LEGISLATIVE COUNCIL

Thursday 19 February 1981

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

QUESTIONS

BEES

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking you, Mr. President, a question about bees.

Leave granted.

The Hon. B. A. CHATTERTON: A number of beekeepers in this State are very annoyed at the fact that the Minister of Agriculture has directed his department to support the introduction of biological controls of salvation jane. They feel that the department should provide impartial evidence to the court rather than giving support to any one particular side. I have been informed by many beekeepers that they are very angry about this situation and that they intend to demonstrate in front of Parliament House with their even more angry bees. Mr. President, is Parliament House bee-proof or should members equip themselves with protective clothing if the beekeepers and their angry bees do demonstrate on the steps of Parliament House?

The PRESIDENT: I thank the honourable member for his question. Perhaps we could hold a fire drill on the day that the demonstration is held. I will certainly remain alert to the situation to which the honourable member has referred. It is very difficult to assess how many bees could get into Parliament House or, indeed, how best to deal with them once they are in, but I will keep the situation under review.

MOUNT LOFTY FIRE TOWER

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Environment, a question about the Mount Lofty fire tower.

Leave granted.

The Hon. J. R. CORNWALL: The Government's ill considered and bungling erosion of its tax base has reached the stage where it is causing threats to life, limb and property. The deferral of the water treatment programme in the Iron Triangle is one tragic example. This morning I was disturbed to read in the *Advertiser* that lack of funds and lack of Government action had resulted in the fire look-out tower on the summit of Mount Lofty becoming unsafe and inadequate for fire spotting. According to the report, National Parks and Wildlife Service employees have been telling the Department for the Environment since the Ash Wednesday bush fire of almost 12 months ago that it is necessary to upgrade the tower before it can perform its vital role properly. In this morning's *Advertiser,* Mr. G. T. Young, of the Australian Government Workers' Association, is reported as having stated:

> But the department says it is povery-stricken and that the Government won't give it any money.

Mr. Young is quoted as saying that the tower comes under the National Trust, and the department says that that stops it from being upgraded. It is unbelievable that the Minister of the Environment should support such a line. It seems to me that it makes a sick joke of the entire heritage programme in South Australia. There is mounting evidence that the National Parks and Wildlife Service has become a disaster area under the present Administration.

The tower is in the centre of the most sensitive and fire-prone area in the State. Almost on the anniversary of last year's tragic Ash Wednesday bush fire, we learn that the tower has been unsafe and inadequate throughout the hottest summer in almost 40 years. It has been unsafe and inadequate because of the disastrous policy of the Government, which has no money and no prospects of finding any without pushing State charges through the roof.

The time has come when Mr. Wotton must either dramatically improve his performance or tender his resignation. What classification has the Mount Lofty tower been given by the National Trust or the State Heritage Committee? What is the estimated cost to restore the tower and make it safe and effective for use by fire-spotters? Will the Government take action immediately to ensure that the tower is fully restored and in safe working order for the next fire season?

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

SELECT COMMITTEES

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking you, Mr. President, a question about the servicing of Select Committees.

Leave granted.

The Hon. FRANK BLEVINS: Yesterday, Mr. President, you made a statement regarding some of the very real problems that members of the Council staff are having in servicing Select Committees. I want to say now, Mr. President, that everyone on this side of the Council appreciates just how real those problems are. We certainly congratulate the Council staff on the tremendous job that they do. We realise the pressure that they are under. However, Mr. President, I did say yesterday that we had some real reservations about your statement, and that we would perhaps be having a look at it later.

On reflection, we have some serious reservations not only about your statement, Sir, but also about its timing. As you will recall, Mr. President, immediately the Hon. Barbara Wiese moved her motion to refer a certain Bill to a Select Committee, you made your statement. I maintain that your statement severely prejudiced the motion of the Hon. Barbara Wiese. We believe that it was quite wrong and quite unfair to an honourable member to have the President of the Council intervene in the debate in that manner and prejudice a member's motion.

Your statement, Mr. President, was used almost immediately by the Hon. Mr. Burdett to oppose the motion of the Hon. Barbara Wiese. This is further proof that your statement did prejudice the Hon. Miss Wiese's motion. Whilst we regret that, we realise that we cannot turn the clock back and do anything about the timing of that statement. I will just leave that matter there. However, given the composition of this Council and the balance amongst the Parties, including the Hon. Mr. Milne, it is obvious, and certain, that much legislation in the foreseeable future will be referred to Select Committees, and it is very proper that, if the Council so decides, it should be. Obviously if there is some problem at the moment with the servicing of committees, that problem is going to get worse.

The Opposition believes that the problem should be solved in a rational and sensible way, rather than in the

manner of being told, "Set up a Select Committee and you may not have it serviced." We do not believe that is the way to go about solving the problem. The Opposition realises that it is the Government's responsibility to supply sufficient staff to see that Parliament can function in a proper manner, so in no way are we critical of you, Mr. President, in raising this matter, although, as I say, we criticise the manner in which it was raised yesterday; nor do we criticise the staff.

Mr. President, have you asked the Government to increase the staffing levels of the Legislative Council to enable the Council to be properly serviced? If so, what has been the Government's response? If not, will you do so as a matter of urgency?

The PRESIDENT: I do not believe that the Hon. Miss Wiese's case was prejudiced by my remarks, nor did I intend that it should be. My statement was intended to highlight the situation so that there could be no comeback as to when and how committees could be serviced. I think the honourable member will recall that I made quite clear that the number of committees appointed had nothing to do with me; nor would I at any time suggest that there could not be a Select Committee. The statement I made was to bring to the Council's attention the fact that the servicing of committees would have to be taken in turn. As I have said, I do not believe that the Hon. Miss Wiese's argument was in any way prejudiced. Regarding the second part of the question, I have made an approach to the Government for further staffing, and at this stage I have not received any indication as to whether there will or will not be an increase in staff.

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation prior to asking a question of the Attorney-General, as Leader of the Government in this place, about Parliament House staff.

Leave granted.

The Hon. FRANK BLEVINS: Without going into a long preamble (because I am sure that the Attorney-General is well aware of the problem which prompted your statement yesterday, Mr. President), I ask whether the Attorney can, on behalf of the Government, indicate what its response will be to the request made by the President.

The Hon. K. T. GRIFFIN: The Government would obviously consider the matter.

MINISTER'S STAFF

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Minister of Local Government, representing the Minister of Education, about positions in the office of the Minister of Education.

Leave granted.

The Hon. ANNE LEVY: I understand that since the change of Government in September 1979 the Minister of Education has not had a permanent Secretary in his office and has managed to survive with a series of acting Secretaries for the last 17 months. I also understand that he will shortly be appointing an official Secretary to the Minister in his office. At the same time, I believe an extra post is to be created in the Minister's office, so that he will have two full-time staff where until now he has had one acting position only. The person in this new position, it has been suggested to me, will have a function which can be described as that of a grass roots adviser, although it is not being suggested that the person appointed will be either a classroom teacher or student. First, can the Minister say whether it is true that a new advisory position to the Minister of Education is being created despite the extensive advisory capabilities of the whole Education Department? Secondly, has the person for this position already been selected and, if so, who? Thirdly, how can the Minister justify the expenditure in creating such a new position, given the current reduction of 4 per cent in teachers' aides?

The Hon. C. M. HILL: I will refer those questions to my colleague in another place and bring back replies.

FISHING

The Hon. BARBARA WIESE: Has the Minister of Community Welfare, representing the Minister of Tourism, a reply to the question that I asked on 26 November last regarding fishing?

The Hon. J. C. BURDETT: The Minister of Tourism reports that fishing has always been regarded by the Department of Tourism as an important holiday activity, and five of the department's range of sightseeing guides give regional fishing information. These details cover Eyre Peninsula, the Riverland, Lower Murray, Kangaroo Island, and the Fleurieu Peninsula.

Quite recently, the Department of Fisheries published a 50-page booklet titled *Recreation Fishing Guide 1981*. This is an excellent publication providing maps, species of fish available in all regional areas, minimum sizes of fish allowed to be caught and retained, fishing regulations, type of gear permitted and many helpful hints on best equipment and bait to use for each type of fish.

This book is available from the Department of Fisheries, Grenfell Centre, Grenfell Street, Adelaide, at a cost of $1·50, and a copy of this publication has been referred to the Department of Tourism suggesting that it be available for purchase from that department.

UNEMPLOYED YOUTH

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question regarding the entitlements of unemployed youth.

Leave granted.

The Hon. N. K. FOSTER: It is not with any reluctance that I rise to my feet this afternoon to support a measure suggested by the Federal member for Sturt, although I do not think that that honourable gentleman's past utterances in relation to any matter have brought me to my feet. He has said nothing constructive or of a serious nature over the 10 years or more of his Parliamentary life.

The Hon. R. C. DeGaris: He's a pretty good candidate, though.

The Hon. N. K. FOSTER: If one puts it on the basis of being a $1 000 000 candidate, then he has been successful.

The PRESIDENT: Order! The honourable member must make his explanation.

The Hon. N. K. FOSTER: I am doing so, Sir. Obviously, I should not have responded to the remark made by the Hon. Mr. DeGaris. I know that the honourable member has not always respected the member for Sturt, but I suppose he must have his fun. I do not think that the remark made by Mr. Wilson germinated in his own mind. When opening a certain facility in Norwood for a Federal department, he said that everyone, particularly young people, ought to be given some form of income, a comment which received wide publicity. If I am misjudging the fellow, and he is actually starting to think for himself, I will withdraw the remark that I have just made that any statement he made was not necessarily as a

result of his own thinking.

The Minister of Community Welfare must accept some responsibility for the plight of our unemployed, who ought to be given an income; indeed, this matter has a direct bearing on his own portfolio. Will the Minister prevail on the Minister of Industrial Affairs (Hon. D. C. Brown) who, with the Minister of Health (Hon. Jennifer Adamson) used to work on the staff of the member for Sturt, to prepare a statement to be put before the next meeting of Ministers of Industrial Affairs for the purpose of recommending that school leavers be given what is, to my way of thinking, their correct entitlement from the Social Security Department because they are unemployed, not from their own making or choice, but as a result of the economic down-turn that we have experienced and the situation in which we find ourselves today?

The Hon. J. C. BURDETT: My colleague the Minister of Industrial Affairs has recently announced a very imaginative and exciting programme for school leavers. The matter of employment or provision of income for school leavers is a most important one and is being considered by the State Government and also at the Federal level. Certainly, if it becomes appropriate, I will make representations to the Federal Ministers to see that this important aspect is looked at.

HOSPICES

The Hon. L. H. DAVIS: Has the Minister of Community Welfare, representing the Minister of Health, a reply to my question of 3 December 1980 about hospices?

The Hon. J. C. BURDETT: My colleague has informed me that approaches have been made both to her and to relevant officers of the South Australian Health Commission on the development of hospice services in metropolitan Adelaide and elsewhere in South Australia. Discussions have been held with representatives of the Anti-Cancer Foundation and with the South Australian Association for Loss and Grief, which has accepted the responsibility of acting as the point of contact to allow co-ordination of the development of hospice services in this State.

The Government and the Health Commission are anxious to achieve co-operation between all involved in enhancing services for those who are terminally ill. Recent publicity on the matter of hospices has not necessarily recognised the excellent support systems already operating through hospitals, nursing homes, domiciliary care services, the Royal District Nursing Society and other supporting agencies, together with private practitioners. In encouraging improved services, the following guidelines have been suggested to advocates of a hospice service:

1. Any service established should not be exclusively for one disease.

2. If it is desired to establish a facility, including beds, then so far as the State Government is concerned, and almost certainly the Commonwealth Government as well, any beds provided would have to be by the utilisation of existing beds or by parallel closure of beds elsewhere. There would be no operational funds available for additional beds, either in the hospital or nursing home sector.

3. The Government is committed to overcoming the fragmentation of health services and would wish to see hospice care integrated with existing domiciliary care services.

Approval in principle has been given for the allocation of additional funds to the Royal District Nursing Society to extend the hours of availability of nursing staff from that service in order to provide additional support for seriously ill patients who may be dying at home. It is anticipated that extended hours of service provision will also apply in domiciliary care and rehabilitation services, and a formal policy statement on this matter is in the process of being developed within the Health Commission.

GRAPEGROWERS' MEETING

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about Ministers attending meetings.

Leave granted.

The Hon. B. A. CHATTERTON: Last Tuesday a large meeting of grapegrowers was held in Tanunda. They were protesting about the terms of payment for their wine grapes. The organisers of that meeting had sent invitations to the Minister of Agriculture and the Minister of Consumer Affairs.

The Hon. J. C. Burdett: I didn't get an invitation.

The Hon. B. A. CHATTERTON: It was said at the meeting that they had written to those two Ministers inviting them to attend the meeting or to send representatives, if they were unable to attend, to put forward their views. However, neither Minister attended the meeting. It is interesting to note that neither House of Parliament was sitting on that Tuesday night.

At the meeting, the organisers circulated to the people present a petition to the Premier pointing out their annoyance at the fact that neither Minister had attended or sent any representative. Has the Premier received that petition from the people who attended that meeting in Tanunda and, if he has, what action does he intend to take?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to the Premier and bring down a reply. The Minister of Consumer Affairs has indicated that he was not sent an invitation. I am not sure of the position in relation to the Minister of Agriculture but, if an invitation was sent to him, it came at very short notice.

