HOUSE OF ASSEMBLY

Wednesday 19 November 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: PRE-RECORDED MUSIC

A petition signed by 37 residents of South Australia, praying that the House ensure that playing of pre-recorded music is not to the detriment of working musicians, was presented by Mr. Bannon.

Petition received.

PETITIONS: PROSTITUTION

Petitions signed by 74 residents of South Australia, praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations Convention on Prostitution, were presented by the Hon. J. D. Corcoran and Messrs. Becker and Russack.

Petitions received.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Royal Adelaide Hospital—Second Cardiac Catheter Laboratory,

Aberfoyle Park Primary School—Joint School Complex.

Ordered that reports be printed.

QUESTION TIME

L.P.G.

Mr. BANNON: Could the Premier clarify the position relating to the l.p.g. gas export project and explain why he was unaware of South Australia's involvement in the project and who precisely is involved?

This project was first talked about in a concrete way in February this year when certain announcements were made about the interests of a number of companies and the producers themselves in developing a project for a liquids pipeline which could be commissioned prior to any petro-chemical project being established. It was announced that the Government had asked the Pipelines Authority of South Australia in February to undertake a feasibility study on the route, design and construction of a pipeline to get butane and propane to the coast. This study was to have taken six months, so therefore one assumes it has been completed.

Nothing much further was heard about this until last week when H. C. Sleigh, reacting to the Government's decision on wholesale petrol prices, announced that it was reconsidering its investment in South Australia and this project in particular would be one it had under review as to whether it felt there should be any further participation by it in the project. On Thursday of last week the *Financial Review* reported the annual meeting of Bridge Oil at which the Deputy Chairman of the company made a number of remarks about what was described as the $240 000 000 Cooper pipeline project, and the General Manager of Bridge Oil, Mr. A. G. Harris, said that the South Australian Government was still to be convinced of the value of such installations. Then, on Saturday the *Advertiser* published a major announcement purported to have come from Mr. Anthony, the Deputy Prime Minister, which in effect gave the go-ahead to a $800 000 000 project, which was the total project involved in this particular aspect I have been discussing. The Premier's reaction to this was that he was pleased to hear that the project was going ahead and he would have been even more pleased had he had some forewaring of the decision. He later commented that he was unaware of South Australia's involvement in the project, or specific details of funding and was looking forward to hearing more about it. Subsequently, he had a meeting with the producers where apparently he was brought up to date on the matters of which he had been ignorant to that stage.

The SPEAKER: Order! I ask the honourable Leader not to comment.

Mr. BANNON: A meeting was held with the producers on Monday and a further statement was issued by the Premier, including comments made during an interview on *Nationwide* in which he said of the announcement on the Saturday that he would give no weight to that announcement made at the weekend and generally affected to be unconcerned both about the statements that had been made and indeed the question of who might or might not be interested in participating in the project.

The Hon. D. O. TONKIN: The Leader of the Opposition has not disappointed me again. I think it is important that we understand exactly what the situation was, and I must say the Leader is quite right to bring the matter forward because I believe it does demonstrate, as he so rightly puts it, a degree of uncertainty which needs to be clarified, and I will have great pleasure in clarifying the situation for him.

As it happened, I was approached by the *Advertiser*, which published the story in the morning, at about 10 o'clock in the evening, I think it was, not long before deadline, and I was asked what I thought of the $800 000 000 Cooper Basin project. I had no hesitation at all in saying that I did not know anything at all about an $800 000 000 project that had been decided. I was quite right to say so, because there was very little of substance in the report which was published on Saturday morning and indeed a great deal of speculation was contained in it. What had happened was that the Deputy Prime Minister, during a visit to Moomba, had apparently been reappraised of some of the facts as to the possibilities of the l.p.g. development and in the course of conversation had mentioned these possibilities. He had issued a statement, and this statement had been taken up as a statement of fact and commitment, which indeed it was not.

The position basically is that discussions are still going forward as to the export of l.p.g. Almost a month ago, I believe, approval was given for five years for the export of l.p.g., and it is reported in the *Financial Review*, I think at about the end of October, that export approval for l.p.g. means that the producers can now go ahead and firm up their plans. The suggestion, as the Leader so rightly said, has been under discussion for some considerable time.

The *Advertiser* report was grossly in error in stating that an area at Stony Point had been set aside for the port and that the pipeline would be built to there, and so on.

The Hon. J. D. Wright interjecting:

The Hon. D. O. TONKIN: I have no idea; I have not bothered to look at the Minister's statement. I have

spoken to him about the matter, and he was simply repeating discussions he had had with the producers as to possibilities. Much work still needs to be done and many decisions still have to be made. Stony Point, north of Whyalla, may be one of the sites for a port. The land involved, I think, is owned by the State, so that there will need to be some consultation on that matter if Stony Point is decided on. It may not be the optimum site, because present studies are looking basically at Redcliff, although Stony Point has recently been discussed as one of the alternatives. There may be other ports that can be used to export l.p.g. It may well be that we will decide that Port Stanvac, notwithstanding the most recent occurrence, could be the best possible site, and that the cost of extending the pipeline could be more than offset by the ability to use the capital harbor works there instead of building new ones at either Redcliff or Stony Point.

The Hon. R. G. Payne interjecting:

The Hon. D. O. TONKIN: There is certainly no decision on the matter, although various people have differing estimates of the value of each proposal. Until that decision is made there can be no decision as to how and where the pipeline is built—Port Stanvac, Stony Point, Redcliff or any other port in the Spencer Gulf region. I was surprised when told that the project had been given the go-ahead and a sum placed on its value, and so on. It was not until I checked with Mr. Anthony later that I realised that there had been a misunderstanding.

The Hon. J. D. Wright: Did he apologise for his statement?

The Hon. D. O. TONKIN: He said that he had repeated the announcement that the five-year licence had been given, and reminded me that that was all that it was. It was a repetition of an announcement made some weeks before. One other matter I should bring to the Leader's notice concerning the involvement of H. C. Sleigh.

Mr. Bannon: What about Bridge Oil?

The Hon. D. O. TONKIN: The Bridge Oil statement shows that there is still much work to be done and, as one of the producers, it would know that.

Mr. Bannon: The Government is showing no interest.

The Hon. D. O. TONKIN: Really, the Leader of the Opposition is very petty and nitpicking.

The SPEAKER: Interjections are out of order.

The Hon. D. O. TONKIN: Yes, Mr. Speaker, and I will ignore them. The point raised by the Leader about H. C. Sleigh means that I should point out that H. C. Sleigh, as far as I know, is not involved in any way in an l.p.g. project either at Stony Point, Redcliff, or anywhere else. He must have been misinformed in that regard.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: It is unbelievable. They may be referring to the proposition canvassed that H. C. Sleigh among others would be interested in putting up the relatively small but quite important refinery for motor spirit, not the l.p.g. project, which was originally postulated at the time the petro-chemical works was first put forward as a possibility for Redcliff.

The Hon. R. G. Payne: That is a liquids line.

The Hon. D. O. TONKIN: Indeed. That is an interesting proposition which is attractive and a refinery project that could service not only South Australian needs generally but also the needs of Spencer Gulf and the Iron Triangle region.

There is, as I understand, a good deal of interest in that project on the part of a number of companies, and I sincerely hope that that will go ahead, but that is in no way associated with the l.p.g. project. What it means is that, if such a refinery project were to go ahead, it would be necessary to use the same port facilities as perhaps would be used for the l.p.g. or petro-chemical plant.

What all this amounts to is that there is a great need for the iron triangle study announced before the last Federal election, and for it to go ahead. We believe, as a Government, that $250 000 is a small price to pay to match up with the Commonwealth's contribution so that we can get a co-ordinated plan for the development of the whole area. I think that, although the statement in the *Advertiser* was rather unfortunate and obviously based on a misunderstanding of the situation, it shows clearly that there is a need for that co-ordinated plan and that there is still the great deal of study to be undertaken so that the State is not involved in capital works which are unnecessary or which duplicate others.

We have a responsibility to get the best value we can for the taxpayers' dollar, whether in terms of recurrent revenue or capital works. We do not intend to spend our capital moneys on port facilities at a variety of places, if we can get one set of port facilities that will serve for all of them. The Leader can be reassured that we have that aim and object firmly in mind. I hope that a decision will be made on the l.p.g. project, which is of enormous significance to South Australia. I hope that a decision will be made on that matter literally within weeks.

The approval to export l.p.g. will be of enormous significance to Japanese companies, which, without exception, have shown an intense interest in l.p.g. availability from Australia. They are desperate for l.p.g. and other energy sources. If we can supply l.p.g. to them over five years, even though we, as a State and as a nation, have first call on l.p.g. production, they are prepared to come down and take part in joint projects, whether petro-chemical, a wider chemical-based industry, liquefaction of coal, or whatever. The incentive for them to come down and take part in joint projects to South Australia's advancement and benefit will be enormously enhanced by the effect of this five-year announcement.

AUSTRALIA GAMES

Mr. EVANS: Has the Premier received a communication from the Leader of the Opposition in which he suggests Adelaide as the venue for the inaugural Australia Games in 1986, which is the year of the 150th anniversary of this State? If so, what is the Premier's reaction to the Leader's suggestion? I read in the *Sunday Mail* an article in which the Leader was promoting Adelaide as a venue for the Australia Games in 1986. On a matter as important as this, I think it logical to assume that the Leader had communicated with the Premier. Has that occurred, and what are the Premier's reactions?

The Hon. D. O. TONKIN: I did receive a letter from the Leader of the Opposition on that particular matter, and I was very pleased so to do. After the chiding that he gave me in this place earlier this month for not knowing that the 1986—

The Hon. Peter Duncan: It was justified.

The Hon. D. O. TONKIN: It may well have been justified. I did not in any way say that it was unjustified. I am very pleased to hear the support of the member for Elizabeth in this matter. Having been given a chiding in this place earlier this month for not knowing that the 1986 Commonwealth Games had already been allocated to Edinburgh, I was pleased to receive a positive suggestion from him. It was interesting also to find that, having had my example before him, he also was able to fall into human error.

In his letter the Leader asked me to pass on to the

organising committee, with my endorsement, his proposition that 1986 could be celebrated in Adelaide as the start of a regular biennial national games, the Australia Games. The fact is that preparations for an Australia Games have been under way for some time. It is proposed that the first such—

Mr. Bannon: We are aware of it.

The Hon. D. O. TONKIN: Good! That means you have got my letter. It is proposed that the first such games would be held in 1983. This was announced by the Minister of Recreation and Sport on 28 June this year. I think it was reported quite prominently in the *Advertiser*. Furthermore, in March this year, South Australia applied (and I am pleased to be able to report to honourable members that it was the first application lodged) to the Confederation of Australian Sport for the right to stage an Australia Games in Adelaide in 1986.

We have received an enthusiastic reply from the confederation President Mr. Wayne Reid, who said that the confederation was anxious to support the conducting of an Australia Games in South Australia as part of its 150th year celebrations.

With the first of the biennial games to be held in 1983, to some extent that could complicate South Australia's application for 1986, especially as Victoria has put in a claim for 1985. However, we have received some information recently which I shall now pass on to honourable members, namely, that both Victoria and South Australia can be accommodated by moving the dates a little and stage the second Australia Games in the first few months of 1985 and the next Games in Adelaide during the last few months of 1986, indeed, to coincide almost exactly with our birthday. In that way the desired arrangement could very well come to pass. It would maintain the proposed biennial nature of the events and it would serve both sides.

Mr. Millhouse: If you can organise that, I will undertake to run in the marathon.

The SPEAKER: Order!

The Hon. D. O. TONKIN: I am sorry, but I seem to have misheard the honourable and gallant gentleman. I understood him to say that he would undertake to get married!

Mr. Millhouse: To run in the marathon.

The Hon. D. O. TONKIN: I see. Some people would say that both events have much the same importance. The latest information that I have is that the Confederation of Australian Sport is about to appoint a full-time co-ordinator to establish guidelines and criteria for the Games. I would expect a decision regarding Adelaide being the 1986 venue could be expected quite soon and I am certainly very confident that there will be a positive response. I must say that I am very pleased indeed to receive the Leader's suggestion and, obviously, his implied support. I very much appreciate the approach that he has made in saying that the organisation of such games in South Australia should be a bi-partisan matter, and certainly, I will undertake to keep him fully informed of our efforts to secure the Australia Games for Adelaide in 1986.

INDUSTRIAL LAWS

The Hon. J. D. WRIGHT: My question is addressed to the Premier. Did Cabinet approve the terms of reference of Mr. F. K. Cawthorne's inquiry into South Australia's industrial laws? If so, can the Premier explain the discrepancy between the statements by the Minister of Industrial Affairs and Mr. Cawthorne about that inquiry?

Last Thursday the Minister of Industrial Affairs announced that Mr. F. K. Cawthorne, Industrial Magistrate, would begin a major review of the State industrial legislation. The Minister, as quoted in the *Advertiser*, said that Mr. Cawthorne would have to determine how the Liberal Party's election policy on industrial relations should be adopted. However, next day Mr. Cawthorne denied that his review of industrial legislation was merely to implement Liberal Party policy. Mr. Cawthorne, in fact, said that the Government would be placed in no different position from any other party that participates in the inquiry. Mr. Cawthorne, said he would be free to accept wholly or partly, or reject, Government submissions. I should like clarification from the Premier.

The Hon. D. O. TONKIN: The answer to the Deputy Leader's first question is, "Yes". The answer to the second question is that there is no discrepancy, and I suggest that he should read all of Mr. Cawthorne's statement or inquire of the Minister concerned if he is in any further doubt.

SOLDIER SETTLERS

Mr. RUSSACK: Has the Minister of Agriculture read a report on the war service land settlement scheme on Kangaroo Island which appeared on page 3 of the *National Farmer* of 16 October 1980? If so, what is his reaction to its content? The Hon. Brian Chatterton referred in the report to the dismal failure of the scheme and generally reflected on its productivity and the potential productivity of the island, which the Minister represents in this House.

The Hon. W. E. CHAPMAN: I had read the report, and I can say that I was most disturbed to read yet another reflection on the community generally and the people who live on Kangaroo Island. It is not dissimilar to one or two other attacks on that community made by the honourable gentleman. Whilst the body of the report dealt specifically with the writer's opinion of how war service land settlement has gone since its inception, I point out that that issue is entirely in the hands of the Minister of Lands, and I understand from the Minister that he has done some research on the report and that he is in the process of preparing a reply which, hopefully, will be reported in the appropriate place. The principle involved in the attack on our islanders by that honourable gentleman is something to which I wish to reply.

Members interjecting:

The Hon. W. E. CHAPMAN: Our islanders.

The SPEAKER: Order!

The Hon. W. E. CHAPMAN: When an honourable member or anyone else attacks a Kangaroo Islander, he is attacking the whole lot, because the whole lot are injured by such attacks on any one person or any group of its people. I do not have to demonstrate in this place the occasions when similar attacks have been made on those people, not the least of which was made in 1971 when the Hon. Jim Dunford, then a union Secretary, set out to attack a section of that community, and the community at the time demonstrated very colourfully, very well, and very loyally how they could hang together in such circumstances.

The Hon. H. Allison: Didn't the Government have to bail him out?

The Hon. W. E. CHAPMAN: Of course it did. That is still on. We still have people in this place who, from under the canopy of this House and the other place, are prepared to attack not just the community and the land on which the people live and which they love, but the people themselves. It is crook and it is time it stopped. It is in that

respect that I share the veiled criticism by my colleague the member for Goyder in his reference to the report on page 3 of the *National Farmer* of 16 October 1980.

Members interjecting:

The Hon. W. E. CHAPMAN: If the honourable member opposite who has just interjected wants to indicate that Kangaroo Islanders are not South Australians, let him say so. I did not hear the remark, but I am reminded that that is what he said. I can tell him that they are South Australians and that they will remain South Australians until it suits them to seek to be otherwise.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The House will come to order. The honourable Minister of Agriculture has the call to answer a question.

The Hon. W. E. CHAPMAN: Thank you for your support, Mr. Speaker. I do not propose to expand on the subject now, but I hope my reply has been noted and that those people who, in their own right, practise good farming and good agricultural pursuits and who contribute a tremendous amount to this State's rural economy and resources generally, get the respect that they deserve.

PRISONS ROYAL COMMISSION

The Hon. PETER DUNCAN: Following on the proceedings in the Royal Commission into the South Australian prison system yesterday, as reported in this morning's *Advertiser*, and further proceedings in the commission this morning, is the Premier now prepared to extend the terms of reference as requested by senior prison staff, the general duty officers, the prison industry officers, the Public Service Association of South Australia, the Australian Government Workers Association of South Australia, and counsel before the commission representing prisoners?

This morning's press reported testimony from the head of the Department of Correctional Services, Mr. Stewart, indicating that the department has been following procedures which are in contravention of the regulations under the Prisons Act. It is reported to me that this morning in the commission counsel assisting the Commissioner, Mr. Lander, indicated that in his view a breach of regulations under the Prisons Act would not constitute irregular practices within the terms of reference on that commission and would therefore not fall within the current terms of reference. Clearly, matters such as breaches of regulations should be brought within the terms of reference and, in the light of the comments of Mr. Lander as I have just mentioned to the House, will the Premier undertake to review and widen the terms of reference as he has been requested?

As I understand the requests, they have been that the terms be broadened to something similar to those of the New South Wales so-called Nagle inquiry, and those terms were as follows:

> To inquire into and report upon the general working of the Department of Correctional Services, its policies, facilities and practices in the light of contemporary penal practice and knowledge of crime and its causes, and, without restricting the generality of the foregoing, to inquire into and report upon—
>
> *(a)* the custody, care and control of prisoners and the relationship between staff and prisoners; and
>
> *(b)* the selection, training and promotion of prison officers and of other staff engaged in training, correctional and rehabilitative programmes for prisoners,
>
> and to recommend any legislative and other changes necessary or desirable in consequence of its findings.

The Hon. D. O. TONKIN: A number of matters have been brought forward by the member for Elizabeth. At the outset, I would like to say that I recognise and acknowledge his great interest in this subject. He was, after all, someone who voiced considerable concern both in this Chamber and elsewhere about activities in prisons and, although I am still rather sorry that he did not take advantage of the opportunity that I offered him to write to me and to the Government to outline details of all of the allegations which had been made, together with any supporting evidence which he might have, such request I think being made about the end of August, from memory—

The Hon. Peter Duncan: I have supplied—

The SPEAKER: Order!

The Hon. D. O. TONKIN: —I can only say that I am pleased that the matter has now been brought forward, and I am quite sure that the honourable member will support the appointment of a Royal Commission into the matter. He has brought up a number of features. First, as to the matter of the breaking, or alleged breaching, of regulations, I think there is some misunderstanding in this matter on the part of the officers of both the P.S.A. and the Australian Government Workers Association. There is, in fact, in the regulations as they presently apply a number of directions as to the proper conduct of prisons and institutions. However, the only real obligations which are placed upon prison officers by the Act are penalties which are imposed where the officer wilfully or negligently allows a prisoner to escape or where he sells, lends or gives away wine or spirituous liquors to a prisoner. The first is section 28 of the Act, and the second is section 53 of the Act.

In all other regards, the other regulations are only directory in nature and they do not attract penalties, particularly if they are conducted under the direction of senior officers. There is no way indeed that such action could be taken for any such breach, because there are no breaches technically in law.

The Hon. Peter Duncan: Of course there is.

The Hon. D. O. TONKIN: It just is not. It sets out a code of conduct for prison officers, but I would be quite happy to talk to the member in greater detail—

The Hon. Peter Duncan: They are regulations under an Act. It would take a prohibition—

The SPEAKER: Order!

The Hon. D. O. TONKIN: Quite obviously, the honourable and the learned member for Elizabeth has a particular opinion on this matter. Other legal officers have other opinions and I should think that they were probably in the majority and better able to judge. As to the matter of the extension of the terms of reference of the Royal Commission, I would refer the member for Elizabeth to an answer that was given in another place by the Attorney-General, I think only yesterday, in which he made quite clear that the Government had no intention whatever of enlarging the terms of reference, unless there is a request from the Royal Commissioner that indicates that he would like the terms of reference widened because he is in some way impeded in conducting his inquiry.

Yesterday the Attorney-General quoted the example of the Salisbury Royal Commission, where there were a number of approaches to widen the terms of reference. The same attitude was adopted on that occasion and it will be adopted on this occasion. The Government is anxious to get to the truth of the many unsubstantiated allegations which have been made about prisons, the prison services, and the prison officers in particular. We are concerned to

get at the truth. We will get at the truth and we will do it through the due processes of a Royal Commission.

I repeat, if the Royal Commissioner feels in any way that he is impeded in the course of his inquiry by terms of reference that are too narrow, he has only to make that fact known to the Government and the Government will act, just as it is about to act in the matter of his right to suppress names of people appearing before that inquiry. I hope that legislation will be coming forward and will be dealt with expeditiously today.

OIL SPILLAGE

Mr. BECKER: Can the Chief Secretary say what immediate action has been taken to preserve the environment following an oil spill at Port Stanvac last evening? Did the tanker discharging oil drag one of its anchors during heavy seas, what action will be taken to prevent a repetition, and will the Department of Marine and Harbors conduct an inquiry into the incident?

The Hon. W. A. RODDA: An oil spillage occurred at Port Stanvac at 1620 hours on 18 November, as the vessel *Mobil Acme* (138 496 dead weight tons) was completing discharge of a cargo of Arabian light crude to the Stanvac refinery. The incident resulted in a spill of approximately 2 500 gallons of oil. The vessel was in the process of disconnecting sub-marine hose connections from the refinery in a situation of strong south-west winds gusting to 30 knots, when a mooring wire broke and the vessel began to drag the port anchor. The hoses had been disconnected and capped but before they could be lowered to the seabed a second mooring line broke and one hose was damaged and discharged its oil.

The pipeline was under vacuum, which is normal procedure during disconnecting operations. The oil in the pipeline and the other hose was safely contained. The quantity of oil which escaped to the sea was taken by the very high tide last night and placed well above the normal high tide mark in a position on the coastline at Hallett Cove. An inspection at daylight this morning revealed that the polluted area extended three kilometres northward from the refinery. Four gangs of men from the refinery are now located along the polluted section of coastline engaged in cleaning by means of removing polluted sand, mopping up and recovering oil where possible and washing the oil from the rocks by means of dispersants and water jets. The dispersant in use is B.P.A.B., a low toxicity liquid acquired from the Oil Pollution National Plan stocks.

The Department of Marine and Harbors will conduct an inquiry into the incident in accordance with the provisions of the pollution of waters by oil legislation. The department's Director, Ports and Marine Operations (Captain N. R. Carr), and the Harbormaster and Port Manager, Port of Adelaide (Captain R. Pearson), have inspected the site. The vessel *Mobil Acme* has sailed for Singapore. Refinery officials have advised that the clean-up operations will be completed to the extent of 50 per cent by tonight and finally completed tomorrow evening, 20 November. The Department of Environment has been notified and has made a land and aerial inspection of the scene. Also the Department of Fisheries has been advised of the spillage.

READING DEVELOPMENT CENTRE

Mr. TRAINER: Can the Premier say whether the 150 people who are reported to have attended a meeting yesterday expressing concern at Government plans to reduce staff at the Reading Development Centre of the Education Department and to have passed unanimously a no-confidence motion in the Minister of Education are among the "minority of vocal and misinformed teachers" to which he referred in this House yesterday? Further, are the representatives of primary and secondary teachers in the Central Western Region, also reported as supporting the Teachers Institute proposal for a half-day protest and also expressing no confidence in the Minister of Education, similarly labelled as being part of this "vocal and misinformed minority"?

The Hon. D. O. TONKIN: No, I do not consider that they are members of the ill-informed group of teachers who have been campaigning on this matter. However, I believe that many of them have been misinformed and many are showing concerns that are unnecessary. Indeed, if they were in full possession of all the facts, they would be reassured about those matters. It is a matter of record that they attended the meeting, but it is not a matter of record whether they were in full possession of the facts as outlined so adequately by the Minister of Education in this House yesterday. It seems to me that the honourable member is trying to continue what was attempted yesterday in stirring up uncertainty and unnecessary concern, a matter for which the Opposition was well and truly censured in the House yesterday.

MINISTER'S OVERSEAS VISIT

Mr. GUNN: Will the Minister of Agriculture explain when he is departing on his overseas trip, which countries he intends to visit, the purpose of the visit, and who will accompany him? A report in the *Advertiser* this morning indicated that the Minister's wife would be visiting Saudi Arabia, Algeria, and Tunisia.

The Hon. W. E. CHAPMAN: A Cabinet decision of August 1980 continues the policy of the previous Government that entitles a Minister to take his wife on one overseas trip per Parliament. The Government has approved of the travel of my wife and, accordingly, the Budget adjustments provide for it. It will be the first trip out of this country in which my wife has been involved, and accordingly I have made inquiries. This week I produced a report for the press stating the purposes of the visit and saying that she would be accompanying me in the appropriate places whilst away. The *Advertiser* report, tucked away in part of the paper this morning, contained a message that was quite misleading and not consistent with the press release that was produced. On that aspect, the press release stated:

> Mr. Chapman will be accompanied throughout the trip by the Director-General of Agriculture, Mr. Jim McColl, and Mr. Champan's wife Coralie where it is appropriate.

The article stated that my wife would be going to Saudi Arabia. Indeed, she will not be, because of advice received earlier this year. Whilst wives, and indeed mine, were invited and most welcome to attend in Arab countries, it is not the practice that they be in the company of their husband as Minister, or their husband as an officer, if that is the case, when dealing with other Government Ministers and officers. Accordingly, it is intended (and the press release reflected this clearly) that she will not be involved at all at that level. I take it that the advice was based on sound experience of previous occasions, and I propose to adhere to it. The Director of Agriculture (Mr. Jim McColl) will be present with me throughout the overseas engagements.

ESTCOURT HOUSE

Mr. HEMMINGS: Can the Minister of Health say whether fire precautions at Estcourt House were checked before a decision was made to shift patients from Ru Rua, because of fire safety problems there, and, if so, what is the situation?

The Hon. Jennifer Adamson: Would the honourable member mind repeating the first few words, because I did not hear them.

The SPEAKER: I ask the honourable member to repeat his question from the outset.

Mr. HEMMINGS: I realise that some people do not really understand my accent.

The SPEAKER: Order! I ask the honourable member to repeat his question from the outset.

Mr. HEMMINGS: Were fire precautions at Estcourt House checked before a decision was made to shift patients from Ru Rua, because of fire safety problems there and, if so, what is the situation, and what will happen to patients currently living at Estcourt House? I understand that a real fire hazard exists at Estcourt House, such as exists at Ru Rua. I also understand that, whilst it is not so serious, as we are dealing with only 30 patients, who are able to walk, if the 100 patients currently residing at Ru Rua are transferred to Estcourt House, a real fire hazard will be created.

