LEGISLATIVE COUNCIL

Tuesday 25 August 1981

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

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (The Hon. K. T. Griffin)—

Pursuant to Statute—

Bus and Tramways Act, 1935-1978—By-laws—Bus and Tramways Fares.

Racing Act, 1976-1980—Dog Racing Rules—Minimum Age Limit.

Railways Act, 1936-1979—Regulations—Railway Fares.

The Savings Bank of South Australia—Financial Statement, 1980-81.

By the Minister of Community Welfare (The Hon. J. C. Burdett)—

Pursuant to Statute—

Planning and Development Act, 1966-1981—Metropolitan Development Plan—City of Woodville Planning Regulations—Zoning.

By the Minister of Consumer Affairs (The Hon. J. C. Burdett)—

Pursuant to Statute—

Building Societies Act, 1975-1981—Regulations—Raising Funds.

QUESTIONS

McLEAY BROTHERS

The Hon. C. J. SUMNER: I seek leave to make an explanation prior to asking the Minister of Corporate Affairs a question about McLeay Bros Pty Ltd and Clinton Credits Pty Ltd. In seeking leave, I indicate that my explanation may be slightly longer than is the practice, but this is necessary in view of the matters that I wish to raise.

Leave granted.

The Hon. C. J. SUMNER: This question arises out of representations that I have received from a number of constituents who had invested money with Clinton Credits Pty Limited, a company which was owned by the McLeay family and which went into liquidation on 22 July 1981. It appears that 80 small investors stand to lose most of their investments, which total over $150 000 and which range from $60 to $10 000. The wellknown Adelaide carpet firm, McLeay Brothers Pty Limited, which is also owned by the McLeay family, was placed in receivership on 24 March 1981. There are a number of very disturbing aspects to the winding up of Clinton Credits Pty Limited and the receivership of McLeay Bros Pty Limited that I believe require further investigation.

Clinton Credits was a proprietary company which was established on 1 October 1954. Immediately prior to 14 March 1980, the directors were: John Elden McLeay (the former M.H.R., Minister for Administrative Services and now Consul-General in Los Angeles), Lesley McLeay, Travis McLeay, Peter McLeay, Aileen Marjorie McLeay and Philip Jeffrey McLeay. The 10 002 shares were held as follows: 5 001 shares held for Aileen Trust by Epworth Nominees Pty Ltd, and the other 5 001 shares held for Elden Trust by Epworth Nominees Pty Ltd.

It seems that the Aileen and Elden Trust are McLeay family trusts—the Aileen Trust for the family of Peter McLeay and the Elden Trust for the family of John Elden McLeay. On 14 March 1980, John Elden McLeay, Lesley McLeay and Travis McLeay resigned as directors, and ownership was transferred such that Epworth Nominees Pty Limited then held the 10 002 shares on behalf of the Aileen Trust only. Bruce William McLeay was added as a director, the directors of Epworth Nominees Pty Limited are all chartered accountants and this company acts exclusively as a trustee. It seems to have no other purpose.

I now turn to the company of McLeay Brothers Pty Ltd. Historically, this company was owned by the McLeay family and, in particular, former Senator George McLeay and former M.H.R. Sir John McLeay. As time went by, they were joined by their sons, John Elden McLeay, Peter McLeay and David George McLeay.

At 21 August 1953, the directors were George McLeay, Senator; John McLeay, M.H.R. (now Sir John); John Elden McLeay, manager; and David George McLeay and Peter McLeay, salesmen. The secretary was John Elden McLeay, now the Consul-General in Los Angeles.

Following this date, shareholders included members of the McLeay family and the companies J. E. McLeay Holdings Pty Ltd, D. G. McLeay Holdings Pty Ltd and Peter McLeay Holdings Pty Ltd. It is interesting to note that at one time Clinton Credits Pty Ltd also held 11 000 ordinary shares in McLeay Bros Pty Ltd. In 1977, David George McLeay resigned and established his own carpet business. The situation just before 14 March 1980 was that the directors were Peter McLeay, Sir John McLeay, Marcia Doreen McLeay, Philip Jeffery McLeay, John Elden McLeay, Lesley Clythe McLeay, Travis John McLeay, and Robin John McLeay.

On 14 March 1980, John Elden McLeay and his family withdrew from McLeay Brothers Pty Ltd. John Elden McLeay, Lesley Clythe McLeay, Travis John McLeay and Robin John McLeay resigned on 14 March 1980. At that time, Bruce William McLeay was appointed as a director so that the directorship of McLeay Brothers Pty Ltd stood at Peter McLeay, Sir John McLeay, Marcia Doreen McLeay, Philip Jeffrey McLeay, and Bruce William McLeay.

Immediately prior to 14 March, the shareholders were Epworth Nominees Pty Limited on behalf of Aileen Trust (24 500 shares), and on behalf of Elden Trust (24 500), making a total of 49 000 shares. Following the withdrawal of John Elden McLeay and his family, the shareholders were Epworth Nominees Pty Ltd on behalf of the Aileen Trust. The principal participants in the original McLeay Brothers Pty Ltd company now operate three different enterprises. One is McLeay Brothers Pty Ltd (Peter McLeay and Sir John McLeay), which is now in receivership and operates stores in the city (soon to be closed), O'Halloran Hill and Norwood; McLeay and Sons Carpet Pty Ltd, which operates the bulk store at Brompton (this is the John Elden McLeay family enterprise), and D. G. McLeay, who operates David McLeay, Carpet & Vinyl Warehouse at Hilton. This history indicates that the control and ownership of Clinton Credits Pty Ltd and McLeay Bros Pty Ltd was at all relevant times in the hands of the McLeay family.

I now turn to the financial position of Clinton Credits. One of the constituents who has consulted me had invested in Clinton Credits in 1962. They were customers of McLeays and had been invited to invest in Clinton Credits. In June 1980, they invested a further $7 000. Prior to that investment, they spoke to the secretary of the company, Mr Burton, and were assured that McLeay Brothers was still going well. This was only nine months before McLeays was placed in receivership and twelve months before Clinton Credits was wound up. My constituents were aware that Clinton Credits was owned by McLeay Brothers and that

this was a family business of longstanding, and they could not see any reason to doubt the investment. It is now clear from the financial state of Clinton Credits that such investment was a risky business indeed.

The nature of the interest acquired in Clinton Credits is also open to doubt. The only documentary evidence of the investment given to my constituents was a receipt. The investment was without security. The memorandum and articles of a proprietary company prohibit any invitation to the public to deposit money (section 15 of the Companies Act). If a company invites the public to acquire an interest in a company it should be a public company and the invitation made on the basis of a statement connected with the invitation, which is deemed to be a prospectus. The question arises of whether my constituents or the other 80 small investors were illegally invited to deposit moneys or acquire an interest in Clinton Credits.

The statement of affairs of Clinton Credits reveals that it had no real estate. The only assets were sundry debtors $173 569 and cash $3 447. Of the debts only $5 560 is estimated as realisable, primarily money lent on consumer mortgage, leaving only $9 007 available to the unsecured creditors who were owed $150 555. As indicated earlier, these were mainly small investors.

I now come to the most disturbing aspect of this matter. Of the $173 569 owed to Clinton Credits, $128 420 was owed by McLeay Bros Pty Limited and $37 853 by the Aileen Tust, in both cases moneys lent by Clinton Credits without any security whatever. The statement of affairs shows that neither of these amounts is realisable. I understand that investors were to receive 13½ per cent interest but the amounts lent to McLeay Bros and the Aileen Trust were at 15 per cent, a very reasonable rate considering the lack of security.