MINERAL WATER

The Hon. J. R. CORNWALL: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about mineral water.

Leave granted.

The Hon. J. R. CORNWALL: Members would be aware of a report in the press last night and this morning that a popular brand of mineral water, Taurina Spa, has been found by the Queensland health authorities to contain five times the permissible level of radium. There is very considerable agrument about what is the permissible level of any radioactive substance. Quite clearly, however, five times the level set by any health authority would be injurious to health, while some people would argue that any radioactivity in water is unnacceptable.

This morning the Minister of Health was rather coy when she was questioned about this matter on a radio news programme. I do not know whether she had been pulled out of bed too early and could not get her thoughts together but, among other things, she said that she did not know whether Taurina Spa was on sale in South Australia and that she would call for a report. I assure the Minister that it is on sale in South Australia, along with numerous other brands.

The Hon. C. J. Sumner: She doesn't do the shopping any more.

The Hon. J. R. CORNWALL: No, she seems to be right out of touch with the real world.

The PRESIDENT: Order! The Hon. Dr. Cornwall will proceed with his question.

The Hon. J. R. CORNWALL: The sale of mineral water has become a very substantial growth area in South Australia, particularly over the last two or three years. There are numerous brands on sale in this State, some of them imported, and one being much favoured by the former President of the A.C.T.U. has received particular publicity. Other brands which are sold in South Australia include some that are bottled interstate and a wellknown brand that is bottled in South Australia. I believe that this matter will throw the entire industry into turmoil until such time as we are able to obtain reports on the radium levels in the various brands of mineral water.

The Hon. Frank Blevins: It's a rip-off industry.

The Hon. J. R. CORNWALL: I do not know about that, but it is very trendy.

The Hon. Anne Levy: It's better than Adelaide water.

The Hon. J. R. CORNWALL: Yes, I suspect that it is. It is certainly fashionable at present. Even some of my best friends have been known to drink it with great regularity while eating their meals. Whether or not it is a rip-off, it is a growth industry and cannot be regarded as a small industry in this State any longer. The industry will be thrown into turmoil by the report that Taurina Spa is radioactive because, by inference, one can presume that possibly all the other brands are also radioactive. In the circumstances, I thought the Minister of Health's response was far too low key. Has the Minister of Health now instructed the Health Department to test all brands of mineral water on sale in South Australia? If so, how will it be done, and how quickly can we expect the results to be made available? If she has not, why not?

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

NORTHERN REGIONAL CULTURAL CENTRE TRUST

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Arts a question about the Northern Regional Cultural Centre Trust complex.

Leave granted.

The Hon. FRANK BLEVINS: The announcement that the Port Pirie council was to pay $500 000 towards the construction cost of the Northern Areas Regional Cultural Centre Trust complex at Port Pirie has been met with some consternation in that city. To repay the loan council will be making 25 annual repayments of $28 000, which is a total of $1 200 000. As the Minister would know, the trust is a statutory body with its own borrowing capacity and should have been able to accommodate the $500 000 in question fairly easily.

Why did the State Government invite the Port Pirie council to contribute $500 000 towards the construction of the Northern Regional Cultural Centre Trust complex, and what pressure was placed on the city council which made it agree to pay that amount? Will the city council have equity in the complex as a result of that payment, and will similar obligations be placed upon the city council of Whyalla where a similar cultural centre complex is being constructed? Will the Minister also indicate why the Port Pirie council appears to be the only council making a direct contribution to the Northern Areas Regional Cultural Centre Trust complex when it will be used by people throughout the northern areas and not just by the people of Port Pirie? The same question applies to Whyalla.

The Hon. C. M. HILL: The arrangements concerning funding for the various regional cultural centres vary considerably. There is not any one pattern being followed. For example, in relation to the South-Eastern Cultural Centre Trust venue there is a partnership between local government and the trust to the extent that the corporation's offices and administrative centre are part of the one venue. Of course, there is also an arrangement for joint funding.

In the Riverland, where the new trust has just been formed, again it would appear from the planning that is taking place at the moment that the principal theatre will be planned and built differently from the other centres. At this stage it appears that other departments, such as the Education Department and the Department for Further Education, might be involved in funding.

In relation to Whyalla, which is the centre of the new Eyre Peninsular Regional Centre Trust, details for funding in that city have not been concluded. Indeed, the most recent discussions are somewhat alarming, because it appears that a great deal of money might be needed, not only to service the proposed venue at Whyalla, but, as it is a truly regional cultural centre trust, other venues will be needed in far-flung towns such as Ceduna and Port Lincoln. The whole matter of funding at Whyalla is under consideration. At this stage no formal approach has been made to the local government body in Whyalla for some joint arrangement. The situation at Port Pirie, which during the term of this Government became the centre of the extended Northern Cultural Centre Trust, is that the present Government was asked to approve $5 500 000 to fund the centre for that region to be built at Port Pirie.

Clearly, $5 500 000 is a lot of money for a regional centre. It has to be found and it has to be serviced, and the servicing is going to place great strain not upon the people in the region so much but upon people throughout the State as a whole. However, the Government wanted to be as generous as it could with the people in the northern region, including the people in Port Pirie, and it did approve the project to proceed at a cost of about $5 500 000.

However, before the building commenced a further estimate was provided in which another $500 000 was sought, and the Government, in turn, was asked by the trust to approve a figure in excess of $6 000 000. That was the straw that broke the camel's back, to be frank, for the Government thought that $5 500 000 was enough. There were two alternatives. The first was to go back to the trust and say, "You will have to reduce the size of the plan so that you can cope with a building that will cost $5 500 000." The second alternative was for the Government to see whether any other means of funding could be found.

At that time I was in Port Pirie and was told that the old Port Pirie town hall was to be demolished in about two years. The council had already started to erect a new administrative centre for itself, and that centre did not include any town hall facilities. It seemed to me that in two years Port Pirie would be without a town hall, or else the council would have to set about building a new town hall, which of course would be a very expensive operation.

The proposed cultural centre incudes a large hall. I am not referring to the theatre facilities, but a flat floor area which involves a large hall with magnificent facilities such as kitchens and toilet blocks and so forth. It appeared to me from the plan that the people of Port Pirie could

perhaps use that facility for town hall purposes. So, I gave the council the opportunity to join with the trust in partnership, enabling the original trust plan to be pursued and the magnificent hall made available for town hall purposes for the Port Pirie people. Under this scheme, in my view, the Port Pirie council would not be faced in two years time with the cost of supplying a new town hall after the demolition of the existing old building.

In agreeing to the proposition, I believe that the Port Pirie council acted wisely from their point of view in regard to a most satisfactory deal. The council will not be asked to provide any repayments or interest until the proposed centre is completed. From the date of completion, as I recall, payments will be similar to those mentioned by the Hon. Mr. Blevins a few moments ago.

In regard to the council having a direct interest in the ownership of the venue, that will not be the case, although I remind the honourable member that the council has representation on the board of the centre. I have no doubt at all that the co-operation between the municipal authority in Port Pirie and the cultural centre trust, because of this joint membership that does exist, will be amicable and satisfactory. I cannot foresee any problems arising by which the residents or ratepayers of Port Pirie will have reason to complain that the use of the hall will be inhibited or restricted to such an extent that it reacts unfairly upon the city of Port Pirie.

In summary, I think that from both the point of view of the Government and the council the arrangement is a very fair and reasonable one and will be overall to the great benefit of the people of Port Pirie. Of course, it will be of benefit to the people of the region who themselves on occasions will utilise those hall facilties.

DISCRIMINATION AGAINST WOMEN

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about the United Nations convention on the elimination of all forms of discrimination against women.

Leave granted.

The Hon. ANNE LEVY: On 19 November 1980 I asked a question of the Attorney-General about the United Nations convention on the elimination of all forms of discrimination against women. The convention was signed in Copenhagen on behalf of Australia by the then responsible Federal Minister (Hon. R. D. Ellicott). However, before the convention can be ratified it is necessary that all State laws and practices conform to this convention. I asked the Minister whether an investigation had been made whether South Australian law and practice conformed to the convention so that we would not hold up ratification of this convention by Australia. In replying to me, the Attorney said that he had set up a committee to look into South Australian law and practice and that the committee would make an assessment, first, of the detail of the convention and, secondly, its application in South Australia. This working party was due to report to him early this year, and I understand from his reply that the report would then be considered by Cabinet and go to a meeting of the Standing Committee of Attorneys-General to be held in February. Can the Minister tell the Council whether this working party has reported, whether its report has been considered by Cabinet, and whether similar reports from all States have yet to be considered by the Standing Committee of Attorneys-General and, if not, when can we expect this to occur, and what is the result of the report?

The Hon. K. T. GRIFFIN: The working party has not yet reported to me. In regard to the Standing Committee, it will hear progress reports towards the end of this month, but so far as deadlines are concerned they have not yet been considered by the Standing Committee.

AIRPORTS

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General, representing the Minister of State Development, a question about airports.

Leave granted.

The Hon. N. K. FOSTER: This morning's press and other media carried a rather large story based on a report by the Federal Minister for Transport (Mr. Hunt) in respect of a proposed airport site at Two Wells. A number of areas in South Australia have been the subject of some form of study in regard to airports between Parafield and Aldinga, that is, covering the metropolitan area, although the principal airport in the State is at West Beach, and another report concerns civil and military use of an airport at Edinburgh. Some thought has been given to the possibility of a multi-purpose airport on Yorke Peninsula reasonably near the city, because there is only a short stretch of water separating the main commercial area of the State from that peninsula.

The Hon. R. C. DeGaris: Build a tunnel.

The Hon. N. K. FOSTER: The honourable member can build a tunnel if he wishes, but there are cheaper and faster methods of getting people across a stretch of water. I am endeavouring to preserve a known tract of good land in the northern Adelaide Plains area, a large amount of which would be swallowed up if this morning's report about the huge area required to build an airport in excess of the size of Tullamarine is correct. Persons planning airports have to think big. There has been little study, so far as I am aware, in respect of the Two Wells area. I am horrified to think that an airport might be built in the Two Wells area, which one must recognise as being immediately on the other side of the Gawler River; it takes up a large proportion of the arable area of the Adelaide Plains where water from the artesian basin can still be used much more cheaply than water anywhere else except in the South-East of the State.

Will the Attorney-General, first, prevail upon the Minister of State Development or his department to secure a detailed report about the specific area in Two Wells where the proposed airport is likely to be built, so as to enable a proper and close study of the environment to be made from the point of view of achieving the utmost information in respect of the artesian basin, and secondly, ascertain whether or not, in the interests of the market gardening area and its close proximity to the city, an area some few kilometres north of Two Wells ought to be considered for this project where the quality of the land is such that it does not lend itself to close cropping and vegetable production?

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

SOLDIER SETTLERS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before directing a question to the Minister of Local Government, representing the Minister of Lands, about Kangaroo Island soldier settlers' debts.

Leave granted.

The Hon. B. A. CHATTERTON: During the part of the session that occurred last year I asked the Minister whether the soldier settlers on Kangaroo Island who had their leases cancelled were still in debt to the State Government. I asked that question in reference to a case that had been before the Supreme Court involving a Mr. Johnson, one of the settlers concerned. I mentioned the fact that the press releases and various public statements made by the Ministers concerned, both State and Federal, stated that the debts would be wiped off when the leases were cancelled. In spite of that, the Minister informed me that, in fact, the debts were not cancelled unless the settler voluntarily agreed to the cancellation. In other words, any settler who made an involuntary response still has the debts hanging over him in spite of the fact that he is no longer on the property. I have a copy of a letter sent to the settlers concerned.

The Hon. K. T. Griffin: Whom is it from?

The Hon. B. A. CHATTERTON: The then Minister of Lands (Hon. T. M. Casey). The letter is dated 5 July 1977 and states, in part:

> You are now informed that the extension of time to enable you to take the necessary decisions and actions which will best serve your future interests will not extend beyond 1 August 1977. Unless you make satisfactory financial arrangements, your lease will be terminated on Monday 1 August 1977.
>
> The South Australian Government has decided to grant additional financial assistance towards your adjustment out of farming. This assistance will be an *ex gratia* payment which will match the rehabilitation loan on a dollar for dollar basis.
>
> You must appreciate that the South Australian Government's assistance will not be available unless you apply for and receive a rehabilitation loan under the Rural Industry Assistance Scheme.
>
> You should also indicate your decision either to retain the residence on the property or take advantage of South Australian Housing Trust accommodation.
>
> You have the option of arranging your own sale of stock and plant held under stock mortgage or bill of sale to the Minister of Lands. The sale must take place before 31 July 1977 and you are to advise me of your intention in this regard by 11 July 1977. If you do not proceed to arrange the sale, the department will sell the stock and plant on a date to be specified, immediately after the lease is cancelled, unless you agree to the Minister arranging a sale beforehand.

The letter then goes on to mention particular bills of sale and mortgages held on this particular settler. What would the Minister consider to be a voluntary response to that letter, and what would he consider to be an involuntary response to that letter? It seems to me that the letter is clear-cut and very authoritarian. How many settlers did make a voluntary response to the letter and do not have the debts still hanging over them?

