strengthened, although it does not necessarily want to give local government more teeth. The Government is not interested in giving local government additional resources. It intends to pass the buck to local government on any and every matter of importance that comes up in this field. Despite this, the Government is not willing to provide local government with additional resources. No mention having been made of additional funds going to local government.

Currently, there is not sufficient manpower in the Department of Urban and Regional Affairs to enable it to liaise with local government and to give us the sort of information that is necessary for the planning and environmental process. That is graphically illustrated in a reply that I received yesterday concerning planning applications, consents and approvals received or given by councils in the metropolitan area since 17 September.

The PRESIDENT: Order! The conversation is so loud that *Hansard* must be experiencing difficulty in hearing the debate.

The Hon. J. R. CORNWALL: The answer to my question was indeed instructive. It was as follows:

> Records of planning applications and approvals other than those made to the State Planning Authority are held by individual metropolitan councils and it is not possible, therefore, to supply the information that Dr. Cornwall has requested.

If the information was there, it could surely be collected. However, it seems that that is an admission by the Minister of Environment that there are simply not the resources within his department to gather the information. In those circumstances, it is nonsense to talk about devolving power to local government, because there is no devolution and no liaison.

In my second reading explanation, I gave my reasons for introducing the Bill. However, I think it is worthwhile my going over them again. I said in my second reading explanation that one of the prime reasons for introducing the Bill was to ensure that high morale and a sense of fulfilment was restored to the Department for the Environment. The need was great then, but it is even greater now, because the department is falling apart: it is being dismantled. Morale is dreadful, and no-one knows where he is going.

I also said that I introduced the Bill to ensure that those officers who have worked for so long with the highest standards of excellence, diligence and dedication in the preparation of this legislation receive public acknowledgement. Those same people now have no idea what their future will be. All the expertise that has been built up over the years is currently being dismantled. Staff are resigning or being transferred in all sorts of directions, and the department is simply being run down.

The third reason I gave was to ensure that the public were given the opportunity to examine the scope and importance of this legislation in giving environmental considerations their proper place in any project planned in South Australia. I should have thought that, because of the debate and controversy over Redcliff, that had been shown to be essential. I do not know how we would cover a project such as Redcliff by making environmental considerations an appendage to land use planning. One thing coming from the present debate is that the environmental impact statement procedures adopted over the years may prove inadequate for a project the size of Redcliff. In those circumstances, it is important that the procedures be codified in legislation.

The legislation also shows up the nonsense that this Government talks about in regard to small government's getting out of the way. The Government's attitude would allow the polluters to prosper. I am disturbed at what is happening in the former Department for the Environment. Contrary to what some Government members said when they were in Opposition, the Government has turned out to be quite right wing. It is throwing environment out the window. It seems to have achieved in nine months what the Country Party in Queensland has taken almost 24 years to achieve.

I point out, for the Minister's benefit, that the proposal to adopt environment protection as part of land use planning, as in the United Kingdom, is considered inadequate in many countries and is inappropriate to the South Australian model. I said in the second reading explanation that the application of environment assessment and impact systems began in the United States with the National Environmental Policy Act of 1969. The system has since spread to many industrialised States, including some 26 States in the U.S.A., and to Canada and nine of its provinces. Several European countries, including France, Norway and Germany, operate impact assessment systems as do Japan and New Zealand.

There has been Federal environment legislation in Australia since 1974 and there has been the Environmental Effects Act in Victoria since 1978. If environmental protection is to mean anything in this State and if we are to stop the dismantling of the department, it is up to us to support the legislation and send it to the House of Assembly for consideration. I appeal to all members who are seriously concerned with environmental protection to support it.

The Council divided on the second reading:

Ayes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (9)—The Hons. J. C. Burdett (teller), L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pairs—Ayes—The Hons. C. W. Creedon and N. K. Foster. Noes—The Hons. M. B. Cameron and J. A. Carnie.

Majority of 1 for the Noes.

Second reading thus negatived.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 2195.)

The Hon. K. T. GRIFFIN (Attorney-General): In the absence of the Hon. Mr. Cameron, who took the adjournment of the debate and who is absent because of illness, I move:

> That this debate be further adjourned.

The PRESIDENT: The question is that this debate be further adjourned.

The Hon. C. J. SUMNER: Is the Attorney prepared to give an undertaking that a debate and vote will be allowed on this matter?

The PRESIDENT: There is no debate on this motion.

The Hon. C. J. SUMNER: I seek leave to ask a question of the Attorney-General.

The PRESIDENT: I have put the motion. I am not granting you leave.

The Hon. C. J. SUMNER: I can seek leave at any time.

The PRESIDENT: I have a motion before the Chair. You can make as many personal explanations as you like.

The Hon. C. J. SUMNER: I am seeking leave to ask the Attorney-General a question.

The PRESIDENT: I am not granting you leave.

The Council divided on the motion:

Ayes (9)—The Hons. J. C. Burdett, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), J. E. Dunford, Anne Levy, C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and J. A. Carnie. Noes—The Hons. C. W. Creedon and N. K. Foster.

Majority of 1 for the Ayes.

Motion thus carried.

ADJOURNMENT

At 4.54 p.m. the Council adjourned until Tuesday 10 June at 2.15 p.m.