The dates of the loans are unknown, but I believe that, at the end of the financial year 1977, McLeay Bros owed Clinton Credits $28 000 and at the end of 1980 this had increased to $159 000. It therefore appears that the McLeay family-controlled finance company Clinton Credits obtained money from the public and then lent it without security at favourable interest rates to McLeay Bros Pty Ltd and the Aileen Trust. As a result of this, many small investors who trusted the McLeay family are now suffering considerable loss. There is a clear case on the basis of this information for a special investigator to be appointed. What was ostensibly a finance company was in fact used almost exclusively to obtain funds to prop up the ailing McLeay Bros.

Other matters have also been bought to my attention. First, my constitutents are concerned about the circumstances under which John Elden McLeay and his family left McLeay Bros Pty Ltd in March 1980. In particular, what did he recieve for his share, particularly as it is now clear that the company was less than financially viable? It is worth noting that the statement of affairs of McLeay Bros Pty Ltd at 24 March 1981 shows that the company owned no real estate. That might be considered a curious result for a company of such long standing in South Australia. Secondly, I understand that the records of Clinton Credits are less than satisfactory and there is a need for a thorough inquiry into all its transactions over recent years. Thirdly, it has been alleged that Clinton Credits owned the premises from which John McLeay and Sons now operate at Brompton, but this does not appear in the statement of affairs of Clinton Credits. Whether and under what circumstances this property was transferred should be investigated. Fourthly, it has been alleged that the Aileen Trust borrowed money from Clinton Credits for further investment in real estate. Despite this, the loan was not secured. A number of questions arise:

1. What were the circumstances and terms of the loans made by Clinton Credits to McLeay Bros Pty Ltd and the Aileen Trust?

2. Was there a breach of section 124 of the Companies Act by the directors of Clinton Credits in lending private investors money to McLeay Bros and the Aileen Trust without security? Section 124 provides that a director shall at all times act honestly and use reasonable diligence and may be held personally liable if such diligence is not shown.

3. Was Clinton Credits, as a proprietary company, obtaining money from the public illegally and contrary to the Companies Act and its Memorandum and Articles, and did Clinton Credits invite the deposits or investments when this should have been done only by a public company on the basis of a prospectus? Does the law require amendment to protect members of the public in these circumstances if it is found that there was technically no invitation to deposit?

4. What were the circumstances and terms of the sale of shares by John Elden McLeay, Lesley McLeay and Travis McLeay in McLeay Brothers on 14 March 1980? In particular, what was John McLeay paid for his share and where did the money come from to pay him, in view of the parlous state of the business?

5. How can the public be protected from the confusing situation that arises when the principals of a company sell their interests and establish a new enterprise under a similar name? This is particularly so when some of these people are prominent politicians, such as Sir John and John Elden McLeay, and the public may make a decision on the basis of their association with a firm, when they have severed their connections with it.

6. What were the terms and purpose of both the Aileen and Elden Trusts?

7. Does the McLeay family have any legal or moral responsibility to make good the losses to the creditors of Clinton Credits, including my constituents? Most of the creditors are small investors who no doubt considered their investment safe because of the supposed standing of the McLeay family in the South Australian community. An amount of $150 000 would make good the losses to the small investors in Clinton Credits. This should not be beyond the personal resources of the McLeay family, two of whom held prominent positions in the Federal Parliament, one as a Speaker, and one as a Minister. Although John Elden McLeay sold his interest in McLeay Brothers and Clinton Credits in March 1980, some of the loans were made prior to that date and Sir John McLeay is still a director of McLeay Brothers. John Elden McLeay is at present Consul-General in Los Angeles, on an income of approximately $59 000 a year. His Parliamentary pension would be approximately $30 000 a year or could be commuted to a lump sum of approximately $290 000.

In view of these facts and allegations, will the Minister appoint a special investigator to inquire into the affairs of McLeay Bros Pty Limited, John McLeay and Sons Pty Limited and Clinton Credits Pty Limited?

The Hon. K. T. GRIFFIN: What surprises me somewhat is that, so far as the Corporate Affairs Commission is aware, there have been no public complaints in respect of McLeay Bros Pty Limited to the commission. Nevertheless, the matters that the honourable member has raised need to be examined by the Corporate Affairs Commission and, if he could let me have any other detail that he may not have presented in that lengthy explanation, I shall be happy to refer it to the Corporate Affairs Commission for inquiry and for the purposes of obtaining information.

I think it quite premature to make any decision on whether or not a special investigator should be appointed. There are wide powers of investigation and inspection within

the Corporate Affairs Commission, without having to resort to the somewhat dramatic remedy of appointing a special investigator. I think the first course is to refer the matter to the Corporate Affairs Commission and seek information from it. Then I will bring back a reply.

The Hon. FRANK BLEVINS: I wish to ask a supplementary question, directed to the Attorney as Leader of the Government, on the same theme, the Hon. John McLeay, and I seek leave to make a statement.

The PRESIDENT: If it is a supplementary question, you do not need it.

The Hon. FRANK BLEVINS: I seek leave to make an explanation prior to asking a question of the Attorney, as Leader of the Government, on the question of the Hon. John McLeay.

Leave granted.

The Hon. FRANK BLEVINS: On 15 February 1980, the then Minister for Administrative Services (the Hon. John McLeay, M.P.) wrote 'An open letter to business' in South Australia in the following terms:

> Dear employer, Economic recovery in South Australia now rests substantially in your hands and those of other business leaders and entrepreneurs who make investment decisions. In no other State during the '70s did employers and employees suffer so much at the hands of a State Government committed to policies of State ownership and control. That decade and that philosophy is well and truly behind us.

The Hon. K. T. Griffin: He was right, wasn't he?

The Hon. FRANK BLEVINS: We will see how right he was in a moment. This is when he was making plans to run away. This is before he shot through with the money.

The Hon. K. T. GRIFFIN: I take a point of order. That is an imputation that is quite improper, and I ask that the honourable member withdraw it.

The PRESIDENT: The Hon. Mr Blevins has been asked to withdraw that remark.

The Hon. FRANK BLEVINS: Under which Standing Order have I offended, Mr President? The Hon. John McLeay is no longer a member of Parliament. It is quite obvious from what has been said by the Hon. Mr Sumner that my statement was factual, and I intend to carry on with the letter.

The PRESIDENT: Order! The Hon. Mr Blevins can continue with the letter because I rule in that way, for the reason that the Hon. Mr Mcleay is not a member of Parliament.

The Hon. FRANK BLEVINS: The letter continues:

> In the six months since the change of Government in South Australia, there is already clear evidence of an Administration determined to provide the best possible conditions for economic recovery by supporting and encouraging private investment. Its policies are in harmony with those of the Federal Government. From now until well into the '80s it will largely be the decisions of management which will determine the success or failure of these policies. Business creates most jobs, not Governments, and South Australian business can look forward with confidence to a decade free from the harassment of the Labor years.
>
> The attached paper seeks to draw together some of the significant economic indicators which confirm that our policies have established the environment which now allows private industry to undertake programmes that will benefit every Australian and, of course, every South Australian.
>
> Having regard to the long lead times in the building industry and for the business activity already evident in the other States, now is the time to take that decision to establish or expand your business. I trust that you share my confidence in the future of South Australia.

This letter was written only a month before John McLeay and his family left the carpet business of McLeay Brothers Pty Ltd, only some 12 months before McLeay Brothers Pty Ltd was placed in receivership, and only 16 months before the associated company, Clinton Credits, went into liquidation. In view of these circumstances, it is somewhat ironic that John McLeay maintained '... it will largely be the decisions of management which will determine the success or failure of these policies'.

In view of the difficulties of McLeay Brothers Pty Ltd and the collapse of Clinton Credits, does the Minister think the Hon. John McLeay was justified in stating that there were 'significant economic indicators which confirm that our policies have established the environment which now allows private industry to undertake programmes that will benefit every Australian and, of course, every South Australian' and saying 'I trust that you share my confidence in the future of South Australia'.