The Hon. C. M. HILL: I will refer those questions to my colleague and bring back replies.

REPLY TO QUESTION

The Hon. ANNE LEVY: I asked a question of the Minister of Health on 3 December and received a reply on 19 January which has not yet been incorporated in *Hansard*. Does the Minister wish to read the reply to that question or does he intend to have it incorporated?

The Hon. J. C. BURDETT: I did want the honourable member to raise this matter. I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

MENTAL HEALTH PATIENTS

It would appear that there have been some instances where statements of legal rights have not been given to detained patients, nor to their relatives at the time of admission. This is contrary to section 16 of the Mental Health Act, and has been brought to the attention of officers of the South Australian Health Commission by the Mental Health Review Tribunal.

Action has been taken to remind the Medical Superintendents or equivalents of approved hospitals of the need to ensure that a statement of legal rights is given to all detained patients or their relatives, on admission.

I believe that your suggestion that a suitable acknowledgement be obtained and kept as part of the patient's record has merit. The administration mechanism by which this could be carried out is being explored. There may be some difficulties in cases where the information is given by tape recording when the detained patient cannot read, or a printed statement in a language familiar to the patient is not available. However, I am sure that these difficulties can be overcome.

PRAWN PROCESSORS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before directing a question to the Minister of Local Government, representing the Minister of Fisheries, about prawn processors holding licences.

Leave granted.

The Hon. B. A. CHATTERTON: A report appeared in the press yesterday that a Mr. Hagen Stehr is going to adapt his prawn vessel to process and freeze prawns at sea while operating in the Spencer Gulf. This will be the second vessel which is also a processing vessel that will be operating in this area. I know that the Director of Fisheries has held discussions with the fishing industry about an even greater involvement of prawn processors in the catching side of the industry. He has warned fishermen that the Government intends to allow prawn processors who have not traditionally been allowed to hold prawn licences to do so. Will the Minister say whether those discussions have been completed and, if they have, how many prawn licences will be eligible to be held by prawn processors in this State?

The Hon. C. M. HILL: I will endeavour to obtain that information fo the honourable member.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

Read a third time and passed.

COMMUNITY WELFARE ACT AMENDMENT BILL

In Committee.

(Continued from 18 February. Page 2936.)

Clause 5—"Interpretation."

The Hon. J. C. BURDETT: After the Council rose last evening, the Hon. Miss Wiese had placed on file 12 pages of amendments. I acknowledge that, through her courtesy, I was able to obtain a copy of those amendments last night. The department has been evaluating the amendments, with some of which we can certainly agree. I received a copy of the department's evaluation of the amendments just before the Council began sitting this afternoon. I think

that the Committee's time will be saved if I am able to consider the amendments in more detail, as a considerable number of the amendments can probably be agreed to. I therefore ask that progress be reported.

Progress reported; Committee to sit again.

RESIDENTIAL TENANCIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 2718.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support the second reading of this Bill, but will oppose some clauses in Committee. Before dealing with the details of the clauses with which we take issue, I should like to make some preliminary comments about the process by which these amendments were arrived at.

The Minister's second reading explanation indicates that the amendments were arrived at as the result of a report made by an interdepartmental working party, and after further extensive consultation with the industry, other voluntary groups, Government departments and instrumentalities concerned with this area.

One would therefore be given the impression that this matter had been thoroughly discussed and thrashed out. However, the fact is that the interdepartmental working party's report has not, to my knowledge, been made public, although I understand that it is probably being made available to certain selected interest groups.

There is a problem with the Government's attitude to these working party reports, as the Government introduces legislation which it says is based on a working party's report and following extensive consultation with industry, but at no time does the Government make that report available to the Parliament for perusal. We have absolutely no idea, without the report, whether or not the Bill accurately reflects the recommendations therein, whether there are in the report matters that are not included in the Bill, or whether there are in the Bill things that are not recommended in the report.

In other words, a report is produced as a basis for legislative change. However, Parliament never sees the report. It has no idea whether the Government is being honest and straightforward in its claim, whether the amendments have arisen out of the working party report in total, or whether the Government has tacked on a few more amendments. The Government is increasingly using this method of legislating. I would have thought that honourable members opposite who had some concern about the process whereby Parliament and the Executive reach decisions ought to be expressing concern about this matter at least in their own Party rooms. I would not expect them to upset Ministers by taking issue with this approach in Parliament itself. The fact is that not only on this issue but also on other matters this approach has been adopted.

The Trading Stamp Act was dealt with in the last part of the session. The Minister brought in legislation which he said was based on a working party report. It was clear that there were many things in that working party report that were not included in the legislation. In other words, the Minister has a report prepared, selectively extracts parts that he likes from that report, and uses them in this Parliament as a basis for the Government's support for the legislative change. The working party report is not made available, and Parliament has no way of assessing the *bona fides* of the Bill in terms of the report. Whilst these reports are made available to selected interest groups, they are not made available to members of Parliament. We have the situation where interest groups in the community are being placed on a different plane from members of Parliament. In other words, the people who have to vote on the legislation and make the final decision (and it is a final decision in this Chamber, because the Government does not have the numbers) are not given access to these reports. The Government is apparently willing to give reports to interest groups in the community (with which I do not disagree) but it is not willing to make them available to members of Parliament. To my mind, that is an unsatisfactory situation.

The Hon. J. C. Burdett: Have you ever asked for the report?

The Hon. C. J. SUMNER: I asked for one report which I believe the Hon. Mr. Burdett—

The Hon. J. C. Burdett: I am talking about this one.

The Hon. C. J. SUMNER: No. I did not know that there was a report. How are members of the Opposition or even Government members supposed to know that there is an interdepartmental report? Am I supposed to divine that by some other means? It may be that it has been referred to previously (maybe when the private member's Bill was mentioned) but that is not the point.

If a working party prepares a report, the Opposition or even back-bench members of the Government would not know that there was a report available unless they specifically inquired. That is unsatisfactory. If the Government is going to rely on these reports, it ought to make them available to Parliament so that it can assess whether or not the Government is fair dinkum in the amendments that it has introduced. The Government is not making these reports available and it seems that that is increasingly becoming the practice. The Minister of Community Welfare seems to favour that approach. I believe that members of Parliament (and I am sure the Hon. Mr. DeGaris and the Hon. Dr. Ritson would agree with me) ought to object to this approach of reports being made available to specific interest groups but not to members of Parliament.

The Hon. J. C. Burdett: The report was referred to in the second reading explanation.

The Hon. C. J. SUMNER: I know it was. I did not say that it was not. In fact, that was precisely my point; reports referred to by the Government in the second reading explanation and used as a basis for legislation are not made available. Therefore, we do not know whether the legislation reflects the contents of the report to the Government. We have no means of knowing whether the Government has added to, disagreed with or modified the recommendations in the report. Amendments are brought in and given the aura of some kind of authority because people think that they have been prepared by an independent group. We are then supposed to believe that everything in the Bill is based on the working party report and that it has some authority. The method of operation that the Minister has adopted is secretive. He is not coming clean with the Parliament. It is verging on contempt of Parliament when these reports are made available to various interest groups but not to us who, after all, have to make the final decisions.

From information I have been able to obtain, I believe that the committee was chaired by Mr. Nicholls. I understand that he has some close connection with the Liberal Party and that he indeed was a Liberal candidate for the seat of Unley, which he lost. He is now working as a political apparatchik in the Premier's Department. If the Minister is going to come clean about the report, he might also come clean about the membership of the committee and tell us whether Mr. Nicholls was the chairman and

whether he is the same Mr. Nicholls who failed to win the seat of Unley. The public ought to be aware of that fact if it is to accept a Government working party document used as the framework for legislation. If that is considered to be an objective Public Service report, I believe that the Government is mistaken. If it wants to prepare a political report with political names attached to it, such as that of Mr. Nicholls, it can do so. I have no objection to that. However, it should make details of the members of the committee available so that we are aware that it is not a report by objective public servants but rather a report by politically-hired guns of the Liberal Party. It is quite legitimate for the Government to produce a report to Parliament prepared by Liberal Party appointees in the Government. However, it should be made known that it is not an objective report prepared by non-political public servants because, quite frankly, it is not. The Minister deserves to be condemned for presenting this Bill to Parliament, because it is based on a report which he referred to in his second reading speech as being an objective interdepartmental public servant working party report. In fact, we find that the report came from a political working committee set up by the Minister and the Premier with Mr. Nicholls at its head.

My second preliminary point relates to reports and the famous family impact statements which the Minister of Community Welfare has heralded as one of the great initiatives of his Government. The only problem is that no-one can find out whether family impact statements have been prepared on legislation or Government initiatives. No-one can find out the results of family impact statements, whether they support Government legislation, oppose Government legislation or whether they say nothing about it. The fact is that family impact statements are a complete and utter sham. The Minister has pulled a con trick on the public of South Australia and Parliament, because family impact statements are a fraud. They mean nothing, achieve nothing and no-one knows anything about them. The Minister has tried to pass himself off as a great supporter of the family, and he tried to pass off his family impact statements as one of the major new initiatives of his Government and one of the greatest schemes that have been introduced by his Government.

If family impact statements are so good, so effective and so useful, why will he not make them available to Parliament? Why are they secret reports that are not made available to anyone but himself? A family impact statement should have been prepared on this legislation. The Minister will probably say that that was done and that family impact statements are prepared on all his legislation, because there would be something wrong with him if he did not have them prepared.

The PRESIDENT: Order! *Hansard* may be able to hear the Hon. Mr. Sumner, but he should face the Chair.

The Hon. C. J. SUMNER: Mr. President, I have never received any complaints from *Hansard*.

The PRESIDENT: No, but you have got one from me.

The Hon. C. J. SUMNER: Mr. President, you should not use *Hansard* to support you in your admonition of me for not addressing the Chair.

The PRESIDENT: You have no right to direct me on who I use to support my remarks.

The Hon. C. J. SUMNER: Mr. President, I have never taken it upon myself to direct you on any matter, and I certainly do not wish to do so now or at any time. I am sorry that you interrupted my train of thought. I was saying that family impact statements are a fraud, and I was asking the Minister whether he had prepared a family impact statement on this legislation. We do not know whether one has been prepared or not, but it could well be that it has. If the Minister is serious about family impact statements, one would think that he would have had one prepared on this particular Bill, because it has a serious potential effect on families. Whether or not he had a statement prepared on this legislation is not disclosed in the Minister's second reading explanation. We simply do not know, and that is symptomatic of how thin, ineffective and fraudulent the whole procedure of family impact statements is.

I now refer to the effect this Bill will have on families in relation to the increase in the security bond payable, the period of time within which a tenant may be removed for non-payment of rent, and the provisions which considerably weaken the prohibition on discrimination against families with children. They are all matters that affect families, particularly families on low incomes. However, there was nothing in the second reading explanation about whether a family impact statement had been prepared. Has a family impact statement been prepared, will it be tabled and, if not, will the Minister tell us what it contains? When this Act was introduced it was questioned whether it would adversely affect the amount of housing available for rental in South Australia. I understand that some surveys and investigations have been carried out in this matter. Does the Minister possess any evidence to suggest that this legislation has had an adverse effect on the rental housing market in South Australia? As I have said, the Opposition is prepared to support the second reading of this Bill and will therefore be supporting a number of its clauses.

It is good to see that, after all that was said by members opposite when in Opposition in relation to this Act, there is now general consensus on it. It is good and desirable legislation, and it is another example of the very progressive and useful consumer legislation that was introduced by the Labor Government and, in particular, by the then Attorney-General and Minister of Consumer Affairs, Mr. Duncan, during the 1970's. The present Minister has more contact with Ministers in other States than I have these days, so he may be able to confirm my belief that similar legislation is being introduced in New South Wales and Victoria. It is a plus for this State that we now have a consensus amongst the major political Parties on this matter. I am sure the Australian Democrats will also give us their support for the residential tenancies legislation. I believe it represents a considerable change, because I know that when in Opposition this Government was very critical about residential tenancies legislation. In fact, it was one of its planks in Opposition to the Labor Government. Landlords would approach the Liberal Party complaining about the dreadful Residential Tenancies Act, and the Liberal Party would reply saying that it was the Labor Government over-regulating society again.

The Hon. J. C. Burdett: I did not say that. Have you looked at *Hansard* to see what was said?

The Hon. C. J. SUMNER: Yes, I have looked. The Hon. Mr. Burdett may not have said that, but I was not making any specific accusations. However, I am sure that members opposite in this Council and in another place have made that accusation. One of the Liberal Party's major thrusts in its election campaign was that society had been over-governed and over-regulated by the Labor Government. This was one of the examples of over-regulation referred to by the Liberal Party.

So we have taken a considerable step forward by the introduction of these amendments, because they accept the basic philosophy and thrust behind the Bill and the original legislation. As I have said, it is pleasing to see that there is now at least a consensus in Parliament regarding this sort of legislation. The Bill deals with a number of administrative reforms which are desirable and which the

Opposition fully supports. Indeed, before the last election I had ordered an inquiry into these aspects of the Bill, particularly the administration of the Act. Obviously, that inquiry was subsumed into the inquiry subsequently headed by Mr. Nicholls which the Minister says is the basis for these amendments.