The Hon. JENNIFER ADAMSON: The member for Napier raises two important questions, and I shall be happy to provide him with information about fire safety at Estcourt House. However, I assure him that the Health Commission made a careful investigation of the suitability of Estcourt House for the totally dependent children currently housed at Ru Rua, before deciding to transfer them. In that regard, any alterations that need to be made at Estcourt House to ensure the safety, comfort and proper capacity to care for those children will be made before the transfer from Ru Rua takes place, I expect and I hope early in the new year.

The situation at Ru Rua concerned me deeply when I visited there very early this year. Having visited the nursing home, I made immediate arrangements with the Health Commission to proceed urgently with the planning for the construction of purpose-built accommodation. It was amazing to me, having seen Ru Rua, to think that a Government would have contemplated purchasing that building, in the first place, to house totally dependent people. It is a completely unsuitable building for the purpose for which it was built. I cannot imagine why the State Government decided, in 1973, to buy it; suffice to say, that happened. It is, in my opinion, scandalous that so much time was allowed to elapse before those children were moved to a safe environment.

Regarding the patients at Estcourt House, discussions are taking place between Strathmont Centre, the staff at Estcourt House, the Australian Government Workers Association, and the Health Commission to determine what is the most appropriate placement for the 30 elderly intellectually retarded patients now at Estcourt House. When a decision is made about that, their movement will take place early in the new year. I emphasise that I regard it as a matter of great regret, indeed, that the Secretary of the A.W.G.A. (Mr. Morley), without attempting to participate in any consultation, should press the black-ban button by announcing that his members would refuse to participate in the move of people from Estcourt House to enable the accommodation to be made available for children from Ru Rua. I think that was a most extraordinary indictment of the man.

Mr. Hemmings: Do you know the background—

The SPEAKER: Order!

The Hon. JENNIFER ADAMSON: Yes, I do know the background to this, and I think he could at least have waited until consultation had taken place. He might have known the decision in regard to moving those children from Ru Rua had to be taken immediately on receipt from the Fire Brigade of a report indicating that the building was a fire hazard. It was taken on the eve of a weekend. There was certainly no time to consult with Mr. Morley; the most important thing was to consult with the parents of the children involved, and that was precisely what was done.

AIRCRAFT NOISE

Mr. OSWALD: Can the Minister of Transport say what action has been taken to provide noise monitoring units under flight paths at the Adelaide Airport? During June of this year, I attended a public meeting conducted by the West Torrens Airport Noise Committee which was organised as a protest against, among other things, the level of noise being experienced by residents along the route. One of the resolutions passed called on the State Government to establish permanent noise monitoring units beneath the flight paths. As requested by the meeting, I took up the matter immediately with the Minister of Environment, who I understand is in consultation with the Department of Transport. Can the Minister advise the House of the progress being made in this important matter?

The Hon. M. M. WILSON: I am well aware of the member for Morphett's concern about the residents in his electorate and the question of airport noise. The Minister of Environment took up the matter with me, and I have been in contact with my Federal colleague, Mr. Hunt, the Federal Minister for Transport, and I expect to be visiting Canberra within the next week or two, when I will place the question of airport noise and the monitoring of airport noise on the agenda for discussion with Mr. Hunt.

CAR REGISTRATION

Mr. MAX BROWN: Can the Minister of Transport say whether his department has investigated the system of car leasing, whereby a car buyer, not having the cash payment for a car, enters into a lease arrangement on a monthly repayment basis, similar to a hire-purchase agreement, and it is usually with a finance company or a used car dealer as lessor? That lessor is not named as the owner or co-owner of the vehicle when it is registered. Since he is not named in any way in the registration process, the opportunity is afforded for the lessee to sell the car to a third party with criminal intent.

This matter has been brought to my attention and it seems to me that, unfortunately, the system allows a prospective purchaser of a motor vehicle to enter into a lease arrangement, get himself into financial difficulties and then sell the leased vehicle to a third person in a cash sale. That person thus pays several thousand dollars for a motor vehicle which he does not own and which is usually taken away from him by the rightful owner, the lessor. It would seem that a system of registration under a co-owner arrangement ought to be examined, or at least the name of the lessor should appear in some way on the registration papers.

The Hon. M. M. WILSON: I do not know whether we could make a move to have the dual names on the

registration papers, but I would certainly be happy to have the matter investigated for the honourable member, and I will bring down a report for him as soon as it is available.

EDUCATION SPENDING

Dr. BILLARD: Can the Minister of Education say how the increase in the 1980 Budget allocation for education compares in percentage terms with a corresponding increase in the last year of the Labor Government's administration, and whether comparisons that have been made of the voted amount for 1980-81 and the actual expenditure in 1979-80 are valid?

It has been suggested by members and supporters of the Labor Party that the 1980 education budget inadequately provides for education needs in South Australia. Figures quoted in several quarters have referred to a 6·8 per cent increase in cash terms, which is, of course, very much less than the inflation rate, whilst the Minister has claimed that the correct figure is a 14·5 per cent increase in the budget allocation. It has been put to me that there are some teachers and parents who are now confused and do not know what figures to believe.

The Hon. H. ALLISON: This is an example of manipulation of figures, which is fairly common in accountancy practices. The former Minister of Education is smiling rather smugly. However, the explanation is simple, and certainly not humorous. We should be looking at two sets of figures. Each year, the Government votes a certain amount of money to any Government department; that is the annual voted expenditure. Each year, against that voted expenditure, at the end of the 12 months, at the following 30 June, there is the actual expenditure. Generally, we take the voted figure and compare it year by year by year with other voted figures. These are, in fact, what a Government intends to expend. On the other hand, if we wish to compare the actual figures, that is a separate column, each related directly to the preceding year as to what was actually expended in that Government department. We will look at the figures and we will interpret them as the Leader of the Opposition has suggested that we should.

It has been said that in budgetary figures we are promising an expenditure of 14·5 per cent. That is the increase over the previous year's expenditure voted of $324 750 000. We are now committed to spend $371 980 000, and that increase is 14·5 per cent. I have been saying 15 per cent, because since the Budget was brought down we have committed a further $1 000 000 to $1 100 000, but that is not relevant to the argument.

The Leader of the Opposition said that we had, in fact, increased the expenditure this year by only 6·8 per cent. That is precisely the increase, and his statistics are absolutely accurate, if we take last year's expenditure of $348 000 000 as against this year's commitment of $371 000 000. He is correct; it is 6·8 per cent. We are correct, because, on last year's voted figure, it is 14·5 per cent. Interestingly, if we extend the analysis that the Leader of the Opposition insists is the correct one, and if we look at the preceding two years when his Government was in office, the figure for the increase of voted expenditure over the previous year's actual expenditure for 1978-79 was only 2·9 per cent; in 1979-80, in the Budget which this Government inherited, the increase was only 2 per cent.

The Hon. D. J. Hopgood: That was your Budget, not ours.

The Hon. H. ALLISON: We increased it by $2 000 000 over the Labor Government's best offer, so it would have been back to 1·9. Looking at it another way, if we wish to compare the voted figure against the actual figure, also in the preceding two years (and, remember, we are being told that our performance is down), the voted figure for 1977-78 was almost $286 000 000, an increase promised of 17·4 per cent. The actual expenditure of $299 000 000 was an increase of only 14 per cent over the preceding commitment. Inflation was running at 9·5 per cent. In 1978-79, the commitment was 7·7 per cent over the previous year. The actual expenditure was 6·4 per cent over the previous year. In other words, for all the criticism, the previous Government was actually light on in expenditure as a percentage basis of what it committed. This Government inherited the previous Government's commitment of $324 000 000, give or take a few dollars, and, as the former Minister said, "That was your Budget."

Well, it was our Budget, but were we satisfied with that expenditure? No. In fact, we expended 9·4 per cent in actual terms. That was an increase. In the preceding two years, actual expenditures were down. Our Budget, the first one we inherited, showed an increase from 5·4 per cent promised to 9·4 per cent increase. Do not tell me there had not been wage increases, because, if you look year by year at the inflation rate, what happened under your Government? There was a 9·5 per cent cost price indexation increase, an 8·2 per cent cost price indexation increase (and you came down to 6·4 per cent in reality), a 10·2 per cent cost price indexation increase, and we came up from 5·4 per cent to 9·4 per cent, which was still a little down. This year, 14·5 per cent we are promising, another $20 000 000 which we have readily acknowledged is in round sum allowances, taking it up to $391 000 000 we expect to expend (the money is there), and that will mean that this year, against a 10·2 per cent cost price indexation, whichever way you look at it, in voted terms of 14·5 per cent increase promised, or in real terms of 13·8 per cent increase anticipated, we are still way ahead of your performance during the previous two years.

Members interjecting:

The SPEAKER: Order!

ATMOSPHERIC LEAD LEVELS

Mr. PETERSON: Is the Minister of Health aware of the extremely high atmospheric lead levels recorded at Port Adelaide and, if so, will the Government undertake a physical testing programme to assess the health damage inflicted by this and other air pollution in the area? In the *Advertiser* of 7 November 1980, in an article headed "City Lead Levels as Bad as Sydney's", it is stated:

> Tests taken near the Adelaide High School, West Terrace, city, and at Port Adelaide had revealed lead levels comparable with those in Sydney and possibily higher than those in Los Angeles, United States . . .
>
> The average level at Port Adelaide was 2·43 , with a peak of 3·1 . . . the National Health and Medical Research Council had set a standard of an average of 1·5 micrograms of lead a cubic metre of air, recorded over a three-month period.

In another article in the *National Times* on 1 December 1974, headed "Poor Kids Die Young", it is stated:

> Poor children in the inner suburbs of Australian cities are up to three times more likely to die before their first birthday than those in the surrounding richer areas . . .
>
> Ken Dyer, senior lecturer in social biology at Adelaide University, puts at this sort of risk babies born in such inner suburbs as Leichhardt, parts of East Brisbane, Port Melbourne, and Port Adelaide . . .
>
> According to Dyer's research, of every 1 000 babies born

in inner city areas, more than 20 will die in their first year.

In Adelaide the infant death rate grew by more than 30 per cent from 1961-67 to 1968-75, to about 47 deaths per 1 000 live births. Dyer believes the difference in infant death rates between the inner and outer city suburbs is strongly linked to environmental factors, such as the presence of industry, pollution and overcrowded housing. All of these help to spread infection and epidemics.

The article also states that adult death rates between the poor inner and richer outer city suburbs are also different. As there is strong professional and public opinion that a significant risk to health is created by such pollution it is of the utmost importance that the effects be assessed.

The Hon. JENNIFER ADAMSON: I agree with the honourable member about the extreme importance of the matter he has raised. I am pleased to advise him of action on three fronts. The South Australian Health Commission works in conjunction with the Air Quality Control Unit of the Department for the Environment on this matter, and that unit is in the process of acquiring additional equipment to enable monitoring of lead levels in air to be undertaken at a greater number of locations in the Adelaide metropolitan area than has been possible in the past. That is the first point in answer to the question.

The second is that the Government's proposed clean air legislation, which will enable or require this kind of monitoring to take place, will be introduced during the current session of Parliament, although not before the House rises for Christmas.

The third point is that the Australian Transport Advisory Council and the Australian Environment Council are meeting to consider the desirability of lowering lead levels in petrol which, of course, will have a profound impact on the level of lead that is monitored wherever it may be in metropolitan areas throughout Australia. Therefore, I can assure the honourable member that the various authorities which have responsibility for this area recognise the problem and are taking responsible action to ensure that any decisions are based on facts obtained through proper monitoring, which is indeed being undertaken in South Australia at the moment.

MINISTERIAL STATEMENT: PULP WOOD

The Hon. W. E. CHAPMAN: I seek leave to make a brief statement.

Leave granted.

The Hon. W. E. CHAPMAN: In this morning's *Advertiser* appears a report headed "South Australian Government involved with fraud firm". Among other things, in the body of that report were some statements that were apparently uttered by an honourable member in the other place. As a couple of overseas companies were cited as having negotiated with the Premier and me, I believe it is appropriate to clarify the position regarding both of these companies, in particular as the article referred to me and to my department. The honourable member is reported to have said:

> Marubeni was the Japanese company that had been closely involved with the State Government in the development of export markets for surplus pulp wood.

The truth of the matter is that Marubeni was only one of the major Japanese trading houses which expressed interest in the South Australian softwood resource. In this regard, it was not closely involved with the Government, nor did any negotiations take place in relation to the marketing or processing of the surplus pulpwood.

The second point raised by the honourable member was as follows:

> Discussions had taken place between the Minister of Forests, Mr. Chapman, and his officers and representatives of Marubeni about Adelaide Hills pulp wood. Mr. Chapman had indicated that a trial shipment of logs would be made from the Adelaide Hills to Marubeni.

The truth of the matter in relation to that subject is as follows. Marubeni was not party to discussions in regard to Adelaide Hills pulp wood. The trading house concerned in trial shipment discussions was C. Itoh. The trial shipment did not eventuate, principally due to the high cost of harvesting and assemblng pulp wood from the Adelaide Hills for export shipment. Also it was stressed to C. Itoh that the trial shipment did not give it prior rights to further shipments, as the sale would be made by invitation of tenders.

The honourable member made a third reference, as follows:

> Marubeni also was interested in the South-East now that Mr. Chapman had decided to cancel the contract with H. C. Sleigh and Tunnel Paper Mills.

The situation with respect to that third matter is as follows. There never was any contract involving H. C. Sleigh. Marubeni was one of the 37 parties to indicate interest following the termination of agreements with Punalur Paper Mills Ltd. It is recognised, however, that Marubeni can be involved as a minority shareholder in any venture with an Australian majority shareholder only by virtue of the Foreign Investment Review Board guidelines. There are no direct negotiations with Marubeni.

At 3.10 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

LEAVE OF ABSENCE: Hon. E. R. GOLDSWORTHY

The Hon. DEAN BROWN: I move:

> That one month's leave of absence be granted to the honourable Deputy Premier (Hon. E. R. Goldsworthy) on account of absence overseas on Government business.

Motion carried.

VEGETABLE RESEARCH FACILITY

Mr. LYNN ARNOLD (Salisbury): I move:

> That this House urge the Government to establish a State Government vegetable research facility in this State.

I have spoken on previous occasions with regard to various aspects of market gardening, and I believe I have identified quite clearly the many problems market gardeners face. These problems fall into three broad categories: first, in the area of the marketing of their products, the orderly marketing of the supplies of produce; secondly, the problem of the pricing mechanism that applies and the lack of supervision of that pricing mechanism; and thirdly, the promotion of better plant varieties, the promotion of better glasshouse design and, in general, the promotion of the technical aspects of the industry itself, and it is to that aspect that I wish to turn my attention today.

The market gardening industry is an important one for South Australia not only because it represents a large sum of money in terms of the value of the produce that it produces but also because it supplies essential foods to the South Australian community and, indeed, to certain sections of other communities, as we do export some of

our market garden produce. For that reason, we must be ever conscious of the fact that it is important to ensure that our market gardeners have the most up-to-date information available to them on the way in which they can grow improved products and do so at a better cost. One of the reasons that I raised this matter was due to the concern expressed to me by market gardeners in my local area as to the effect imported products coming into South Australia from other States had on the pricing mechanism.

In the process of talking about what they regard as little else than dumping of market garden produce at many times of the year, some market gardeners have told me that it is quite clear that some of the products coming into this State may indeed be considered of a higher quality than the products available within South Australia. Their response to that was that they would like to be able to compete on a quality basis, but that quite clearly calls for research by some organisation or another. I am suggesting that that particular research should in fact be done by the Department of Agriculture. In saying that, I remind members of the functions of the Department of Agricultural quoted in the Auditor-General's Report, and in particular draw attention to the third function listed, as follows:

> To conduct research into the biological, physical, social and economic aspects of the agricultural and fishing industries, to improve efficiency of production and marketing and the quality of produce.

That clearly is an invitation for the department to be involved. The department has acknowledged that invitation in many other areas, and indeed in my electorate one other research facility, the Parafield Plant and Poultry Station, does work in this regard, and it does it very well. However, to date the work in the market garden produce area has not been very large. When I raised this matter in the Estimates Committee when we were discussing the Department of Agriculture lines, the Minister had incorporated in the *Hansard* a list of eight projects that are presently being undertaken by the plant industry division of the department with regard to various types of vegetables. The vegetables mentioned were: butter nuts, gherkins, tomatoes, eggplants, peppers, beans, Chinese cabbage, rockmelons, artichokes, sweet corn and potatoes.

One of the things that worried me when the Minister read that information into *Hansard* was that he did not read in any figure of the monetary value attached to these projects. We really do not know whether the research into tomatoes is anything more than a potplant on someone's window sill in the Department of Agriculture, or whether it is a large project looking at all the ramifications of improved tomato production.

The Hon. W. E. Chapman: What do you think we did for the tomato growers at—

The SPEAKER: Order!

Mr. LYNN ARNOLD: I think that, if we had a separate research facility established, quite clearly that would be able to give pre-eminent direction to research in the market gardening area, and a separate facility could well be sited close to where much market gardening takes place on the northern plains, in the western suburbs, in the Riverland, or wherever. It could be sited near the market gardens so that market gardeners could have access to it to go and see what technical experiments were being undertaken. As I would see it, the research would cover not only the improved plant types—the development of new seeds, plant varieties, etc. which may have better cropping techniques, which may be more disease-resistant, or which may be easier to care for—but also it could look at improved techniques for cultivation and growing, improved composting methods, improved methods of temperature control in glasshouses, improved methods of air quality control in glasshouses, etc.

Furthermore, it could go beyond that even to tackle the question of glasshouse design. It is only about a year since we had the hail storms which did such dramatic damage to many glasshouses in the northern plains and, even to this day, I am sure the Minister would agree that many market gardeners are only just beginning to recover from the effects of that damage and only just beginning to get back on their feet and start again.

One of the reasons that I am promoting this motion so enthusiastically is that I have seen evidence of research into this type of agriculture being done so successfully in other countries. I cite the examples of Austria and The Netherlands, in particular The Netherlands, because I believe those involved there in this field must be regarded as world leaders. I have mentioned to the House on another occasion just how far back their commitment goes to this sphere of agricultural research; it goes back 80 years. Glasshousing in particular is a form of agriculture that goes back only 100 years, and for the last 80 years the Dutch have been investigating ways of improving glasshouses and the result is that they have the most efficient, most advanced glasshousing anywhere in Europe. Indeed, they are able to keep costs down and to produce better plant varieties and heavier bearing crops than are other countries.

I have cited on other occasions the typical example of eggplants, where the Dutch now produce within glasshouses, with all the costs associated with glasshouse production, eggplants of a better quality, of a larger size, on plants that are more productive, than the French do in the open air, and they are able to sell these eggplants to France cheaper than the French can grow them for themselves. That shows the results of the work primarily started by the Horticultural Research Institute at Naaldwjik outside of The Hague.

The other facility I had the opportunity to see was the facility of the Federal Ministry of Science and Research near Seibersdorf in Austria where I again looked at glasshouse techniques and the work being done there. The particular interest on that occasion was the use of CO_2 to improve the quality of plants and vegetables produced and also to increase the maturation rate of vegetables. I was very impressed by those activities. It is not my purpose to go through in great detail each one of the projects that is presently or has ever been looked at by the Seibersdorf facility or the Naaldwjik facility but rather to indicate that these are two examples of what research facilities do for the market gardening area in their respective countries. They are well received by their market gardeners and quite clearly are achieving economic benefits for their market gardeners.

The form in which they do this is one of constant consultation with the industry to ensure that their line of direction, their line of research, is in fact what is wanted by the local grower. In both cases, the projects to be undertaken are arrived at by consultation with growers, referred to the appropriate Minister for approval and perhaps modification, and then undertaken. When the result of the project is decided, the research findings are made available to the public at large. Any new varieties of plant are made available to the nurserymen to propogate in much larger numbers for use by the market gardening industry. I may add that the patent rights are kept by the research facility.

With the example of those two countries (and I am well aware that other countries have similar research facilities) and in the light of the serious problems faced by market

gardeners in South Australia which I believe no member of this House would deny, it is most important that we look towards the establishment of a research facility for market garden produce at the earliest possible opportunity. I hope that the Minister of Agriculture will take heed of the point of the motion, and immediately ensure that investigation is made to establish such a separate facility to identify all areas of need and improve market gardening not only for the benefit of growers but also for the benefit of the entire South Australian community.

Mr. EVANS secured the adjournment of the debate.

HOUSING TRUST

Mr. SLATER (Gilles): I move:

That this House strongly disapproves of the actions of the Minister of Housing in limiting the number of houses made available for sale by the South Australian Housing Trust and protests strongly that the trust will no longer be able to provide mortgage finance to assist home buyers through its own resources or other semi-government instrumentalities.

The recent announcement by the Minister of Housing that the South Australian Housing Trust will curtail house sales and that prospective buyers would no longer be assisted by the trust in financial arrangements is probably the most retrograde step in nearly 50 years of the trust's activities. The announcement was made on 17 October through a press statement by the Minister, and I quote the report of it, as follows:

The Government has moved to limit the number of houses made available for sale by the Housing Trust.

It wants the trust to concentrate on providing rental housing for low-income earners. The move is designed to boost the ailing private building industry.

Housing Minister, Mr. Hill, said the trust's principal role was to provide quality welfare housing on both a rental and sale basis for low-income people.

The emphasis would be on provision of rental accommodation, but for the present the trust would continue to sell houses. Mr. Hill also has ended a system which allowed the Housing Trust advantages in homes finance.

Previously the trust was able to provide mortgages itself or arrange more favourable mortgages with institutions like SGIC than a private developer, he said.

From now on, the trust will provide no mortgage finance and will be allowed only to arrange packages with other lending institutions comparable to those the private sector is able to arrange.

This means the trust no longer has special protection in selling its houses. Thus it has been moved from a position of having competitive advantages in its sales activities.

That is a most retrograde step. The trust has been recognised as the foremost housing authority in Australia, and one reason for its success is that it has provided housing for a broad section of the community, more so than has any other State housing authority. It owns a higher proportion of housing stock than does any other State authority. It also has made available to thousands of families in South Australia the opportunity to purchase a house and has assisted in providing mortgage finance for the house. That has been a success story second to none, but it is now to be torpedoed by the Minister in the mistaken belief that doing so can assist the private housing sector to obtain a greater share of the housing market.

As a consequence of this action, prospective purchasers will now need to obtain finance from lending institutions at the present high interest rate. Past experience has shown that when public housing activity occurs a comparative decline occurs in the private sector, so it is a fallacious belief that by reducing the public housing sector there will be consequent improvement in the private sector. Since starting operations in 1936 the trust has, by its schemes, completed, acquired or leased a cumulative total of 89 015 dwellings. This is a most outstanding achievement. I have a table showing the number of dwellings in all schemes completed, acquired or leased by the trust to June 1980. It is a statistical table, and I ask leave to have it inserted in *Hansard* without my reading it.

The SPEAKER: Is there an assurance by the honourable member that it is purely statistical?

Mr. SLATER: Yes, Sir.

Leave granted.

NUMBER OF DWELLINGS

Year ending 30 June	Single Units			Attached Houses			Flats			Cottage Flats			Acquired Houses	Leased Houses	Yearly	Cumulative	Rental Dwellings Let
	Metro	Country	Totals	Metro	Country	Totals	Metro	Country	Totals	Metro	Country	Totals					
1938	—	—	—	84	—	84	—	—	—	—	—	—	—	—	84	84	84
1939	—	—	—	290	—	290	—	—	—	—	—	—	—	—	290	374	374
1940	—	—	—	244	—	244	—	—	—	—	—	—	—	—	244	618	618
1941	—	—	—	206	100	306	—	—	—	—	—	—	—	—	306	924	924
1942	—	—	—	138	66	204	—	—	—	—	—	—	—	—	204	1 128	1 128
1943	—	23	23	218	140	358	—	—	—	—	—	—	—	—	381	1 509	1 509
1944	—	1	1	210	142	352	—	—	—	—	—	—	—	—	353	1 862	1 862
1945	—	—	—	344	—	344	—	—	—	—	—	—	—	—	344	2 206	2 206
1946	9	3	12	276	20	296	—	—	—	—	—	—	—	—	308	2 514	2 497
1947	265	20	285	258	44	302	—	—	—	—	—	—	—	—	587	3 101	2 761
1948	446	56	502	458	56	514	—	—	—	—	—	—	—	—	1 016	4 117	3 275
1949	513	212	725	389	138	527	—	—	—	—	—	—	—	—	1 252	5 369	3 795
1950	795	394	1 189	445	148	593	—	—	—	—	—	—	—	—	1 782	7 151	4 454
1951	1 941	467	2 408	513	138	651	—	—	—	—	—	—	—	—	3 059	10 210	6 162
1952	1 900	448	2 348	660	110	770	—	—	—	—	—	—	—	—	3 118	13 328	7 629
1953	2 696	632	3 328	910	192	1 102	56	—	56	—	—	—	—	—	4 486	17 814	9 671
1954	2 101	369	2 470	778	215	993	92	—	92	—	—	—	—	—	3 555	21 369	12 513
1955	1 409	302	1 711	1 078	309	1 387	80	—	80	90	—	90	—	—	3 268	24 637	14 667
1956	1 213	455	1 668	1 128	306	1 434	36	—	36	100	—	100	—	—	3 238	27 875	16 135
1957	1 395	361	1 756	892	272	1 164	132	—	132	88	—	88	—	—	3 140	31 015	17 765
1958	1 462	325	1 787	720	300	1 020	161	—	161	64	—	64	—	—	3 032	34 047	19 012
1959	1 294	365	1 659	878	320	1 198	184	—	184	101	—	101	—	—	3 142	37 189	20 294
1960	1 295	451	1 746	688	434	1 122	167	—	167	139	—	139	—	—	3 174	40 363	21 551
1961	1 071	360	1 431	1 106	490	1 596	169	10	179	108	—	108	—	—	3 314	43 677	22 513
1962	1 011	427	1 438	1 166	408	1 574	120	—	120	113	5	118	—	—	3 250	46 927	23 592
1963	1 007	295	1 302	1 080	314	1 394	69	—	69	120	6	126	—	—	2 891	49 818	24 895
1964	1 515	265	1 780	728	214	942	55	—	55	81	—	81	—	—	2 858	52 676	25 916
1965	2 243	222	2 465	428	286	714	45	—	45	91	2	93	—	—	3 317	55 993	26 775
1966	2 060	406	2 466	162	426	588	53	—	53	140	—	140	—	—	3 247	59 240	27 514
1967	1 880	412	2 292	148	574	722	—	—	—	200	14	214	—	—	3 228	62 468	28 691
1968	1 104	415	1 519	264	481	745	17	—	17	82	12	94	—	—	2 375	64 843	29 891
1969	715	517	1 232	146	386	532	30	—	30	92	12	104	—	—	1 898	66 741	31 202
1970	771	528	1 299	57	246	303	45	—	45	53	12	65	—	—	1 712	68 453	31 869
1971	797	574	1 371	138	282	420	214	31	245	169	8	177	—	—	2 213	70 666	33 250
1972	816	580	1 396	166	332	498	68	—	68	231	8	239	—	—	2 201	72 867	34 253
1973	505	364	869	181	236	417	134	40	174	114	44	158	73	—	1 691	74 558	35 025
1974	507	305	812	111	170	281	75	67	142	86	18	104	349	—	1 688	76 246	35 387
1975	619	499	1 118	68	201	269	56	25	81	103	18	121	157	—	1 746	77 992	36 414
1976	860	646	1 506	359	271	630	84	—	84	38	18	56	186	—	2 462	80 454	37 473
1977	821	652	1 473	256	249	505	31	—	31	99	36	135	158	—	2 302	82 756	38 601
1978	1 286	466	1 752	57	64	121	105	18	123	172	27	199	175	—	2 370	85 126	39 757
1979	1 256	340	1 596	180	30	210	42	12	54	64	4	68	204	—	2 132	87 258	40 780
1980	707	231	938	59	58	117	61	—	61	239	53	292	343	6	1 757	89 015	41 892
	40 285	13 388	53 673	18 665	9 168	27 833	2 381	203	2 584	2 977	297	3 274	1 645	6	89 015		

Note: * For the purposes of the Metropolitan area, this table has been adjusted to the current boundaries of the Adelaide Statistical Division.
† Includes 2 909 Emergency/Temporary dwellings (which have since been removed), and 1 234 Rural/Soldier Settlers dwellings.