The Hon. K. T. GRIFFIN: If the Hon. Mr Blevins had bothered either to listen to or to read my remarks during the Address in Reply debate he would know clearly the indications of confidence that are currently being held in the Government of South Australia. The answer to the honourable member's question is 'Yes'.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Is the Attorney-General aware that the fortnightly rent on Mr McLeay's home in Los Angeles is conservatively estimated at $4 358? Also, is he aware that the contribution to that amount by Mr McLeay is $109.50 per fortnight? Does the Attorney-General consider that that amount of $109.50 per fortnight is an insult to those in the community who are suffering interest rate increases as a result of recent moves by the Federal Government?

The Hon. K. T. GRIFFIN: That is a question which should be directed to the Federal Government.

SOUTH AUSTRALIAN EGG BOARD

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the South Australian Egg Board.

Leave granted.

The Hon. B. A. CHATTERTON: Some months ago, the South Australian Egg Board approached the Government to try to rationalise the arrangements that had worked for some years concerning the Chairman of the board, who is an officer of the South Australian Department of Agriculture. It sought from the Minister of Agriculture an arrangement whereby that officer could become Chairman of the board for about three years on a contract basis. The understanding that egg producers in this State had was that these arrangements had been finalised and that it was in order for them to proceed. That arrangement has now been held up, and producers have contacted me and expressed their concern that the decision has been delayed for an inordinately long period.

They have been told by the Minister of Agriculture that the appointment of the Chairman of the board has been delayed because of a review by a committee chaired by the Hon. Mr Cameron, and that it cannot proceed until the honourable member has given his decision. I find that a surprising reason but that is certainly the reason that has been given to certain egg producers in this State. Is it true that there is a committee chaired by the Hon. Mr Cameron that is delaying the appointment of the Chairman? If it is not true, can the Minister indicate when these arrangements will be finalised and the appointment made?

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

HEALTH INSURANCE

The Hon. J. R. CORNWALL: I seek leave to make a statement before asking the Minister of Community Wel-

fare, representing the Minister of Health, a question about health insurance.

Leave granted.

The Hon. J. R. CORNWALL: In the past 24 hours, I have been contacted by literally dozens of concerned and confused constituents about private health insurance rates. Members would be aware that N.H.S.A. announced tentative rates some time ago. It has come to my attention, and that of everybody else, that these rates have not been approved by the Commonwealth Government, and that the fund should not have been writing firm business on those figures.

Honourable members would be aware that last Thursday Medibank Private announced new insurance rates which substantially undercut N.H.S.A. I had been told in advance of the figures by senior management at Medibank Private, and assured that those rates had been approved by the Commonwealth. It has now been brought to my attention that Medibank Private knew before midday on Thursday that its announced rates in South Australia had not been approved by the Commonwealth Government. However, it continued to write business on those rates until 10 a.m. this morning. That was very erratic, and it has been suggested to me that it was possibly quite dishonest.

Medibank Private has now announced new substantially higher rates which apparently have been approved. N.H.S.A. has withdrawn its tentative rates and, just to confuse the situation a little further, the Mutual Health Association has joined in with what it says are approved rates. At the moment, we have Medibank Private in and out and back again, and now with higher rates today. We cannot discover what is the situation with N.H.S.A., and we have Mutual Health Association, with its recently announced rates, possibly Commonwealth approved. With only three working days to go before the new health scheme operates on 1 September—on Monday next—the situation in the community is completely chaotic. Will the Minister of Health confer with her Federal colleague (Hon. J. R. MacKellar) and issue an immediate statement to clarify the status of the rates being offered by the three principal medical funds?

The Hon. J. C. BURDETT: I will refer the question to my colleague in another place and bring down a reply.

PROGRAMME PERFORMANCE BUDGETING

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to the question I asked on 5 August about programme performance budgeting?

The Hon. K. T. GRIFFIN: The Government has no immediate plans to depart from the present practice of presenting budgets on an annual basis to Parliament. While the advantages of longer term budgeting are recognised, particularly from a planning point of view, some difficulties are involved, not the least being the Commonwealth Government's adherance to annual Budgets.

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to the second question on programme performance budgeting that I asked on 5 August?

The Hon. K. T. GRIFFIN: First, the Government proposes to present the 1981-82 Budget to Parliament in the traditional line form for the purpose of formally seeking appropriation. However, supplementary material, prepared on a programme basis, will be presented to Parliament again, and will be available to the Estimates Committees when they are considering the Budget documents. That material will provide descriptive, financial and employment information for programmes to assist the committees in their scrutiny of the 1981-82 Budget. It will include specification of objectives.

Secondly, the Government does not propose to seek any significant changes to the Parliamentary procedures adopted last year.

Thirdly, there will not be specific measurement of performance reported this year, although work is continuing with several departments to develop such information. Some service volume data is likely to be included in the 1981-82 programme estimates. The development of adequate performance indicators for all Government agencies is expected to be a long process. There are no procedures which are applicable 'across the board'.

Fourthly, p.p.b. concentrates on functional analysis and on the effectiveness of organisational units rather than individuals. Therefore, the Government has not, as part of p.p.b., a stated policy of assessing the performance of individuals. It is, however, accepted that performance appraisal of individuals is the responsibility of departments initially and the Public Service Board as part of the normal management process.

EDUCATION CUTS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Local Government, representing the Minister of Education, a question about projected education cuts.

Leave granted.

The Hon. ANNE LEVY: About 10 days ago, when addressing the Primary Principals Conference, the Premier stated that there were to be cuts to the education budget in the forthcoming State Budget. Naturally, the Institute of Teachers has reacted strongly to the suggestion, and all members on this side of the Council would condemn such anti-social action. However, if cuts are to occur, it is of great concern where they fall, whether on specific programmes, specific sectors, or right across the board. Are the projected cuts in education funding to be limited to the Government school sector or are they to be applied also to the private school sector and the subsidies it receives from the Government? If the cuts are to apply to the private school sector as well as to the Government sector, will the cuts to it be in line with those for the Government schools? Will they be more or less severe than the cuts for Government schools?

The Hon. C. M. HILL: The honourable member may have to wait until the presentation of the Budget to Parliament next month before she obtains the answer that she seeks but, nevertheless, I will refer her question to the Minister at this stage and, if he is willing to give me a reply, I will give it to the honourable member.

HOSPITAL CHARGES

The Hon. R. J. RITSON: Has the Minister of Community Welfare a reply to the question that I asked him on 16 July about pharmacy charges in public hospitals?

The Hon. J. C. BURDETT: My colleague, the Minister of Health, advises that, in her press release announcing the recognised hospital charges to operate from 1 September 1981, she indicated that charges for the supply of pharmaceuticals to chronically ill people were being reviewed by the South Australian Health Commission. It was unfortunate that, when the pharmacy charges were announced, this undertaking to examine the situation was not, as far as my colleague is concerned, reported by the media.

The Minister is very conscious of the financial burden that could be placed on sufferers from chronic diseases who require continual medication, and it is the Government's

intention to ensure that these people are not disproportionally financially disadvantaged by the introduction of charges for pharmaceuticals. Administrative arrangements to give effect to the Government's intention in this regard are being developed and will be announced shortly.

REINSTATEMENTS

The Hon. G. L. BRUCE: Has the Minister of Community Welfare a reply to a question I asked on 22 July about reinstatements?

The Hon. J. C. BURDETT: My colleague, the Hon. Dean Brown, has advised that a complete review of the Industrial Conciliation and Arbitration Act, 1972, as amended, is currently being undertaken by Mr Frank Cawthorne. In the circumstances, the Government considers that it would be inappropriate to proceed, as a matter of urgency, to review this section of the Act.