The Hon. J. C. Burdett interjecting:

The Hon. C. J. SUMNER: This is what the Minister stated:

> This Bill incorporates many of the recommendations which were made by an interdepartmental working party which was set up in December 1979 to review the Act and its administration.

I do not know what that means, but it—

The Hon. J. C. Burdett: It incorporates some of the recommendations.

The Hon. C. J. SUMNER: It means that the working party's report was used as a basis. Otherwise, there are other things in the report that we do not know about. Indeed, now the Minister is telling us that there is a report available which he has not made public or available to members of Parliament and does not intend to make available. He intends to keep it secret to himself and his Government. That is what he is saying, in effect. The Minister is not game to make it available to us, and he has not made it available to us. There are things in it that we do not know about.

The Hon. J. C. Burdett: I have not said anything to that effect, and you know it.

The Hon. C. J. SUMNER: You have not made it available to Parliament. Why has the Minister not tabled it? He does not answer. The answer is that the Minister has not tabled it because he did not want the report made public. I wish now to refer to the particular matters to which we will be taking objection. First, clause 18 deals with an increase in the maximum security bond which will be payable from three weeks, which is the present provision, to four weeks rent. Clearly, this amendment will disadvantage tenants on low or fixed incomes. Unemployed, single parent families and aged and disabled pensioners and students already exist on incomes considerably below the Henderson poverty line, and it is interesting to note in the report of the Working Party on Youth Housing, which was presented to the Minister of Industrial Affairs in July 1980, that one of the greatest barriers to securing housing for young people aged between 16 and 18 is their inability to finance security bonds even with the present maximum of three weeks rental.

In this situation we have one Government report highlighting the problems of heavy security bonds, while another report apparently suggests that bonds should be increased from three weeks to four weeks rental. I would have thought that that was a matter which the Government should have resolved amongst the competing groups within the department. But I suspect that it was not done because the Department of Industrial Affairs and Employment report was probably prepared by independent public servants, whereas this was a report prepared by a political chairman appointed by the Liberal Party to the Premier's Department. He was probably given the brief to come down with the recommendation increasing the security bond from a maximum of three weeks rent to four weeks rent.

The Hon. J. C. Burdett: How can you be so sure of that?

The Hon. C. J. SUMNER: It speaks for itself. Mr. Nicholls is a Liberal candidate and a member of the Liberal Party, and he may be a Liberal candidate again.

The Hon. L. H. Davis: He already is.

The Hon. C. J. SUMNER: He is the Liberal candidate for Unley. True, Parliament is long suffering and fairly gullible, but even Liberal members are not that gullible to deny that, if one wants a departmental report supporting the Government's view then, apart from not telling anyone who is involved, one appoints a Liberal Party hack to chair the committee and says to him, "Listen, mate, we would like this fixed up. This is a bit of a bone of contention with the people who gave us a few bob for the last election campaign."

The Hon. L. H. Davis: You seem to know.

The Hon. C. J. SUMNER: I do not know anything.

The Hon. L. H. Davis: An innocent abroad!

The Hon. C. J. SUMNER: I am fairly innocent, but I am not that gullible.

The Hon. L. H. Davis: Neither are we.

The Hon. C. J. SUMNER: The Hon. Mr. Davis has just admitted that what I have said is correct. Mr. Nicholls came down with this recommendation. My point was that there was one report pointing out the problem of security bonds involving three weeks and causing difficulty at the moment, and another report, a political report, recommending an increase in the security bond from three weeks rent to four weeks rent. A recommendation of the Working Party on Youth Housing was that the assistance presently offered by the Emergency Housing Office in providing money for tenants unable to pay should be extended to allow young people access to the scheme. At present only family groups are eligible for assistance from this office. Should this proposed amendment become law, the demand for these services, both from young single people and families, will undoubtedly increase, particularly from young people who are ineligible for such assistance and face grave financial problems.

The justification, as I understand it, in the report of the working party on which this legislation is based, for increasing the amount of bond money, is that it will enable a landlord to recover any loss of rent resulting in the termination of an agreement and that the present three weeks rent does not provide sufficient protection for loss of rent and other problems. The Government should substantiate its proposal by tabling statistics from the Residential Tenancies Tribunal detailing the number of cases recorded where the bond held by the tribunal has been insufficient to cover a landlord's loss, and indicate what percentage of total tenancies this represents.

In other words, no decent argument has been produced by the Government in support of this increase. I have pointed out problems that will occur especially for young people, poorer families and disadvantaged groups. The Government has produced no sound evidence on why the change should be made, and it should at least produce those statistics from the Residential Tenancies Tribunal so that Parliament can form a judgment on the proper balance between the rights of tenants and landlords.

Rents in Adelaide in the past few months have increased substantially. The rent for a two or three-bedroom house in the private rental market can be, and probably is, a minimum of about $60 to $75 a week. This would force unemployed people to spend up to 50 per cent of their income on rent. If this amendment were carried, it would require people to find between $240 and $300 before they could enter into the private rental market. How does the Minister expect the sorts of groups that I mention, the unemployed, single mothers, pensioners and the like, to be able to afford that sort of money as an initial payment before they can go into the private rental market? If they cannot get into the private rental market, where do they go? They go to the Housing Trust, where there are 20 000 people on the waiting list for rental housing. This amendment is an attack on the low-income earner, and I

believe that it ought to be opposed by members of this Council. This is certainly one area where the Minister should say whether a family impact statement was prepared. If one was prepared, he should table it. If one was not prepared, he should indicate why not.

The next clause that we take objection to is clause 28, which deals with section 58 of the Act and prohibits discrimination against the tenants with children. The section at present prohibits discrimination against tenants with children by two general provisions: subsections (1) and (2) prohibit this sort of discrimination. At present, subsections (3) and (4) are a corollary of that, in that they prohibit landlords from inquiring whether a prospective tenant expects children to live on the premises. It places the onus of proof on the landlord to prove that he did not inquire about a prospective tenant's children for the purposes of discrimination. At present, premises adjacent to a landlord's own home are exempted. Provision is made under section 86*(a)* of the Act, enforcing compensation for damage caused by children.

In the present Bill, clause 28 removes subsections (3) and (4) of section 58 of the Act which, as I said, are a corollary of the prohibition of discrimination by prohibiting landlords from inquiring whether a prospective tenant intends that children will live on the premises, and places on the landlord the burden of proof in the hearing of a breach of this section.

The Hon. J. C. Burdett: It is a reverse onus of proof.

The Hon. C. J. SUMNER: The Hon. Mr. Burdett prattles that it is a reverse onus of proof. He has been party, since becoming a member of the Government, to reverse onus of proof being introduced in other legislation over the past 18 months. The point is that, if the prohibition on discrimination is going to be effective, there must be some restriction on the inquiries that landlords intend to make. If they intend to inquire whether children are going to be in the family that is renting the premises, why would they do it? One can only assume that they would do it if they thought that they were going to allow that factor to enter into their decision whether to lease the premises. Why would they bother to inquire otherwise?

If the Government intends to retain the prohibition of discrimination, as it is apparently prepared to do on the face of it, then surely there ought to be some means whereby if there is that discrimination there is some recourse against the landlord through the court. What the Government's amendment will do is maintain the form of prohibition of discrimination but take away any effective means of enforcing any act of discrimination. Again, this is an area particularly affecting families with a number of children. I can imagine that the Hon. Mr. Burdett, if he were in other circumstances and not a prosperous country lawyer and a Minister of the Crown, could have found himself in that sort of position as a man who has a large family. I would have thought that this is one area where he would be very strong about discrimination against tenants with children, but apparently he wants to weaken the present Act.

He wants to leave in the prohibition of discrimination but take away any effective means of enforcing any act of discrimination. As I understand it, the Real Estate Institute and the Landlords Association, which were invited to make submissions to the working party, strongly supported this amendment. Initially, they wanted the whole of section 58 removed. Now they are supporting the amendment. In my view, they can only be supporting it because they believe it will do what they want done, anyhow; that is, effectively remove section 58 from the Act and allow them to discriminate against tenants with children. It will allow them to do that because there will be no legally effective means of proving discrimination in court. That is the whole point, and it was the whole point to subsections (3) and (4). That is why they should be retained if the basic provisions in section 58 (1) and (2) are to be effective. Again, the Government should say quite clearly whether a family impact statement was prepared on this clause. If it was, what was the result of that statement? If a statement was prepared it should be tabled in this Council. If no statement was prepared, why was one not prepared?

The next clause which gives the Opposition concern, and which it intends to oppose, is clause 31. This amendment would reduce from 14 to seven days the period of notice required where a tenant is 14 days or more in arrears of rent. The period of notice required for other breaches of the Act or agreement will remain at 14 days. Non-payment of rent would result in the situation where a tenant could be given notice to quit and that notice be only seven days. This is, again, completely unreasonable. It is another attack on the poorer sections of the community, another attack on people who find themselves in financial distress, another attack on the low income earner and particularly on the low income unemployed family.

It is particularly an attack on those people who have recently lost their employment and have to make readjustments in their budgets. Unemployment in this State has increased alarmingly under the Liberal Government in the past 18 months. People are finding themselves put out of work and in a position where they must make adjustments to their budgets and family incomes in order to accommodate that loss of work to either of the working members of the family.

In this time of unemployment and financial stress for many families, the Government wants to make the position worse by enabling families to be thrown out of their houses with only seven days notice and with no chance to adjust their family circumstances to the financial stress caused by the unemployment.

It would be useful if the Government could provide the Council with details of how many landlords have been disadvantaged by the present provisions. It is quite intolerable in the current economic climate that the Government should introduce this legislation, which is clearly designed to support landlords. No supporting evidence has been given, except that an interdepartmental report was prepared by Mr. Nicholls, the Liberal candidate for Unley. Apparently, that is the only basis on which this clause has been supported.

It is a blatant support for landlords and a severe blow to the unemployed and other disadvantaged groups in the community who, in the present economic climate, find themselves having to adjust their family income as a result of economic circumstances. In addition, these people will find themselves out on the street and unable to obtain additional accommodation because of the amendments that the Government intends to enact if this Council supports them.

I refer next to clause 37, which inserts new section 79a in the Act. It deals with the destruction of perishable foodstuffs and goods which are worth less than the cost of removal and storage and which have been left in premises for more than two days after the termination of tenancy.

I suggest that the tenant ought to be given the same rights as the landlord to appear before the Residential Tenancies Tribunal on a question dealing with the value of foodstuffs and goods left, and whether a landlord has dealt with those goods in accordance with the terms of new section 79a. I therefore ask the Minister whether he will allow proposed new subsections (4), (5) and (6) to be amended to allow tenants the same rights to appear before

the Residential Tenancies Tribunal when a landlord has destroyed property the value of which could be disputed.

I now refer to clause 25, which deals with section 50 of the Act and a tenant's right to affix and remove fixtures in premises provided by the landlord. I ask the Government for some evidence additional to that which has already been provided (which is virtually none) that there are in this area problems that justify the inclusion of this provision. At this stage, the Opposition asks for further information before deciding which way to vote on the matter in Committee.

This is yet another example where we have been told that there is an interdepartmental working party report but where we have been given no substantial reasons by the Government for the introduction of the provision. It deals with and restricts a tenant's rights to affix and remove fixtures. If the introduction of this provision is justified, the Government has not given Parliament any substantial reasons why. I therefore ask the Minister to provide the Council with this material if he does not let us have the working party report.

A similar query applies to clause 26, which deals with a tenant's rights to sublet premises and which places additional restrictions on his right to do so. Again, I ask the Minister to give the Council additional reasons why that tightening up is necessary.

At present, section 86 deals with the Residential Tenancies Fund. Section 86 *(a)* deals with the application of income from the fund, and indicates that it may be applied for the benefit of landlords and tenants in such a manner as the Minister sees fit on the recommendation of the tribunal.

My comment is not related directly to any of the amendments, although clause 41 does contain some amendments to section 86. My query is that the money in this fund, and the interest earned on it, is exclusively tenants' money. Therefore, the money could be used to fund initiatives in low-income housing, particularly initiatives from housing consumer groups operating on a non-profit basis.

There has been a development recently in Adelaide of co-operative movement towards cost rent housing co-operatives. I refer, for example, to the Women's Shelter Co-operative Housing Association. There are others, and others again in development.

Will the Government consider amendments to the Act or, if the Government considers that they are not necessary, will the Minister in his discretion consider approving the use of some of these funds for assistance in the development of such co-operatives or other initiatives from housing consumer groups that are not operating on a profit basis?

The fund contained money contributed by tenants, and one way of using it would be to assist broad groups in a community who are trying to assist with finding themselves housing. Will the Minister comment on a proposal of that kind? There are two other matters contained in the Bill upon which the Minister should comment. The first deals with letting agencies. Will the Minister say whether or not there was anything in the departmental working party report which dealt with letting agencies? If so, what was in the report and, if the report recommended a change, why was no action taken? If no action is taken at the present time, what is the Government's intention in regard to letting agencies?