Mr. SLATER: This table shows that 89 015 dwellings have been made available to the public of South Australia during that time. The Housing Trust's Annual Report for the year ended June 1979 states:

> The trust has sold 1 119 new houses during 1978-79, 15·7 per cent less than in the previous year. The majority of purchasers, 68·7 per cent, were under 35 years of age, and 66·6 per cent of all houses sold were bought by people earning less than $200 a week.

The report also states:

> Unfortunately, a reduction in Commonwealth funding limited the sale of houses under the rental purchase scheme to 197, 47·6 per cent less than in 1977-78. It is with regret the trust records the end of its Rental Purchase Scheme, due to the changes in funding made by the Commonwealth in the Housing Assistance Act, 1978.
>
> Sales of new houses in the metropolitan area totalled 860. These were in major estates at Craigmore, Munno Para, Elizabeth East and Para Hills West (to the north of Adelaide), Aberfoyle Park, Morphett Vale and Hackham West (to the south) and Semaphore Park (to the west). A choice of 26 designs, eight of which were introduced during the year, were available for purchase on various estates.

The concluding section in relation to house sales states:

> The trust's purchase schemes particularly aim to assist the middle-low income groups of the community. Currently, the trust's new houses are priced from $32 000 to $40 000, according to location and design. Most trust houses are priced under $35 000, and thus qualify for the full Commonwealth Home Savings Grant.

It is fairly significant, even though the number of house sales declined in that period, that there was still a significant demand by people in the low and middle-income groups to purchase their home through the trust, thus taking advantage of being able to obtain at least some financial assistance through the trust's facilities.

I now move on to the report of the year ended 30 June 1980, which, unfortunately, paints a far worse picture from the trust's point of view than did the previous report in 1979. The report for the year ended 30 June 1980, under the heading "House sales", states:

> This financial year has seen rising interest rates, economic uncertainty and rising unemployment. The combination of these factors has discouraged people from buying houses. During the year the trust was requested by the State Government to discontinue its practice of lending money on mortgage to its purchasers. Hitherto, the trust had lent money on second mortgage over a 30-year term at an interest rate similar to that of most first mortgages. Some money lent on first mortgage terms was on a more generous basis than other sources of housing finance, to bring house purchase within the reach of more applicants in the lower income bracket. As a consequence of all these factors only 831 houses (288 less than in the previous year) were sold during the financial year ended 30 June 1980. A total of 1 421 purchase applications were received, compared with 2 204 in 1978-79.

Again, the report for the year ended 30 June 1980 indicates that there is still a strong demand by people to purchase their home from the trust. It has probably been recognised that the great Australian goal is for home ownership. However, I believe that it is fast becoming an impossible dream, particularly for people on middle and low-income levels. House prices and the cost of building materials in this State have risen considerably in the past 12 months, and interest rates are precluding people from buying their own home.

It would appear that further increases in interest rates are inevitable, thus placing an impossible burden on home purchasers. Instead of negating its responsibility in respect of sales of public housing, the Government, through the trust, should be providing further opportunities in respect of housing assistance to young home purchasers. It should recognise that any speculative investment in property has a major inflationary pressure on the economy. Special measures need to be taken to slow down the inflation rate on land and housing, to enable young people to meet their financial requirements for the purchase of a home.

In the present economic situation, many young couples are unable to achieve reasonable housing, unless they have the opportunity to purchase through an instrumentality where some degree of assistance is offered outside the normal interest rates and outside normal lending institutions. This can happen only if the housing stock is in the trust's hands or in public ownership.

It is worth considering closely the part that the trust has played in the construction of housing in this State. The trust expanded rapidly, and responded to a demand for housing. It has accounted for about one-quarter of all dwellings constructed in South Australia in the past 40 years, the peak being in 1953, when 4 136 dwellings were completed, representing 45 per cent of all dwellings completed in the year.

The 1950's represented the period of major expansion, and the trend continued into the 1960's and into the mid-1970's, when the trust's share of the new market in housing declined. The decline has, unfortunately, continued, and the Minister has now announced that house sales by the trust will be severely limited. I noted that in the report of the trust for this year (and it is again noted in an article in the press today in the business and finance section, in a report on the trust) that there is still $19 400 000 worth of homes in the pipeline yet to be completed and sold through the trust.

This appears to me to be one of the last opportunities presently available for people to purchase their home through the trust, even though they will not have the opportunity, unfortunately, of using the trust's facilities to obtain finance. One should ask what is the basic reason for this change of attitude and change of policy, because the Sales Section of the trust, if one looks at the annual reports over a period of years, indicates a buoyant situation. This has enabled the trust to maintain some degree of financial viability, as against the rental situations, which increasingly have been shown, particularly over the past two or three years, to be in a deficit state. House sales to the trust are an important aspect of its financial viability.

I cannot understand why the Minister and this Government should seek to limit severely the sale of trust homes to people, most of whom are on low-income or middle-income levels. The Sales Section has been a significant earner. One can only assume (and this is stated in the Minister's press statement) that the decision was made so as to assist the private sector of the industry, not only those involved in the construction of houses but, unfortunately, those involved in the lending of finance, namely, the banks, lending institutions, private investors, etc., who charge whatever the market can bear as regards interest rates. I am surprised that the Government should take this step. It is the most retrograde step that has been taken in regard to the trust since it has been in operation.

I challenge the Minister and the Government to show members what was the real reason for the action being taken. I can only assume that it was to help those involved in the private sector. As I have stated, one of the ironies of the situation is that, when public house sales decline, a corresponding decline takes place in the private sector. I cannot see what advantage this decision will have. The Minister and the Government should be condemned for their actions, and I challenge the Minister of Housing to

give me the real reasons why this action has been taken.

Mr. EVANS (Fisher): I make the point to the honourable member who has just spoken that every member and every other person in the State realises that the trust's main role is to supply housing to the disadvantaged and those who cannot afford in any way to enter into any form of purchase. The honourable member would know that the trust is now receiving a greater number of applications for rental accommodation than it has ever received before.

He would know from reports in the press in recent times that there is a shortage of rental accommodation for those people on low incomes, those who are deserted, and those living on their own as single parents. As a member of Parliament he would know that we get more requests from people seeking rental accommodation than for anything else. He would know that if we are going to correct the situation we should be directing money towards rental accommodation. That is what the present Government is doing.

He would also know that the Government has not cut out the role of the Housing Trust to sell houses. He would know that in the rural sector, where the Housing Trust has a role to play, and where the private sector is not so active, the Housing Trust is still making houses available on a scale similar to that of the past, to those people who wish to acquire houses. There is no benefit to be gained in not using the State's resources or the Housing Trust's own resources towards purchasing houses, when there is such a large number of people who are in the worst circumstances as far as shelter and accommodation are concerned.

The role of the Housing Trust is first in that area. At a later stage of the debate I shall provide more details to the honourable member of exactly what the situation is and why the Government (and I congratulate the Minister for his attitude) is directing the main area of activity of the Housing Trust, where the Minister has any influence, if not total influence, towards rental accommodation. I shall give the honourable member those details at a later stage. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ACTS INTERPRETATION ACT AMENDMENT BILL

Mr. McRAE (Playford) obtained leave and introduced a Bill for an Act to amend the Acts Interpretation Act, 1915-1978. Read a first time.

Mr. McRAE: I move:

That this Bill be now read a second time.

It is a simple Bill which will facilitate reference to Acts of the Parliament. At the moment Acts of this Parliament are for various purposes in the administration of the law referred to in different sorts of ways. It may be noted that I have referred to the Act which I seek to amend by this short title and have then denoted the year in which it was passed and the year in which it was last amended. That is a common method of referring to legislation but for other purposes an Act may be referred to by the year of its passing together with its number assigned by the Clerk of the Parliament.

Since no two Acts of Parliament have the same short title for the above reasons, it seems to me that all that is necessary to identify an Act is to cite the short title. However, various persons may wish for different reasons either to add the year of its passing or to add the year of its passing and the year of its last amendment. Others may simply wish to refer to its year of passing together with its number. This Bill provides that any of these methods of reference may for all purposes be used. I believe that I have considerable support in the legal profession and elsewhere for this measure and I commend it to the House.

Mr. OSWALD secured the adjournment of the debate.

WRONGS ACT AMENDMENT BILL

Mr. McRAE (Playford) obtained leave and introduced a Bill for an Act to amend the Wrongs Act, 1936-1975. Read a first time.

Mr. McRAE: I move:

That this Bill be now read a second time.

The law relating to liability for animals is in a confused and undesirable state. As long ago as 1969 the Law Reform Commission of South Australia in its seventh report to the then Attorney-General (Mr. Millhouse) recommended various amendments. I commend this report to honourable members, and I also, with respect, commend an article which I recently prepared for the *Australian Law News*.

Honourable members will be aware that in the famous case of *Donoghue v. Stevenson* (1932) A.C. 562 the modern law of negligence was clarified. The classical pronouncement is to be found in Lord Atkins speech in that case, as follows:

> There must be, and is, some general conception of relations giving rise to a duty of care, of which the particular cases found in the books are but instances . . . The rule that you are to love your neighbour becomes in law you must not injure your neighbour; and the lawyers question, "Who is my neighbour?" receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law, is my neighbour? The answer seems to be—persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

In my respectful submission, there is no reason why this basic principle should not apply to persons in custody of animals in the same way as it applies in the general law of negligence, yet for various reasons strange and peculiar distinctions have been drawn. In particular, in the notorious case of *Searle v. Wallbank* (1947) A.C. 341, it was held by the House of Lords that the landowner was not liable for damage caused by animals straying onto the roads from his land, even though he may have known that his fences were in a bad state of repair. This foolish and unjust rule has now been abolished in England, Scotland, Canada, New South Wales, and Western Australia. It still remains law in South Australia today.

Furthermore, there are ancient distinctions which allegedly delineate between animals said to be naturally in a wild state and domesticated animals. As the Law Commission report mentioned, this peculiar distinction caused one famous writer to ask whether or not a snail was a wild animal.

I have, therefore, put before the House a Bill which provides that the keeper of an animal who negligently fails to exercise a proper standard of care to prevent the animal from causing loss or injury shall be liable, in damages, in accordance with the principles of the law of negligence to a person suffering loss or injury in consequence of his neglect. I have provided a standard of care in accordance with the facts of the particular case. I have provided a presumption in the absence of proof in relation to vicious or dangerous animals.

I have abolished the rule in *Searle v. Wallbank*. I have

provided for employees of such owners. I have defined owner in a reasonable fashion. I have dealt with the question of trespass and incitement. I have excluded other ancient principles of law which are no longer relevant. I have provided that action in nuisance can in certain circumstances still be maintained and that no statute remedies are affected. I have made it quite clear that this Act will not be retrospective.

I feel confident that I can assure the House that the proposals I have put to honourable members are in accordance with the great weight of opinion in the legal profession and, furthermore, are in accordance with the numerous reports of the Law Reform Commissions throughout the British Commonwealth and in many of the Australian States. Finally, I believe that the Bill is in accordance with common sense and justice and does equity to all concerned. I commend the measure to the House.

Mr. MATHWIN secured the adjournment of the debate.

PUBLIC SERVICE GUIDELINES

Adjourned debate on motion of Mr. Millhouse:

That this House strongly disapproves of the "Guidelines for Public Servants appearing before Parliamentary Committees" approved and tabled by the Premier on 6 August; and upon the principle of open government which he has claimed to espouse, calls upon him to withdraw the guidelines immediately; and affirms that in any case it is the members of Select and Special Committees of this Parliament who decide the questions to be answered by witnesses whether those witnesses be public servants or not.

(Continued from 22 October. Page 1307.)

The Hon. D. O. TONKIN (Premier and Treasurer): I do not wish to speak to this motion for any time at all, except to report to honourable members that the question of guidelines for public servants appearing before Parliamentary committees has been widely discussed in the media and ventilated quite considerably in this Chamber. As a result of representations made to me and to the Government, we have determined that a committee should be set up, and I have given notice—

Mr. Millhouse: Not another committee!

The Hon. D. O. TONKIN: —of that appointment some little time ago. It is, I believe, an appropriate course of action to follow, and it has received the endorsement of the Public Service Association, the Government, members of the Opposition, and members of the Government. I regret the fact, if it is so, that it has not received the endorsement of the member for Mitcham, but nevertheless it has been supported in that regard.

The committee as set up will comprise the President of the Legislative Council, the Speaker of the House of Assembly, the Hon. K. T. Griffin (Attorney-General), the Hon. Chris Sumner (Leader of the Opposition in the other House), Dr. David Corbett (one of the Commissioners, as representative of the Public Service Board), and Mr. Charles Connelly, a councillor of the Public Service Association, will be the representative of that body. We have, following an agreement and discussion, requested that Mr. Gordon Combe, previously the Ombudsman and one-time Clerk of this House, should be the Chairman, an independent Chairman as we undertook to find, someone eminently well qualified for that position. I think he will bring to that position of Chairman a wealth of experience both in problem solving and negotiation, as well as a wealth of Parliamentary experience.

I think it became quite apparent during the progress of the Estimates Committees of this House, a subject which probably will come up later on this afternoon, that the guidelines as originally tabled were intended to be nothing more than guidelines, and were not intended to be used for the Estimates Committees of this House. There have been instances where public servants have been in some difficulty in answering questions put to them which they believe are beyond their competence to answer, and I think it is important that we have some accepted code of conduct to govern their activities. I accept that it is the prerogative of Parliament to decide what should be answered by way of questions by public servants or anyone else to whom a Parliamentary committee may address questions, but I express my great faith in the common sense and reasonableness of Parliament and of the Parliamentary process.

This matter has now gone to a committee, the terms of reference of which I will make available in detail to the honourable member if he wishes. They are: to find a satisfactory solution to the difficulties and to decide whether or not guidelines are worth while.

Mr. Millhouse: Tell us the terms of reference now, will you?

The Hon. D. O. TONKIN: No, I will not. The committee is also to determine whether there need be any guidelines drawn up or what form they should take and what support members of the Public Service should have. In those circumstances, I regret that I am not able to support the motion.

Mr. McRAE (Playford): I find this motion self-evidently supportable. I fully agree with what the member for Mitcham had to say in moving it. I am not disparaging the fact that at long last there appears to have been an all-Party committee, or a representative committee, set up to have a proper look at this matter. As I have spoken on several occasions in this area previously, I will prune my remarks. What occurred in relation to the original so-called guidelines was such an awful mess that the Government deserves a vote of disapprobation by this Parliament, and we all know very well that the whole net of circumstances which surrounded the proposals of those guidelines was highly undesirable.

The guidelines themselves were highly undesirable and quite confusing, and finally we ended up in a situation in this Chamber during the Estimates Committees in which I asked the Premier whether or not the guidelines were in operation, and his reply was to the effect, "Well, no, we are acting on common sense." It is almost like Gilbert and Sullivan. We have guidelines that are not guidelines and guidelines that are officially promulgated and advertised to public servants, and then unofficially and without notice abrogated, and yet I noticed that there was throughout the Estimates Committees a representative of the Public Service Board around the place. If I had been a member of the Public Service, I would have been most unhappy about the whole situation.

There may or may not be a need for guidelines for public servants appearing before Parliamentary committees. If there are to be guidlines, they should, as the member for Mitcham said, be determined by the Parliament, and any amount of consultation I applaud in order to try to get the whole area straightened out, but it is essential that the Parliament be the body which determines the nature of these guidelines. For those reasons, I support the motion.

Mr. MILLHOUSE (Mitcham): I am glad that at least we are getting this matter to a vote today. I am surprised at

what the Premier has said. I thank the member for Playford for his support, and I will say no more about his remarks, but I want to say a couple of sentences about the speech of the Premier. He said that a committee is to be set up or has been set up (I am not sure which), and he apparently assumed that all honourable members knew about it. Perhaps everyone else knows about it, but I did not know about it before now. He said that the committee is being set up to go into the question of whether or not there should be guidelines and, if so, what they should be. I ejaculated, "Not another committee", and I was reproved by inference even for saying that. It is a favourite ploy of all Governments, when they get into a problem, to set up a Royal Commission or a committee of inquiry to make a decision which the Government itself should make or to help it out of its quandary, and that apparently is what the present Government is going to do here. Certainly, the Government did get itself into a quandary, and that is putting it mildly. This is one of the matters which has been botched worse than nearly any other matter by the Premier personally and by the Government. We have heard one thing and then another. We heard today what occurred when the guidelines were first dumped on the table, and let us remember that they were tabled without any explanation, or any fuss or bother, and might well have gone unnoticed if I had not read them on the day on which they were tabled. I said something about it the next day, I think.

We now find from the Premier for the first time that they were not meant to be used during the Estimates Committee discussions. I just do not believe that. My firm belief is that those guidelines were prepared and brought in so that they would be in operation for the Estimates Committees and that that was the reason why they came in when they did. I simply cannot accept what the Premier now says, that they were not intended to be used for the Estimates Committees and that they were to be no more than guidelines anyway. If you look at them (and I think we have all looked at them), there are some things in these guidelines, so-called, that are mandatory. They are more than guidelines. They were an attempt by the Executive to impose its will even more strongly on Parliament, and I hope that this committee will make sure that that does not happen. I only wish it were composed entirely of Parliamentarians, because I point out that this is entirely a matter for Parliament. However, we will see how it goes.

I believe it very poor indeed that the Premier either would not or, I suspect, could not give the terms of reference of the committee. That is why he refused: he just does not know what they are. How can members in this place make up their minds on a motion like this unless they know what the terms of reference of this committee are, because that is the crunch, is it not? That is the vital point. What are the terms of reference, what is the committee going to do, and what is it asked to decide? We do not know any more now than we did before, and that is another example of the cavalier treatment which this Premier and, I may say, other Premiers before him, irrespective of Party, has meted out to this House.

The Premier has now said that the guidelines really are not in operation (I am not absolutely certain, but I think that is what he said). My suspicion is that really he would rather prefer to have forgotten they were ever introduced at all and, if they could have been allowed quietly to die, that would have been a little more comfortable for him and for the Government. Presumably they are not in operation at the moment. We are to have this committee. The very fact that he said what he did this afternoon is ample justification for this motion and for giving the Government the stick for what it did over this. It richly deserves the censure which it has had in this place and, even more significantly, because it is outside that it counts in the long run, by people outside this Parliament. I therefore commend the motion to the House.

The House divided on the motion:

Ayes (21)—Messrs. Abbott, L. M. F. Arnold, Bannon, Blacker, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Millhouse (teller), O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (21)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Evans, Glazbrook, Gunn, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Whitten. Noes—Messrs. Goldsworthy and Randall.

The CHAIRMAN: There are 21 Ayes and 21 Noes. There being an equality of votes, it is necessary for me to give a casting vote. I give that casting vote to the Noes because I am fully appreciative that the matter will be discussed further and then brought back to this Parliament for further discussion, as is its right.

Motion thus negatived.

BEVERAGE CONTAINER ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1587.)

Mr. GLAZBROOK (Brighton): I rise to speak in this debate on the Bill introduced by the member for Flinders for an Act to amend the Beverage Container Act, 1975-1976. However, I wish to address myself to the litter problem in general, and in particular to the work of Kesab in this State. Like many other Acts of Parliament and regulations, the Beverage Container Act came into force because of, I believe, a minority of people that would not heed the warnings of local government and State Governments on the need to observe reasonable rules on disposing of litter, particularly the kind that is used for drinks. The Premier of the day in June 1975, as reported in the *Advertiser*, happened to make a statement in which he said:

> We believe there has to be a massive campaign in which the Government will be involved. There will be legislation involved, because there are some people who will not co-operate in any circumstances.

He went on to say that industry had to be encouraged to produce the widest possible range of degradable and environmentally benign packaging products and processes.

Subsequent legislation was enacted, the end result of which has shown to the rest of Australia that South Australia is indeed a beautiful place in which to be or to live. Unfortunately, many of the continuing problems that we have with litter perhaps are caused by visitors who are not aware of our regulations governing litter disposal. I have heard it said that some of the litter problem is caused by people who are insensitive to the feelings of others and who enjoy despoiling areas of recreation by throwing bottles, cans and litter around the place. However, I think some of these people, particularly tourist and visitors to the State, are in such a hurry that they have no time to take the cans back to a can depot, and they leave the cans in the receptacles provided.

In his explanation, the member for Flinders made specific reference to the continuing problems caused by

the habits of visitors to the beaches. The honourable member said that the main problem with the legislation is that the deposit system discriminates against certain containers. He said that the Bill was designed to bring some equality into the beverage container legislation to ensure that all types of beverage container were treated equally. The member for Flinders said:

> I think it is fair to say that the reason why I have introduced this measure is not so much for the container industry but more to the point of litter and its implications on our country towns and metropolitan cities, and specifically our beaches.

Having considered that particular statement, I looked carefully at the conclusions that one might first draw from the amendment he suggests to the Bill. It suggested to me at first that the member for Flinders was trying to open up the argument for deposits to be raised on all forms of containers. It was in conversation with him later that I understood that the amendment referred to beer bottles, and particularly Echo bottles. However, a wider interpretation of his comments can possibly be made.

Over the past 15 years I have had the pleasure of living at a beachside suburb, and during that time I have watched the behaviour of people visiting the beach. It is quite clear that the habits of people visiting the beach have changed little over the years, particularly in relation to containers for beverages. Beverage containers are removed from the beach these days basically because of economics. Over the past weekend my son enjoyed the opportunity of collecting 20 20c bottles and about 50 5c cans, and he was not the only one collecting other people's waste from the beach. Perhaps the reason for the other types of bottle (I refer to those brown and other bottles that are offending people in the country areas, as was mentioned by the member for Flinders) being left is simple; it is simply because people do not realise that there is a refund of 30c a dozen possible on the return through marine stores of these bottles. I was not aware of that myself until I read an article written recently by the member for Rocky River.

Of course, many of our charitable and social organisations, in particular the scouting movement, raise considerable sums of money from the collection of returnable bottles of the beer bottle type. If, as is suggested, these bottles attracted a higher deposit, perhaps the scouting movement and similar organisations would find that they would no longer be able to go out and collect those bottles as a means of fund-raising. Instead, the minute the bottles touched any surface they would be whisked away in the same manner as the cans and soft drink bottles are currently being collected.

The problem in relation to Echo bottles that has occurred on the beaches and in the country for many years is serious. I believe that at the present time it is difficult to police this area and to solve the problem, because those people who insist on throwing empty bottles out of their cars and smashing the bottles on the highways of our State will continue to do so, irrespective of whether the deposit is on the bottle or not. The same people who like to despoil our beaches and to leave the glass lying around will still do so whether there is a deposit on the bottle or not. Statistical evidence was given to the Joint Committee on Subordinate Legislation recently, when the P.E.T. container was being researched and discussed, that it was estimated that 83 per cent of soft drink bottles and returnable bottles were returned. However, it was dificult to establish how many Echo bottles were returned; I believe the member for Flinders said that it was about 50 per cent. I would like to dispute that figure, because of the enormous popularity of the Echo bottles. Because these Echo bottles are popular, the breweries are required to purchase many more bottles, and it is difficult to say exactly how many returns they are getting. The Minister of Environment has suggested that the situation should be monitored for the summer of 1980-81 to try to ascertain the number of bottles returned.

This, together with the fact that companies are now offering 2½ cents for the return of a beer beverage bottle, should enable us to find out what the percentage of return is. Before, when figures were taken, the actual amount on the container was less and there was much less demand for Echo bottles. Now there is a great demand for them and a compensating factor is the greater amount paid for the return of the bottle. If advertising were made available, I am sure that more bottles that are now left on beaches would be collected and returned.

This State has become the envy of other States in regard to its control of litter. Many South Australians return from travelling in other States to say how this State has so much less litter than they see in many other States. Yesterday, I was told by people who had recently visited Queensland that they had been amazed at the amount of litter on highways in that State. The cleanliness of South Australia was so obvious that they are proud to live here. A headline in the *News* of 24 January said "Expert comes clean: we are the neatest", and was over the comment of Mrs. Nora Owen-John, Vice-President of the New Zealand Litter Control Council and a recognised world expert on litter. It seems that the reputation of this State for being litter conscious is spreading.

The work of Kesab has been predominant in achieving this situation. Its publication *Keep South Australia's Scene, Conservation Handbook* states:

> This publication is intended by Kesab to help lead South Australians from the symptom (litter, roadside rubbish, etc.) to the disease—which is human pressure on raw materials resulting in waste . . .

The work of Kesab is well known, and numerous newspaper articles extol its work and show how it has come to make South Australians conscious of the problem. It has done so to the extent that we have achieved much, but that is not to say that we cannot improve. There may be more to consider, and the Minister has made it clear that the Government is concerned about the problems of drink containers. He has said that this year the Department for the Environment together with Kesab will monitor the use of certain beverage containers. Concerning P.E.T. containers, during the hearing of the Joint Committee on Subordinate Legislation someone asked who was paying for the cost of the monitoring of this container, and the simple reply was that the industry was picking up the account for the Kesab operation of monitoring.

This is the type of consideration being given by industry and commerce in cases where they think there may be a problem—they are anxious to find a solution. The only way to do this is to monitor carefully the impact their containers have on our environment. Another factor is that the use of glass containers is being reduced, and the production of some containers during the past few years has decreased remarkably. At the hearing of the committee, a question was asked as to the production content for particular types of bottles made by a glass manufacturing company, especially in relation to soft drink and milk bottles. It seems that production had been reduced to about 2 per cent or 3 per cent of the total production, whereas it used to be about 25 per cent to 30 per cent of the company's production.

It was asked why the numbers of bottles were reducing, and the reply was that people had turned away from

purchasing bottles and were purchasing drinks in other types of container. There may be many reasons for this, such as deposits, or a preference for drink in P.E.T. bottles or fruit box types of carton. Such cartons may be easier to store. Therefore, I believe that the Government needs to consider the monitoring system in order to ascertain the changes that are occurring.