PROGRAMME PERFORMANCE BUDGETING

The PRESIDENT: I understand the Hon. Mr DeGaris wants to ask a question of the Minister of Local Government. I prevented the honourable member from asking his question earlier because, if I had allowed him to do so at that stage, other honourable members might have been deprived of their opportunity to ask questions.

The Hon. R. C. DeGARIS: Has the Minister of Local Government a reply to a question I asked on 6 August about programme performance budgeting?

The Hon. C. M. HILL: The Department of Local Government has participated in the preparation of the Government's programme performance budget. Although not one of the departments involved in the closer application of the technique by Treasury officers, the department has itself taken steps to utilise the techniques in its own internal analysis of its performance. Each division of the department is now establishing internal procedures to involve staff in the assessment of programme objectives and performance. In this way it is planned out that the 1982-83 Budget estimates will be based on the application of the technique, not just the description of activities in a new form.

Departmental officers have been involved in promoting performance budgeting and other aspects of corporate management at seminars for local government staff and/or seminars conducted by the Local Government Industry Training Committee for elected members of council. In addition, in March 1980 papers written by an officer of the Department of Local Government on corporate management, policy analysis and performance review, and measures of efficiency and effectiveness for local council (which formed part of the 1979 Hockridge memorial overseas study scholarship report) were sent to all councils.

Many councils (Munno Para, Salisbury, Tea Tree Gully, Unley, Noarlunga and Meadows, to name a representative few) have developed a corporate management framework over the last few years and have established programme performance review procedures as a result. Because of the diversity of local government councils in South Australia, I do not intend to impose programme budgeting systems on the industry. I believe it is preferable to allow councils to respond to their individual needs in individual ways, and the examples I have cited attest to the merits of this view. To do otherwise would be to cut across the excellent work many councils have done in this regard—in some cases well before the Government introduced programme budgeting into its own service.

To assist councils in adopting programme budgeting techniques, officers of the Department of Local Government are presently developing a model budget on programme lines which will be offered as one way to concentrate on performance and discussions are in hand with the Industry Training Committee to mount regular seminars on the subject.

TOURIST INFORMATION

The Hon. BARBARA WIESE: Has the Minister of Community Welfare a reply to a question I asked on 23 July about tourist information?

The Hon. J. C. BURDETT: I am informed by my colleague, the Minister of Health, that the booklet 'Recreational Fishing Guide for 1981' is on display and on sale at the South Australian Government Travel Centre and has been since February 1981. Furthermore, the range of sightseeing guides for the various regions of South Australia include useful information for fishermen relating to boat ramps and jetties where appropriate. These brochures are free and are given to holidaymakers when they seek information on a particular region or regions.

The honourable member also states that the centre has no information on walking trails in the Adelaide Hills. It is pointed out, however, that the travel centre sells a brochure produced by the Recreation and Sport Division of the Department of Transport which contains a map and details of the Heysen trail. It also distributes free of charge several folders produced by the National Parks and Wildlife Service Division of the Department of Environment and Planning which contain maps of walking trails in various parks and reserves throughout the Adelaide Hills.

Inquirers seeking further information are given details of how to contact the President of the Adelaide Bushwalkers Club, which is a very active organisation and is extremely helpful to visitors who have this particular interest. The special interests and activities of holidaymakers cover such a wide range that it would not be a practical or economic proposition for the Department of Tourism to produce a full range of printed material on all such interests.

TREES

The Hon. BARBARA WIESE: Has the Minister of Community Welfare a reply to a question I asked on 6 August about trees?

The Hon. J. C. BURDETT: I am advised by my colleague, the Minister of Water Resources, that the current regulation 12 under the Sewerage Act, 1929-1981, restricts the planting of certain species of trees and shrubs within certain prescribed distances of sewer mains and connections in streets and roads within proclaimed drainage areas. The regulation also prohibits the planting of large trees with aggressive root systems and unlisted species in situations other than those approved by the Minister.

On 30 October 1980 an amendment to the regulations was gazetted which allows more flexibility in dealing with tree planting issues. Under the amendment approval can be given for specific plantings of previously prohibited species provided that the assessed risk of damage from the planting is low and that any prescribed conditions relating to the plantings are met.

This, of course, requires: plans of tree planting proposals to be submitted to the Engineering and Water Supply Department for examination and assessment; the co-operation of councils in the preparation and submission of tree planting proposals to the department; and the formal agree-

ment by councils to comply with conditions that are specified in the approval for the plantings. Trees affect the operation and maintenance of a number of public utility installations including water mains and services, sewer mains and connections, kerbs and gutters, road pavements, power lines, stormwater drains and telephone lines and cables. If not properly planned, hazards to both pedestrians and vehicular traffic can also be caused as a result of tree and shrub plantings.

The current regulations concerning the planting of trees and shrubs in Adelaide and other sewered areas are not unduly restrictive. Whilst, in general, plantings are required to comply with the gazetted regulations, each specific proposal that is received by the Engineering and Water Supply Department is treated on its merits taking into account the position, nature and condition of departmental installations in the vicinity of the proposed planting, and the tree or shrub involved. A working party along the lines suggested by Mr Gouldhurst already exists and consists of officers from the Engineering and Water Supply Department, Botanic Gardens, Woods and Forests Department, Highways Department, Adelaide City Council, Local Government Association and the Electricity Trust of South Australia.

The disciplines of committee members include those that impart botanical, scientific, engineering, public health and landscape architectural expertise. The officers responsible for the administration of the regulations are acutely aware of the need for flexibility and innovativeness in the execution of their duties, and a positive, realistic approach is being adopted towards tree planting issues.

RADIATION CONTROLS

The Hon. R. C. DeGARIS: I seek leave to make a short explanation before asking the Attorney-General a question about radiation controls.

Leave granted.

The Hon. R. C. DeGARIS: Most European and North American Governments have established agencies whose task it is to protect the community against the effects of radiation. Most countries have adopted dose levels that should not be exceeded. The countries that have adopted those levels follow the recommendations—

The Hon. N. K. FOSTER: I reluctantly rise on a point of order. I do so in respect to the question that is being asked by the honourable member. A Select Committee has already heard and received evidence in respect to this matter. A member of the public can ask these questions, and the press gallery can obtain the information, which is available in a committee room in Parliament House, but unfortunately Standing Orders prohibit the asking of questions arising from evidence given to the committee.

The Hon. C. J. Sumner: No.

The Hon. N. K. FOSTER: Let me finish, if I may, Mr Leader. Previously, questions have been ruled out of order because of the existence of that committee. I only hope that the question to be asked by the Hon. Mr DeGaris will be allowed and that all members will stand equal in respect of this matter.

The PRESIDENT: I am sure that all members will stand equal as far as I am concerned but I do not know that this is evidence that is being disclosed by the Hon. Mr DeGaris.

The Hon. R. C. DeGARIS: I understand that most countries have adopted dose levels that should not be exceeded. Most countries follow the recommendations laid down by the International Commission on Radiological Protection. Recently the British Radiological Protection Board made attempts to quantify the costs of exposing radiation within the close limits laid down internationally—a relatively new approach to the question of radiation exposure. Already in this State in many of our activities we expose people to man-made radiation, and it is possible that we will be developing both uranium production and processing. Has the State any special agency with responsibility for minimising the risk of radiation to people? If so, could the Attorney-General give details of that agency? If not, will the Government give consideration to the establishment of a Radiological Protection Agency in South Australia similar to those agencies established in other parts of the world?

The Hon. K. T. GRIFFIN: They are questions which will need to be referred to the Minister of Mines and Energy and the Minister of Health. I will do that and bring back a reply.