I have been informed that there are a large number of complaints about these agencies, which, upon the payment of a fixed fee, undertake to look for rental accommodation. There is no guarantee that they will find accommodation, and payments are not on a commission basis but rather by way of a fixed fee. A common belief is that these agencies do not do anything for the money they receive. There is no incentive to find accommodation, as there is no common basis for doing so. They charge a fee, and whether they find anyone accommodation or not is in the lap of the gods. Is the Minister aware of those complaints, and did the working party refer to these matters; if so, what does the Government intend to do about them?

Finally, I refer to boarders and lodgers not presently covered by the Residential Tenancies Act. They find themselves with problems not unlike those of tenants. Has this matter been considered by the Government or the working party, and is there any intention to legislate in regard to the relationship of boarders and lodgers and their landlords? If so, when is it intended that action will be taken if it is considered to be justified?

In summary, the Opposition will support the second reading of the Bill, although it opposes clauses 18 and 21 dealing with the increase in the amount of bond money. We will also oppose clause 28, which deals with discrimination against families with children. We will oppose clause 31, which reduces the amount of notice that has to be given to a tenant following non-payment of rent, and we will consider our attitude to clauses 25, 26 and 37 following the response of the Minister on the queries that I have raised. Will the Minister comment on the Residential Tenancies Fund and the use to which it could be put? Will he comment on the problem of letting agencies, boarders and lodgers and other matters that I raised in regard to the preparation of the report, the composition of the committee and, in particular, the question of family impact statements? The other matter I mentioned in my initial comments concerned any details the Minister may have as to the effect that this legislation will have on the rental housing market.

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

BUILDING SOCIETIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 2719.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill. It implements a number of suggestions made by the Association of Building Societies. The previous Government received submissions on a number of matters but had not acted upon them. In addition, there are some new matters that this Government has added to the original proposition from the Association of Building Societies. It is a non-controversial Bill. I have some queries of the Minister and would like his response in the Committee stage. However, I will raise them now for his consideration, and he can respond to them in the second reading reply if that is appropriate.

I refer to clause 8, which deals with the power of building societies to raise funds. The present section 41 provides that a building society may raise funds by accepting deposits or by borrowing money. The new clause adds that a society may raise funds in any other manner authorised by regulations. Admittedly, that is a matter which will have to come back before Parliament before anything specific can be done by a building society. However, there must be some basis for providing this additional power in the legislation.

Why is it necessary to expand the powers of building societies to raise funds by any method that is authorised by regulations? Clause 10 amends section 50 of the Act, which states:

> A society may, if authorised by its rules to do so, make contributions out of its funds for any charitable purposes, but any such contribution shall not exceed five per centum of any surplus that the society has made in the preceding financial year of the society.

As I understand it, clause 10 allows for contributions to be made for charitable purposes by a society, not just for existing charitable purposes but also to establish or maintain a charitable organisation. The difference here is that the present clause will give a building society power to establish a charitable fund itself and contribute to it. It also provides that the present restriction of 5 per cent of any surplus that the societies make can be lifted if the Registrar so determines.

Therefore, with the permission of the Registrar, it will be possible for a building society to contribute more than 5 per cent of any surplus funds to a charitable institution that it may establish. That is a further change in the present legislation. Again, I question the justification for this new clause. I do not believe that the Government, in the second reading explanation, has done anything more than recycle what is contained in the text of the clause. It has not provided any basis for the need to change section 50 of the Act in the two ways that I have mentioned. Will the Minister provide additional information as to why this change has been requested by the Association of Building Societies, and why the Government believes it is necessary? Is there any procedure whereby this change in the law can be used to reduce the incidence of any taxation that may be paid? If there is, how will that incidence of taxation be reduced and will it have any effect on the revenue of the State?

On the face of it, this clause does not alter the present legislation to any great extent, but it does make a change in two significant ways. I think the Government should justify this change and state whether this clause could be abused, particularly with respect to any taxation obligations that a society might have.

Clause 11 deals with management contracts. The Opposition supports this clause which provides for some control of management contracts, that is, where a building society decides to enter into a contract with another firm or group of people to manage a building society. Without any restricting regulation, another organisation or company may be able to take over a building society. It may be able to get the numbers on the board of a building society and enter into a management contract with another company or organisation in terms that would be detrimental to the members of the society. In effect, there could be a form of takeover whereby the control of the building society would pass from the board of the society to the board of another company. In that situation the terms of the management contract, if the other company obtained effective control of the building society, could be such that they would be detrimental to the interests of the building society. It could be used to bleed surpluses from the society.

As I have said, it could effectively lead to a takeover which would be detrimental to the society. Therefore, a control over this is envisaged by clause 11, and that is supported by the Opposition. Clause 11 also provides that the approval of the Registrar must be given before a management contract can be entered into by a building society. The Opposition proposes to provide that the details of any management contract between a building society and an outside organisation should be made available to the public or, in particular, to the members of the building society. That could be done through the building society's annual report, or the Registrar in his report to Parliament each year could be required to give details of the approvals he has given.

I ask the Minister to consider that proposal because I think it is in the interests of building society members. If a management contract has been entered into, members of building societies have a right to know about it. If the board has handed the administration of the society over to another institution, the society's members should also know about that. The most effective way of achieving that is either through a report on the matter in the building society's annual report or alternatively, and I think this is probably preferable, by the Registrar in his report. Perhaps both are desirable. Depending on the Minister's response, the Opposition will be moving an amendment to clause 11.

Clause 13 deals with the establishment of a Building Societies Advisory Committee. I understand that such a committee is already operating on an informal *ad hoc* basis without legislative sanction. The Opposition supports the establishment of an advisory committee, but raises a query about new section 90 (5) which states that the committee shall hold office at the pleasure of the Minister.

I know that that is a desirable situation for the Minister, and I am sure that if a Labor Government had introduced such a clause the Hon. Mr. Burdett and his colleagues would have raised considerable queries about it. The Hon. Mr. Hill used to be quite vociferous about fixed terms for members on boards. I cannot recall the precise board that he got agitated about, but perhaps it was the Art Gallery Board or the Museum Board or the like, where there was a proposal for a committee appointee to hold office at the pleasure of the Minister, and he took great umbrage at that.

The Hon. B. A. Chatterton: I think he has changed his mind about retrospectivity, too.

The Hon. C. J. SUMNER: The Minister has changed his mind on a lot of matters. The Hon. Mr. Hill and the Hon. Mr. Burdett are leading the way with a number of changes in attitude when in Government compared with their attitudes in Opposition. I merely point out, without making a great point about it, that it does seem a trifle odd, in view of what the Minister has said on previous occasions and the Hon. Mr. Hill has said previously, that members of committees should hold office at the pleasure of the Minister. It raises questions about the impartiality of the advice that a Minister may receive if committee members know that if they dish up the wrong advice (and by "wrong advice" I mean advice that the Minister does not like), he will step in and given them the chop.

Of course, under this legislation he is quite at liberty to do that. The question is whether the Minister really wants that clause. Does he think that he will thereby get free and fearless impartial advice when the members of a committee know that they are there at his appointment and pleasure? I raise the query which is related to the fact that appointees who are there to represent the interests of building societies are people who in the opinion of the Minister are qualified to represent the interests of the societies. It is interesting to note there that there is nothing which provides for the Association of Building Societies or any other group representing societies to have any input into the decision about who should be on the advisory committee to represent the interests of societies.

My final query is in regard to clause 13. There is now this Building Societies Advisory Committee acting on an unofficial basis. There was a committee in existence under the previous Government, and I think it was called a

standing committee. Can the Minister indicate whether that committee still exists, whether the new committee takes over the powers and responsibilities of that previous committee or, if not, in what way will the committee have functions which are broader or different from those of the standing committee? With those queries I support the second reading.

The Hon. L. H. DAVIS: I support the second reading of the Bill. The Building Societies Act of 1975 repealed the Building Societies Act of 1881-1968. It provides for the formation and registration of societies and sets down provisions regarding loans, liquidity reserves and the fund-raising powers of societies, and other matters covered include membership and share capital, meetings, accounting and audit requirements.

As this is the first amendment to the Act since 1976 it is appropriate to review the spectacular growth of the building society movement in Australia and in this State. Although they have operated in Australia since the 1850's building societies were not a force in the savings and housing loan market until the late 1960's. High levels of domestic savings and a greater public awareness of interest rates available for savings and more effective promotion of building societies as an attractive savings vehicle saw a dramatic growth in deposits.

Also, during the period of the Whitlam Labor Government interest rates rose spectacularly and house prices also rose spectacularly. Building societies as a medium for housing loans received a fillip from people who saw them as a way of covering the then dramatically increasing deposit gap. More importantly, in addition to being a savings vehicle, as I have just indicated, building societies have come to be recognised as providers of building funds.

This growth in a relative and absolute sense is well reflected in the following figures. In 1960 the total assets of building societies were $481 000 000, representing 4 per cent of the total assets of financial institutions. These financial institutions included trading and savings banks, finance commissions, credit unions, money market companies, official money market dealers, life offices, and pension funds.

From $481 000 000 and 4 per cent of total assets in 1960, by 1970 the assets of building societies represented 5·7 per cent of the total assets of all financial institutions and totalled $1 782 000 000. By 1980 total assets of Australian building societies had burgeoned to over $11 084 000 000, which was 10 per cent of the total assets of those financial institutions to which I have already referred. Not surprisingly, building societies have enjoyed their greatest proportion of the market in the past 10 years.

Another measure of this growth is the fact that in 1974-75 building societies provided about one-third in value of the housing approvals provided by Australian trading banks, but by 1978-79 they were providing almost two-thirds in value of approvals by Australian trading and savings banks. Their share of the market *vis-a-vis* banks has almost doubled from 5·7 per cent to 10 per cent in the past five years. This newfound status in the last decade has been matched by strengthening of management, both administrative and financial, and acceptance of a minimum level of liquidity and a much more aggressive and sophisticated approach to the investment of funds.

The permanent building societies' submission to the Campbell Inquiry was excellent, and the final report of the inquiry in regard to building societies will be awaited with interest. The interim report commented on suggestions for improving liquidity support arrangements for building societies, such as access to the Reserve Bank, either as a lender of last resort or in a more limited role of providing rediscount facilities.

Alternatively, an industry liquidity fund or bank will be established by leading members. Honourable members will also be aware of the Federal Treasurer's announcement in February 1978 regarding the Government's endorsement of an industry-based scheme to insure deposits. This proposal would take the form of a private national insurance corporation with capital contributed by the building societies. The State Governments would decide whether the scheme would be mandatory and, if so, would participate through representatives on the board of management.

These proposals are, of course, in addition to the legislation which already exists in each State in respect of the operation of building societies, minimum liquidity requirements and the range of securities that are approved as appropriate investments for a building society. We have seen that building societies have grown in size with concomitant growth in assets over the past decade, and that growth has naturally meant a growth in investment. To underline that fact, one can look at the largest building society in South Australia, the Co-operative Building Society, which in 1970 had total assets of $29 000 000 and liquid investments of $2 100 000.

In 1975 the total assets of the Co-operative Building Society were $289 000 000 and liquid assets were $26 300 000. As at June 1980, in their last reported financial statement, assets were some $251 000 000 and liquid investments were $46 700 000, which in turn was 18·6 per cent of total assets. That is one example of building societies in the last decade and good funds management in looking after both the housing and saving and loans functions which the building societies have. There are nine building societies in South Australia. The largest of these is the Co-operative Building Society, which at December 1980 had some $290 000 000 in assets. It is, in fact, the twelfth largest society in Australia. The Hindmarsh Building Society follows closely with assets of $286 000 000. It is the fourteenth largest society in Australia. That is followed by the Adelaide Permanent Building Society with $58 000 000 in total assets; R.E.I.—Imperial with $12 700 000 in assets; Druids with $6 500 000 in assets; Hibernian with $5 600 000 in assets; I.O.O.F. with $3 100 000 in assets; and the A.N.A. and Foresters are the remaining ones. I think it is important to recognise this existing situation, because one particularly important aspect of these amendments refers to amalgamations.

I understand that the amendments before the Council have the support of the building societies and, as has already been mentioned by the Hon. Mr. Sumner in his second reading speech, the establishment of a Building Societies Advisory Committee, through new section 90, really only formalises what now exists; namely, close consultation between Treasury, the Registrar, the Minister responsible, the building socieities, the Department of Housing, and so on. I would not agree with, or support, the comments of the Hon. Mr. Sumner in raising objections to the composition and the appointment of the members of that committee. If one looks at new section 90 in clause 13, it provides that the advisory committee to the Minister will consist of six persons, the first three of whom the Hon. Mr. Sumner could have no objection to—namely, the Registrar and nominees of the Treasurer and Minister of Housing. The other three persons are those who, in the opinion of the Minister, are suitably qualified to represent the interests of the societies. Quite clearly, those members will come from the societies themselves, and for Mr. Sumner to say that, because the

Bill says they will be appointed at the pleasure of the Minister, there could be some jiggery-pokery I think is to stretch a very long bow indeed.

The Hon. C. J. Sumner: Your people used to say it all the time.