When this original legislation was introduced, many other types of container were not in common use. Today, we have seen a decline in the number of bottles produced. It was stated that several years ago bottles for soft drinks covered a production period of about one month in a year, but this year the total production of glass containers had taken only four days. Obviously, there are changes in the use of bottles.

In referring to the fact that the Minister has made it clear that the Government intends to monitor the system, I would like to mention one or two of the points in order to show where the Government stands. If the public were made more aware by the breweries that the return for the beer bottle is now 2½c a bottle or 30c a dozen, more of these bottles would be returned because people would collect them, as a means of raising finance.

The Minister of Environment said on 16 May that consideration had been given to a report on the legislation prepared by the Department for the Environment. He said that the final report on the legislation, which would be released publicly, contained three recommendations, as follows:

> The Act should not be changed at this time. It has successfully stemmed the trend to one-way packaging in the beverage industry, and ensured the continuation of the recycling infrastructure. It has brought market stability in the beverage industry and concomitant savings to consumers.
>
> The recycling rates of the 375 ml echo should be that of the 740 ml beer bottles within the next few years.

We have seen that the cost of these has increased. The recommendations continued:

> If this is not the case, it may be necessary to investigate the need for deposits on this size container or on all beer bottles, possibly refundable through all licensed outlets. It is recommended that this problem be further investigated during the summer of 1980-81.
>
> The alternative litter abatement schemes have merit, but further investigations of the costs and benefits of these schemes should be undertaken before any advice from the packaging manufacturers is acted upon.

I think that that is the important part of the release.

Finally, I pay a tribute to those people whom I would call the unsung heroes and the supporters of Keep South Australia Beautiful who, day in and day out, irrespective of the weather and the time it takes, continue to keep our beaches and other areas clean. I know of Mr. Ray Skinner, who has been doing this job voluntarily for 15 years. He has provided a community service, off his own bat, and without any reward, other than the satisfaction of knowing that he is performing a community service. Many other people are doing equally valuable work in the community, and we should be grateful that such people exist.

I believe that the member for Flinders will wish to explain to us, perhaps at another time, how he also sees the implementation of his recommendations, thus providing us with more detail and perhaps more arguments to study relating to how and where refundable and recyclable echo bottles could take place. With that in mind, and with that question posed to the member for Flinders, I close my remarks.

Mr. ABBOTT secured the adjournment of the debate.

INCOME TAX

Adjourned debate on motion of Mr. McRae:

> That, in the opinion of the House, a Select Committee should be appointed to consider and report on the various methods, either in use or proposed for consideration, of apportioning income tax between the Commonwealth and the States and in particular this State and to advise the Government on the various effects which may be induced by the "New Federalism".

(Continued from 29 October. Page 1590.)

Mr. CRAFTER (Norwood): I am pleased to support my colleague's motion. I congratulate him on bringing this matter to the attention of the House, for debate. I note that the Premier agreed with many of the sentiments expressed in the motion. As Treasurer, he spoke on some of the complexities of Federal-State fiscal relations and policies. The Premier told the House that he opposes the formation of a Select Committee, although his views for such opposition are not clear. I refer particularly to his closing remarks in the House when this matter was last debated. He said:

> . . . certainly from the point of view of discussing theory, options or possibilities, there should be some means for discussion, and I congratulate the honourable member for the suggestion that he has put forward in relation to the Faculty of Law.

That was with respect to some consideration being given to the formation of departments at the university, either at the Law Faculty or the Economics Faculty, with respect to some deeper studies at the State level of these very complex arrangements that exist now for the funding of programmes at the State level. The Premier very humbly admitted that, prior to his becoming Premier, he did not know much about this area of his duties as Treasurer. I am sure that we all agree that he did not know much about his role as Treasurer in attending the many conferences of Premiers, Loan Council, and other meetings between the Commonwealth and the States to discuss financial arrangements.

However, he said that he had had the opportunity, through these meetings and through the advice of his Treasury officers, in particular, now to be able to grasp some of these matters. The sad fact is that other members (I daresay many Ministers) have not had those same opportunities. The motion aims to bring about some formal discussion so that we can see how this Parliament and its members can be more involved in the vital decisions that are made away from the State with respect to a great amount of the funding for programmes which are vital to the life of this State and, indeed, vital to the policies of any incumbent Government. Members are simply kept in the dark about many of these matters. The decisions are made often by independent statutory bodies at both the Federal and State level. Many of the negotiations are conducted by Government officers, particularly by Treasury officers, and there is no doubt that they have done in the past and will continue to do a splendid job for the State in this regard. However, it is a matter of great concern that members of Parliament are not more involved in this process.

The motion also refers to the concept of "new federalism", and that is an important concept for members on both sides to understand, to come to grips with, and to criticise. However, there are few opportunities in the life of the Parliament for this sort of debate to be conducted. In fact, the open sessions of this House may not be a suitable forum for a debate; more appropriate would be some form of standing committee where we can see the

effects of this policy and how it will affect the State and local spheres of Government.

The Premier has told the House that he is fighting to give the States greater autonomy with respect to the money they receive from the Commonwealth. He was critical of section 69 grants (or tied grants, as they are more commonly known). I refer to the recent criticism of Federal Government programmes by the former Minister for Finance, Mr. Robinson, who was recently critical of the way in which the States often spend moneys granted by the Commonwealth. I think it is generally accepted that there is not a very high degree of *ex post* analysis with respect to many of the grants received by the States from the Commonwealth.

The Commonwealth assumes some responsibility for the checking of the way in which these grants are expended, particularly so that there is some uniformity throughout Australia in the way the programmes are established and maintained and a check to see that persons for whom those programmes are intended in fact receive the benefits. I believe that there is a need for the States to establish their own monitoring and checking of programmes, and this surely must be done under the supervision of, if not by, the Parliament itself. This is perhaps a feature of Federal grants to the States in the United States, where there is a substantial degree of public accountability at State level for moneys received from the Federal Government. I think we can learn much from that system. Perhaps the criticism there is that those States have gone too far. However, that certainly is not a situation that pertains in Australia.

On the other hand, we have the State Governments (and the present Government is no exception) wanting a direct say over grants given to local government. The present State Government has been critical of direct Commonwealth to local government funding. Indeed, great restrictions are placed on local government, in the way that local government can spend grant moneys received through the State Governments. I shall cite a few examples. One is the money that is given to local government bodies for community development projects through the Minister of Local Government. In this instance, the Minister, no doubt with the help of officers, is finally responsible for the allocation of those grants and he is responsible for determining to which local government bodies and community groups those grants will be given. There is a direct involvement of the Minister in those grants.

Admittedly, large sums of money are not involved but that is an example of the control that the State Government exercises over local government. While on the one hand we talk about the inclusion of local government in the Commonwealth and State Constitutions, the Government is not keen to give away those powers that it has as to how it directs those funds that are given to another sphere a Government. As we know, the same applies in the Commonwealth sphere. We all want to have funding without strings and it seems that, if we are to pursue that line of thought, there must be a new system of accountability established.

The purpose of this motion is not to directly assess the present discrepancies or inequalities of the system of allocating the States' share of income tax revenue collected by the Federal Government on behalf of the States, but a deeper inquiry is called for by way of a Select Committee which is to consider and report on the various methods either in use or proposed, on a fairer allocation, and on mechanisms and formulae that are used in tax sharing. We see that in almost every sphere of community activity there is some degree of criticism of the level of Government expenditure, whether it be at local, State or Federal level. These various tiers of Government are continually passing the blame from one sphere of government to another and the public becomes irate and confused when they cannot sheet home accountability for various programmes.

I want to mention the important area of housing. During the past five years we have seen an incredible cut-back in the amount of money made available to the States from the Commonwealth and it seems that little justification for this cut-back has been given to the States or the public. It has been given a lower priority than it had previously. The amount of money in real terms available for the purposes of building welfare housing is now 12 per cent less than it was in 1975. In fact, the percentage of the Federal Budget allocation to housing has decreased in that time from 3 per cent to 1 per cent. This then places a greater burden on State resources.

In fact, the Housing Trust in this State is in substantial debt. I notice in today's press a headline stating "The South Australian Housing Trust plunges deep into the red" and the report states that the South Australian Housing Trust incurred a loss of over $7 000 000 last year. No doubt that is directly related to the amount of funds that the trust receives from the Commonwealth and to the priority given by the Commonwealth.

There are meetings of Commonwealth and State housing Ministers, Premiers' Conferences, and Loan Council meetings. Also, the Inter-Governmental Relations Committee has been established. However, none of these affords a mechanism whereby the members of this House can participate in the formulation of the States' attitude towards its relations with the Commonwealth. This is a great weakness in the performance and functions of this Parliament and in the effectiveness of any member of Parliament in representing his district.

The motion calls on the Government to take some action to look at the situation and to see how we can more effectively bring about some fairer deals, some more effective programmes, and some greater degree of accountability in these financial relationships and in the formation of these agreements that are so vital to the future wellbeing of the people of this State and the various programmes that we, at a State level, see as important.

The Premier has said that he can see the need for this and he has admitted that it is important and urgent. If the Premier will not agree to the appointment of a Select Committee on this matter, perhaps he will consider some other way by which members of this House can give greater consideration to this problem so that members will not be kept in the dark on these important matters and so that the views of South Australians can be put accurately to Federal counterparts.

Year after year we see the Premiers going off to the Premiers Conferences. There is a great deal of rhetoric about the bad deal that they receive and the lack of consideration given to the specific needs of States. However, we know that the decisions are taken well before the Premiers actually go to Canberra and that little can be done on the day of the conference by even the most powerful or most vocal of Premiers. We have often heard the satirical joke concerning the conducting of votes, when the vote is six for the Ayes and one for the Noes and a declaration is made that the Noes have it. That is a fact of life in Commonwealth-State financial relations.

The Premier referred to the Whitlam years when great initiatives were taken to bring about a new deal for the States and for local government and when a massive amount of money was injected into State programmes.

The Premier complained, I thought rather ironically, at

one stage, when he said that untied grants during the period of the Whitlam Government increased by only 64 per cent—only 64 per cent in those three years! In fact, that was a tremendous increase in untied grants compared to the figures for previous years. However, there was an increase of 350 per cent in specific purpose grants; an amount of $930 000 000 was allocated to the States for specific purpose grants.

I have mentioned previously the importance, as the Commonwealth sees it, of specific purpose grants where there is little or not very effective accountability at the State level and where there is, because of that situation, a great degree of risk that moneys will be allocated unfairly or unevenly, or subject to some political process, and the provider of those funds at Commonwealth level has a degree of responsibility to the taxpayers to make sure that those moneys are spent in the interests of all Australians. We saw the philosophy of the Premier and his Party when the Premier made the following comments:

> A Premiers' Conference was held, again with Loan Council, and in the June meeting we decided that the States would be provided, as a basis for planning, with an offer to ensure that each State's entitlement from income tax revenue in 1980-81 would at least be the same in real terms as it was in 1979-80. This was achieved by increasing the amount which each State received in 1979-80 by a proportion derived from relating the sums of the four quarterly c.p.i. figures for the year ended March 1981 to the sum of the four quarterly c.p.i. figures for the year ended March 1980. That gave the choice of two sums, and the States were to receive the higher amount, whichever it was.

That is a formula that the Premiers accepted, and we are now waiting to see the results that will be achieved by this State. The Premier, in explaining the system, was explaining the philosophy of his Party, and that is a philosophy of accepting the situation as it is and playing a role of subservience to the Commonwealth Government. From time to time, small muted statements are made in criticism of this system. The fact that this State Government and the Commonwealth Government are of the same political Party means, all too often, that criticism of the Commonwealth attitude to this State is not made where it should be made.

We have seen that this State has a lone voice in the Federal Cabinet, and I suggest that now we need to have an effective and vocal representative emanating from this Parliament to the Commonwealth Government in relation to the special needs of this State. We cannot continue with a Government that is accepting the *status quo,* that is, in a subordinate and submissive position in relation to the all-powerful Commonwealth Government, and we need to have a bipartisan Parliamentary analysis of how we can bring about a change of the present system which unfairly distributes wealth and distributes it in an abstract way. That is one of the criticisms one often hears in the community. Many decisions on programmes are made in Canberra, by people who do not have local knowledge and are not able to assess local needs as are those who live and work in this State.

I should like to record in *Hansard* some statistical information which will be of interest to members in considering the important matters raised by this motion. I seek leave to have inserted in *Hansard* without my reading them a number of statistical charts in relation to Federal-State grants.

The SPEAKER: Will the honourable member please indicate the extent of the documentation?

Mr. CRAFTER: There are four charts.

The SPEAKER: And the information is purely statistical?

Mr. CRAFTER: It is.

Leave granted.

AUSTRALIA

Table A1

FEDERAL GRANTS TO STATES 1969-70 to 1980-81

	1969-70	1972-73	1975-76	1978-79	1979-80	1980-81 estimate
			$ million			
General purpose grants—						
Revenue assistance	1 189	1 701	3 112	4 800	5 428	6 027
Capital	—	249	430	478	415	436
Total	1 189	1 950	3 542	5 278	5 843	6 463
Specific purpose grants—						
Current	145	390	2 316	3 048	3 360	3 799
Capital	301	443	1 126	1 006	1 082	1 167
Total	446	833	3 442	4 054	4 442	4 966
Total grants	1 635	2 783	6 984	9 332	10 285	11 429
State taxation	931	1 729	3 378	4 518	4 907*(a)*	N.A.
Total Federal outlays	7 348	10 190	21 861	29 045	31 694	36 037*(a)*
Gross domestic product (G.D.P.)	30 393	42 730	72 654	101 135	113 817	N.A.
			per cent			
Federal grants as percentage of State taxation	175·6	161·0	206·8	206·6	209·6	N.A.
Federal grants as percentage of Federal outlays	22·3	27·3	31·9	32·1	32·5	31·7
Federal grants as percentage of G.D.P.	5·4	6·5	9·6	9·2	9·0	N.A.

(a) Estimate

N.A. Not available

Source: Commonwealth of Australia: Budget Paper No. 1, Budget Speech 1980-81 and 1979-80, A.G.P.S. Canberra, 1980 and 1979; Budget Paper No. 7, Payments to or for the States, the Northern Territory and Local Government Authorities 1980-81 (and earlier years), A.G.P.S., Canberra. Australian Bureau of Statistics: Government Financial Estimates Australia 1979-80, Catalogue No. 5501.0, Canberra, 1980; Australian National Accounts National Income and Expenditure 1979-80, Catalogue No. 5204.0, Canberra, 1980; Quarterly Estimates of National Income and Expenditure June Quarter 1980 (Preliminary), Catalogue No. 5205.0, Canberra, 1980.

AUSTRALIA

Table A2

DISTRIBUTION OF STATE TAXES, FINANCIAL ASSISTANCE GRANTS AND TAX SHARING ENTITLEMENTS 1978-79

	(1) State Taxation	(2) Financial Assistance Grants/ Tax Sharing Entitlements	(1)/(2)
	$m	$m	%
New South Wales	1 810·2	1 464·4	123·6
Victoria	1 334·9	1 090·0	122·5
Queensland	542·5	844·1	64·3
South Australia	370·9	559·8	66·3
Western Australia	355·6	579·5	61·4
Tasmania	103·4	240·7	43·0
Six States	4 517·5	4 778·7	94·5

Source: Payments to or for the States, the Northern Territory and Local Government Authorities 1980-81, op. cit.; Australian Bureau of Statistics, Taxation Revenue, Australia, 1978-79, Catalogue No. 5506.0, Canberra, 1980.

AUSTRALIA

Table A4

COMMONWEALTH SPECIFIC PURPOSE PAYMENTS TO STATES, THE NORTHERN TERRITORY AND LOCAL GOVERNMENT [a]

	$ million					
	1969-70	1972-73	1975-76	1978-79	1979-80	1980-81 estimate
Defence	9	6	34	12	2	2
Education	145	259	1 406	1 956	2 096	2 322
Health	19	21	1 083	1 132	1 240	1 406
Social Security and welfare	4	127	235	69	71	62
Housing	122	7	363	315	258	265
Urban and regional development n.e.i. and environment	—	1	263	41	43	45
Culture and recreation	—	—	12	6	6	6
Economic services—						
Transport	218	289	495	552	616	708
Water supply and electricity	10	16	46	1	27	41
Industry assistance and development	30	94	110	83	73	45
Labour and employment	1	2	6	14	12	12
General public services	4	6	8	12	13	*(b)*
Assistance for State debts	38	78	47	51	55	66
Natural disaster relief	11	—	25	24	10	2
Local government general purpose assistance	—	—	80	179	223	302
Total	611	906	4 213	4 447	4 745	5 284
Of which—						
Net advances	N.A.	66	664	358	182	150
Northern Territory *(c)*	—	—	—	33	105	152
Local government specific purpose payments through States	N.A.	1*(d)*	157	139	148	N.A.
Local government direct payments	N.A.	2	107	17	16	N.A.
			Number			
Number of programmes *(e)*						
Recurrent	18	27	51	44	46	41
Capital	31	47	61	44	45	43

AUSTRALIA

Table A6

STATE DISTRIBUTION OF FEDERAL PAYMENTS PER HEAD 1979-80

	Population at 31 Dec. 1979	Household (Personal) Income 1978-79 Per Head	General Purpose Payments			Specific Purpose Payments			Total Payments (b)	Total Payments as Percentage of Personal Income
			Recurrent	Capital (a)	Total (a)	Recurrent	Capital	Total		
	'000	$	$	$	$	$	$	$	$	Per cent
New South Wales	5 112	6 194	325	79	404	233	85	319	670	10·9
Victoria	3 874	6 205	319	81	399	236	80	316	662	10·7
Queensland	2 213	5 808	436	75	511	218	115	332	793	13·7
South Australia	1 297	6 047	486	125	611	251	108	358	885	14·6
Western Australia	1 257	5 702	527	92	619	270	117	387	945	16·6
Tasmania	420	5 586	649	208	857	245	145	390	1 109	19·9
Six States	14 173	6 073 (c)	383	88	471	237	95	332	744	12·3

(a) Includes Loan Council borrowing and advances on capital payments.

(b) Excludes Loan Council borrowing.

(c) Includes Australian Capital Territory and Northern Territory.

Source: Payments to or for the States, the Northern Territory and Local Government Authorities 1980-81, op. cit. Australian Bureau of Statistics, Australian National Accounts National Income and Expenditure 1978-79, op. cit.

Mr. CRAFTER: The charts I have had incorporated may assist members and readers of *Hansard* in assessing some of the matters to which I have referred and to which other speakers have referred in this debate.

I refer now to an analysis of Federal-State fiscal relations in a paper given recently by Professor Russell Mathews, of the Australian National University. In that paper he was critical of the *ex post* evaluation of grant programmes, an area in which I ask members to interest themselves and in which I urge this Parliament to become involved. We have been through the Budget Estimates Committees procedure for the first time, and I think we would all agree that it was an interesting initiative but that it did lack some effectiveness and must be assessed to see how the system can be improved.

I think it is important to consider what further standing committees of this Parliament should be established, not just a committee at the time of the Budget. I believe that there is a need for a greater use of ongoing committees. We see the work being done by such committees as the Public Works Standing Committee and the Public Accounts Committee of this House. It seems that there is also a need for committees to look at Commonwealth-State programmes and perhaps State local government programmes, so that there is a greater degree of accountability and dialogue in those areas, and a greater opportunity for members of the House to become more familiar with the very complex relationships that exist between the levels of Government in this country.

I mention some of the important grants that occur which I believe should be given more attention. We have community health facilities grants, grants for school dental schemes, for health education campaigns, for health planning agencies, for blood transfusion services, for home care services, senior citizens centres, grants for paramedical services and grants for children's services. There are great discrepancies in the amounts of money given from State to State, discrepancies between recurrent and capital expenditure, and discrepancies occur from year to year. It would seem that a great deal of latitude is given to the few who are responsible for the formulation of policies and agreements in these areas.

I was involved some years ago in the establishment of the Legal Services Commission in this State and the transfer of staff from the former Australian Legal Aid Office, which was part of the Commonwealth Attorney-General's Office, to an independent statutory body of this State. There we had the Commonwealth negotiating with each State independently to establish commissions in the States and to arrive at various funding formulae and policy depending upon the particular State's needs and the particular philosophy of the Government that was in power in the State at that time. We now have very little uniformity in the delivery of legal aid in Australia, particularly with respect to traditional State matters, and there are even discrepancies with respect to Federal matters, particularly relating to family law.

Thus, we find that, apart from an annual report to this Parliament, we have a Legal Services Commission that provides a very important function. It receives funds through this Parliament and it also receives funds from the Commonwealth Government, yet there is really no effective degree of accountability at the Parliamentary level of how those funds are expended, whether they are sufficient funds, whether means tests are adequate, and who is missing out in the community on the provision of legal representation in our courts, and the like.

I would say that that situation pertains in many other spheres of Government. We have various commissions established—the tertiary education and secondary education authorities established in Canberra, which in fact distribute funds and define policy. There is a greater trend of Parliaments, and I would argue an undesirable trend, to defer more and more of this responsibility to statutory bodies and to remove the Parliament from an involvement in inter-Governmental relations, particularly inter-governmental financial relations and the distribution of wealth. Accordingly, I think it is time to assess these matters and to reflect whether, in fact, we are having a proper say in the formulation of policies and programmes and the distribution of taxes that are obtained from the people of this State and other States and then redistributed back to us through the Commonwealth Government. One way of doing it is by the formation of a Select Committee,

because it is necessary for such a committee to have the powers of a Select Committee. The Premier has admitted that it is an important consideration. He does not see the Select Committee as the appropriate vehicle, and we on this side of the House will wait and see by what vehicle it is that he is suggesting that this important analysis be done.

Dr. BILLARD secured the adjournment of the debate.

O'BAHN SYSTEM

Adjourned debate on motion of Mr. Bannon:

That Government time be made available to debate the Government's decision to proceed with the bus freeway and O'Bahn option for transport to the north-eastern suburbs.

(Continued from 24 September. Page 1096.)

Mr. McRAE (Playford): This motion is purely a procedural one and therefore is within your ruling, no doubt, quite circumscribed. I want to stress the background of this. It is really one of the most important issues that affects the residents of the north-eastern suburbs of Adelaide, and the residents of that region of Adelaide make up a very large percentage of the population. It is well known, of course, that, particularly in the outlying areas of north-eastern Adelaide, we have dormitory suburbs, and the people there face very real difficulties with transport. It is bad enough trying to get into town from the outlying areas; it is almost hopeless trying to get cross transport in the sense of perhaps going from Modbury across to Salisbury or from Modbury to Elizabeth for a change. It is obviously vitally important, with the distances involved and with the overcrowded roads that are currently used, that there be proper transportation from the outlying suburbs into the city.

The former Minister of Transport under the Labor Government, Mr. Virgo, and his officers have spent a great deal of time and effort in formulating a plan which would produce an answer to this problem. The Labor Government over a period of 10 years, and I think the Hall Government before that, if I am correct, have gradually acquired land through what is known as the Modbury Corridor so as to provide the first stage of access into the city arterial road system. The disputation that currently exists is not the necessity for a rapid transit system from the north-eastern suburbs into Adelaide—it is the form that that system should take. The Government on the one hand is saying that the O'Bahn system most appropriately and most economically deals with that pressing need. The Opposition on the other hand—

Mr. ASHENDEN: I raise a point of order to get your guidance, Mr. Speaker. I believe the motion before the House is that Government time be made available to debate the Government's decision to proceed with the bus freeway and O'Bahn option for transportation to the north-eastern suburbs. The honourable member appears to me to be debating the merits or otherwise of various systems, and I believe that is covered by a debate which is in my name.

The SPEAKER: I accept the point of order in so far as it requires a circumscribed debate. In fact, the honourable member for Playford so defined the situation when he commenced his contribution. There is a small element of leeway available to a member to give the reasons why Government time should be available, but I would ask the honourable member for Playford and all other members to keep very close to the procedural nature of the motion.

Mr. McRAE: Thank you, Mr. Speaker. I was emphasising first that the issue with which this procedural motion is dealing is a vital one. I do not think there is a single resident of the north-eastern suburbs, or any representative of the residents of the north-eastern suburbs, who would deny that the issue is a vital one. There could be no quarrel whatsoever with that. So, it gets down to this, as I was about to say: the only quarrel that I know to exist is the choice between the O'Bahn system on the one hand proposed by the Government and the light rail transit system as proposed by the former Government.

In order to deal with this conflict (and it is a very serious conflict on this vital matter) one needs the appropriate setting. What has worried the Opposition throughout is that in the very nature of private member's time, and simply to be fair to other private members, time has to be allocated in such a way that the debate comes in dribs and drabs, as it were, over many weeks. Indeed, it can be many many weeks and, in fact, months, if one takes into account the Christmas adjournment of the Parliament. That is the purpose of the motion—to enable intelligent informed debate in a block so that people, for instance, who are interested in the topic and who live in the north-eastern suburbs, instead of having to scratch through numerous copies of *Hansard* in order to keep some sort of sequence as to who had put what argument and counter-argument, would be able in the one day's hearing (and it would probably take a one day session) to hear all substantial arguments one way or the other and then be able to make up their minds.

One of the other reasons for this proposal is that there is considerable confusion at the moment in that the local representatives in the area are in dispute on the matter. As have the members for Newland and Todd, I have endeavoured to put across my viewpoint in local newspapers and other ways, but one is very circumscribed there because it is difficult to get local newspapers to accept the detailed and lengthy articles that one needs to fully canvass the topic.

The Leader of the Opposition is suggesting that this method of making Government time available is an appropriate way, on suitable occasions and when the issues of the day are vital, to deal with debates of this kind and I strongly support that idea. There is a feeling that the Government decision having been made, and there being such conflict between people of apparent experience and expertise in the area as to which option is better, that a fair trial is not being given, that justice does not seem to be done. I think that is the real key to it all. I think that it would be no great sacrifice on the part of the Government to make its time available, and it would be very much to the advantage of the residents if it were made available so that there could be some intelligent and intelligible discussion about the matter and so that the key issues could be carefully looked at and debated in the right way. For those reasons, I support the motion.

Dr. BILLARD (Newland): I want to reinforce my recognition that this is a procedural motion as was defined by the member for Playford and, as such, it seems to me that it characterises many of the moves made by Opposition members in this House not simply on this issue but on a range of issues. I assert that they have been more concerned with the forms and the peripheral issues relating to debate rather than to the substance of issues. I assert that, again, in this instance they are seeking to debate not the substance but the form of the issue. I will say later how in other debates Opposition members have had the opportunity to debate the substance of the matter. I believe that what I am asserting was exemplified yesterday in the motion of no confidence when the Leader of the Opposition spent the first few minutes—

The SPEAKER: Order! The honourable member may not allude to a debate which has already been concluded in this House.

Dr. BILLARD: I believe the Opposition has many times exemplified my remarks and has sought to concentrate on the forms of the Parliamentary procedures rather than on the issues. When one comes to the crunch, it is the issues that concern the public. I do not believe that the people are concerned with whether debate occurs in Government time or in private members' time or in whatever time; they are concerned with the issues, not with the form of the debate. Why is the Opposition pursuing the debate on the form rather than on the substance? Perhaps it is because it fears a debate on the substance and I believe there is some evidence for that. Perhaps it is because it lacks knowledge of the issue to enable it to debate the issue properly, and there may be some evidence of that also.