The Hon. J. R. CORNWALL: By way of supplementary question, has the Health Commission yet obtained suitable equipment for monitoring alpha radiation on either a continuous or intermittent basis? If not, when can we expect that it will be available? If so, where, on what sites, and how frequently is it currently being used?

The Hon. K. T. GRIFFIN: I will refer that question to the Minister of Health and bring back a reply.

NAME SUPPRESSION

The Hon. C. W. CREEDON: I seek leave to make a brief explanation before asking the Attorney-General a question on the release of names for publication.

Leave granted.

The Hon. C. W. CREEDON: Quite frequently I note that, when applications are made in courts for suppression of names, it is granted, especially in regard to rape cases. I noted recently that a defendant charged with and convicted of murder had her name withheld. Professional people appearing before the courts can often manage to have publication of their name suppressed. The type of case varies over a wide field as does the standing of the person seeking the suppression of his or her name. Sometimes it involves the defendant and at other times the request comes from witnesses, especially in rape cases and rightly so. However, the application of the prohibition seems to be very unfair, as instanced by two reports in the *News* of 17 August 1981. One was a sexual offender sentenced to six years in gaol. Children were involved, and his name was suppressed so that his family would not be subjected to public hostility, and I believe in that principle. However, the other offender received 12 years gaol and his name was released and the *News* even printed that he had a wife and children. That wife and those children will suffer publicly for a long time for an act for which they could not possibly be responsible. I would have thought that, in fairness and in good taste, those consequences would be sufficient to discourage the indicating of the name of people or children not involved in the crime. Therefore, what action can the Government take to stop this practice of indicating or publishing the names of people innocent of any crime in all kinds of news media at all times?

The Hon. K. T. GRIFFIN: I would not envisage taking any action to amend the provisions already in the Evidence Act. Very explicit provisions relate to matters of suppression of names of defendants and witnesses. In general terms it has worked satisfactorily. It gives to the court before which a person appears a discretion, and the exercise of that discretion is appealable. Notice must be given to the Attorney-General by the court which makes the suppression order; the details of the suppression order must be in accordance with provisions of the Evidence Act. I see no reason to change the provisions already in the Evidence Act.

ECHUNGA MINING

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Mines and Energy, a question in regard to mining at Echunga.

Leave granted.

The Hon. N. K. FOSTER: I commend to honourable members an article in the Saturday Review of the *Advertiser* of 22 August headed 'Diamonds in Danger'. It is compulsory reading. Any school librarian ought to recommend this reading to every student. The article discloses the very valuable resource in Western Australia of the Ashton Mining Group. It goes on to point out how DeBeer and Oppenheimer are about to swamp and take over that company to ensure that all diamonds and wealth extracted from that mining operation (or at least 80 per cent) will go overseas and not be left in Australia. The whole article is one of damnation of those in Australia who are in power—be they State or Federal Governments—in respect to resources in this country. It is an absolute shame. We could not be more rapaciously dealt with if we were invaded by a foreign army; in fact, we might be better off. The Attorney-General may well laugh. My colleague, the share-broker on my left, is muttering in his beard because he probably—

The PRESIDENT: Order! The honourable member is taking up valuable question time.

The Hon. N. K. FOSTER: Will the Attorney-General ascertain from the company engaged in exploration or mining for precious stones, diamonds, etc., in the Echunga area what minerals have been found and in what quantity?

The Hon. L. H. Davis interjecting:

The Hon. N. K. FOSTER: The Hon. Mr Davis may well know that there are various types of diamonds and qualities. He must be the greatest diamond that his mother ever looked upon. If he wants to keep on interjecting—

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Will the Attorney-General acquaint the Council with what benefits will accrue to the State by way of royalties for valuable minerals found in this area? Will the Attorney-General ensure that the resource will not be subject to the same overseas funding as is evident and planned for the Ashton joint mining venture in Western Australia? What reports, if any, are required by law, regulation or departmental or Government policy in respect of that mining company at Echunga at the Adelaide Stock Exchange?

The Hon. K. T. GRIFFIN: I will refer those questions to my colleague, the Minister of Mines and Energy, and bring back a reply.

LIBRARY SERVICES

The Hon. C. J. SUMNER: Has the Attorney-General a reply to the question I asked on 5 August regarding library services?

The Hon. K. T. GRIFFIN: The advisory council has recognised the need to improve library services for the disabled. To this end one of the first grants approved was for the printing of a booklet incorporating practical ways in which libraries could cater for disabled persons in relation to physical access, resources held and staff attitudes, and also listing metropolitan public libraries, their hours of opening, special resources held to cater for the disabled, and the name of a contact person on the staff willing to offer assistance.

Unfortunately, funds available through I.Y.D.P. are limited and consequently cannot be made available to provide access. However, the secretariat, with the assistance of the Public Buildings Department, has been actively involved in promoting the need for suitable access and, in some cases, this specialised advice has led to successful yet inexpensive modifications.

STATE FUNDING

The Hon. B. A. CHATTERTON: Has the Attorney-General a reply to the question that I asked recently on State-Commonwealth funding?

The Hon. K. T. GRIFFIN: At the Premiers' Conference on 4 May 1981, tax sharing and health grant arrangements for 1981-82 and subsequent years were settled. An important aspect of the arrangements discussed at the conference was the cessation by the Commonwealth of specific purpose funding in a number of functional areas and the inclusion of additional amounts in general purpose funds provided to the States. These changes stem from both the Report of the Committee of Review of Commonwealth Functions and also the new arrangements put forward by the Commonwealth for financing health services in the States. Accordingly, the funds formerly provided to the States under a number of specific purpose arrangements have been absorbed into either:

(a) the State's identifiable health grants; these grants are in lieu of grants previously provided for the School Dental Scheme and community health programmes and although described as health grants, have no conditions attached to them. The amount provided to South Australia for 1981-82 under this arrangement will be in the order of $7 700 000.

(b) The State's tax sharing entitlement—former specific purpose funds for urban public transport, rural extension services, soil conservation and pathology laboratories. The amount included in the tax sharing grant for South Australia for 1981-82 is $7 200 000.

In the case of the pathology laboratories, the Commonwealth in South Australia's case has proposed that the operation of the Pathology Laboratory at Port Pirie be transferred to the State Government. This is one of a number of proposals put forward as a result of the work of the Committee of Review of Commonwealth Functions which will require further discussion with the Commonwealth. The funds provided under each of the other formerly specific purpose grant arrangements are now provided for the general purposes of the State Government and, in the normal course of events, the question of the amount of funds to be allocated to the various areas involved will now be decided in the annual budget context.

FOREIGN INVESTMENT

The Hon. R. C. DeGARIS: I ask the Attorney-General, representing the Premier, whether the Federal Government has requested information from the South Australian Government on the sale of South Australian rural lands to overseas purchasers, using dummy Australian companies as the vehicle for the purchase. As the Federal Foreign Investment Review Board has no jurisdiction for purchases under $350 000, has the Government any information on whether parcels of rural land are being subdivided to enable the jurisdiction of the F.I.R.B. to be circumvented? Will the Government give consideration to establishing a register of foreign ownership in South Australia, with presentation of an annual report to Parliament on foreign ownership?

The Hon. K. T. GRIFFIN: I will refer the question to the Premier and bring back a reply.

DEREGISTRATION OF DOCTORS

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare a reply to my recent question regarding the deregistration of doctors?

The Hon. J. C. BURDETT: My colleague the Minister of Health has informed me that she is aware of concern expressed at the large time delay between the conviction of doctors and their subsequent deregistration by the Medical Board. Section 26 (7) of the Medical Practitioners Act requires the Medical Board to afford a hearing to a registered person before his/her registration may be removed.