The Hon. L. H. DAVIS: I have never heard them say it. I do not really think that they were talking about what is an advisory committee as distinct from a statutory body, which may have been a more pertinent point. The fact is that the building society group in South Australia is a close knit group. The association works closely with the Minister in giving advice on the building societies' needs and the development of the industry. It would be a very unusual course indeed (in fact, a fatal course with someone as terrier-like as the Hon. Mr. Sumner on the job) for the Minister to appoint anyone other than people who represent the interests of those societies. I totally refute the argument that Mr. Sumner puts in respect of the composition of that committee.

The other aspects of the Bill have already been covered quite well by the Minister in his second reading explanation and the Hon. Mr. Sumner has also discussed them. One point that Mr. Sumner raised, where he apparently had some uncertainty, was in respect of clause 8 amending existing section 41. As Mr. Sumner himself pointed out, a society may raise funds by accepting deposits, by borrowing money, or, in new subsection (1) *(c)*, in any other manner authorised by regulation. He was not sure what that would, in fact, cover. My understanding of that is that it would cover the grey area that has arisen in the development of the capital market and the use of bills of exchange as negotiable instruments. It is common for these to be used in day-to-day transactions. I would have thought that the provision would cover such instruments as bills acceptance and discounting. There has been a growing sophistication in the capital market in South Australia and in Australia in recent years. It would seem sensible to have that covered by regulation rather than specified in the Act.

If I can make one further observation, the Government's move to have this under regulation was a sensible move because, as the Hon. Mr. Sumner admitted, he had proposals similar to this before him during the term of the previous Labor Administration. My feed-back indicates that, at times, groups such as building societies and trustee companies could be unhappy with the delay that was occasioned in introducing legislation to keep those organisations' ability to raise funds and conduct their day-to-day operations in touch with the real world. I am pleased to see that the Government has acted quite speedily in this matter in introducing these amendments—

The Hon. C. J. Sumner: It has taken 18 months; what is speedy about that?

The Hon. L. H. DAVIS: —after proper consultation with the industry concerned. In respect of the sections concerning amalgamation I have little comment to make about them because the Minister covered that point well. Quite obviously, the societies can amalgamate of their own volition or, in extreme circumstances where financial viability is in question, the Minister can direct an amalgamation. To my recollection, there has been an amalgamation of two building societies in the past 10 or 15 years. That was the Town and Country Permanent Building Society amalgamating with, or being taken over by, the Adelaide Permanent Building Society. That was a classic example of amalgamating under the provisions of the Act as it then existed. I support the provisions to provide for the Minister to direct amalgamation in appropriate circumstances, because it is important that building societies are seen by the public at large as stable financial institutions, for not only do they provide housing loans but, increasingly, they can become a very important vehicle for the savings of many people in the community. I support the second reading.

The Hon. J. C. BURDETT (Minister of Consumer Affairs): I thank honourable members for their contributions. The matter raised by the Hon. Mr. Sumner first concerned clause 8. He queried the need for adding to section 41 (1) new paragraph *(c)*. Retaining the provision in the Bill would retain the existing means of raising funds by accepting deposits and borrowing money and would add *(c)*, allowing funds to be raised in any other manner authorised by regulation.

The Hon. Mr. Davis gave the reason for this, namely, to enable building societies to raise funds by other commercial means such as bill acceptance discounting. These are additional ways of raising money and are commercially acceptable.

Instead of listing all the additional means of raising funds, it was felt that it would be more satisfactory to prescribe and authorise them by regulation as the need arose. If an attempt was made to list them, there could at some future time be other satisfactory means of raising funds, which would have to be provided for by legislation. It is unlikely that numerous representations will be made for regulations.

I now refer to clause 10, which relates to the setting up of a charitable fund. New section 50 will allow a society, if it so wishes, to make contributions for charitable purposes, including charitable foundations. This widening of a "charitable purpose" is within the spirit of the Act and will enable a separate body to be established to effectively conduct a society's charitable services to the community.

It has not been deemed necessary to define charitable purposes as in the Collections for Charitable Purposes Act. There is a large body of case law defining charitable purposes, and in fact the definition of charitable purposes as it applies to the Building Societies Act is established by the Collections for Charitable Purposes Act. Naturally, the creation of a charitable fund will be determined by whether a society's rules specify such an object.

Under an amendment that I have placed on file, a society is to be required to have made a surplus in each of the previous three years. It may be suggested that three years is too stringent. However, the requirement will cause no problems in practice, as it is the larger societies that are involved in such contributions to any extent. The amendment is designed to protect the members of societies who must be assured that their investments are secure.

The Leader asked what taxation implications could be involved. I am not aware of any such implications. The safeguard is that such foundations must be approved by the Minister, and obviously, whatever political complexion he is, the Minister will approve respectable charitable foundations.

Regarding clause 11, which relates to management contracts, I oppose the suggestion of making the contracts public by either of the methods suggested, namely, by including them in the Registrar's report or in the notice given to the depositors of the society. Management contracts must be approved by the Registrar, and that is the protection.

It seems to me that there could quite properly be private matters in a management contract that need not be disclosed. It also seems to me to be an unnecessary breach of privacy to the parties of the management contract (of course, there must be at least two) to require that details of the contract be disclosed. After all, there are not many

contracts the details of which must be disclosed. It is unreasonable to require that details of contracts made between corporations or private bodies be disclosed; this is done in special circumstances only. Because the Registrar's approval must be obtained, I think that that is a sufficient protection.

Regarding clause 13, the Leader asked whether the present advisory committee is the same as the standing committee appointed by the former Government. The answer is that the present unofficial advisory committee is the same as the former Government's standing committee. It has recently loosely been called the advisory committee. Its official name, if it has one, has never been changed; it is still the standing committee.

There was no statutory or legislative backing by the Minister, although the committee was appointed by him. Doubtless, the Minister went about it in a democratic manner, as I shall do, and appointed people who were recommended by the building societies themselves and by their associations. Because that committee had no legislative backing, it held office during the pleasure of the Minister.

There are many other advisory committees in all sorts of departments. There are some in the Department for Community Welfare which have no legislative backing, which are appointed by the Minister, and which, in effect, hold office during the Minister's pleasure. In this case, the members of the advisory committee wanted to have a little more backing and wanted to be recognised in the Act; they were happy for that to be done. Certainly, they have not made any great act about being appointed during the Minister's pleasure. They simply felt that, because of the important role that they fulfil and the importance of this industry, they ought to be recognised in the Act instead of being purely unofficial. I thank the honourable members for their contributions.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6—"Amalgamation."

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

Page 3—

Line 6—Leave out "is prepared" and insert "agrees, by special resolution,".

This amendment relates to the matter of amalgamation, which is provided for in the Bill. The Minister's ability to direct amalgamation is important, because it is desirable in proper circumstances that small building societies which are in financial difficulties should be preserved. It is not desirable that depositors of such societies should lose their money or that persons who borrow money from the societies should be embarrassed. This ability to direct compulsory amalgamation is therefore important.

However, on further consideration, it has appeared that some protection ought to be given to the members of what I might call the dominant society, that is, the larger, viable society that has been complusorily amalgamated with the weaker society. So, this amendment provides that amalgamation can be directed only with the approval of the dominant society, namely, the society in the stronger financial position, and that that approval msut be given by the members at a special meeting.

It is not just the approval of the board but of the members themselves. They are having, in effect, to take on another society in a weaker financial position, and they will have to say whether they want to do that or not. The other amendments to clause 6 are part of the same principle, and I therefore move:

After line 9 insert the following subsections:

(1a) Before calling a meeting to pass a special resolution referred to in subsection (1) *(b)*, a society shall send to each of its members a statement the contents of which have been approved by the Registrar concerning—

(a) the financial position of the society and the society with which it is proposed that it amalgamate;

(b) any interest that the officers of the society may have in the amalgamation;

(c) any compensation or other consideration proposed to be paid to the officers of the society;

(d) the payments (if any) to be made to members of the society in consideration of the amalgamation; and

(e) such other matters as the Registrar may direct.

(1b) A statement under subsection (1a) shall be sent so that it will in the ordinary course of post reach each member not later than the time at which he would receive notice of the meeting called to pass the special resolution agreeing to the amalgamation.

(1c) If three days before the day on which the meeting called to pass the special resolution is to be held, the society has received written notices of objection from ten per centum or more of its members to the proposed amalgamation, the motion for the special resolution shall not be placed before the meeting.

(1d) The Registrar may, on the application of a society, authorise the society to agree, by special resolution, to an amalgamation under this section notwithstanding that a requirement of this section has not been complied with.

(1e) The Registrar may give such notice (if any) of an application under subsection (1d) as he thinks appropriate and may, before granting or refusing the application, hear any person who has, in the opinion of the Registrar, a proper interest in the matter.

Line 10—Leave out "The rules" and insert "The first rules".

Lines 27 and 28—Leave out "formed as a result of an application for the amalgamation of two or more societies".

Amendments carried; clause as amended passed.

Clauses 7, 8 and 9 passed.

Clause 10—"Charitable contributions."

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

Page 5—

Line 11—Leave out "the financial year" and insert "each of the three financial years".

Line 14—Leave out paragraph *(b)* and insert the following paragraph:

(b) the aggregate of that contribution and any previous contributions made in the same financial year does not exceed—

(i) five per centum of the average annual surplus achieved in the three financial years last preceding the making of that contribution;

or

(ii) such other proportion of that average annual surplus as may be prescribed.

After line 17 insert the following subsection:

(2a) A contribution shall not be made under subsection (1) for the purpose of establishing a charitable foundation unless the Minister has first given his approval in writing.

All amendments to clause 10 are substantially the same. The purpose of this clause is to enable the setting up of charitable foundations. As I said in the second reading explanation and reply, it seems proper that this be done. It appears desirable to make quite sure that the depositors of the building society in question cannot be jeopardised or

placed in danger of losing their loans, and there ought to be some restrictions. The restriction in the Bill is that a percentage of one year's profit is to be made but the amendment seeks to apply 5 per cent of the average annual surplus achieved in the three financial years last preceding the making of that contribution. It is a greater protection for the depositors in the building society. It does somewhat restrict the building society in setting up a charitable foundation, which is in some ways a pity. However, it is acceptable to the association and appears to be a reasonable compromise.

The Hon. C. J. Sumner: What about the tax?

The Hon. J. C. BURDETT: I did reply on the question of tax. The reason for the amendment that I am moving now is to restrict the ability to pay funds into a charitable foundation and to make 5 per cent of the profits apply not to one year but to the average annual surplus achieved in the three financial years preceding, and it provides a greater protection for the depositor. I was not aware of any tax motive. The answer surely is that the Minister must first approve the establishing of a charitable foundation. Surely a Minister of any political colour will not approve anything on which there is not agreement. There is no reason why he should.

The Leader has raised the matter again. I will have the amendment reconsidered because the Bill provides for 5 per cent of one year's profit, and this amendment seeks to make it 5 per cent of the average annual surplus achieved in the three financial years last preceding the making of that contribution. It is a conservative and a tightening-up amendment, allowing less scope than that which exists in the Bill in its present form.

The Hon. C. J. SUMNER: The Opposition is prepared to support the amendment. I appreciate the Minister's comment on taxation and other replies he made to my queries. The question of the need to expand the powers of building societies to make contributions for charitable purposes still remains. It is one thing to make contributions for charitable purposes that are already established. The establishment has nothing to do with the building society itself, but this does give an additional power to a building society to establish a fund, which is quite different in character from the existing legislation. It therefore needs to be justified.

The Minister has justified it to some degree and has said that a Minister would not approve an arrangement if he thought that it would be used for tax purposes. As the Minister would know, tax evasion schemes are contrary to the law and tax avoidance schemes are a use of the law to legally minimise the payment of tax. The second may be as morally unjustified as straight-out tax evasion. What does the Minister have in mind when he says he will not approve any scheme that does anything illegitimate? If he considers tax avoidance to be within the law but outside the spirit of the law, is it something that he would be prepared to approve if the purpose of the scheme was set up by the building society, or would he be willing to look at straight-out tax evasion as being something which he would approve?

The Hon. J. C. BURDETT: My guidelines would be that I would insist that the purpose of the foundation was for the benefit of the community—that that was its main objective and not some other objective. I would take into account the question of tax avoidance as well as tax evasion when coming to that conclusion. It is a fine borderline because the setting up of and paying of money into charitable foundations may have a tax benefit and would not be a tax avoidance. I would be most concerned to ensure that it was a genuine charitable foundation with the genuine purpose of helping the community.

The Hon. C. J. SUMNER: I appreciate the Minister's comments. I believe that was the intention of section 50 of the principal Act, which gave building societies the power to make contributions for charitable purposes. No doubt without that specific power in the Act there may have been limitations on whether these types of contributions could have been made. It was made clear in the Act in 1975 that they could be made. It is now proposed that that power should be extended, and some argument has been advanced about that by the Minister.

I am pleased to see that the Minister would only approve such a scheme if he were convinced that the prime purpose of any fund was to benefit the community as a whole and that it was not being used primarily to benefit a particular building society. If I made a charitable donation to the Italian Earthquake Appeal, for example, Mr. Fraser might be prepared to allow a deduction on the amount of tax that I pay. In that sense my donation provides me with some benefit, but the over-riding benefit in that situation is to the charitable fund. In effect, Mr. Fraser is saying that the Government will make an additional contribution to the charitable fund as an incentive for individual members of the community to make a contribution, and in that sense the dominant community interest is the charitable fund. That is desirable, but there is obviously some private benefit through the citizen as well through a tax deduction, which is an additional subsidy from the Government.