Perhaps most of all I believe the reason is that its political position in a debate on the issue, which is the provision of a rapid transit system between the city and Tea Tree Gully, is in fact very weak and if it was to pursue a debate on the real issue it would have little to offer which was constructive and which could be accepted as being constructive by the public of South Australia. I believe that the Opposition must realise that it will not get the support of the public while it continues to dodge the real issues and pursues instead the incidental and peripheral issues, such as whether the debate should be in Government time, in private members' time or in whatever form it should be.

This debate has been going on for many years during which there have been many opportunities for the matter to be debated. Since late in August, when the Government announced its decision, the Opposition has had several opportunities to debate it. First, there was an opportunity towards the end of the Address in Reply debate. This opportunity to discuss the subject was taken up by the member for Goyder but no-one on the Opposition side took that opportunity. Each member could have spoken for an hour on the subject. There have been numerous occasions on which members opposite could have spoken for 10 minutes each during adjournment debates. I note that some members have taken some opportunities in that respect, but very few of the Opposition members have done so. On 16 September the member for Playford spoke in the adjournment debate, and I believe that is about it from the Opposition side. The member for Todd has spoken on this subject twice in the adjournment debate. In that case, the Opposition has not taken advantage of the opportunities that were available to it.

Mr. Slater: How many adjournments have we had? We haven't had too many.

Dr. BILLARD: There have been numerous adjournment debates and plenty of opportunities not taken advantage of. The clear evidence is that, although the onus is on the Opposition to exploit the issue if it believes there is anything to be exploited, it has been the Government side that has—

Mr. Slater: There have been other subjects just as important.

Dr. BILLARD: Be that as it may, the Government has taken that opportunity twice as often as has the Opposition. Each member could have spoken on this subject for 30 minutes in the second reading stage of the Budget debate. In fact, two members of the Opposition, the member for Adelaide and the member for Salisbury, did speak on it to a certain extent during that stage of the Budget debate, but there was a good opportunity then for a considerable time to be spent on it at that stage of the second reading debate.

Following that, there was an opportunity for each member to speak for 10 minutes during the grievance debate, and five hours were available for debate and questioning of the Minister of Transport during his appearance before Committee B. I was part of that committee, and I note that there was almost no questioning on the subject during that hearing. Two minor references to the subject were made during the debate, and all members would have to agree that the opportunity that could have been taken at that stage was certainly not taken. When Committee B made its report to the House, there was another opportunity for each member to speak for 30 minutes. Opposition members could have explored the subject then. I note that the member for Adelaide made some reference to it in his contribution to the debate.

There were four separate occasions during the Budget debate when there were opportunities to discuss this matter. In addition, there has been private members' time, since the member for Todd has introduced a motion on this subject that allows for debate, and that has continued. So far, I have listed seven separate instances during which members could have engaged in debate on this subject. Of those seven opportunities, six were effectively within Government time, and only the last one was in private members' time. Opposition members can hardly complain that there had been lack of opportunities.

If we sum up the total of the contributions made through those avenues, we find that, since the announcement of the Government's decision on this subject, there have been 14 (as far as I can gather, and I hope that I am correct) speeches or parts of speeches on this subject, seven by Government membes and seven by Opposition members. I have included in that total of 14 a personal explanation by the member for Salisbury that almost ran into a debate.

The SPEAKER: Order! That is a reflection on the Chair. The Chair accepted the member for Salisbury's explanation as an explanation and not as a debate.

Dr. BILLARD: It was a contribution to the subject, Mr. Speaker. If that is not counted as a speech, it reduces the number of speeches by Opposition members from seven to six, and that makes their position look even poorer. I make the point that there have been numerous occasions and many hours of opportunity that could have been taken by the Opposition to debate this subject. It did not take those opportunities. As has been alluded to by the member for Gilles by interjection, Opposition members consider this issue to be not sufficiently important to be debated. In other words, Opposition members consider there was so much other material that was more important.

Mr. Slater: I haven't spoken on it—

Dr. BILLARD: The opportunity was there if it were important enough. On the first day of the sitting of Parliament after the decision was announced, it was not the Opposition that started to question the Minister on the subject. I should have thought that the Opposition would be pursuing this subject assiduously immediately from the time the decision was made, but that was not so. On Tuesday 26 August, the day following the day the decision was made, only one question was asked during Question Time, and that was the last one of the day and was asked by the member for Mitcham. On the following day, three questions were asked by Government members before any question came from the Opposition. On the Thursday no questions were asked on the subject.

If the Opposition was so intent on pursuing this subject and on gaining information relating to the decision that had just been made and announced by the Minister of

Transport, I should have thought it would plough straight in with questions and cross-examining him during Question Time. Either the Opposition did not know enough to ask questions or it was not interested. I assert that the Opposition's position is so weak that it thought it was best left well alone. I believe that the public is well satisfied with past debates. There has been debate on the subject of transport to the north-eastern areas of Adelaide since about 1976, perhaps even earlier.

Mr. Slater: Much longer than that: you haven't been in South Australia long enough to find out.

Dr. BILLARD: I have been here longer than that. The major debate dated from then, and I believe the point had been reached where the public was getting heartily sick of the debate and wanted someone actually to do something instead of talking about it. The real position was that the public was no longer interested in long debates about whether this or that system was better; in fact, a strong opinion put to me from people I have met in the area is that they could not care whether they flew to the moon and back in the process of getting to town, as long as they got there in a reasonable time and in reasonable comfort. The public wanted action rather than debate, and I do not believe that the Opposition is winning any friends in the north-eastern area by seeking to prolong the debate that has gone on for years. Some points were made by the member for Playford, and I will answer one or two of them.

Certainly, I recognise his argument that the question of the provision of adequate public transport to the north-eastern areas is vital to those areas. I also recognise his argument that there is difficulty in cross transport between Salisbury and Tea Tree Gully (and I have spoken on that subject previously in the House). However, I do not accept his argument that that debate would be helped by cramming it all into one day in Government time. I think that, if we are to have a debate, the standard of the debate is improved if contributions can be spread out over a number of weeks so that members who contribute to the debate can contribute in a considered way and can consider properly the contributions made from the other side. If we crammed all the debate into one day, we would tend to create a situation where members would deliver prepared speeches (though perhaps not read) and be less able to respond adequately to the arguments put from the opposite side.

I believe that the form in which the debate has proceeded through taking the various opportunities that have been available (and, as I have listed before, numerous opportunites are available) is the most appropriate form in which the debate should proceed. Debate should proceed in an open-ended fashion so that there is never a point at which we say, "Right, that subject is closed. There's no more opportunity for any member to contribute." I believe that it is proper that, as the scheme develops, and as it will develop in the coming years, members from both sides should have the opportunity to comment and to continue to debate other points that arise on this subject as they come up, and as side issues perhaps arise. The main thrust of the motion, which is that Government time should be made available now, is, I think, false. For that reason, I oppose the motion.

Mr. SLATER secured the adjournment of the debate.

GROWERS' MARKETS

Adjourned debate on motion of Mr. Lynn Arnold:

That this House calls on the Government to provide financial and planning assistance to enable the formation of growers' markets for the retail sale of fruit and vegetables in various parts of the metropolitan area and in the larger regional centres of the State.

(Continued from 5 November. Page 1811.)

Mr. LYNN ARNOLD (Salisbury): I want to conclude my remarks on my motion with regard to growers' markets, and I hope that I will not take too much time in doing so, because I believe that I canvassed some of the areas last week. I was in the process of commenting how local greengrocers would not be disadvantaged by the concept of the growers' markets that I was proposing. Indeed, I was making the comment that many of the problems that small greengrocers presently face come from the supermarket sector, rather than from elsewhere. They have serious problems there, which they are going to have to face in the years to come. I quoted figures on the relative decline in importance of the local greengrocer in the food and vegetable trade compared to the supermarket, and that trend certainly is continuing.

I now want to make a couple of other comments on why I believe that the local greengrocer need not be unnecessarily worried about the concept of growers' markets. For a start, we already have a hierarchy of outlets for the sale of fruit and vegetables that have different price ranges. We have the small roadside sellers on some of the main outlets from Adelaide. We already have a type of growers' market at North Arm. We have the Central Market and the East End Market for those who care to buy in bulk. We also have the small greengrocer and the supermarket. Customers have distributed themselves between these various outlets and accepted the price differentials that exist between them. It is my argument that that same proposition will continue to exist if you create real growers' markets. I know that the European experience would suggest that that is feasible. You will find in most European cities growers' markets existing, for example, in the early hours of the morning, up to 10 o'clock, then shutting down for the day as growers go back to their farms and get ready for the next day. The greengrocer then takes over the sales for the rest of the day. There is no direct hours of trading competition for much of the day.

Indeed, the growers' markets being proposed in the motion do not have much overlap of the proposed hours of trading. Likewise, the location prevents the greengrocers from suffering too much from the growers' market concept, because they would be located in areas that may well be separate from local shopping centres. The other thing that would come from that is that convenience shopping for fruit and vegetables would still be the major expenditure on fruit and vegetables by most consumers, because they would still continue to buy most of their fruit and vegetable items when at the local shopping centre, buying other items they need to purchase. I do not think that there is much reason for local greengrocers to be too worried about this prospect.

I have already referred to the North Arm market. As members will probably know, it is run on land controlled by the Department of Marine and Harbors. I will make a couple more comments about this matter. I have made a submission to the Chief Secretary about this market that non-professional growers should be excluded; that the market should be open only to market gardeners, and that other fruit and vegetable retailers and amateur gardeners who use sites there should defer in that instance to professional market gardeners. I find that a comment made in the report on the marketing of fresh fruit and vegetables in South Australia, issued in 1977, confirms the opinion I hold in this regard. The authors of the report make the point that participation in the growers' market

must be restricted to members of the corporate body; that is, the co-operative that had organised it, and that all members must be *bona fide* growers. I certainly would endorse that provision.

The situation at North Arm at present is that, of the sites available, fewer than half are operated by *bona fide* growers. The other half are operated by amateur gardeners or fruit and vegetable retailers who have other outlets such as the Central Market or greengrocer stalls. What initially was viewed by the growers as being a very hopeful outlet for them to sell some of their produce is now turning into some dismay. I find it a pity that the Chief Secretary has not chosen, as an aside, to answer my correspondence on this matter. I have been some two months waiting for a decision from him. I certainly hope that he will not keep me waiting any longer, and that he will not keep growers waiting in anticipation for a favourable result in this matter very much longer.

Be that as it may, the North Arm market is an initial breach into this area, that is, the growers' market concept, and I think it has proved remarkably successful. I know that, to the extent that growers have been able to get access to it, they are pleased with it. I know that those consumers who go there to purchase their fruit and vegetables feel that they are making savings on their purchases, and they are therefore quite happy. They are satisfied that the quality of the produce is certainly no less than they get when they purchase at a greengrocer's shop or other outlets. I believe that that experiment should hold out quite a lot of hope for future such experiments.

However, one thing we must remember is that, if a growers' market is to get off the ground, it will need substantial assistance, first, in the provision of the land, and secondly, in the provision of financial assistance for buildings, if necessary, for trading halls, and that finance will have to be provided either by local government (and I anticipate that it will be beyond the means of most of them) or, alternatvely, by the State Government through one of its various agencies. I am not suggesting that this should be done without any recoup from growers. I do believe that the growers would have to pay rent for the sites and that would recoup the money invested, or alternatively they could pay interest on the loans made to their co-operative societies or whatever. I believe they will need that initial financial assistance and planning assistance to get off the ground.

I do not want to take up much more time on this matter, but I want to provide some other information that I have recently received on just how the pricing system as we see it is not really giving a fair return to the growers. Since I last spoke on this matter, some information has been presented to me by a local grower on prices that he obtained recently in the field of capsicums, cucumbers and zucchinis. The information given to me recently indicated that, when the quoted Adelaide price for capsicums was between $1·60 and $1·80, the actual price received by the grower was only $1. One of the reasons why there was a lower price was that Perth was sending capsicums into Adelaide at a price that was only 40 per cent of the actual price being received by the growers here. Likewise, the quoted price for cucumbers was $15 a box and the actual price was $8 a box, and Queensland imports were selling for $2 a box. Also, zucchinis were being undercut by Sydney imports so that the actual return to growers was negligible. For the sake of market gardeners and for the sake of the consumers of fruit and vegetables I believe that growers' markets do offer a real alternative, and I urge the Government strongly to support the proposal.

Mr. EVANS secured the adjournment of the debate.

BUDGET ESTIMATES COMMITTEES

Adjourned debate on motion of Mr. Bannon:

That in the opinion of the House a Select Committee should be established to consider and report on the operation of the Budget Estimates Committees and to give particular consideration to—

(*a*) the means of participation of all members, including members of minor parties and independents, in the proceedings of the Committees;

(*b*) time limits on Committees' considerations and the flexibility as between various sets of estimates;

(*c*) the role public servants should play in the Committees;

(*d*) the adequacy of Sessional Orders;

(*e*) the role and powers of the Chairmen; and

(*f*) experience of Committees in other Legislatures.

(Continued from 5 November. Page 1812.)

The Hon. D. O. TONKIN (Premier and Treasurer): I do not propose to spend very much time dealing with this motion. I believe it is, as the Leader knows full well, a completely unnecessary measure, supported by equally implausible arguments and, indeed, when the Leader was moving this motion, he admitted with a good deal of what I consider to be feigned conviction that he did so with considerable regret, hoping till the last, so he said, that his leadership would not be required. Well, that is perhaps a prophetic remark but in the end, so we were told, he simply had no choice; duty impelled him to act because the Government had failed to honour its promise to review Estimates Committee procedures. As I say, this feigned nonsense hardly warrants reply, but for the record I shall briefly recite the order of events, and the time frame in which they occurred, so that the absurdity of this claim is exposed.

On 27 August, in introducing the Sessional Order into the House, I said, at the conclusion of my remarks:

> One further undertaking I give the House is that the opinions of the Committees and of all members as to Estimates Committee procedure, and possible improvement of the Sessional Order in future proceedings, will be carefully considered by the Government.
>
> It is our intention, eventually, to refer the matter of establishing Estimates Committees to the Standing Orders Committee for recommendation that will entrench the provision in the procedure of the House, but no such step is contemplated until all members have had the opportunity to express an initial opinion, and until we can be sure that the procedures set down are effective and work efficiently.

In short, that assurance specified a Parliamentary review, through the agency of the Standing Orders Committee, which is the proper forum for detailed investigation of all matters affecting the forms and procedures of the House. Moreover, the assurance specified that such a review would not be undertaken until all members had been given the opportunity to express an initial opinion, either in the House or directly to the Government, as they chose. Now, to a reasonable person I would have thought that that represented a fair and responsible assurance. It recognised, first, that Parliament alone has the right to determine its own affairs, which is why reference was made to the Standing Orders Committee; and it recognised, secondly, that the full extent of the Committee's brief could not be known until members had expressed their opinions, reservations, recommendations, or suggestions.

The first step in that expression, as the Leader correctly says, was the week-long debates on the reports of Estimates Committee A and Estimates Committee B. But

hardly before that debate had begun (in fact, in the first 10 minutes) the Leader gave notice that he intended to get in on the act. Obviously, he had decided, or Caucus had told him, that, despite their initial imperfections, Estimate Committees and programme performance budgets were being hailed as major reforms, and that the sooner the Labor Party became associated with these measures the better would be its standing in the community. So, the Leader decided to take the running, and in that first 10 minutes of a 24 hour debate, before he or the House had heard any other member's point of view, or their concerns, or recommendations, or whatever, declared the need to appoint an all-Party Select Committee in precisely the terms of this motion.

Now, apart from the obvious fact that the Leader's suggestion pre-empted the judgment of all other members, it seemed to me utterly to ignore the duties, powers and responsibilities of the Standing Orders Committee, and completely ignored the Government's earlier assurance that this committee would do all that was asked of it at the appropriate time as a matter of course.

For these reasons I reminded the Leader, in the course of that same debate, that the matter would be referred to the proper authority at the earliest practicable opportunity. But, of course, at that stage I suspect that the Leader was stuck with the running, no matter how specious his stated reasons were, in the hope that some sort of kudos, for what I believe has been a major Parliamentary reform, would attach to the Opposition. He really could not move fast enough. Just four sittings later, only four days after the completion of the Estimates Committee debates, the Leader gave notice of this motion, and on the fifth day he defended his own move in the following ridiculous terms. He said (and I am now quoting various portions of the Leader's speech in context):

> I would have thought that the Premier . . . would have ensured that the full review he had promised was undertaken.

Later, in the same speech, he said:

> In the absence of any response from the Premier since 21 October [which I remind the House was the day on which the Estimates Committee debate began] . . . I felt that there was only one recourse, and that was to move, in private members' time, a motion which I hope will be considered to finality, and voted upon.

It is ridiculous that the Leader should attempt to appoint himself public keeper of the Government's conscience anyway, and in the circumstances presently before us his attempt is fatuous and his reasons are lamentable.

How absurd it is, in view of the Government's repeated promise to await completion of the earlier debate in this House, that the Government should be criticised for not breaking that promise—that is, not referring this matter to the Standing Orders Committee even before members had been given the chance to express their views was something to be criticised. And how palpably weak it is that the Opposition's only justification for bringing on what I believe to be a totally unnecessary motion is such a transparent farce.

The fact is, clearly, that the Government gave an undertaking that the Estimates Committee procedures would be reviewed, and that undertaking has been honoured to the letter. As a first step, we carefully noted the comments of all members who contributed to the final Budget debate. Secondly, we asked the consultants who are employed by the Government on another (but related) matter to seek the views of Ministers, who sat on the other side of the Estimates Committee tables and who therefore had a different but equally valuable perspective, a different point of view, to contribute to our initial assessment. Thirdly, as both a courtesy and in a genuine attempt to ascertain the Opposition's considered opinion of Estimates Committees, particularly the value of the supplementary papers which were provided in programme performance form, we invited the Leader of the Opposition to confer with the consultants. But astonishingly—and this is a measure of the conviction which must exist behind this Opposition motion—that invitation remained unanswered for a month, and when a reply eventually came, as it did this week, the Leader presumed to accept only upon condition that this proposal he has put up in the motion before us would be endorsed.

Finally, Mr. Speaker, after collating all expressed views, the Government moved at the earliest opportunity to request the Standing Orders Committee to review the Estimates Committee procedures, and in doing so provided that committee with a synthesis of the relevant concerns expressed by all members of the House. As you would know, Sir, and as the Leader of the Opposition undoubtedly knows by now, that request was transmitted to you earlier this week in your capacity as Chairman of the Standing Orders Committee. What we are now going through is therefore, quite palpably, quite obviously, an unnecessary waste of time, which the Leader has known since he first gave notice of motion. I would simply remind him now of this comment which he made when moving the motion:

> Criticism could be made that a Select Committee is a cumbersome way in which to deal with the matter. If there is a better, more efficient way, I shall be happy to withdraw the motion and let that procedure be instituted.

Those were the Leader's words. Let me assure all members that reference to the Standing Orders Committee is undoubtedly the better way, for it employs those proper forms and procedures of the House which are endorsed by all members and all Parties.

For a start, there is no doubt that the Opposition will be represented by both the member for Playford and the member for Elizabeth, because they are members of the committee. Nor is there any question but that the special concerns of Independent and minor Party members will be of particular concern to the Standing Orders Committee in its examination of this matter. It goes without saying, I believe, that the committee will be anxious to assess the views of the member for Mitcham, the member for Flinders, and the member for Semaphore. That, to me, is the least it can do, and I am quite certain it will not in any way fail in its duty to do so.

Finally, it should be remembered that the Standing Orders Committee is not unreasonably limited in discretion. It need not, at this stage, recommend an entrenchment in Standing Orders. It may, in its judgment, depending on its findings, recommend a continuation of the Sessional Orders, in modified form, and it may canvass the entire range of those orders, including such matters as the role of the Chairman and members, the role of side-line members, and the allocation of time within the consideration of each vote—all very important matters and matters of concern. Obviously, it would be the Government's wish to leave all of those matters to the Standing Orders Committee, knowing that, if these correct procedures are followed, an opportunity will be available to all members at a later date to debate the committee's proposals.

The remarks made by the Leader of the Opposition in moving this motion suggest to me that one further matter, to which I have already made brief reference, is urgently in need of clarification. I refer to the role of P.A. Consulting

Services Pty. Ltd., the firm engaged by the Government, on the recommendation of the Under Treasurer, to advise on two initiatives, the first being the further development of programme performance budgeting, and the second the review of the Treasury accounting system.

The firm has not been engaged, and it has never been any part of this firm's brief, to review the effectiveness of Budget Estimates Committees. There is no direct connection between programme performance budgeting and the Estimates Committees. I mention this, Mr. Speaker, because the Leader evidently needs to be disabused of what seems to be his misconception. He said in this debate (and I accept his statement as an honest belief):

> If there is to be a proper and full review, it cannot be an internal exercise—a Public Service-Government exercise.

He then proceeded to say:

> This matter concerns the whole Parliament and all members of the House, and therefore all members should have an opportunity to take part in a systematic review.

The Government could not agree more. Indeed, I would go further and say that strangers have no right whatsoever to interfere in Parliament's sovereign determination of its own affairs. Yet evidently, from my letter of invitation for him to confer with the consultants, the Leader has mistakenly inferred that their warrant transgressed Parliament's own affairs. That view could not be further from the truth.

The consultant's role with regard to programme budgeting requires that the Budget documents, which in this first year were bound in the yellow book which honourable members have found so useful, should satisfy user requirements. That is, the programme Budget documents must satisfy Ministers, public servants and, of course, members of Parliament. Consequently, the consultants have conducted a series of interviews with Ministers and public servants to ascertain their views as to the appropriateness of the documents, and it was as part of this review that the opinion of the Opposition Leader was sought. At no time was it ever conceived that strangers, whether they be the consultants or officers of the Public Service, would in any way trespass on Parliament's activities, and I believe that my constant references over many weeks to an evaluation by the Standing Orders Committee have made this distinction abundantly clear.

Not only have the Government's assurances regarding Parliamentary review of Estimates Committees been fully honoured, but I take this opportunity to remind members that during the final Budget debate I expressed the hope that all members would avail themselves of programme performance briefing sessions over the next 12 months. I can now report that Cabinet has recently been given an excellent presentation by the consultants of the progress achieved to date in this area, and of the staging progress that will be followed in the months ahead.

I have asked the principal consultant, Mr. Chris Geckeler, whether he would consider repeating that presentation, at the earliest opportunity, for the benefit of all members of Parliament. Since his response has been enthusiastically positive, I now invite honourable members to consider whether they wish to attend a briefing session conducted by the consultants and Treasury officers. I shall shortly write, Mr. Speaker, both to you and to the President in another place, requesting that you may find time or times which are suitable to honourable members for this presentation.

Mr. SLATER secured the adjournment of the debate.

[Sitting suspended from 6 to 7.30 p.m.]

COUNTRY FIRES ACT AMENDMENT BILL

The Hon. W. E. CHAPMAN (Minister of Agriculture) obtained leave and introduced a Bill for an Act to amend the Country Fires Act, 1976. Read a first time.

The Hon. W. E. CHAPMAN: I move:

That this Bill be now read a second time.

The provisions of the Country Fires Act, 1976, have now been in effect for some 15 months and in general have met the requirements for effective prevention and control of fires outside declared South Australian Fire Brigade areas. The legislation embraces many of the principles of the repealed Bushfires Act, notably the vesting of authority in local fire control officers or fire party leaders; and while this has proved workable in the case of small to medium bush fires the large outbreaks which occurred last summer clearly demonstrated that confusion and lack of overall control arise when a fire assumes major proportions or otherwise demands the calling in of additional equipment and manpower.

This was particularly apparent on "Ash Wednesday", 20 February 1980, when four council district supervisors were involved in fire fighting operations.

These officers and the forces under their management worked hard and, in instances, heroically, but it was not until a co-ordinated plan of attack was organised by the Director of Country Fire Services that overall control of the situation emerged.

The principal feature of the proposed amendments is the vesting, in the Director of Country Fire Services, of the power to assume tactical command over large scale or difficult fire suppression operations. However, it is emphasised that these in no way will undermine the authority of district fire control officers, and those officers in charge of Government reserves, under circumstances where fires are contained within the gazetted areas of such personnel and can be handled effectively by local resources. The Bill has the support of the National Parks and Wildlife Service and the Woods and Forests Department.

The Bill contains a number of minor consequential amendments and other provisions, including the supply of certain advisory services by the Country Fire Services Board and greater flexibility in the altering of the "prescribed day" for cessation of the fire danger period.

Before seeking leave to have the explanation of the clauses inserted in *Hansard*, there are one or two other comments that I would like to make. First, members opposite, and particularly the spokesman for rural matters in this House, the member for Salisbury, will recall that it was initially our intention to go further at this time with respect to amendments to the Country Fires Act. I think he will recall that we were proposing to clarify some matters relating to and interlocked with the Fire Brigades Act amendments. This Bill was prepared some weeks ago by a public commitment given about our intention to do so. It was the intention of the Government to have the two fire Acts amended simultaneously, so that they came into effect accordingly. The honourable member will be aware that the Chief Secretary has already introduced his proposed amendments to the Fire Brigades Act, and that matter is currently under the scrutiny of a Select Committee. So that we are not faced with a problem in the area of appropriate command during the coming summer months, we believe that it is appropriate to proceed with those parts of our intended amendments to ensure that a situation such as occurred on Ash Wednesday does not occur during the coming months.

Subsequent to the Ash Wednesday and Horsnell Gully fires in the Adelaide Hills, a seminar was arranged by a

very dedicated and concerned group of people which was held on the grounds of the University of Adelaide. I was extended the opportunity of attending, and certainly did so. The seminar was held on two consecutive days. The current rural spokesman for the Opposition also attended, and delivered a paper on that occasion to which my colleagues may well refer later on in the debate, and which, I believe, outlined the Opposition's support for the Government's move in this instance. I mention that without reflection at all on the honourable member or any other of his colleagues because, indeed, I believe the principle incorporated in his paper to that seminar was to be commended. I said so at the time and I am quite pleased to put it on record at this time and look forward to continuing co-operation from the Opposition during the passage of this Bill through both Houses.

The Minister for Industrial Affairs will be Acting Minister of Agriculture and Forests during my absence from tomorrow and beyond for the next four weeks and, in that period, and whilst this Chamber is in session, he will be handling Agriculture and associated business on my behalf. From this time on he will indeed be taking up those responsibilities as they apply to this Bill. I hope that, with the contribution that I know that he can make and with the very full understanding that he has of the intent of the Government in this instance, I can look forward to the co-operation of the Opposition being extended to that colleague. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal.

Clause 3 replaces section 16 of the principal Act which sets out the functions of the Board. Subclauses (2) and (3) are the existing provisions of section 16: subclauses (1) and (4) are new. Subclause (1) enables the Board to carry out the necessary functions of providing a centre for information relating to fire-fighting and weather conditions, monitoring bush fires and co-ordinating and assisting in the organisation of fire-fighting. Subclause (4) enables the board to provide local councils and others with information as to fire-fighting methods.