It is not a simple matter of accepting a conviction by the court. The board's procedure is disciplinary in nature and has different elements from a conviction procedure. To meet the requirements of the Act, the board must assure itself that the conviction relates to the provisions laid down in section 26. The board in these circumstances has to lead evidence to prove beyond a reasonable doubt that the conviction relates to serious misconduct in any professional respect. This means that a case is to be prepared by using Crown Law investigators, solicitors who act as advisers to the board and the board's inquiry panel.

In general, where all parties are immediately available, some two to three months will elapse between conviction and the commencement of a board inquiry. At other times it may take considerably longer. If the board wishes to deregister as a result of its inquiry, it is required under the Act to make application to the Supreme Court for an order of deregistration. All board decisions can be the subject of an appeal to the Supreme Court by the convicted party and indeed may result in a further appeal to the Full Court of the Supreme Court by the convicted party. This can further add to the delay in deregistration taking place. Whilst the board has concern for the length of time such procedures take, it is also aware of its obligation to adhere to the provisions of its Act and the requirements of law and natural justice which are afforded to all who come before the law.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) BILL

The Hon. C. M. HILL (Minister of Local Government): I move:

That the time for bringing up the report of the Select Committee on the Bill be extended until Tuesday 29 September 1981.

Motion carried.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT PIRIE

The Hon. C. M. HILL (Minister of Local Government): I move:

That the time for bringing up the report of the Select Committee be extended until Tuesday 15 September 1981.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 19 August. Page 438).

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition supports this Bill, although members may not have gleaned that from the events of last Wednesday. You will appreciate that this was beyond our control. This measure means that, where two claims arise out of one incident on the road involving both property damage and personal damage, the settlement or admission in one case will not be admissible in proceedings relating to the other claim in any circumstances even if the insurance of both types of damage is held by the one company.

This will assist S.G.I.C. greatly, because it is now the only company to offer third party personal injury insurance. This Bill deals with motor vehicle accidents and injuries on the roads, and in speaking to it I wish to refer to the Government's policy and future programme in relation to no-fault compensation for personal injury sustained on the roads.

On 7 May 1980 I wrote to the Attorney-General and asked him whether the Government had proceeded with an inquiry established by the Labor Government into third party insurance and the system of damages awarded for injuries sustained in motor vehicle accidents. Subsequently, on 19 August I received a reply from the Minister of Transport in which he said that the Government had instituted its own inquiry into a compulsory no-fault third party insurance scheme for motor vehicle accidents and that an interdepartmental committee was established for this purpose and given appropriate terms of reference.

The Minister of Transport said that the committee had completed its task and had submitted its report and recommendations, which were to be considered by the Government shortly after that. Of course, that is now over 12 months ago. The headline on the front page of the *News* of 23 July read, 'New third party plan for South Australia. "Instant" road crash payouts'. The article, by Stephen Middleton, stated:

Immediate compensation for road accident injuries is part of a revolutionary scheme planned for South Australia. Mr Wilson said he hoped legislation to allow for the scheme would be introduced into State Parliament before Christmas.

Apparently, it was to be a scheme for no-fault compensation in motor vehicle accidents, and it constituted part of the Liberal Party's policy in the 1977 State election.

Mr Wilson also said that the Government was anxious to implement the scheme in an attempt to overcome cases of hardship where accident victims suffered loss of income and expensive medical costs. Since 19 August last year, which is over 12 months ago, when this matter was drawn to my attention by Mr Michael Wilson—and he said that the matter was to be considered shortly by the Government—nothing further has been heard. I certainly have not heard of any plan, and no legislation has been introduced to give effect to it. I would have thought that, although the word 'shortly' has certain connotations for this Government, average people in the community would hardly consider 12 months to be 'shortly'. What is the Government's present position on this matter and does it intend to introduce legislation to give effect to the announcement by Mr Wilson in July last year?

The Hon. K. T. GRIFFIN (Attorney-General): The honourable member's question is strictly outside the ambit of the Bill. More particularly, it is the responsibility of the Minister of Transport. I can only indicate that the matter to which he referred is still being considered by the Government. I thank the Leader of the Opposition for his indication of support for this Bill.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 19 August. Page 440.)

The Hon. FRANK BLEVINS: On reading the debate on this Bill in *Hansard* of last Wednesday I note that it was quite a lengthy debate, and I just wonder what all the fuss was about. It resulted in the untimely departure of the Leader. On looking at the second reading I cannot see what all the fuss is about, because the Bill is quite straightfoward. The Bill appears to do precisely what the Attorney-General said in his second reading explanation, and that in itself is something to comment on, because quite often Bills do not do what the second reading states. This Bill is unique in that it appears to do precisely what the Attorney-General said it would do in his second reading explanation. On that basis, the Opposition is happy to support the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interest upon pecuniary legacies.'

The Hon. K. T. GRIFFIN: I suggest that progress be reported.

Progress reported; Committee to sit again.

PUBLIC PARKS ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 6 August. Page 336.)

The Hon. C. W. CREEDON: This small Bill is only regularising something that has been happening for a good many years. When local councils felt more parks were needed within a council area the policy was to search for a suitable area and then ask the Government for a subsidy. Usually, provided the Public Parks Advisory Committee recommended assistance, the Government of the day provided about 50 per cent of the cost of purchase of the land.

I am not sure that was the exact intention of the Public Parks Act when it established the Public Parks Advisory Committee in 1943. It seems to me that the intention was that the Minister, having satisfied himself on the recommendation of the advisory committee, could acquire any land for the purpose of providing public parks and he could acquire it either by agreement or compulsorily. The Minister, of course, did have the power to convey or transfer any land acquired to any council upon such terms and conditions as the Minister thought fit.

I do not know whether the Act, the advisory committee or the Government fell down (perhaps the provision was too costly to the Government; perhaps councils did not want to be forced into paying). I have not been able to find out why it did not work, but certainly our present system evolved out of it and the Minister, in seeking to repeal the present section 4 and replace it with a new section 4, wants to make sure the present system continues.

New section 7a provides:

(1) Notwithstanding the provisions of any other Act, but subject to subsection (2), a council may sell or dispose of land—

(a) transferred or conveyed to the council under this Act; or

(b) in respect of the acquisition, development or improvement of which an advance has been made by the Minister under this Act.

(2) Land shall not be sold or disposed of under this section except upon the authorisation of the Governor.

There are many and various reasons why councils have become the proprietors of sometimes quite useless land. Sometimes this has happened through subdivision. The subdivider usually sheds the most unsuitable block to local government for a park recreation area for the subdivision, and councils have found many of these sites quite unsuitable for the purpose for which they were intended. Consequently, many are left unattended, become overgrown, and are an eyesore to the community. I know that generally it has been the practice of the past, when the sale of council lands has taken place, for the Minister to insist that the moneys raised must be applied to a similar purpose and, so far as I am aware, most councils are usually responsible enough, anyway, to suggest themselves that the money raised from the sale of unusable park areas will be used to enlarge and upgrade more suitable public areas. I firmly believe that the money raised from the sale of council parklands should be used for the acquisition or provision of other like amenities for the pleasure and enjoyment of the community. However, there is no mention in the amendments about the legal requirement relating to money raised if a council disposes of land. Can the Minister assure this Council that money raised from the sale of any land intended to be used as a public or community park will be used for replacement or upgrading of similar amenities? I support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the Hon. Mr Creedon for his contribution and his general support of this Bill. As he stated, the first operative clause simply regularises a practice which has been in train for a considerable time, and I think it is in the best interests of the legislation and local government generally that it be included in the Act. The second matter dealt with in the Bill is the one to which the honourable member has referred in regard to providing a right to a council to transfer land which had been used as parklands and also to transfer land which has been originally purchased by that council from funds provided under this Act.