The prime purpose of any fund is that it should be charitable in the sense that it is for the overall benefit of the community. I am pleased to see the Minister give an undertaking on the criteria he will use when giving approval for the establishment of a charitable fund and the payment of funds to it.

Amendments carried; clause as amended passed.

Clause 11—"Insertion of new Division V."

The Hon. C. J. SUMNER: I have given notice that I will be moving an amendment to this clause.

The Hon. J. C. Burdett: Subject to hearing my answer, which you did not hear.

The Hon. C. J. SUMNER: Yes, subject to the Minister's answer, which I did not hear. It appears that the Minister does not agree that there should be a public report of the contracts and, accordingly, I ask him to report progress to enable me to prepare my amendment.

The Hon. J. C. BURDETT: I ask that progress be reported.

Progress reported; Committee to sit again.

SOCCER FOOTBALL POOLS BILL

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.

Its purpose is to provide a source of funds, estimated at $1 000 000 annually, for urgently needed recreation and sport projects. One immediate effect of this would be to redirect an estimated $30 000 a week, or $1 500 000 a year, which leaves this State for investment in either the pools in the United Kingdom or the Australian Soccer Pools in the Eastern States.

The Government's decision to provide for the introduction of soccer pools into South Australia was taken only after much thought and careful consideration. It was apparent that such a scheme would have to be operated by either the South Australian Lotteries Commission or Australian Soccer Pools Proprietary Limited.

In all schemes of this type, there are dangers relating to abuse or fraud, and the Vernons organisation, with its effective security measures, has a proven record in this field. It has a highly automated operation handling millions of coupons each week. Participants in soccer pools are required to pick eight "score-draw" matches out of the 55 matches on each week's coupon. Points are alloted for results with three points for a "score-draw", two points for a "no-score-draw", 1½ points for an "away win" and one point for a "home win". Prizes will be offered for scores totalling 24, 23, 22½, 22 and 21 points; that is, the maximum points possible are for eight "score-draws" totalling 24 points.

The Lotteries Commission was asked whether it wished to become involved as an agent of Australian Soccer Pools in South Australia, with lottery agents to be used as selling outlets. The commission subsequently advised that it was not prepared to become involved in Australian Soccer Pools. It has been suggested that the Lotteries Commission should be allowed to run a soccer pools scheme instead of the one presently proposed. However, this is not a practical proposition. Any such soccer pools scheme would be confined to one State and would therefore produce a prize level that would not be as competitive and attractive as the proposed scheme.

Successful pools are those which offer the potential to win very large prizes for a small outlay. Australian Soccer Pools Proprietary Limited is able to provide such a large pool of funds to enable very large prizes to be paid. Typical winners sometimes receive as much as $400 000, and scoop prizes made up of jackpots can bring wins of over $500 000. This level of funding would, I venture to say, be impossible to achieve in a State-run soccer pools scheme.

I believe there have been some misconceptions in previous comments made about the effect of soccer pools on established forms of gambling. The important thing to bear in mind about soccer pools is that it is a relatively minor form of gambling; in fact, experience in other States is that the introduction of pools has not affected any of the established forms of gambling. Since the introduction of pools in Victoria in 1974, Lotto turnover has grown from $1 200 000 to approximately $6 000 000 a week.

In relation to T.A.B., other forms of gambling have sometimes shown an effect on T.A.B. turnover, such as Tasslotto, which affected T.A.B. growth in Victoria. However, I am advised that the Pools are unlikely to affect the T.A.B. turnover in South Australia, and I have been assured by representatives of racing that they do not believe they have anything to fear from this quarter.

As far as South Australian X-Lotto and other lotteries are concerned, all the evidence is that turnover will not be affected to any significant degree. The New South Wales experience has been that certain other kinds of lotteries have boomed, particularly the million dollar lottery and Lotto. I do not anticipate that the Hospital Fund will suffer any reverses because of the introduction of soccer pools, nor do I expect that small lotteries run by local clubs will suffer.

With regard to the introduction of another form of gambling, I point out that, when the Council of Churches made its submission to the last Royal Commission into Gambling, in the United Kingdom, it agreed that playing pools could not be classified as serious gambling, but rather as a minor form of family or group activity. I have been advised by my colleague the Minister of Community Welfare that he and his department can foresee no serious impact on families through the introduction of such a scheme.

It is sometimes suggested that there is a gambling dollar and that the introduction of any new scheme of gambling simply redistributes that dollar amongst the competing forms of gambling. I am advised that in South Australia, where the gambling figure per capita is very much lower than that of New South Wales and Victoria, there is room for a small new gambling form of this comparatively harmless kind, without the likelihood of the major effect of some other forms of gambling, for example poker machines.

I know that this proposal was being considered by the former State Government, and I would not have been surprised to see an agreement between Australian Soccer Pools and that Government if in fact it had stayed in office. That organisation has pools operating in all other States except Western Australia, where it is expected to be introduced shortly. None of these States run their own pools through State lotteries, and I have seen no evidence to convince me that South Australia should be the odd one out.

It is my hope that the Parliament will take this scheme for what it is: a genuine attempt by the Government to provide additional funds for the development of sporting and recreational projects. With regard to the question of why we should have a scheme which is based on United Kingdom soccer results as well as Australian, I point out that it is logical to use United Kingdom soccer matches when they are played in the northern hemisphere winter supplemented by Australian soccer matches in the Australian winter.

Although it is not the prime purpose of this proposal to create employment, nevertheless, the introduction of the scheme will certainly mean extra employment by the pools organisations in South Australia as well as some spin-off in the form of work related to printing, distributing, collecting, collating, selling, advertising and marketing.

Some comparisons have been made about the level of prize money paid out as a percentage of turnover. I point out that a valid comparison cannot be made between the respective prize percentages paid by the Australian Soccer Pools and the Lotteries Commission of South Australia, as the Australian Soccer Pools prize percentage is calculated on a total investment pool, which provides for a 12½ agent's commission, whereas the percentage nominated by the Lotteries Commission relates to an investment pool that makes no such provision for agent's commission. This commission is paid by the consumers in the form of an additional levy applied to all lottery coupons purchased through the various agencies.

If this commission were to be added to the Lotteries Commission's expenditure, the prize percentage would be reduced considerably to a level more comparable with the current approximately 40 per cent being paid by the Australian Soccer Pools.

In summary, the proposal has the full support of Treasury and the Department for Community Welfare and certainly will have the support of the many sporting and recreational groups throughout South Australia. It is this Government's determination to upgrade facilities available for leisure activities in South Australia and also to undertake a number of key projects that will assist both mass participation and top-level sport. It is important that this simple means of providing such assistance be provided for the benefit of South Australians, not only for their enjoyment but more importantly for their health and also, of course, to assist in building up the top level of our sport in South Australia to compete successfully in the national and international arena. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 sets out definitions of terms used in the Bill. Clause 3 provides that it shall be an offence to promote, conduct or operate a soccer football pool without a licence or in contravention of the provisions of the measures or the conditions of a licence granted under the measure. Clause 4 provides that no person shall be guilty of any offence by reason only that he does anything in connection with the promotion, conduct or operation of a soccer football pool if what he does is authorised by this measure. Clause 5 prohibits participation in soccer football pools by minors.

Clause 6 provides for application to the Minister for and the grant by the Minister of a licence to conduct soccer football pools. The clause at subclause (3) requires a successful applicant to lodge a bond with the Minister binding an insurer to pay any unpaid duty and a penalty up to a total of $50 000. Subclause (5) provides that only one licence to conduct soccer football pools may be in force at any one time. Subclause (6) provides that a licensee shall be liable to a penalty not exceeding $10 000 if he fails to ensure that there is a bond of the kind referred to in force at all times during the currency of the licence.

Clause 7 provides for variation by the Minister of licence conditions. Clause 8 sets out the kinds of licence conditions that may be imposed by the Minister. Clause 9 provides for revocation by the Minister of a licence if the licensee contravenes any provision of the measure, any rule made under the measure, or any licence condition or if the licensee applies for revocation of the licence.

Clause 10 provides for the appointment by a licensee, with the approval of the Minister, of agents to receive subscriptions to the licensee's soccer football pools. Subclause (4) authorises the South Australian Totalizator Agency Board to be appointed an agent of a licensee. Clause 11 empowers a licensee to make rules regulating soccer football pools, subject to the approval of the Minister. Clause 12 provides for appointment of inspectors and their powers. Clause 13 authorises an audit of a licensee's accounts by the Auditor-General at the request of the Minister.

Clause 14 provides that a specified percentage of subscriptions to a licensee's soccer football pools is to be paid into a prize fund and that 30 per cent or such greater percentage as may be prescribed by regulation of such subscriptions is to be paid to the Minister as duty. The specified percentage to be paid into the prize fund, is to be 37 per cent or such greater percentage as may be prescribed by regulation. Subclauses (3) and (4) provide that, where a licensee also conducts the soccer football pools in another State pursuant to a measure similar to this measure, the Minister and the corresponding authority in that other State may enter into an arrangement under which the duty payable is divided between the States.

Clause 15 provides that the prize fund is to be a bank account approved by the Minister, being a bank account kept in this State or in any other State in which the licensee conducts soccer football pools pursuant to a corresponding law. Subclause (2) provides that moneys kept in a prize fund maintained in this State may be invested in a manner approved by the Minister, and any earnings from the investment are to be paid into the prize fund. Subclause (3) requires the licensee to use the prize fund only for payment of prizes or, in accordance with the conditions of his licence, to reimburse himself for any payment that he made to make the prize fund up to an amount sufficient to pay the prizes.

Clause 16 regulates the payment of duty by a licensee. Under the clause a licensee is to pay the duty within seven days after the close of entries to each pool and to lodge a return at the same time. Subclause (3) provides for payment of a penalty for late payment of duty equal to 10 per cent a month of the amount of the unpaid duty. Under subclause (4) the Minister may remit any penalty or allow further time for payment.

Clause 17 provides for the establishment at the Treasury of a fund to be called the Recreation and Sport Fund and for the payment of the duty into this fund. The fund is, under the clause, to be used to support and develop recreational and sporting facilities approved by the Minister. Clause 18 provides for the service of notices. Clause 19 provides for recovery of any amount payable under this measure to the Minister. Such amounts may be recovered by the Minister as debts due to the Crown. Clause 20 imposes liability on the members of the governing body and the manager of a corporation where the corporation is convicted of an offence against the measure, and on a licensee or approved representative where an employee of the licensee or approved representative commits an offence against the measure in the course of his employment.

Clause 21 provides that proceedings for offences against the measure are to be disposed of summarily. Under subclause (3), a maximum penalty of $2 000 is fixed for any offence by a licensee for which no other penalty is fixed, and a maximum penalty of $500 is fixed for any offence by a person other than a licensee for which no other penalty is fixed. Clause 22 provides for the making of regulations.

The Hon. J. R. CORNWALL secured the adjournment of the debate.

HISTORY TRUST OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2861.)

The Hon. C. M. HILL (Minister of Arts): I thank the Hon. Miss Levy for supporting the measure and indicating to the Council that the Opposition supports the Bill. The honourable member commented on some matters, to which she sought some replies. The first point raised dealt with the question of the Edwards Report and the Government's commitment to it. The first report has been issued, and the Government has agreed to accept that report as a basis for planning. Mr. Edwards was authorised to proceed with his second and final report, but that document is not issued as yet. I suspect it will be issued in about three weeks. The Government's commitment at this time relates only to the first report.

The honourable member then raised the question of the future of the Jervois wing and has indicated that the trust would be most interested in that area of accommodation for its activities, but it is in the context of long-term planning, and I do not want to make any commitment, nor does the Government, as to long-term planning at this stage. The reason for that is that we want to establish the trust, and then we want the trust itself to carry out its investigations and research, and to make recommendations to the Government.

It would seem in the long term that that particular area may come under the jurisdiction of the trust. The honourable member then dealt with items of historical value that were under the control of the Art Gallery. Here again, it is too soon to make any commitment or to develop any worthwhile discussion in regard to this matter—

The Hon. Anne Levy interjecting:

The Hon. C. M. HILL: I am not being in any way critical, and it is quite proper that points like this do arise when one endeavours to see the operations that the proposed trust might encompass, but at least at this stage the Government has no intention to involve the Art Gallery activities within the activities of the trust. The performing arts collection is altogether different, because it has been somewhat homeless in that it is under the administration of the State Theatre Company at the moment, and it would seem to be a worthwhile decision to place it under the immediate protection and administration of the trust. I indicated what would happen in the second reading explanation.

The same comment can be made concerning the State Archives as was made regarding the Art Gallery and the Jervois wing. All that area is really for the future to decide. In regard to portable articles and other items that the honourable member indicated should be investigated, that most certainly will be the case, because in the main, in the initial years, they will be dealing with such articles and items.

The honourable member indicated that perhaps there was a need for powers of compulsory acquisition in a Bill of this kind. The Government's attitude to compulsory acquisition is that we are always most careful in writing such powers into any Bill. It might well be, in years to come, that it is found that because the trust lacks compulsory powers the State might lose valuable historical collections. It is an issue which the Government will keep under consideration, but at this very early stage of the planning the Government is not prepared to support compulsory acquisition powers for the trust.