Clause 4 amends section 28 of the principal Act. It is intended by the Government that a proclamation bringing the section into force will be made soon. The amendment made by this clause will include the Minister administering the Fire Brigades Act, 1936-1976, amongst the authorities which the Fire-fighting Advisory Committee must advise.

Clause 5 amends section 32 of the principal Act. The contribution required of insurers under the Fire Brigades Act, 1936-1976, to the South Australian Fire Brigades Board is based on the premium income for each year from 1 April to 31 March. This clause brings the calculation of contributions to be made by insurers under the principal Act onto the same basis and will mean that the same figures can be used for the calculation of contributions under both Acts.

Clause 6 amends section 39 of the principal Act. Subclause *(a)* makes minor drafting changes to paragraph *(b)* of subsection (2). Subclause *(b)* replaces subsection (5) with a provision that will enable the board to vary the prescribed day.

Clause 7 amends section 52 of the principal Act. Subclause *(a)* makes an amendment consequential on the provisions inserted by subclause *(b)*. Subclause *(b)* adds subsections (7), (8), (9) to section 52. Subsections (7) and (8) will give the Director or his delegate power to take control of a fire. Subsection (9) ensures that a person to whom the Director delegates his power under subsection (7) is to be a responsible person where the fire is on a Government reserve.

Mr. LYNN ARNOLD secured the adjournment of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 18 November. Page 1978.)

Clause 1 passed.

Clause 2—"Commencement."

The Hon. R. G. PAYNE: Clause 2 is a *pro forma* type of clause; why is the clause divided so that subclause (2) may be brought into being on a day other than the proclamation day?

The Hon. D. C. WOTTON: I cannot answer that question, which is probably why it was asked. I have a considerable amount of information on the other clauses, but my colleague has not provided the information that the honourable member requests and I will obtain it for him. clause passed.

Clauses 3 to 11 passed.

Clause 12—"Appointment of returning officer and deputy returning officers."

Mr. LYNN ARNOLD: I said last night in the second reading debate that the Bill was perhaps deficient to the extent that there was no proscription that the returning officer should not be an employee of the council, and I cited an episode in which there might have been a possibility of some cynical interpretation of the way in which the returning officer had handled a certain local government election. I notice that the returning officer is proscribed from standing as a candidate for the council, which is natural and logical. Will the Minister comment on the fact that the Bill should go further and state that the returning officer should not be an employee of the council for which the election is being held? The point is that the returning officer or any elected councillor would bear a heavy burden (because councillors have to work with the returning officer, who is a staff member) if there were a possibility of a misinterpretation of the way in which actions had been undertaken.

The Hon. D. C. WOTTON: I do not believe that it is necessary for the Bill to go further. The clause provides that the appointment of the returning officer shall take place at the first meeting of the council after the conclusion of the annual election. The council makes its own statutory appointment. However, in the past, as the member for Salisbury would appreciate, the returning officer was appointed 10 days prior to the day of close of nominations for the annual elections, and it is generally recognised that this caused confusion because, after the notice inviting nominations was issued, there might have been a change of returning officer.

The Bill further provides that a council shall appoint one or more deputy returning officers, who shall hold office on the same terms and conditions as the returning officer. That was explained in some detail during the second reading stage. In the past, the appointment of the deputy returning officer was the responsibility of the returning officer, if the returning officer found that, for any reason, he was unable to perform his duty. This provision proved to be unsatisfactory in that, if the returning officer was seriously incapacitated in any way, he might not have been

able to appoint a deputy. I do not believe that the clause should go further than is provided.

Clause passed.

Clauses 13 to 17 passed.

Clause 18—"Provisions as to polling places."

Mr. LYNN ARNOLD: I am sorry to have to raise this point at this time, because I raised it yesterday in the second reading stage and I had hoped that the Minister would refer to my comments last night. I said that the Bill was deficient in regard to polling places to the extent that many people in many communities hold a popular conception of where polling places for State and Federal elections are situated: they get used to going to these places. I know that in my area polling places for council elections are very often different from polling places for State and Federal elections, and I presume that that situation occurs in other local government areas. It may be wise for the Bill to recommend that polling places should, as far as possible, be the same. Obviously, local government election places cannot be exactly the same as State and Federal election places, because there would be more State and Federal election polling places, but, within a geographical vicinity, local government election polling places could be the same as those used for State and Federal elections.

The Hon. D. C. WOTTON: I remember that the member for Salisbury raised this matter, and I apologise for not referring to it last night. I recognise that it would possibly be a good thing if people knew from election to election where polling booths were situated, and this relates also to State and Federal elections. Polling booths for State and local government elections change for various reasons. I do not believe that the provision as suggested by the honourable member should be written into the Bill: a great deal would not be achieved if the Bill stated that wherever possible polling booths should be situated in the same place, and, therefore, no such provision should be written into the Bill.

Mr. HEMMINGS: What always interests me is that, on the one hand, we are trying to increase the awareness of and interest in local government elections, and the clauses we are considering now are in that direction, whereas, on the other hand, a simple request from my colleague last night that we should stabilise the polling places for State, Federal, and local government elections is glossed over by the Minister. The main reason why most people do not vote in local government elections is that they do not know where the polling place will be. They front up where they last voted at State and Federal elections.

Mr. Mathwin interjecting:

The CHAIRMAN: Order! I point out that we are dealing with clause 18.

Mr. HEMMINGS: Whilst perhaps such a provision is not put on the Statute Book, will the Minister consider the locations of polling booths so that they can be brought into line with the places used at State and Federal elections?

The Hon. D. C. WOTTON: I will certainly pass on those thoughts to my colleague in another place, but I believe that it would be extremely difficult to word a provision in legislation tying down these polling booths to booths used for State and Federal elections. We all appreciate that the Commonwealth and State polling booths vary from time to time. I know of some country councils that operate portable polling booths; people vote in caravans. The Minister responsible will be able to read the thoughts that have been expressed on this matter.

Mr. LANGLEY: I support what my colleagues have said. It has been noticeable in my district over the years that polling booths in Unley have changed several times for State and Federal elections and local government elections. In that time, we never had an opportunity to stabilise this matter. I read the Premier's comments in the press saying how important it is for people to vote at local government elections. As voting at local government elections is non-compulsory, one of the problems is that people are loath to vote. The Premier has tried as much as possible to increase voting in local government elections. I believe that people should be persuaded to vote, but they say, "I voted at such-and-such a place this time, and at another place another time."

Mr. Mathwin interjecting:

Mr. LANGLEY: Most schools are available. We normally vote at schools and churches, which are seldom available. We are trying to increase the vote in local government elections, yet people have to go to different places at different times. Not many Government members are present in the Chamber tonight, a fact that I deplore. The same thing happened last night.

The CHAIRMAN: Order! We are dealing with clause 18, and there is nothing in the clause about how many members are or are not in the House.

Mr. LANGLEY: I thought that mention was made last night about the number of members present and not present in the House.

Mr. Mathwin interjecting:

The CHAIRMAN: Order! The honourable member must not continue to interject. I point out to the honourable member for Unley that we are dealing with clause 18, and debate is restricted to that provision.

Mr. HEMMINGS: Mr. Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Mr. LANGLEY: I hope that we reach the stage when we can do something about voting in local government elections. We are not doing much about it tonight; all we are doing is hedging. After all, the Premier has encouraged people to vote in local government elections, but the facilities are not available.

The Hon. D. C. Wotton: What do you mean by saying that facilities are not available?

Mr. LANGLEY: The Minister would know that the facilities change from time to time; they have changed completely in my district.

The Hon. D. C. Wotton: They change for State and Federal elections, too.

Mr. LANGLEY: Only very seldom.

Mr. Mathwin: Isn't there a school in almost every council ward?

Mr. LANGLEY: Part of the city of Unley is in the Premier's district and part of it is in the district of the member for Mitcham. Most of the voting used to be at the Unley City Council, and now it is at the Unley senior citizens' hall. The polling booths change from time to time, whereas if people knew where to go to vote for Federal, State, and local government elections it would assist the voters.

Mr. Randall interjecting:

Mr. LANGLEY: I thought we would hear from the member for Henley Beach.

The CHAIRMAN: Order! Interjections are out of order.

Mr. LANGLEY: As soon as we stabilise the position with regard to polling booths, it will assist people in voting and it will increase the number of voters at local government elections.

Clause passed.

Clauses 19 and 20 passed.

Clause 21—"Scrutineers."

Mr. HEMMINGS: I was a little worried, Mr. Chairman, that you were going too fast.

The CHAIRMAN: You can draw it to the Chair's attention if you think I am going to fast.

Mr. HEMMINGS: I was on my feet, Sir; if you were looking in my direction you would have seen that I was on my feet.

The CHAIRMAN: The honourable member will not reflect on the Chair.

Members interjecting:

The CHAIRMAN: Order! I can assure the honourable member that every member will be given the opportunity to raise any matters on any clause.

Mr. HEMMINGS: I wish to ask the Minister in charge of this Bill some questions. First, why is it considered necessary that each candidate can appoint more than one scrutineer for each polling place? Also, does the term "scrutineer" refer to the poll scrutineer or the count scrutineer? As I said last night, the explanation on this clause was very sketchy. I pointed out that it was a very poor and sloppy second reading explanation, and I sympathise with the Minister for having to bear the brunt of the attitutde to this Bill of the Minister in another place. Can the Minister answer those questions?

The Hon. D. C. WOTTON: I guess the easy answer is that it is not always possible for the one scrutineer to stay in the booth all day or that the scrutineer may not want to stay in the booth all day. Clause 21 provides that a candidate may appoint more than one scrutineer for each polling place, provided that more than one of the scrutineers is actually exercising that office in a polling booth at any one time. I think we all appreciate that the present provisions of the Act as to the number of scrutineers that may be appointed are unclear. In fact, a number of returning officers have insisted that candidates may appoint only one scrutineer for each polling place. I think we all recognise that it is necessary that this matter be cleared up. It is clearly unreasonable to expect any one person to remain in the booth for the whole of polling day, and that is why the Minister responsible for this legislation felt that it was necessary to clarify this situation.

Mr. HEMMINGS: I am not really satisfied with the answer to my first question. While I am looking at the Act, can the Minister answer my second question dealing with poll scrutineers and count scrutineers? I do not know whether the Minister is *au fait* with local government elections; it seems that he is not.

Mr. Mathwin: What do you want to know about it? Do you want to know what the difference is?

The CHAIRMAN: Order! I do not think the honourable member needs the assistance of the member for Glenelg.

Mr. HEMMINGS: I am sure that I do not. If the honourable member wants to take over from the Minister, I will be perfectly happy. However, there is a distinct difference between a poll scrutineer and a count scrutineer.

Mr. Randall: Then why ask?

Mr. HEMMINGS: If the little fellow from Henley Beach will be quiet, perhaps we can get on with it.

The CHAIRMAN: Order! The member for Henley Beach is out of his seat and should not be interjecting. The member for Napier should refer to honourable members by the district they represent.

Mr. HEMMINGS: It was stated in the second reading explanation that clause 21 was to provide a new section 113 providing that candidates of local government elections may appoint more than one scrutineer for each polling place, but that not more than one scrutineer may be present in the polling booth at any one time. Under the present situation, a candidate can elect a poll scrutineer and a count scrutineer. Does the new section refer only to poll scrutineers, or does it refer to count scrutineers?

The Hon. D. C. WOTTON: I shall have to check that, but the interpretation that I have—

Mr. Hemmings: Check it!

The Hon. D. C. WOTTON: When the honourable member is finished, I shall continue. As I understand it, it relates both to the poll scrutineer and to the count scrutineer, but I will be happy to have that checked out.

Mr. PETERSON: The point has already been made by the Minister about bringing council elections into line with the Electoral Act. Obviously, the point of this is to bring them close together. If we are doing everything possible in this Act to bring these electoral systems closer, would it not be sensible to bring the polling booth procedures more into line as well? Surely that should be taken into consideration with other factors.

The Hon. D. C. WOTTON: As I have already said, I shall be quite happy to discuss this matter with the Minister, and he will be able to observe from the debate that has taken place the feelings of members opposite in regard to this matter.

Mr. HEMMINGS: The Minister said that the principal Act was not clear as far as section 113 was concerned, in that presiding officers or returning officers could, in effect, make up their own rules. Section 113 states quite clearly:

> Each candidate may appoint, in writing, one scrutineer to be present in each polling-place.

I think that is fairly clear, and in the past no-one has really had problems in this area, so why does the Minister now say that this has been misinterpreted in the past by returning officers or presiding officers, necessitating a new section which provides that more than one scrutineer may be appointed for each polling place? I see nothing wrong with the original section in the principal Act. I take the Minister's point that, if a person wishes to leave the polling place, it is necessary perhaps to have another scrutineer. From my experience with local government elections (and I do not know whether the Minister's experience is the same), I have found that there are very few local government elections where the poll scrutineers stay in the polling booth all day long.

Mr. Mathwin: That's not right.

Mr. HEMMINGS: Well, I can only draw on my experience of local government in the Elizabeth and Munno Para areas. There is no provision in the polling booths for a scrutineer, and there are no seating arrangements. We all know that a scrutineer can be present all day, but if anyone has any gumption, on polling day he has his people outside the booth trying to get people to come in and vote. Obviously, this is not the case in the areas with which the Minister is familiar. Will the Minister explain how section 113 of the principal Act is open to misinterpretation?

The Hon. D. C. WOTTON: I am not going over what I have said. I thought I had made it quite clear to the honourable member why this clause was necessary. There has been a great deal of consultation with the Local Government Association, and there has been strong representation on the need for clarification. Presumably the honourable member is saying that, if a seat is not provided, there is no necessity for another scrutineer. I think that is a bit childish. I am the first to admit that I have not personally been involved in local government.

Mr. Hemmings interjecting:

The CHAIRMAN: Order!

The Hon. D. C. WOTTON: I come from a family whose members have been involved in local government for a long time. My father has served as Chairman of a council probably for a longer period than most people have served in local government. I have been aware of the necessity to

change scrutineers. We are trying to clarify the situation, and I believe the clause does it very well indeed.

Clause passed.

Clauses 22 to 30 passed.

Clause 31—"Proceedings in supplementary election."

Mr. PETERSON: This has the effect of striking out "July" and inserting "October".

The Hon. D. C. WOTTON: It is consequential on the change of the election date. Clause 16 was the relevant clause, and we have passed that.

Mr. PETERSON: The risk I see is that, if we go into October, we may come into the Labor Day holiday weekend. Surely, with the holiday weekend, with the debate on another Bill presently before Parliament in relation to holidays, and the expressed desire of the Government to get more people to vote in council elections, if the election took place on the holiday weekend, the vote would be smaller. Would not the Minister consider that to be against the best interests of an increase in voting in council elections?

The Hon. D. C. WOTTON: I am very much aware of the debate in another place on this matter, in which the argument was raised that there could be a clash with the long weekend. As I explained in closing the second reading debate, the research carried out by the Department of Local Government shows that the first possible clash would not occur until 1984. By that time, the Government would have had adequate opportunity to assess the success of the new election day. I think generally it has been recognised that the change of date will be a vast improvement, and my discussions with people in local government have indicated that that will be so. Between now and 1984, the Government will be able to assess what is happening and, if changes are needed, they can be made before the 1984 election.

I think that means that there is a possibility of a clash with the long weekend every five or six years. However, the Government does not accept that a long weekend should in any way mean lower attendances at polling booths for council elections. The simplified procedures in relation to postal voting will assist those who were on holidays at the relevant time in 1984 or at any other time when this situation arose. There is a real improvement in the simplified postal voting provisions, and research indicates that there will be no real problems. If it seems possible that there will be, with the time available between now and 1984, the Government will take action to amend the legislation.

Mr. LYNN ARNOLD: I have listened with some interest to the Minister's reply.

The CHAIRMAN: Order! I point out to the honourable member that I was most tolerant in relation to matters raised by the honourable member for Semaphore, but I cannot permit a wide-ranging debate. The matter raised by the member for Semaphore related really to clause 16.

Mr. LYNN ARNOLD: I take the point you raise, Mr. Chairman, and I appreciate that many of the issues raised by the member for Semaphore did relate to clause 16, but clause 31 is consequential upon it and touches on the substitution of "October" for "July" because of the actions of clause 16. Therefore, it does relate in that sense to the date of the calling of the election. The one thing that worries me a little—and I do not want to make a long point about it—is that it seems to me that the Minister is perhaps passing the buck just a little. He has said that the first time that the point will come to an issue will be in 1984, when he knows full well that he will not be a Minister, because his side will not be in Government.

The CHAIRMAN: Order!

Mr. MAX BROWN: I do not know whether or not the Government will find that it is in a difficult area if this clause and the previous clause are passed. I understand that this clause is consequential to clause 16, and that is fair enough, but it has quite rightly been pointed out by the Opposition that the election would have been held on Labor weekend this year. All I am asking the Minister is whether consideration has been given by the Government—

The Hon. D. C. WOTTON: On a point of order, Mr. Chairman, as you have already rightly explained, clause 16 dealt with the matter of the changing of the date. That clause has already passed and, while I appreciate that clause 31 is consequential, I believe that the matters being raised now in regard to the Government looking at other alternatives should have been raised when clause 16 was debated.

The CHAIRMAN: I uphold the point of order. Clause 31 deals with proceedings in supplementary elections. Therefore, I cannot allow the honourable member to proceed in the manner in which he is proceeding.

Clause passed.

Clause 32 passed.

Clause 33—"Appointment, removal and salaries of officers."

Mr. HEMMINGS: I had intended to raise this matter last night in the second reading debate, but considering the lateness of the hour I felt that perhaps I could better bring it up in the Committee stage. Bearing in mind the Minister's admission of his ignorance of local government matters, perhaps I should talk on it.

The Hon. D. C. Wotton: At least I'm honest.

Mr. HEMMINGS: I know the Minister is honest. I have never said anything other than that. I think that the Minister should at least give us some explanation of why this clause amends section 157 of the principal Act, which I have always felt is one of the cornerstones of local government, in that it sets out the qualifications of the officers who work for local government bodies, especially since 1972, when the Whitlam Government really gave power to local government (that is, it enabled large sums of money to be given to local government to spend in the community). One would hate to think that we are going to include in the Act a section, or an amendment to a section, which gives the Minister power to be used at his discretion. I think, Sir, that you, since I have been in this Parliament, have always questioned Ministerial discretion where individual Ministers can waive the requirements of particular sections of legislation before this Parliament. I ask the Minister what prompted this clause to be put before this Committee.

The Hon. D. C. WOTTON: The honourable member has asked why this clause was put before the Committee in the way it is. As pointed out during the second reading debate last night, this clause effects a number of transitional amendments to section 157. The first thing it does is clarify the right of the Minister to approve the appointment of an unqualified officer where a council is unable to attract suitably qualified persons. Ministers have exercised the right in the past to approve the appointment of unqualified staff for some considerable time. As I understand it, however, a recent legal opinion questioned the enabling power under which these approvals were made.

Secondly, the Local Government Association and the Municipal Officers Association have made representations and put forward submissions to the Government seeking to have portability of sick leave as a means of developing a career structure for local government officers. I think it would be recognised that portability of long service leave has been provided for a number of years, and it is intended

that the same conditions which relate to long service leave should and will be applied to sick leave and that regulations will be made that do, in fact, set out the extent to which leave will be portable, as well as any other procedures for settlement of disputes between councils.

At present, a period of some 13 weeks break in service is allowed between termination of employment with one council and commencement with another. Of course, this time is made available to enable officers to take accrued leave, etc., between appointments, and I think that is recognised as being necessary.

It has recently been drawn to the attention of the Minister and the Department of Local Government that this provision has been abused and that employees have been leaving the local government service to take up other employment, finding that employment unsuitable, and rejoining the local government service within the period of 13 weeks, and at a subsequent date claiming continuity of employment because their break in service did not exceed the prescribed 13 weeks. Really, that is what this is all about. The amendment will provide that continuity of employment exists only where the employee has not taken other employment during the 13-week period, and I can see no reason why the Committee would not welcome this provision.

Mr. HEMMINGS: We would have no quarrel if we are talking about leave entitlements and sick leave entitlements, etc., but my question dealt entirely with qualifications. There is within local government now a distinct move to increase the awareness of elected members, to increase the awareness of the voters, and to increase the expertise of the officers. What I am questioning is the qualifications. When section 157, in my opinion, adequately covers qualifications, etc., that councils should look for in dealing with the appointment of officers, why should we suddenly have an amendment which says that the Minister at his discretion shall be empowered to waive the requirements as to educational and professional qualifications for the appointment of any council officer? One of the biggest cries from the general community against local government is that there is a load of idiots on the council and a load of non-professionals running it.

This type of amendment will compound that situation. I ask that the Minister in charge of the Bill does not read prepared notes on this clause that deal mainly with sick leave entitlements, long service leave entitlements or the period of transition from State or Federal Public Service to local government. I do not want that: I want to know why the Minister has suddenly decided that he wants discretion to waive educational and professional qualifications in regard to appointments for any council office.

The Hon. D. C. WOTTON: The honourable member did not make that very clear when he was asking the question in the first place. If he had explained the question as he has now, I might have given the right answer. There are not enough qualified clerks to fill positions. If the honourable member went into some country areas, he would recognise that some councils are very small and would not attract a person with the type of qualifications about which we have been talking. We just cannot get sufficient qualified people for some country areas, as has been the case in the past.

Why should it not be suggested to smaller councils that they employ people who are prepared to learn the trade and who have some qualifications but perhaps not all of the qualifications that are required, because it may not be necessary for a very small council to attract the well qualified staff that a larger city council attracts? We recognise the importance of a period of apprenticeship in the case to which I have referred.

Mr. HEMMINGS: That answer would be the biggest advocacy for amalgamation of rural councils that I have ever heard. The Minister said the country councils are so small that they cannot afford to pay the rates that are paid to their city cousins.

Mr. Trainer: In other words, they are economically non-viable.

Mr. HEMMINGS: That is right. We all know that the Highways Department, in effect, pays the way for most of these country councils. The Minister, on his own admission, has said that he does not know much about local government, and he is honest enough to say that local government in the country is not viable. This must be the only reason why the clause has been included.

The CHAIRMAN: Order! I suggest that the member for Napier link his remarks to the Bill. His remarks are becoming rather wide-ranging.

Mr. HEMMINGS: Thank you, Sir. I get carried away, because the amalgamation of country councils is a subject that is dear to my heart.

The CHAIRMAN: If the honourable member refers to clause 33 only, he will have no problems.

Mr. HEMMINGS: Yes, Sir. The Minister has not really answered my question. In effect, this clause provides that, if the district council of a Mid North town decides that it needs an overseer to work on the roads and if it cannot afford to pay that person the award rate (and that is what the Minister has just told us), it can make representations to the Minister and say, "Will you waive the professional and educational qualifications for this particular post?", and the Minister, in his discretion, can do that.

Mr. Trainer: It would be nice if they did that with medical people.

Mr. HEMMINGS: Yes, it might be a good idea. If that is the only reason that the Minister in charge of the Bill can give for the inclusion of this clause, then I think we will oppose the clause, unless the Minister can clarify, from his notes or from his adviser, the exact reason for the inclusion.

The Hon. D. C. WOTTON: Once again, the honourable member has been very successful in twisting words to his own advantage. I did not mention anything about the capacity of councils to pay wages or anything else: I said that there were not sufficient people with the qualifications to fill these jobs. I will not let this opportunity pass without reminding the honourable member that his Government very conveniently dropped the idea of amalgamation. The previous Minister of Local Government brought down a report—

Members interjecting:

The CHAIRMAN: Order! I suggest that the honourable Minister does not pursue that line. He should simply reply to the question raised by the member for Napier.

Mr. Hemmings interjecting:

The CHAIRMAN: The honourable member for Napier must not interject when the Chair is addressing the Committee or he will not be here for the rest of the proceedings.

The Hon. D. C. WOTTON: I accept the point that you make that I should not say that the previous Minister threw away the idea of amalgamation, but I make the point that I said nothing about the capacity of a council to pay a particular wage. I referred to the fact that sufficient people are not available, particularly in country areas, to do the work that is required.

Mr. Mathwin: You might get them out of Elizabeth to be the Mayor of Coober Pedy.

The CHAIRMAN: Order! The honourable member for

Glenelg has been conducting a continual conversation across the Chamber and I suggest that he cease immediately.

Mr. LYNN ARNOLD: Thank you, Mr. Chairman. I do not know that it was really a conversation, because that implies a reply. The Minister has said that, at this time, there seems to be a shortage of people to fill positions in country councils, and that amazes me. This implies that previously there has not been a shortage and that, in the past, country councils had been able to find suitably qualified people to fill positions, and now they cannot. I would have thought that was a contradiction in view of the fact that a number of people with professional qualifications are seeking employment. There may not be the surplus of trained engineers now that applies in other professions. There is a surplus in other professions that are relevant to local government that has not existed previously, such as planning officers, community development officers and people who have proper qualifications from institutions within and outside South Australia. This is no real reason to suggest that qualifications be reduced.

Clause passed.

Clause 34—"Rights of persons interested to take extracts from assessment book."

Mr. HEMMINGS: This clause, in effect, imposes a rather onerous request on councils. There is a minimal charge of 10c for each extract from the assessment book.

Mr. Lewis: We know that.

Mr. HEMMINGS: Yes, we do. Will the Minister explain why there is a need to amend section 167 of the principal Act so that this can be prescribed by regulation, as opposed to the provision in the existing section which provides for a 10c charge for each extract.

The Hon. D. C. WOTTON: I understand that, again, there has been representation from the Local Government Association in this regard. I do not think that anyone is arguing about the fact that a fee should be charged, and I do not think that anyone would object to paying 10c for this service. I am told that in some cases people have wanted to search records for up to 30 years. I see no problem in this charge being made. I understand that the amendment is drawn in this way because of representations from the association.

Mr. HEMMINGS: I do not disagree with what the Minister has said. However, it concerns me that, because the association made representations to the Government, the Government is willy-nilly going to introduce such amendments. Is the Minister saying, in effect, that, whatever representation is made by local government to the Government to amend any section of the Act, the Government will comply? If that is the case, perhaps I can see some logic in what the Minister in another place said, namely, that this Government has achieved more in 12 months than the previous Labor Administration achieved in 10 years, because this Government is caving in to every demand by local government. Perhaps, under clause 16, there might be a good chance that, in 12 months, we will be looking at another amendment under the Act that deals with the setting of the date for local government elections. I should hate to think that, every time I question the Minister, he will say that representations were made by the Local Government Association, and that is why the Minister is taking action.

The Hon. D. C. WOTTON: I am not going to keep on saying what I said last night. We, as a Government, happen to have a great deal of respect for the association. The association would be delighted to read what the honourable member has just said. He has implied that we should not take any notice of what the association says. To the contrary, I believe that the Minister of Local Government recognises the importance of that association and the fact that that association is representative of local government throughout the State. As Minister of Planning, in having a great deal of contact with local government in this State, I recognise the help the association has been able to provide to me, and the need for the closest consultation between the Government and the association. I do not apologise for the fact that we are acting on representation made by the association.