I want to make the position perfectly clear that the Government will scrutinise any application that it receives from local government most carefully where these applications involve requests to dispose of land already purchased and used as parklands. Our concern is evidenced by the fact that we have a subsection in the Bill that requires such consent to be given by the Governor which, of course, means by Cabinet itself, rather than by the Minister. Elsewhere in the Act it can be seen that the Minister's consent for various procedures is all that is deemed necessary. I make the point that, in this connection, matters must go to the Government of the day for approval.

In regard to the honourable member's question, the Government would most certainly inquire whether the proceeds are to be used for alternative purposes of acquisition of land. However, the Government would prefer not to lay down specifically in the Bill that that must be so. Although we cannot foresee any circumstances in which the money would not be used for that alternative purpose, nevertheless there may be an occasion when a council seeks special dispensation to utilise the funds in some other way.

That does not necessarily mean that that council may not acquire alternative land at a later date, and thereby in the longer term finish up with as much, if not more, parklands than the council held previously, but the Government does not believe that it should specifically provide that the money must be used for that purpose, and that was the matter that gave rise to the honourable member's question. I wholeheartedly support the concept that wherever possible that should occur. I think that if the legislation is left in its present form the intentions that the honourable member has in mind will be fulfilled.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Acquisition of land for public parks and development of land so acquired.'

The CHAIRMAN: I point out that clause 2 in erased type is a money clause, and no discussion can take place in Committee on this clause until the Bill has been returned by the House of Assembly with the clause inserted.

The Hon. R. C. DeGARIS: Why is this clause in erased type? If it is a money clause according to the Constitution Act, I stand corrected, but I have certain doubts whether clause 2 is a money clause under the Constitution Act.

The CHAIRMAN: I have given this clause a great deal of consideration and there has been much consultation whether it is a money clause. I believe it is a money clause, and that is why it is in erased type.

The Hon. R. C. DeGARIS: We must be careful in matters such as this that we do not present Bills with clauses in erased type, when strictly, under the Constitution Act, they are not money clauses. I admit that one might argue in that direction in relation to this clause, but one can see that there is grave doubt whether this is a money clause according to the Constitution Act. We must be careful that we do not give away any of our powers in regard to this question by making a wrong interpretation of the Constitution Act.

The CHAIRMAN: I assure the honourable member, as I did previously, that the clause received a lot of consideration for the very reason he has pointed out. Both Houses consider these matters. After consideration, we determined that this was the best procedure in relation to this clause.

Clause 3—'Sales and disposal of parklands to which this Act applies.'

The Hon. R. C. DeGARIS: I understand that under the Public Parks Act there is no power for compulsory acquisition. I understand that powers of compulsory acquisition are provided in the Compulsory Acquisition of Land Act, and powers of compulsory acquisition are found in other Acts. In other words, the Compulsory Acquisition of Land Act gives the Government power under certain other Acts to acquire land for various purposes. Clause 2 gives the Government the power to advance moneys to a council by way of grant or loan to assist the council to acquire land to provide a public park or to develop or improve land acquired for that purpose.

If the Government advances money for that purpose or for compulsory acquisition of public parks and the council then decides that it no longer requires that land for a public park and wants to sell it, some degree of concern emerges in regard to the whole question of compulsory acquisition powers. Under this provision, the land shall not be sold except by authorisation of the Governor. I point out that over the years certain acquisitions have been undertaken that, in the House of Assembly and in this House in particular (because I remember the debates), have been subject to a great deal of concern in regard to the reasons for the compulsory acquisition. Any Bill of this nature, which gives powers of acquisition for a particular purpose and then powers for resale, warrants close scrutiny. I base that statement upon incidents that have occurred in the past.

I wonder whether the Minister would be prepared to report progress on clause 3 to enable the Council to examine this matter. Where the powers of acquisition have been used, land has been used for a public park and the council then decides it wishes to resell that land, the matter is more than the Cabinet's responsibility; I believe it is also a Parliamentary responsibility. I have been examining this clause with a view to amending it to provide for Parliament to be involved in the decisions of resale of parklands. I believe that is a valid point. I have not made up my mind about it yet but, because of what has occurred previously in regard to compulsory acquisition, the Parliament should exercise greater control over what the Government does in a case where there is a question of resale. Will the Minister comment on this point, and report progress to allow me to examine the matter further?

The Hon. C. M HILL: I have no objection to reporting progress, if the honourable member wants to look further at the matter that he has raised. The power to compulsorily acquire land is contained in section 4 of the Public Parks Act. I can outline the origins of the problem that gave rise to this amendment of the Act. Several councils have sought permission to dispose of land that is used in their areas for parklands. Some of that land has been acquired by those councils through the provisions of the Public Parks Act. The councils have approached the Government because they find themselves in predicaments, since for quite genuine reasons, in the interests of their ratepayers, they believe it is desirable to dispose of that land.

The areas concerned are Hindmarsh and Thebarton, where a great deal of replanning for residential and other growth and redevelopment purposes is under consideration. In those circumstances, for the best possible planning to be achieved by the councils, they seek to make some adjustments in the open space they have for parklands, but they do not have the right under the Act as it stands at present to dispose of that land. Therefore, they have sought my consent. There has been a degree of legal wrangling elsewhere on the same question, where land has been dedicated as reserves and similar consent has been sought. We are trying to put the position beyond doubt: those councils should have, in very special circumstances, the right of disposal.

Because of the sensitivity of the subject and the need for very strong scrutiny, the Government decided that consent could be obtained for councils to do that, provided the Government of the day agreed to the proposal. First, the proposal must pass the scrutiny of the local governing body, and then it must pass the scrutiny of the Government of the day. I do not believe this sort of case would arise very often but, at present, there are two or three situations in which, in the best interests of the citizens at large in these council areas, it would appear that action is desirable.

That is the background to the matter, and we are trying to amend the Bill to make the position perfectly clear that that right can exist but that it must be subject to the Government's approval. In view of the fact that the Hon. Mr DeGaris wishes to look at the question, I ask that progress be reported.

Progress reported; Committee to sit again.

LOCAL GOVERNMENT ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Local Government) obtained leave and introduced a Bill for an Act to amend the Local Government Act, 1932-1981. Read a first time.

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

That this Bill be now read a second time.

It proposes amendments to the principal Act, the Local Government Act, 1934-1981, dealing with two matters, council elections and conflict of interests in relation to councillors. The Bill proposes amendments designed to facilitate voting by persons whose names do not appear on the electoral roll on polling day—commonly referred to as declaration voting. The present provisions require declaration votes to be under the scrutiny of the Returning Officer or Deputy Returning Officer. This has been found to be cumbersome in practice, as declaration votes of necessity can only be available at a polling place where the Presiding Officer is in charge of proceedings.

It proposes amendments which would bring the hours of voting for council elections into line with those applying for

State elections, that is, 8 a.m. to 6 p.m. It also proposes an amendment designed to clarify the position of council members in relation to membership of, or representation on, other local organisations. The present provisions of the Local Government Act regarding interests of councillors have caused concern for some time. It has been argued that a councillor appointed to the board of, for example, the local band, or the regional cultural centre, or the school committee cannot take part in debate and voting in the council chamber on matters concerning that body. The amendments proposed are designed to make it clear that the holding of any position in a non-profit making organisation of any kind, or participation in the affairs of any such body, does not constitute an interest that conflicts with the duties of council membership. The amendments proposed by the Bill have the support of the Local Government Association. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 94 of the principal Act which provides for voting by any elector whose name does not appear on the voter's roll for the council. The section in its present form requires any such person who seeks to vote in an election for the council to make a declaration before the returning officer or deputy returning officer. The clause amends the section so that the declaration is instead made before the presiding officer.