I turn now to the Victor Harbor and Granite Island horse trams. I suppose the honourable member has happy memories of them from her youth. The honourable member was probably sitting inside on a seat because she could pay for one, but I recall travelling on that tram and hanging on the back.

The Hon. Anne Levy: I was taken on the tram with a dummy in my mouth.

The Hon. C. M. HILL: The honourable member was in somebody's lap at that stage. The matter of horse trams comes under the area of specialty museums, an activity this trust is going to investigate. Horse drawn vehicles might well be grouped into a State museum, which might be one of the specialty museums.

The Hon. N. K. Foster: There is a very good one at Beechworth.

The Hon. C. M. HILL: Yes, a very good one. Specialty museums are a subject that the trust is going to look into. I am sure that that whole area is going to be vastly improved by the trust acting mostly in an advisory way in that respect and also making available expertise by way of curatorial services to such museums in this State. The question of a woman being appointed to the trust board, of course, will be considered most seriously by this Government, which is proud of its record of appointing women to boards. It was under this Government that for the first time two women have now been appointed to the Art Gallery board, and I think there are now two women on the board. I think I am right in saying, also, that it is the first time in the history of the Adelaide Festival Centre Trust that two women have been appointed to the board, and that was done by this Government. I hope that those replies satisfy the honourable member and I thank her for her interest.

The Hon. Anne Levy: What about the resources available?

The Hon. C. M. HILL: The honourable member raised the question of resources that should be made available to the trust. The Government's intention at present is not to rush in and build up a large organisation, and it is not approaching the question of marshalling, rationalising and co-ordinating historical matters within this State overnight. We realise we have an organisation in the Constitutional Museum Trust for which the Government has provided reasonable resources. The trust has acquired some resources from private sponsorship and I commend it for that, but resources are supplied to that trust by the Government. The trust's immediate activity is going to be to continue administering the Constitutional Museum as it is being administered now by the Constitutional Museum Trust.

Its second task will be to manage and administer the Birdwood Museum. It will, of course, have the other responsibilities that I mentioned; for example, the performing arts collection. Each of these activities is in train now. Having said that, the Government, of course, will certainly do what it can to slowly increase its funding for the overall organisation and it will do its very best to satisfy the new trust's needs as its requirements for more resources come to hand. I stress that, apart from the immediate urgent needs, and one of those is at Birdwood, the Government sees the trust's activities as being fairly slow in development. We realise that the trust must be fully established and known well to South Australians by the sesqui-centenary date in five years time. Personally, I look upon the work as being somewhat of a five-year introductory plan, so the point of having to channel immediate resources into the trust does not arise in a serious way at the present time.

The honourable member also indicated that she hoped that those within the present Constitutional Museum Trust will be considered for the new trust. I assure the honourable member that the Government appreciates the sterling service the present trust members have given, as it appreciates the service that the Director and staff of the Constitutional Museum have given. We join with the Hon. Miss Levy and members opposite in commending the whole organisation for its performance so far. Therefore, most serious consideration will be given to the retention on the new board of expertise which exists at the moment. In making my recommendations to the Government as to who the new trustees shall be, I most certainly will take this factor into account. I thank the honourable member for her support of the measure and hope those explanations satisfy her.

Bill read a second time.

The PRESIDENT: It is my opinion that this Bill falls within the category of a hybrid Bill and, as such, should be referred to a Select Committee pursuant to Standing Order 268.

The Hon. C. M. HILL (Minister of Arts): May I express some surprise at your ruling, Mr. President, and respectfully say that I do not altogether agree with it. However, I do not wish to take my views on that question as to whether this Bill is a hybrid one or not any further at this stage. I do feel, Sir, having looked at Standing Orders carefully and given some thought to the whole question of hybrid Bills, that at some stage the Council ought to establish a clear precedent.

The PRESIDENT: The Minister should move a motion so that there is a basis for debate in this matter.

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

> That Standing Orders be so far suspended as to enable the History Trust of South Australia Bill to be proceeded with as a public Bill.

Having moved that motion, I return to the comments that I was making. At some stage, the whole matter of whether Bills are hybrid Bills or not ought to be considered further

by the Council so that a more clearly defined precedent can be established.

Then, there would not be the difficulties that I think all of us encounter in deciding whether or not Bills are hybrid Bills. However, I think that at some stage Standing Orders ought to be examined by the Standing Orders Committee to see whether some change and improvement might be achieved.

I stress that I have moved this motion because there is some urgency in relation to the legislation. The Government considers that it will be necessary in the very near future to give the administration and management of the Birdwood Museum to this proposed trust. I am not in any way criticising the present arrangements concerning direction or even management up there. However, there is an urgent need for change at the Birdwood Museum.

The problem has stemmed basically from the haste in which the former Government, acting in quite good faith, acquired the museum and established the machinery for its ownership and direction. With the passing of time, the system that has been established has not succeeded. The Government is therefore keen to make some early changes there.

In seeking support for the motion, I point out that I have on file amendments that will remove from the Bill those words that I am sure caused you, Sir, to make your declaration that in your view this is a hybrid Bill. If the Council accepts those amendments, the matter will be clarified considerably.

My final point is that, as I see the situation at the moment, I will recommend to the Government later in the year that new amending legislation be introduced that will endeavour to put into the legislation again the words that I am trying to delete by these amendments. That will enable the Council, if it has enough time at its disposal, to debate whether or not those words define the Bill as a hybrid Bill. Then, the matter may go to a Select Committee.

However, if the Government was forced now to put the matter to a Select Committee based on your ruling, Sir, that it is a hybrid Bill, time would not permit that committee to deliberate properly or allow the matter to be considered during the remainder of this part of the session, which will end two weeks from today.

The Hon. Frank Blevins: You'd have to wait until the uranium committee finished, anyway.

The Hon. C. M. HILL: I know that you, Sir, are concerned about the pressure that Select Committee activity is putting on the staff. That matter was introduced a little lightheartedly by the Opposition by way of interjection. I have moved the motion for the reasons to which I have referred, and I reassure you, Sir, of my respect for the Chair and for you personally.

The Hon. C. J. SUMNER (Leader of the Opposition): The course that the Minister has adopted in this case of moving for the suspension of Standing Orders is not without precedent. It has been done previously, although I think only when there had perhaps been doubt about whether or not a Bill was a hybrid Bill. The suspension of Standing Orders has therefore been used to clarify the matter. I think that the Attorney-General did it in relation to the Executor Trustee Company legislation earlier in the year.

If the Standing Order dealing with hybrid Bills is to have any validity, this procedure ought not to be adopted as a matter of course, because the purpose of Standing Orders is, first, to ensure that one individual or private group in the community does not receive a benefit over the rest of the community by an Act of Parliament without that proposition being properly examined and without the community having an opportunity to make comments to a Select Committee, or alternatively to prevent a private interest being taken over or affected in some way by the Parliament without that private interest having a right to put its proposals to a Select Committee. By that, I mean not a private interest that is held by the community generally but one that has been singled out for attention by legislation. It certainly does not mean a private interest that all the community holds in common.

The purpose of the hybrid Bill Standing Order is to provide some other protection against legislation that would be discriminatory against a certain group and not in relation to the community generally. On that basis, if we accept that the Standing Order is justified, we ought to ensure that in general circumstances the procedures are gone through. However, in this case you, Sir, have ruled that this is a hybrid Bill.

The Minister has expressed his doubt about your ruling, and I, too, have doubts about it. If the Council has doubts about your ruling, Sir, the desirable course of action is to confront it head on by a motion of dissent from your ruling so that the Council can make a decision on the matter.

If that is what the Minister thought, that would have been the preferred course of action, so that the Council could make a decision on the matter. However, the Minister did not wish to do that and, when he discussed the matter with me, I said that as an Opposition we did not want to see his Bill held up because of the appointment of a Select Committee possibly (in view of your other comments, Sir) until some time later in the year when the other Select Committees have completed their work.

The Minister and the Government believe that the Bill ought to pass urgently. As I understand that the Government and the Opposition have been co-operating so exceptionally well during my absence over the past 1½ weeks—

The Hon. M. B. Dawkins: You have a very good leader right behind you.

The Hon. C. J. SUMNER: Is that right?

The Hon. D. H. Laidlaw: I think that things have got through much more rapidly.

The Hon. C. J. SUMNER: I do not know about that. I am not sure that that is a compliment. However, I understand that there has been a considerable amount of co-operation between the Government and the Opposition.

The PRESIDENT: I must remind the Leader that he has only about half a minute in which to complete his remarks.

The Hon. C. J. SUMNER: I realise that, Sir. In view of this co-operation, I do not want to stand in the way of the Minister's Bill. On that basis we are prepared to support this motion because of the doubt we have about the fact that it is a hybrid Bill and in the light of the Minister's undertaking that the offending portion will be removed from the Bill and reintroduced later when the matter can be fully and properly considered by the Council and a ruling taken head-on if need be.

Motion carried.

The PRESIDENT: The comments of the Minister and the Leader contained a good deal of substance in regard to further consideration of Standing Orders and their clarification. I believe it was my duty to rule as I have.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Interpretation."

The Hon. ANNE LEVY: It has been drawn to my attention that the definition of "museum" used in this Bill differs significantly in some respects from that used by the International Council of Museums—a body under UNESCO. I have been supplied with the definition used

by UNESCO which states:

> A museum is a non-profit-making permanent institution in the service of society and of its development and open to the public which acquires, conserves, researches, communicates and exhibits for the purpose of further study of man and his environment.

I realise that the wording is quite different but the international definition of "museum" strictly means that it is a non-profit-making organisation which is open to the public. Neither of those points is included in the definition of "museum" used in this Bill. Is it deliberate, an oversight, or what is the reason?

The Hon. C. M. HILL: The Government took advice from experts in the preparation of the Bill. We have to allow some flexibility. We call the Birdwood establishment the "Birdwood Museum" but the previous and present Governments gave instructions to the board of that museum to pay its way.

The Hon. Anne Levy: To pay your way is not making profit.

The Hon. C. M. HILL: It is very close to the bone, just the same.

The Hon. Anne Levy: That would be ploughed back into the institution.

The Hon. C. M. HILL: Profits can be ploughed back, too. There must be a good deal of flexibility involved in this definition. We could get into an argument about whether art galleries are museums, and I would strongly suggest that they are. We have to consider our own situation and environment, and I am confident that this definition will satisfy our requirements at this stage. In view of the fact that the honourable member has raised it, when the first review comes up this point will be borne in mind and perhaps it can be changed along the lines suggested.

The Hon. Anne Levy: Particularly the bit about being open to the public.

Clause passed.

Clauses 5 to 14 passed.

Clause 15—"The constitutional museum and other historic premises."

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

Page 6—

Line 16—Leave out "vested in, or".

Lines 19 and 20—Leave out all words in these lines.

Line 22—Leave out "vested in, or".

These amendments remove from the legislation the matter which would have caused you, Mr. Chairman, to decide that it was a hybrid Bill. The aspect of the trust being given the right to have vested in it land of the Crown is the issue deleted from the Bill by this amendment.

The Hon. R. C. DeGARIS: I thank the Minister for the action he has taken in removing those words from the Bill. In my opinion the Bill is a hybrid Bill and your ruling, Mr. Chairman, was correct. The Standing Orders need examination so that the matter can be made quite clear. For this Bill, the mandatory reference to a Select Committee is hardly warranted, and every member would agree with that. In connection with the transfer of waste or Crown land, there is no question that under the definition the trust is a corporation.

The Hon. C. J. Sumner: You are being a bit literal about it.

The Hon. R. C. DeGARIS: Maybe, but either we agree with Standing Orders or we do not. What the President said was correct. If we want to change, we must examine the Standing Orders. The definition of "corporation" in the Oxford Dictionary is "an artificial person created by legislative act and having the capacity of perpetual succession". That is exactly what this trust is.

Amendments carried; clause as amended passed.

Clause 16—"Officers and employees."

The Hon. ANNE LEVY: This clause sets up two categories of employees of the trust—those who are public servants and those who are not. Are procedures, whereby the trust can employ people who will not be public servants, put in merely to enable contract positions to be filled for particular projects, or is it intended that there will be two categories of permanent employees working side by side within the trust—one group being public servants and the other group not?

The Hon. C. M. HILL: There may be some staff employed permanently on a day labour basis who do not come within the Public Service. This provides the opportunity for the trust to employ such people. One can perhaps imagine cleaners coming into that category. They may be on contract and they may not, but they are not within the Public Service.

Clause passed.

Clause 17 passed.

Clause 18—"Borrowing of moneys."

The CHAIRMAN: I point out to the Committee that this clause, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Clauses 19 and 20 passed.

Clause 21—"Stamp duty not payable on instruments of conveyance to the Trust."

The CHAIRMAN: This is also a money clause and the same procedure as for clause 18 will apply.

Remaining clauses (22 to 24) and title passed.

Bill reported with amendments. Committee's report adopted.

ADJOURNMENT

At 6.2 p.m. the Council adjourned until Tuesday 24 February at 2.15 p.m.