Clause passed.

Clause 35 passed.

Clause 36—"Power to declare general rate."

Mr. HEMMINGS: When one reads what the original provision was, as it was presented to another place, and the way it reached us, one sees a fairly striking change. The original amendment was only of a drafting nature. The clause we are considering fixes the date before which rates must be declared in each year, namely, 31 August, and we wholeheartedly support that. The mover of the amendment in another place believed that there could be irresponsible councils that would not want to declare their rate before the first Saturday in October. The amendment does not stipulate when the individual council must send out its rate notices. For those who live in a local government area in which the local community newspaper takes a real interest in local government affairs, the fact that a local government body will be forced to declare its rates by 31 August, but does not intend to send out the notices until after the election takes place, will perhaps be pre-empted, because the newspaper will give reasonable publicity to the matter.

However, that is not sufficient guarantee to the Opposition. We believe that this clause does not go far enough. It should stipulate that not only should the rates be declared before 31 August but also that the rate notices should be sent out within a set time thereafter. We have no amendment to this effect. We believe that the whole effect of this amendment falls far short of the Government's intention. I know that the Government has grasped the nettle, and I applaud it for supporting the provision in another place.

Will the Minister pass on the Opposition's concern in this regard, because certain councils will delay sending out rate notices to the ratepayers until after the elections are held? If that happens, not only will it place a financial burden on the council, that is, 60 days of interest-free trading the council can have with its bank, but it will detract from all the efforts that the association has been putting in to making voters aware of what local government stands for, the importance of local government as a third tier of government in this country, and the councillor training programme which, I understand, has been most successful. It is about time that local government itself recognised that it has an important part to play in the government of this country.

Local government (and the Minister will notice that I am not saying the Local Government Association—I would hate to be accused of knocking the Local Government Association again tonight) should remember and respond to its responsibility as far as that third tier is concerned, and it has been necessary already since this Bill has been introduced for one amendment to shut off one escape route. I hope the Minister will pass on that message that the other escape route should be shut off as well. Once the rate is declared, notices should be sent out to ratepayers, so that they are aware of what it is going to cost them to get the benefits from their local government body. If the Government does not respond to this, then all the very fine words that have been said in this place and in another place and at the Local Government Association's

general meeting are completely false. The Opposition has supported the amendment that came through from the other place, but we are asking that the Minister approach the responsible Minister to ask him to have a look at section 214 to see if it can be tightened up so that local government will no longer be able to get away from its responsibilities and will be compelled to issue rate notices at least before the date of the elections on the first Saturday in October.

The Hon. D. C. WOTTON: The Government certainly does recognise the importance of the third tier of government—local government. Many actions already taken by the Government have indicated just that, and it is not my intention at this time of the night to go into all of the detail to show just what the Government has done in recognition of local government. I am sure the Minister in another place will take on board those matters raised by the member in this debate.

Mr. LANGLEY: I have many pensioners in my area. Rates in the Unley district that are declared some time in July or August, but people must pay their rates by 1 November.

Mr. Mathwin: Sixty days.

Mr. LANGLEY: Whatever the period given to pay, their rates must be paid by 1 November, otherwise an extra amount is incurred. It would be beneficial if pensioners were able to pay their rates on a quarterly basis, as they are able to pay their water rates. After the council has fixed the rating for a year, pensioners are not able to obtain any further remissions until the following year.

Mr. Mathwin interjecting:

Mr. LANGLEY: In the case of council rates, the payment is not quarterly; in the case of water rates it is.

The Hon. D. C. Wotton: They can pay quarterly.

An honourable member: Only if the council lets them.

The CHAIRMAN: Order! I point out to the honourable member for Unley that we are not really debating under this clause the method of payment; we are only discussing power to declare a general rate.

Mr. LANGLEY: That is what I am saying. After the rate has been declared, if pensioners ask for remissions they cannot get them, because that is after the date that the rate has been fixed. Consequently, they lose their remissions for 12 months after the date that the council has fixed the rating. If I am wrong, I shall be only too glad to be told by the Minister.

Mr. MATHWIN: To my knowledge, a council has the right to allow pensioners or anybody to pay quarterly, if so desired. Furthermore, a council has the right to give them, on grounds of hardship, a complete remission of all rates, irrespective of whether or not a person is a pensioner. The honourable member for Salisbury should know that well enough.

Mr. Lynn Arnold: Not quarterly; it is over a period of—

Mr. MATHWIN: Yes, it can; the council has the power to do that now. I think the member for Unley is mixed up on that point and does not realise that it is allowable now, and that indeed the council has the power to give a remission of the whole rate.

The CHAIRMAN: I ask honourable members to relate their remarks entirely to the clause before the Committee.

Mr. LANGLEY: I am talking about when the council announces its rates, and I think this is part and parcel of the clause. I am not talking about payment of accounts; I am talking about what happens after the rate is considered by the council. Pensioners cannot then get a remission after the council fixes the rate.

The CHAIRMAN: I ask the honourable Minister not to respond to that, as the remarks are out of order.

Mr. PETERSON: Much has been said this evening about liaison with the Local Government Association. How many councils objected to that new subsection (1a), which is inserted by paragraph (b) of this clause?

The Hon. D. C. WOTTON: I do not have that information but I shall be happy to get it for the member for Semaphore.

Clause passed.

Clause 37—"Memorial for specific works."

Mr. HEMMINGS: My remarks deal with clauses 37 and 38, as they are linked. It is obvious that the Minister needs a sub-committee, and I congratulate the member for Unley for sorting the sub-committee out.

The CHAIRMAN: I ask the honourable member to relate his remarks to the clause.

Mr. HEMMINGS: Yes, Sir. Clause 38 provides for a new subsection (1) of section 220, as follows:

> The memorial shall be signed by a majority of the electors for the portion of the area defined in the memorial.

Previously, the provision related to one or more electors and this amendment seems extremely unfair and restrictive. Perhaps I can relate my remarks on this clause to my views and philisophies on ward system of local government inasmuch as I am against the ward system.

Members interjecting:

Mr. HEMMINGS: It is good to see the the Minister and the member for Ricky River are at last agreeing, so at long last we are making some progress.

Will the Minister say why this amendment to sections 218 and 220 is being contemplated? I hope that he will not say that it is at the request of the Local Government Association.

The Hon. D. C. WOTTON: I would like to say that, because probably the association has been involved in this, and it has every right to be involved. The honourable member would appreciate that an anomaly does exist in the Act (I am glad to see that the member for Stuart agrees), whereby any elector may present a memorial on which the council may declare a separate rate. We have been saying for a long time that we believe such a memorial should be signed by at least 50 per cent of the electors.

Mr. Hemmings: What for?

The Hon. D. C. WOTTON: Is the honourable member suggesting that one person should be able to do it?

Mr. Hemmings: No, I just want to know the reason.

The Hon. D. C. WOTTON: Because of what has occurred in the past, we think that it is preferable to have a majority of electors signing for a portion of the area. I see nothing wrong with that.

Mr. HEMMINGS: Will the Minister undertake to give me, when this Committee has been concluded, the real reason (and I do not say that facetiously) for the amendment? I think the Minister in effect is stabbing in the dark at the reason. Will he undertake to consult with the Minister in another place (I will not say the real Minister) and senior officers of the Department of Local Government on the reasons for the amendment of sections 218 and 220? If the reason he has just given is correct, I will accept it. If not, it will be one thing I will notch up in our favour.

The Hon. D. C. WOTTON: While the honourable member is notching up whatever he wants to notch up on the other side of the Chamber, I am sure that he is not going to take any notice of what I say or of what the "real Minister" says. I will give an assurance that I will ask the senior officers of the department to advise me on that matter so that I can forward the information to the honourable member. I do not want to disappoint him. I

think the answer provided will be the answer I have already given, in which case it will not be provided.

Clause passed.

Clause 38 passed.

Clause 39—"Expenditure of revenue."

Mr. HEMMINGS: Section 287 lists the various areas in which local government can become involved. One area includes bus passenger transport services. I agree that assistance to life saving clubs is important, but in my area the bus passenger transport service concerns me, because the Government is providing a lousy service. Can the Minister say what the reference to bus transport services will mean for the community at large?

The Hon. D. C. WOTTON: I understand that at present about 11 councils in the metropolitan area run community bus services subsidised by grants from the Department of Transport. The amendment clarifies the right of councils to contribute to providing public transport facilities in the community. I know that about 11 councils are providing community buses and receiving a subsidy from the Department of Transport to assist in doing so.

Mr. LYNN ARNOLD: Last night I raised the matter of community bus services, which comes in this clause under the quaint phrase of "motor omnibus services". I accept the Minister's comments that the Government supports community bus services. I do not challenge that. I applaud the fact that support is being given. I raised the matter of the fears that may be aroused if the community bus service programme is expanded in future. I was suggesting a couple of options by which the fears of the regular employees of the State Transport Authority might be allayed, whilst at the same time meeting the needs of the community bus service programme. The Minister seems somewhat perplexed by this.

The Hon. D. C. Wotton: I am disappointed in your attitude.

Mr. LYNN ARNOLD: I do not know what the Minister is talking about. I support the community bus service programme.

The Hon. D. C. Wotton: But you don't want it to expand.

Mr. LYNN ARNOLD: I do want it to expand—very much so. I acknowledge that there are paid employees of the State Transport Authority who fear that perhaps new areas of service that ordinarily would have been the area of the State Transport Authority might be handed over to community bus service programmes relying on volunteer staff. Obviously, the Minister did not listen to what I raised last night, because I tackled this issue. In another country that I mentioned, the way in which they have achieved some resolution of the problem is to acknowledge the areas where community bus service programmes had primacy and then to say they could link in with the regular fully paid service. They could do that, first, by ensuring that all community bus service programmes became feeder services to paid employee services and, secondly, when community bus services achieved a certain level of patronage they would become part of the regular paid network.

I find the Minister's churlishness on this point disappointing, because all I wanted was the understanding that it was not anticipated that the community bus service programme would be a competitor with the State Transport Authority (because I do not believe it is; I believe there are areas where it need not be), but in fact that it has a unique role to play in areas where the State Transport Authority ordinarily would not be. I wanted some understanding that the Minister accepted that point and that, where community bus services became so successful that the level of patronage reached that normally understood to be serviced by the State Transport Authority buses, then indeed State Transport Authority services would take over those runs.

The Hon. D. C. WOTTON: I accept the point that the honourable member has made, although I do not agree with the philosophy he promotes. If volunteers are prepard to help their community, I believe they should be given every support in doing so. One community bus service in my distrct is provided by volunteers, purely because there is no public transport service. In those circumstances, I think the honourable member would recognise the importance of such a scheme, because it ties in with the general transport system. I doubt very much whether we would find a duplication taking place of a community bus service where there is adequate public transport, but I support the concept of volunteers making their time available to assist the community where there is a need for such a provision to be made available.

Mr. LYNN ARNOLD: If I may, I will follow this point a bit further by way of definite example. The sort of fear I would hold in this regard could be expressed by the example of the residential area of Burton, within my electorate, an area which does not have quite enough residential housing to justify an S.T.A. service. It may be possible that a community bus service could be provided to that residential subdivision with volunteer drivers, and that finally the community would grow and grow, still with a community bus service, and ultimately have its transport needs supplied by volunteer staff when, in fact, it had a population equivalent to other parts of my electorate that would justify paid drivers. I accept the point that at this time voluntary drivers would be fine in a community bus service programme, but I am asking that, when that type of community reaches the population levels that we normally envisage being serviced by paid S.T.A. buses, that would in fact take place. That is the mere point I want to arrive at—not that we have community bus services competing with present S.T.A. bus services but that, at the time when the patronage reached such a level, S.T.A. would seriously look at taking over those bus services and servicing them with paid drivers.

Clause passed.

Clauses 40 to 46 passed.

Clause 47—"Duty of municipal councils to keep public places clean."

Mr. HEMMINGS: We all know that this clause caused a lot of concern, which was remedied last night by the Minister, and we thank him for that. My question deals with sections 533 and 534 of the principal Act. Whilst clause 47 does not amend sections 533 or 534, sections 542 and 543 are being deleted and replaced with a new section 542, so I think you, Sir, will allow me to talk on sections 533 and 534.

The Hon. D. C. WOTTON: On a point of order, Mr. Chairman, Clause 47 repeals section 542 and section 543 and, in fact, inserts a new section 543 in its place. It does not deal with the sections to which the honourable member is referring.

The ACTING CHAIRMAN (Mr. Mathwin): I cannot uphold the point of order, because I believe that section 542 would cover the cleaning of the particular area, as in the official Act, so it is covered in the Act and in the amendment.

Mr. HEMMINGS: Thank you, Mr. Chairman, for your astute summing up of that point of order. As we are repealing sections 542 and 543 of the principal Act, I think it is relevant that I quote what section 542 provides, and perhaps my point will be made clearer to the Minister. It states:

> A municipal council shall cause—

(a) the streets, roads, public places, and surface drains within the municipality to be kept at all times properly cleansed, and all refuse to be duly removed therefrom;

(b) the ashes, filth, and rubbish from dwelling-houses and other buildings and premises in the municipality to be carried away at convenient hours and times; and

(c) all privies and cesspools within the municipality to be from time to time emptied and cleansed in a sufficient and proper manner;

Provided that the occupier of any house, building, or premises may keep the nightsoil, ashes, or rubbish made on his own premises, for manure, and from time to time remove the same, but so that the retention and removal be not a nuisance to the inhabitants residing near the house, building or premises, and that the removal be made at such times and in such manner as is directed by the council.

Section 543 provides:

(1) No person other than a person employed by, or contracting with, the council for that purpose, shall in any municipality collect or carry away any nightsoil, dung, ashes, filth, or rubbish by this Act directed to be removed.

(2) Any person other than a person employed or contracting as aforesaid, who collects or carries away any nightsoil, dung, ashes, filth, or rubbish removable under this Act shall be guilty of an offence and liable to a penalty not exceeding two hundred dollars.

They are being repealed and in their place we have rather loosely worded sections 533 and 534. Section 533 provides:

The council may adopt all such measures as the council deems necessary for—

(a) the cleansing of the area;

(b) the preservation of the public health; and

(c) the prevention and suppression of nuisances in the area.

Section 534 provides:

(1) The council may employ or contract with any persons for—

(a) sweeping and cleansing the streets and roads:

(b) removing all refuse therefrom:

In my own area (and I am quite sure it is the same in other metropolitan councils) there has been a rash of bodies trading under different names, but mainly their job is to sell either a crude 40-gallon drum or a woolsack which is placed in a frame and into which is placed your rubbish. After a month they come and remove it. There is a real health hazard there, because, if someone does not wrap his refuse and just places it in these things, a problem is created with flies and everything else. Nothing in this clause strengthens sections 533 and 534, because there would be an increase in this kind of service coming into the community. I know of at least four that operate within Elizabeth.

Mr. Randall: Garden rubbish disposal?

Mr. HEMMINGS: Yes, but they do not just do garden disposal but also disposal of other material. At one time I took advantage of this service, but dispensed with it because I felt that it was creating a health hazard. I feel that section 533 should be looked at by the Government at some future date, and possibly an amendment to or a strengthening of sections 533 and 534 can be introduced so that councils are given power. In this section with which we are dealing, a council does not have the power. If we in effect are to encourage contractors to come into the different metropolitan areas and sell this kind of service to the people, there should be a strengthening of sections 533 and 534 to enable local government to police this aspect of public health within the community.

The Hon. D. C. WOTTON: I have already had discussions with the Minister of Local government about this matter. As the honourable member would be aware, as the Minister of Environment I am anxious to do all I can in this regard, and I assure the honourable member that we recognise our responsibility in this area. It is not believed necessary to amend the legislation further, but I assure the honourable member that the Government accepts its responsibility either through the Department for the Environment or the Department of Local Government.

Clause passed.

Clauses 48 to 66 passed.

Clause 67—"Regulation of borrowing."

Mr. LYNN ARNOLD: I raised the point last night that this clause replaces the provision that 100 electors can call for a poll on borrowing within a council area, with a provision for "not less than 10 per centum of the electors enrolled on the voters' roll." I indicated the problems that would exist in relation to a very large council, such as the council that covers most of my district, as compared to a council that covers a smaller population. The Salisbury council covers about 90 000 people, which means that there are about 50 000 to 60 000 electors; 10 per cent of that total is a substantial figure.

One may say that, inasmuch as a proposal to borrow for Salisbury may involve a larger sum of money than a proposal to borrow in a smaller district requires, that justifies a larger number of people being required to call for a poll; I accept that, but there may be, within the city of Salisbury, for example, a decision by the council as a whole to borrow money to provide a community facility for one ward, servicing a population no larger than the entire population of a smaller district council. Why, then, should 10 per cent of the entire voting population of the city of Salisbury be required to call a poll, whereas fewer people would be required to call a poll in a smaller council area, even though projects of about the some size may be involved? The Minister should give some answer.

Last night I proposed that a smaller percentage than 10 per cent could be considered, or perhaps a smaller figure could be written into the Bill in considering the total population of a large council area as compared with a small council area. Alternatively, 10 per cent of the ward population could be involved if a project involved only one section of the city. Somehow, we must face the fact that the provision is discriminatory against larger councils and favours ratepayers of smaller councils.

The Hon. D. C. WOTTON: The member for Salisbury has missed the point. This clause will bring the city of Adelaide into line with what is already happening in other local government areas. It amends section 858 of the principal Act, which relates to proposals to borrow by the city of Adelaide. When the legislation was previously introduced, the city of Adelaide was omitted, and this council will increase the number of electors required to demand a poll from 100 to 10 per cent of the enrolled electors. I make the point that, if 10 per cent of the electors are not sufficiently concerned about a certain matter, the matter could not be very serious.

Mr. LYNN ARNOLD: I take the Minister's point. I have checked the principal Act, and I now realise that it refers particularly to the city of Adelaide. I also accept that this could bring the city of Adelaide into line with other council areas. However, I believe that it is discriminatory against larger councils to set such a target figure. One could say it would be easier if the City of Salisbury were subdivided into four distinct corporations so that the number of electors needed for a poll would be less for each of the new constituent councils. While I accept that this

could relate to the city of Adelaide, I want to place on record that the 10 per cent figure could be taken as being unfair to ratepayers in larger council areas in comparison with ratepayers in smaller council areas.

Clause passed.

Remaining clauses (68 to 73) and title passed.

Bill read a third time and passed.

DOMICILE BILL

Adjourned debate on second reading.

(Continued from 29 October. Page 1598.)

The Hon. PETER DUNCAN (Elizabeth): On the last occasion on which this matter was before the House, and before the Speaker ruled me out of order, I had presented some general views. This Bill seeks to adjust lawyers' law, and the Hon. Miss Levy, in another place, gave a very learned dissertation on this matter after a great deal of research.

In his second reading explanation, the Minister set forth the general matters with which the Bill is designed to deal. I have had a long history of involvement with the preparation of this Bill when it was before the Standing Committee of Attorneys-General; the matter was first raised at that level in 1972, and the results are now before the Parliament in 1980. The matter has been very well researched and is the result of great consideration over a very long period by academic lawyers.

The matter certainly has been overly dealt with in terms of the consideration that it has received, not only in South Australia, but also nationally, and I am sure that there is nothing I could say tonight that would shed any greater light on the matter than has already been given to it. With those few words, I indicate to the House that the Opposition supports this measure and, no doubt having said that, it will have an incredibly speedy progression through this Chamber.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 October. Page 1500.)

Mr. ABBOTT (Spence): This Bill is consequential on the domicile legislation that has just been considered and is probably equally as important as that Bill. The proposed provisions in the domicile Bill were to modify certain requirements to achieve uniform domicile provisions throughout Australia. The Opposition appreciates the advantages of having uniformity throughout the Commonwealth on this matter, and therefore we support the proposed amendments to the Adoption of Children Act. There is some doubt as to when the Domicile Bill will become operative, as I understand that several other States are yet to introduce that uniform legislation. That being the case, can the Minister say whether it is intended to proclaim this amending Bill before the Domicile Bill, or will they become operative together?

One area of the Adoption of Children Act that will need to be looked at in future is the need to facilitate the recognition of foreign adoptions by removing the current requirement that one or both of the adopting parties must reside or be domiciled in the foreign country concerned at the time when proceedings for adoption are commenced. This matter resulted from a number of interstate conferences held to resolve the problems surrounding the recognition of foreign adoptions. Agreement had been reached on this point, between the States and Territories, during 1978, and to implement that agreement, the current provisions relating to the domicile of an adopting party would need to be removed, thus making it much easier to recognise foreign adoptions.

I would have thought that, whilst the Adoption of Children Act was being amended, the Government might have considered that very point. However, as the amendments presently before us are purely consequential on the Domicile Bill, it is necessary to support those, and I have pleasure in doing that.

Mr. EVANS (Fisher): I support the proposal, and pay credit to one woman in my community who fought on this issue for a long time, because of the difficulties she had faced in having recognition of the name of the child in the way in which the family wanted to have the recognition made. That lady, Mrs. Scheer, ended up bringing other people together and having meetings in different parts of the metropolitan area at which other people were concerned about the problems that existed in relation to adoption and the names of individuals that appeared on adoption papers, particularly the recognition of the child's natural parents or parent, where there was a remarriage. I support the Bill and pay due credit to those people who fought so hard to achieve at least some of the things contained in this proposal.

In Committee.

Clauses 1 to 4 passed.

Mr. ABBOTT: In respect of the proclamation of this Bill, in conjunction with the Domicile Bill, I raised the point of whether they would be proclaimed together or whether the adoption of children Bill would be proclaimed prior to the Domicile Bill.

The ACTING CHAIRMAN: Order! The honourable member's question relates to clause 2. It would be appropriate if he were to move that clause 2 be reconsidered, thus allowing him to put the question in the correct fashion to the Minister.

Clause 2—"Commencement"—reconsidered.

Mr. ABBOTT: Can the Minister indicate whether both the Domicile Bill and the Adoption of Children Act Amendment Bill will be proclaimed together, or will the Adoption of Children Act Amendment Bill remain until such time as the other States have introduced the domicile legislation to bring about the uniformity that was desired throughout the Commonwealth?

The Hon. H. ALLISON: As I understood it, the matter would be deferred until the issues had been dealt with at Federal level. I will ascertain the information from the Attorney-General and give it privately to the honourable member this evening.

Clause passed.

Title passed.

Bill read a third time and passed.

The Hon. H. ALLISON (Minister of Education): I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

Adjourned debate on second reading.

(Continued from 4 November. Page 1719.)

The Hon. J. D. WRIGHT (Adelaide): The Opposition reluctantly supports the Bill. My long association with the railways over the years has led me to accept and admire railway systems, not only of Australia, but of South

Australia particularly. On any occasion when I am advised that there is a possibility of a service being discontinued or a line being taken up, it is like having a tooth extracted from my head and I find that I feel quite disturbed about the matter.

The Hon. M. M. Wilson: It was closed a long while ago.

The Hon. J. D. WRIGHT: I realise that the Minister is telling me that the line was closed a long time ago. However, while the line is still there there is some possibility that trains can run on it again, but once we get into the business of taking up the line there is little chance that the line will ever be active again. The line may have been sick and it may have been put into isolation but, of course, once the line is pulled up, the area and the line itself is dead.

I have done some reading on this piece of legislation. The Minister did not say too much to us in the second reading explanation, and therefore did not give us very much to reply to, so I thought I would do some research on railways in South Australia, and this is an opportunity to place on record some of the things I was able to discover. The Minister has not had much legislation put through lately and therefore I have had some spare time to examine this piece of important legislation.

The Hon. M. M. Wilson: You worked pretty hard on the railways agreement a couple of weeks ago.

The Hon. J. D. WRIGHT: That was two weeks ago. As I said, the Minister has not had much in, but I am not blaming him for that and in a way that is good because it has given me an opportunity of looking at this legislation more closely. I have noted a statement of John Bright when he said, "Railways have rendered more services and have received less gratitude than any other institution in the land". I think there is a lot in that statement, as railways have been the lifeline of Australia, particularly in the very vast continent in which we live. If it had not been for the railways system, people would have had no opportunity to get food, to travel, and indeed, no opportunity of living in some circumstances, and I refer particularly to the farming sections of the community, the outback workers, such as farmers, station hands, and bush people. It has only been because of the existence of the railways that these people have been able to exist.

Some of the historical information about the success or failure of railway systems in this State has come from a book that I discovered written by Reece Jennings. He has put his ideas into a book called *Some Historically Insoluble Railway Problems in South Australia*. Mr. Jennings gave credence to seven or eight major points in discussing the lack of success in this area. He mentions the absence of standardisation, operational problems, the lack of planning, the long historic disinterest in marketing and research, the reluctance to co-ordinate road and rail, low morale, and, worst of all, the blight of political interference which has varied from the sheer myopic and politically expedient to the downright destructive. They are very strong words but I notice in the foreword of the book the General Manager of the Australian National Railways, Mr. D. G. Williams, supports almost in it entirety Mr. Jennings's paper and congratulates him on his research and his accuracy. He has been able to co-ordinate at least 10 or 12 major points as to why railways have not been as successful as they could have been in this State. This probably leads to the fact that the railway line in question is in fact being closed down, as it has now reached the end of its destiny and is to be pulled up.

The Hon. M. M. Wilson: Of course, this goes back to before the A.N.R. took over.

The Hon. J. D. WRIGHT: I realise that. I intend to speak for some time on this matter. One of the problems associated with railways in this State has been the catch-cry over many years that it was important to make the railways pay, irrespective of where the service went. As far back as 1850 and up until 1920, and continually since the world wars, we find that on each occasion anyone of any significance in the railway system always had this catch-cry, which meant that if the railways were going to run they had to run of their own volition and there had to be sufficient remuneration for them to pay their way.

I do not believe that that is the part that should be played by the railways. If it is possible, then that is an excellent attitude to adopt, but I see the railways more as a community service than as a profit making concern. If that is to be the attitude of the hierarchy of the railways or the politicians, I do not suppose the railways can ever stay in existence, because it has been proved that railways simply—

The SPEAKER: Order! The honourable Deputy Leader will be tying this to the closure?

The Hon. J. D. WRIGHT: I believe, with great respect, that it is all part of the closure. The lack of financial rewards from the running of the railways in South Australia has led to the closure of the railways, and I want to deal with more line closures as I proceed.

The SPEAKER: Order! I draw the honourable Deputy Leader's attention to the fact that the Bill relates to the closure of a specific line, not to the closure of railways generally. Whilst I would accept that economics plays a part in the totality of the closure of any single line, I ask the honourable Deputy Leader to confine himself to those matters pertinent to this closure.

The Hon. J. D. WRIGHT: With respect, I thought I was trying to do that. I was trying to show why this line would not have been closed if it had not been for the catch-cry that the railways must pay. Obviously, the closure of the Wanbi line was for economic reasons, and that is a part of the speech I am endeavouring to make. If I transgress in any way, I am sure I will be reminded of that, but I do not want to transgress; I want to keep to that area, if I am able to do so.