Clause 3 amends section 120 of the principal Act which provides that the hours of voting for metropolitan council elections are between 8 a.m. and 7 p.m. while those for non-metropolitan council elections are between 8 a.m. and 6 p.m. The clause amends this section so that the hours of voting for all council elections are between 8 a.m. and 6 p.m.

Clause 4 substitutes a new section for section 755b. Existing section 755b provides that a councillor shall be deemed not to have an interest in any matter by reason of the fact that he is a member of a non-profit making organisation. The proposed new section widens this exemption. It provides that a councillor shall be deemed not to be interested in any matter by reason only of the fact that he has an interest in, or takes part in any capacity in the proceedings of, a non-profit making organisation. The proposed new section defines interest in relation to a non-profit making organisation as an interest arising by virtue of membership of the organisation and, in addition, an interest arising by virtue of being a trustee, officer or employee of the organisation. Non-profit making organisation is for the purposes of section 755b defined as any body, whether constituted by or under an Act or otherwise, the principal object of which is not to engage in trade or secure a profit and that is so constituted that its profits must be applied towards its purposes and may not be distributed to its members. The term also includes, under this definition, a governing body of, board of trustees for, or committee of any kind established by or for the purposes of, such a non-profit making organisation.

Clause 5 amends section 804 of the principal Act which deals with the hours of voting for council polls. The clause provides for hours of voting between 8 a.m. and 6 p.m. for all council polls.

The Hon. FRANK BLEVINS secured the adjournment of the debate.

CASINO

The Hon. J. R. CORNWALL: I move:

That the Legislative Council requests the concurrence of the House of Assembly in the appointment of a Joint Select Committee to inquire into and report on the implications of the establishment of a casino in South Australia and what effect and potential a casino may have on the tourist industry in this State. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, two of whom shall form the quorum of the Council members necessary to be present at all sittings of the committee.

At a time when there are widespread social and economic crises throughout Australia, I do not believe that this is a matter on which we should spend very much time. However, the subject has again become a matter of public interest and controversy in South Australia. The member for Semaphore, Norm Peterson, is said to be about to introduce a private member's Bill in the House of Assembly. This will ensure that the matter remains under public scrutiny.

The Hon. C. M. Hill: Do you want to pre-empt him?

The Hon. J. R. CORNWALL: No, I do not want to pre-empt him at all—I want to go about the matter in a much more orderly fashion, as I always do. It is likely that all members of the South Australian Parliament will have to make a decision at sometime within the life of this Parliament. It is therefore imperative that we be adequately informed.

It is now eight years since the possibility or desirability of a casino was debated by the South Australian Parliament. At that time the only legal casino in Australia was at Wrest Point in Hobart. Members will no doubt recall with great accuracy and clarity that it was opened on 10 February 1973. The rest of Australia looked on with some amazement as it opened with a fanfare of publicity.

Dire predictions were made at the time as to the effects the casino was likely to have on the citizens of Hobart. Opponents of the casino said at the time that organised crime would take over, families would be broken up, and the very fabric of Tasmanian society would break down. These were just some of the more extravagant claims. In the event, few of the predicted harmful effects seem to have occurred.

There is little doubt that the casino has been used from time to time to launder so-called black money. This is hardly a reason for closing it down: rather, the Taxation Department should be looking for the sources of the money. If this were a valid argument, half of Surfers Paradise would not have been built in the past decade.

No doubt some compulsive gamblers have disadvantaged themselves and their families by gambling beyond their means, and that is an aspect about which I and, I am sure, all other members would like more details. However, there does not seem to be overwhelming evidence that this is widespread.

On the other hand, the proponents of the casino were saying that Hobart would be invaded by the jet-setting millionaires of the world. It would be, they said, the alternative to Monte Carlo and Las Vegas. There does not appear to be any real evidence that this has happened, either, nor do I believe for one minute that it would occur in South Australia.

The truth seems to be somewhere in between. The casino has undoubtedly been a financial success, both for its proprietors and the Tasmanian Government. It has also provided a boost for tourism, but this has been combined with an aggressive and successful general strategy by the Tasmanian Tourist Bureau. Much more recently casinos have been opened at the Don Hotel in Darwin, which I and other members know well, and at Alice Springs. Two further casinos are proposed soon in Queensland.

The PRESIDENT: Order! Members will have their chance to speak on the Bill later.

The Hon. J. R. CORNWALL: I think they are only having a private conversation accross the Chamber.

The PRESIDENT: I think that makes it just as difficult for *Hansard* as does having a public debate.

The Hon. J. R. CORNWALL: It makes it difficult for me, too, Mr President, and I thank you for your protection. I understand that one of the casinos in Queensland will be built in the southern corner and one in the tropical north.

The Hon. R. C. DeGaris: One at Kingaroy?

The Hon. J. R. CORNWALL: I do not believe that there will be one at Kingaroy, despite rumours to the contrary.

Even Victoria has attempted to grasp the casino nettle on a couple of occasions, although with a rather spectacular lack of success. It is a word which still causes nightmares in the Victorian Liberal Party. New South Wales still has no legal casino but it does have several illegal ones. That is a problem in which the New South Wales Government will eventually have to address itself. Currently, therefore, in South Australia it would seem to be an ideal subject for a Select Committee of both Houses to consider.

It is a matter on which neither of the major Parties, Liberal or Labor, has a policy. For Parliamentary members of both of these Parties it is a conscience issue in the best and real sense of that term. The question of conscience votes and of members being able to think and vote as they see fit comes up from time to time in Parliaments in this country. It is often, of course, a myth, as far as the major Parties are concerned at least, and I think it is a myth as far as the Australian Democrats are concerned.

On the question of a casino, though, it is a matter of a genuine conscience vote. Certainly, no pressure will be exerted on members of my Party. It is therefore a question on which we should be as well informed as we can be. Furthermore, it seems to be a matter that it is well within the competence of a Parliamentary Select Committee to consider.

That is a matter to which I have given some consideration, because the Select Committees that I have seen working since I have been here that have worked well are those that can perform competently within their terms of reference. There are certain areas that are plainly too technical or too complicated for Select Committees to grasp in total. It would be wrong for me to name any Select Committees concerned in deliberations currently that would come into that category, but it can occur on occasions that members are asked to deliberate outside their levels of competence.

However, the subject of a casino is straightforward, and a Select Committee will present a well informed and comprehensive report on it in a short time. A Select Committee will also present a forum to which all members of the community can present points of view, and I suggest that that is better than having people haranguing each other through the media.

The member for Semaphore has suggested that a Select Committee will be only a junket for members. In my submission, that is not a well informed view, and I reject it. I ask all members to support the establishment of a Select Committee and to expedite this motion's going to a vote.

The six most important reasons why we should appoint a Select Committee can be summarised briefly as follows: First, it is a subject well within the competence of members of Parliament. They would be well able to make informed and rational decisions and to produce a constructive and intelligent report. Secondly, the deliberations and investigations could be achieved within a modest and predictable budget, unlike, again, one or two other Select Committees I could mention. Thirdly, the report could be produced within a realistic time-frame.

Fourthly, it is a subject on which there are no fixed Party-political viewpoints or policy. The Select Committee therefore could produce a report without any of the usual and obvious constraints or political grandstanding. Fifthly, it would provide a respectable and respected forum to which interested community groups could put their points of view. Sixthly, it would be of immense help in assisting members to cast an intelligent and well informed vote, something which happens far less frequently than members of the community like to see. I urge members to support the motion.

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

ADJOURNMENT

At 4.8 p.m. the Council adjourned until Wednesday 26 August at 2.15 p.m.