It may be of interest to note that, although 91 miles of railways has been closed since 1964, in the previous 108 years only 79 miles of line was closed in South Australia. I think that is pertinent to the point I am making. There is concern about the closure of the Wanbi line. The major concern, in my view, is that the line is shortly to be pulled up. At the time of the proposed construction of the line, there was debate in this place on whether or not the employees working on the line were being paid award rates or less than award rates of pay. Great debate took place on that subject. The policy of my Party would be that award rates should have been paid, and I have not been able to check whether in fact that was the case. I hope that it was, but it is evidence of the methods by which people, even in those days, were trying to obtain cheap railway systems at the expense of the fettlers enlisted in those areas to build the lines.

The next point I wish to make is important to the Wanbi line. If I deviate, I know that I will run into some difficulties. The Minister has reminded me of this point. An interesting thing has occurred since the Australian National Railways Commission has taken over the running of country lines in South Australia. In his book, Mr. Jennings points out that the A.N.R. is now in a position to revive not only the Wanbi line but similar lines in South Australia. That is corroborated in the foreword by Dr. D. G. Williams, where he makes the following statement:

> Measures taken to improve efficiency are meeting with encouraging acceptance. While some staff are concerned that they may be disadvantaged or even lose their jobs, the

Australian National Railways Commission has emphasised that, apart from the need for some re-locations, their future is secure.

In general, unions have taken a refreshingly constructive approach. They appreciate that, while initially there will be some loss of membership, ultimately they will gain, and their members will reap the benefits of working for a self-supporting industry.

Freight customers and passengers affected by service cuts and line closures can be expected to resist change but their resistance tends to be emotive rather than rational as, in all cases, alternative and more efficient transport is available. The Australian National Railways Commission has also undertaken to provide special services as and when required after scheduled services have been cut because of lack of demand.

The SPEAKER: Order! I ask the honourable Deputy Leader to get back on to the South Australian Railways ticket, not the A.N.R. ticket.

The Hon. J. D. WRIGHT: With great respect, the line we are talking about belongs to the A.N.R., as I understand the situation. There must be agreement, I understand, between the South Australian Railways and the Australian National Railways to pull it up.

Members interjecting:

The Hon. J. D. WRIGHT: Then I have misunderstood. Nevertheless, I think it is important to place on record the attitude of the A.N.R. towards ensuring the future of the country railways in South Australia. That is the only point I want to make in relation to the future of the railways. I do not believe that the Minister would want to see any other line closing in South Australia. I am sure he will be doing everything in his power to ensure that lines do not close down in future and that we work in concert with the A.N.R. so that we can ensure the future of other country railways.

I reiterate that I regret any lack of activity in railways anywhere, whether in the area of the A.N.R. or that of the State Transport Authority. I place on record that, so far as the Opposition is concerned, the pulling up of this line is a loss to South Australia. I hope that the Minister, in future, will be able to ensure that no other lines are closed and that we will not have to examine legislation of this kind either to close down lines or to pull up lines that have been closed.

Mr. LEWIS (Mallee): I do not intend to take the time of the House for very long this evening. It is common throughout the experience of humanity that, once you have had something and you lose it, you regret it. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ROYAL COMMISSIONS ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

The Royal Commissions Act contains no provisions under which the Commissioner may order the suppression from publication of evidence given before the Commission, or of the names of witnesses, or persons alluded to in the course of the proceedings of the Commission. Royal Commissions of Inquiry are often established in relation to very sensitive issues, and unrestricted publicity would often prejudice the proper conduct of such inquiries. The present Royal Commission of Inquiry into Prisons is, of course, a case in point. Unrestricted publicity would obviously gravely prejudice the effectiveness of that inquiry. The Government believes that Royal Commissions should have in the public interest, or in order to prevent undue prejudice, power to suppress the publication of evidence and of the names of witnesses or persons alluded to in the course of the proceedings. The purpose of the present Bill was, therefore, to confer a power of this nature upon Royal Commissions. Unfortunately, amendments made in another place have rather limited its scope and utility.

Clause 1 is formal. Clause 2 provides that the new Act will not come into operation until the terms of reference of the Commission have been expanded to cover matters of the kind referred to the Royal Commission appointed some time ago to investigate the penal system of New South Wales.

Clause 3 enacts new section 16a of the principal Act. The new section provides that a Royal Commission may, in the public interest or in order to prevent undue prejudice or hardship to any person, exclude persons from the inquiry, or forbid the publication of evidence or of the names of witnesses or persons alluded to in the course of the proceedings. The Commission is empowered to vary or revoke a suppression order. Non-compliance with the order is an offence carrying a penalty not exceeding $2 000 or imprisonment for six months. New subsection (4) provides that the new section will apply only in relation to the present Royal Commission into Prisons.

The Hon. J. D. WRIGHT secured the adjournment of the debate.

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

Adjourned debate on second reading (resumed on motion).

Mr. LEWIS (Mallee): I had pointed out the natural phenomenon of grief which people feel if they have lost something to which they have been accustomed, whether that is a loved one or some object that makes their life function in a particular way. That is certainly the case with institutions and services like railways. Whether the Deputy Leader knew or not, I do not know, but he ought to have known that this spur line from Wanbi to Yinkanie was closed in 1971, during the term of office of a Government of his political persuasion. I do not hold that against him. I take it that by his remarks he acknowledges the necessity for such services to be economical. Certainly that is the view that we take. Accordingly, the people in that district understand the necessity for the line to have been closed. To leave these assets as they now stand lying to rot across a strip of Australia which, with the advantage of history now, it might have been wiser never to have settled for mixed farming purposes would be, in my view, somewhat irresponsible. We must not leave them there to rot and waste away.

At this time, sleepers and railway irons are in particular demand, and accordingly would fetch a reasonable price. I only hope that the best possible benefit can accrue to the public purse as a result of agreeing not to close the line but to dismantle it completely, and thereby some of the loss which has accrued as a result of leaving it lie there idle will be recouped.

It is of note, of course, that the line runs from Wanbi to Yinkanie: it is not known as the Wanbi line, as the Deputy

Leader refers to it. It would be as ridiculous to call the Adelaide to Noarlunga railway the Adelaide railway. It is a spur line that never carried very much freight, and the people there who used its services earlier have long since left the district in all but a small percentage of the original total.

Elsewhere in the Mallee the same sorts of things are happening. However, they are not the subject of this Bill, and it would not be proper for me to canvass the good work that has been done by the Federal members who represent the area through which this spur line passes, namely, the members for Barker and Wakefield (Messrs. James Porter and Geoff Giles) in the Federal Parliament, but they have secured significant benefits for dwellers in the North Mallee east of the proposed Loxton freight centre, and in due course that information will be made available to the people who live there.

In this instance, then, this line was probably laid in haste, and it now has to be removed. It is one of those things that happen in public life—one of those things which ought not to happen but which inevitably and invariably do happen. It is almost 10 years since the line was last used. In view of that fact, the sooner the materials of which it is constructed are again put to good use by those people prepared to compensate the public purse to the greatest amount possible, the better.

Mr. HAMILTON (Albert Park): My comments will be brief. Most members on the Government side will appreciate my interest in the transport industry, and particularly in the railway industry. Whilst the Bill is for an Act to provide for the discontinuance of the railway between Wanbi and Yinkanie, in effect it means to rip up the track itself; that is clearly the whole guts of this Bill. One can appreciate the work that has gone into this matter, in the investigations carried out by the previous Government and by the Parliamentary Standing Committee on Public Works. As the previous speaker pointed out, I think it was on 1 May 1971 that it was agreed to close this line.

The Hon. M. M. Wilson: Were you ever on this?

Mr. HAMILTON: No. However, I would certainly like to comment upon some of the points that were raised. The investigation that took place was rather intensive and involved consultation with the people in the district, namely, the farmers, the graziers, the local councils and the like. Upon a perusal of the report of the Parliamentary Standing Committee on Public Works which I obtained from the Parliamentary Library and which was ordered to be printed by the House of Assembly on 1 April 1971, I saw a misprint. For the sake of the record, I point out that on page 142 it states:

> Mr. W. A. Marshall, organiser of the Australian Railways Union, Adelaide . . .

That should read "Mr. W. W. Marshall", who was the organiser at that time. Construction of the line was originally recommended by the Parliamentary Standing Committee in 1919. It was subsequently laid. However, as the member for Mallee pointed out, it was to service and open up that area. Whilst I dislike, because of my 25 years in that industry to see lines come into disuse, one must face realities.

From the Public Works Committee report of 1971 and other material that I have read, it appears that the committee was correct in its decision. The member for Mallee referred briefly to the regional freight depot, which services people in a 50-mile radius from Loxton. No doubt this was taken into account by the Minister when he agreed with the Australian National Railways Commission that the line should be ripped up. I understand that the silos at Wunkar will have access to road transport, and that the appropriate organisations have agreed to the suggestion.

As the Deputy Leader has said, this measure is like pulling a tooth. I had hoped that the line would not be pulled up; nevertheless, it appears that it will be pulled up. I ask the Minister whether any investigation has taken place in regard to the usage of the line. Considering that the track to Moorook was ripped up, has the Minister considered the establishment of roadways from Wanbi to Moorook, which will assist local people to transport goods when the regional freight depot begins operating at Loxton? Again I say that I regret that the line is to be pulled up.

Mr. LYNN ARNOLD (Salisbury): When this Bill was first tabled in the House and when I read the second reading explanation, I was quite intrigued, because I have been very interested in railways in South Australia for some time and, in particular, in the work done in developing railways in this State, particularly in the 1920's, but also before. Consequently, I did some research into this matter, and I found that the Wanbi line was one of the interesting lines built in the 1920's as part of the developmental system to service various parts of the State in the hope of opening up those parts for agricultural development. Indeed, the initial report of the Parliamentary Standing Committee on Railways at that time clearly acknowledged that the railway would not make money for a great many years. Its distinct purpose was to open up an area of countryside. The Standing Committee report issued in 1920, some three years before Parliamentary approval for the building of the line was forthcoming, states:

> In recommending a line which is estimated to show a loss, the committee has had regard to the fact that it will probably be possible to reduce the capital expenditure and that the State, if not the Railways Department will benefit in many ways indirectly as a result of the increase in production which the construction of the railway is certain to bring about.

I have long believed that public transport utilities provide a service and that the losses must ultimately be borne by the appropriate department. I thing we all agree to that suggestion, to varying degrees. The line in question has not operated for nine years, and I doubt that it ever made a profit, if one takes into account interest charges on the capital construction of the line. In any event, I believe that the line played a part in opening up agricultural development of the region in question, which was not a very well-developed region prior to the opening of the line. In fact, I understand that farmers of that region (from the evidence given to the Parliamentary committee) claimed that the sandy condition of the roads was such that transport of goods from the area was almost impossible and that very often it took so long to transport one year's harvest out that the next year's harvest was almost ready for collection by the time the first harvest had been transported. The railway was a big advantage to that community, albeit that it cost the State money.

The philosophy of building these developmental railways seems not to have carried on after the 1920s, and I suppose we could argue the rights or wrongs of that policy, but I believe that the policy had a lot to commend it. The one thing with which I would have taken issue if I had been in the House at that time (and I know that there was a member of Parliament by the name of Mr. Gunn, but I do not anticipate that it was the present member for Eyre—it might have been an ancestor of his—

The SPEAKER: Order! I ask the honourable member to link his remarks to the Bill, which relates to the closure of the Wanbi line.

Mr. LYNN ARNOLD: I will return immediately to discuss the Wanbi line. In reading the committee report about the building of the Wanbi line and the *Hansard* debate, I was concerned that a very wrong policy was followed in regard to the quality of construction of that line. It seemed that light rails were to be used; indeed, second-hand rails were used. Rails were taken from another line and used on the Wanbi line. Furthermore, no ballasting was included. I do not know whether that situation remained until 1971.

The Hon. P. B. Arnold: Have you ever been to Wanbi?

Mr. LYNN ARNOLD: I have been through the area, but not by train. Developmental projects of that kind finally succumbed to the problems that occurred, because the lines were not of high enough quality to last long enough, with maintenance costs low enough, and be able to provide relatively fast transport services that made them competitive with trucking. However, without ballasting and decent quality lines, trucking became a very real competitor in regard to the removal of freight when the paving of roads spread throughout that region. One can perhaps reflect that, had proper lines been built in the Wanbi to Yinkanie area, and if proper ballasting had been done and 80lb. rails had been used, the line might have remained competitive with truck transport, and it might be in existence today.

Mr. Gunn: Don't talk such utter nonsense.

Mr. LYNN ARNOLD: Well, if one looks at the value that rail has had in regard to the moving of freight in other parts of the world, one would see that that would certainly be the case. The figures indicate that the line declined quite severely and, as I understand, in terms of the freighting of non-livestock merchandise only, before it closed in 1971, it moved a value of about $28 000, which is only $3 000 more in cash terms than the value of merchandise moved in 1930. So, one can see how uncompetitive the line had become, but I still say that this might not have been the case if proper construction had been carried out in the first place.

The line was one of a series of lines that were quite interesting in South Australian railway history, and I am sure the member for Eyre would accept that. Every railway system developed the philosophy of building lines that it was known would lose money for a great many years, if not forever. Therefore, it becomes an interesting part of our history. I do not suggest that the railroad and the track should be kept as historical heritage, but I ask the Minister whether it is proposed that at Wanbi or Yinkanie or somewhere along the track a cairn might be erected to acknowledge that that was the point where the line existed.

The Hon. M. M. Wilson: You don't want me to have part of the track preserved and to run steam trains on it?

Mr. LYNN ARNOLD: I was not suggesting that, because if I had the Minister would have distorted that into the laying of an O'Bahn track, and I do not want that.

The SPEAKER: Order! I ask the honourable member to come back to the clauses which relate to the closing of the Wanbi line.

Mr. LYNN ARNOLD: I am not being as whimsical as the Minister in this matter. Some acknowledgement somewhere at either end of the line of the fact that it was the site of one of the developmental railways of this State would be a point of interest. We do not often pay enough attention to marking some of the technical history of our State. This is one thing that could be done, for a minimal cost, perhaps paid for out of the sale of the rails or land. I raise this point as something that should be considered.

One other point I will quickly mention is that, in this day and age of much discussion of the relative means of Governments employing labour to construct projects or do work, it is interesting to note that the Wanbi to Yinkanie line was one of the early causes of debate about the relative role of petty contract, or piece work, or standard paid labour, and one of the early causes of debate as to whether industrial conditions were being adhered to. I will quote from *Hansard* a certain Mr. Gunn (I imagine that it is not the same member that we have in the House today), who said:

> Petty contracts mean the letting of certain sections to farmers or gangs of men, and they carry out the work at a price. Piecework rates mean that men are employed at so much a yard. We had a little of that a few years ago in the Government service, and it did not work out to the advantage either of the department or the men. I take it that the work to be done will be governed by the Industrial Code, and that the minimum wage must be secured to the men. Would it be possible under this clause for the Railways Commissioner to carry out the work by departmental construction other than piece work?

The point there was that he was trying to bring into the means of construction by the Government that standard wage conditions, as we now accept, would have been followed by the Railways Commissioner. That became a matter of debate later and, eventually, it was forced to the situation that tenders would have to be called for the construction of that line. I raise that point because it is one of interest, given the fact that the every aspect of contract work, piece work, and letting out to tender is something we have seen in several areas in this House over recent times. The closure of the line obviously has to be accepted as a reality. It has not operated for nine years, and presumably the land is not being used for any other purpose by the department.

What will be the return to the State Transport Authority from the sale of the land and from the sale of any scrap material available? Is that amount large enough to justify the entire effort we are now going through, or might it have been worth while for the department to keep the line for possible uses later, when rail transport may again become one of the more economic means of transporting freight within this State?

Mr. PETERSON (Semaphore): I agree with the comments of the Deputy Leader of the Opposition about the railways of South Australia. They have had a rough go overall, and they have not been given due credit in relation to the development of this State. We have a significant history in South Australia's railways, in that I believe that the first Government-owned railway in the world was in this State: the Port Adelaide to Adelaide rail line.

Mr. Keneally: A socialist venture.

Mr. PETERSON: Yes. We have some historic railways. I believe that the railways will have their day again.

The Hon. M. M. Wilson: Does that mean that the Adelaide to Crystal Brook railway means that the Fraser Government is a socialist Government?

The SPEAKER: Order! I ask the honourable member to speak to the Bill.

Mr. PETERSON: All speakers have supported the removal of the line, some somewhat reluctantly. There is an interesting comment in the explanation of the Bill that there is no specific authority to take up the railway track, and it is considered that a separate Act is necessary in respect of any railway that is to be dismantled. I compare the Bill passed in the House in 1978 with the Bill now before the House, which reads:

> Be it enacted by the Governor of the State of South Australia, with the advice and consent of Parliament thereof, as follows:

The other Bill, which was passed in 1978, has exactly the same wording down to clause 3. If there has not been any authority to take up lines until this Bill is passed, why was the Bill passed in 1978? Is that why that Bill has not been put into force? It was assented to on 7 December 1978, in exactly the same form, and it has not been acted on.

Mr. McRae: Disgraceful!

Mr. PETERSON: I am pleased that the honourable member has said that. What is the point of passing Bills in the Parliament if they are not acted on? On 7 December 1978, a Bill reading exactly the same as this Bill was passed, but not one iota of action has been take over it.

I support this Bill. In the future, the line may be useful, but at present it is surplus, and should be removed. If it is removed, why was the 1978 Bill not acted on? I cannot see the point of passing Bill after Bill if we are not going to get any action. I ask that the Minister consider that matter. If this Bill is passed and acted on (and there is no guarantee that it will be acted on), can we ask for a guarantee that the other Bill, No. 106 of 1978, will be acted on to provide for the discontinuance of the railway between Glanville and Semaphore?

The Hon. M. M. WILSON (Minister of Transport): In some Bills with which I have dealt in the House at various times, a great length of time has been taken by the Opposition to debate them, and it had been my ambition to introduce a Bill which might take only five minutes. A very specific Bill such as the one we are debating, which really allows for a little latitude in debate, I thought perhaps it would take only five minutes, especially as the line died in the time of the former Government (now the Oppositon).

If the Deputy Leader casts his mind back to those last few months when he was in Cabinet, he may remember that my predecessor intended to introduce this Bill anyway. Because of that, I had hoped that we might have a short debate. When the Deputy Leader made his speech, I thought perhaps I should have taken a point of order (not that I would have had to do so, because you, Mr. Speaker, were pointing out to him that he ought to keep to the clauses of the Bill), and reminded him that we had these very short clauses, and that it was a very specific Bill. I thought that the Deputy Leader had done a lot of work, and I realised that he wanted to put it on record, so I am glad that I did not take that action, because, as I have said, the railway died in 1971, but its last rites tonight have been magnificent.

The House has done Wanbi to Yinkanie proud indeed with all the information that has been given by members on both sides, and I am sure the residents of the community will appreciate the last rites of that railway.

The Hon. H. Allison: Requiem mess.

The Hon. M. M. WILSON: Yes. I guess it is a sad occasion to see the final demise of a railway line. The member for Salisbury is fortunate that in the present Minister of Transport he has some sort of an amateur historian as well. The member for Salisbury is not the only amateur historian in the House, and I will take on board his suggestion that perhaps we could place what the Victorians call a historical marker somewhere in the area. No doubt the State Transport Authority has other problems to consider at this stage, including Commissioner Walker, but I will give consideration to that. However, I would insist on one thing: if we do place a historical marker in the area (I would have some difficulty knowing in which electorate to put it, because the line is shared between the member for Mallee and the member for Chaffey), perhaps it could be placed at Moorook as it never actually reached there. If I am invited by the S.T.A. to open it I will insist that the member for Salisbury attend as well.

Mr. Gunn: As long as he's not allowed to speak, or we would never get away.

The SPEAKER: I cannot see that in the clauses anywhere.

The Hon. M. M. WILSON: I thank you for your tolerance not only to me but to all members who spoke. The member for Albert Park asked whether we could investigate the right of way being converted to a roadway. I shall have a look at that matter. I would not be too optimistic, though, realising the state of the road funds that we have at our disposal at the moment. The member for Albert Park is correct when he says that the whole matter is tied up with the question of a freight centre at Loxton. If I go on, I will be canvassing the question of the Australian National Railways, but that is well outside the ambit of this measure. I thank members of the House for their presiding at the last rites of the Wanbi to Yinkanie railway line. I am disappointed that the member for Mitcham has left the Chamber and that he did not take part in the debate. I was of the opinion for a while that probably everybody in the House, perhaps even the member for Florey, was going to speak on the Bill, but we will have to swallow our disappointment. I thank members for their support of the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Removal of railway."

Mr. PETERSON: Does the S.T.A. actually intend to have the line removed; if so, how; and has the removal been discussed with the A.R.U.?

The Hon. M. M. WILSON: I am in a little difficulty in answering this question because I think that the member for Semaphore is referring to Act No. 106 of 1978 which refers to another railway, and what he is probably trying to get me to say is that we are going to implement the provisions of that Act, and I imagine that the member for Semaphore thinks the sooner the better. However, I am constrained to speak to the Bill we have before us.

The CHAIRMAN: I point out to the honourable Minister that he can only refer to information applicable to clause 3; that is the removal of the Wanbi to Yinkanie railway.

The Hon. M. M. WILSON: I can fairly safely say that the S.T.A. does want the power to rip up the track and dispose of the rail and sleepers, and that is why we are debating this clause.

Mr. PETERSON: Does the removal of this line operate under the Railways Act, 1936 to 1975? Section 86a (1) provides:

> (b) that, upon closure of that line, or part of a line, there would be an alternative transport service that would adequately serve the area served by that line, or part of a line.

It states that an alternative service will be provided. Will that apply in this case?

The Hon. M. M. WILSON: The alternative service is of course supplied by road and it was quite evident that that was being supplied in 1971 when the former Government closed the service.

Mr. HAMILTON: Clause 3 states in part:

> . . .including the buildings and other works appurtenant thereto and may use and dispose of the materials so removed as it thinks fit.

I am wondering what buildings are involved on this line. Have any discussions been held or representations made to the Minister about the preservation of any buildings,

and if so, by whom? Also, what discussions has the Minister had, if any, with the A.N.R.C.? What will be done with those materials? Will tenders be called for the removal of those materials, and, if so, when?

The Hon. M. M. WILSON: No representations have been made to me for the preservation of any buildings. I must confess with some humility that I have not had a chance to travel in the area; I have not seen the buildings myself. The question of the Australian National Railways having an interest does not apply, as it was not a railway under the terms of the transfer agreement, and that is why we are actually referring to the Railways Act—the South Australian Act. The line is an old S.A.R. line and it stays that way.

I will inquire about what buildings are there. I cannot answer the question now, but I will let the honourable member have a list of the buildings, and I will get him a copy of the plan mentioned in the clause.

Mr. HAMILTON: I know that the State Transport Authority is in process of collecting various railways and tramways items for a museum it is to have in Adelaide.

Mr. Keneally: Perhaps they could put the Minister in it.

Mr. HAMILTON: That thought had not crossed my mind. Will the Minister investigate what types of equipment are in the buildings and see whether anything could be obtained for the museum in Adelaide? I would be most interested to see what could be done, particularly in relation to electric staff instruments and station designation signs.

The Hon. M. M. WILSON: I will look at the matter and, if there is anything of historic value, I would be pleased to have it transferred to the museum. We may have to find a use for the old horse tram depot at Maylands, and we might be able to find some use for that in the same way.

Mr. HAMILTON: Perhaps the Minister could have discussions with the member for Semaphore, the Australian Railways Union, and other interested parties to put that equipment on the Semaphore line.

Clause passed.

Title passed.

Bill read a third time and passed.

ROYAL COMMISSIONS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2062.)

Mr. BANNON (Leader of the Opposition): On this matter we have a number of speakers, members of Parliament who have been involved very closely in this matter for a considerable time, and indeed the whole history of this Royal Commission and the events that led up to it has been a very sorry story indeed. I say "this Royal Commission" because the Bill as it comes to us in this case refers to a specific Royal Commission, and I think that should be quite clear to members. Whatever the form in which it was introduced in another place, and whatever the general intention of the Bill in another place, the Bill as we have it is one which the Opposition is pleased to support. We support it very strongly, and we believe that the Bill will achieve precisely what so many people in the community, so many organisations involved in the current Royal Commission, want.

The Bill achieves two important aims. I do not give them in the order in which they appear in the Bill. First, because this was the initiating reason behind the Bill, it allows for persons giving evidence before the Royal Commission to be protected by the suppression of names or whatever other course the Commission deems fit. That is spelt out in clause 3, and it is an important point. I draw to the attention of the House subsection (4) of new section 16a, as proposed by clause 3, which makes the section apply only in relation to the Royal Commission to Inquire into and Report upon Allegations in Relation to Prisons, etc. It is an important qualification, because we believe that, where a Royal Commission is to be given this power to make orders, it should be looked at by Parliament and should be specifically invoked in relation to a specific Royal Commission that is sitting. That is a vital point, and the amendment made in another place has improved this Bill quite substantially.

The second important feature of the Bill is that it also acts to extend the terms of reference of the Royal Commission into Prisons by relating the calling into effect of the Act by proclamation to such an extension. Let me just comment briefly on that; other speakers on my side will enlarge on that matter. The whole history of this inquiry has been a chequered and sorry one indeed. Ever since matters concerning prisons were raised publicly and in this place, ever since the Chief Secretary seemed incapable of dealing with those matters raised, incapable of making a decision, incapable of talking directly to those persons who were involved, incapable of getting Cabinet to give sufficient attention to the area of prisons, there has been a growing public demand for an inquiry of the sort referred to in the Bill.

But it was interesting to note that in the early stages, apart from some internal investigations (and we recall that some of those apparently were carried out without the Chief Secretary's publicly admitting to them, because it was only subsequently revealed that he had looked at some of the findings of those internal investigations), it was only after this pressure had built up and demands had been made that the issue was even treated seriously. The Chief Secretary at that stage kept assuring us that there was no need for a general or public inquiry of the nature contemplated in the Bill, that, on the contrary, it could be all be handled appropriately through inter-departmental procedures. It became increasingly obvious that that was not adequate, just not good enough. Despite the Chief Secretary's refusal to hold such an inquiry, eventually the public and Parliamentary pressure became such that he was forced to accede to not just an inquiry, but a Royal Commission. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HOLIDAYS ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 13 to 15 (clause 2)—Leave out all words in these lines and insert new subsections as follow:—

"(2) Subject to subsection (2a), when the first day of January, the twenty-fifth day of December or the twenty-eighth day of December falls upon a Saturday or Sunday, the following Monday shall be a public holiday and bank holiday in lieu of that day.

(2a) In 1980 the twenty-sixth day of December shall be a pubic holiday and bank holiday in lieu of the twenty-eighth day of December."

No. 2. Page 1, lines 22 to 25 (clause 2)—Leave out all words in these lines.

No. 3. Page 2, line 20 (clause 4)—Leave out "twenty-sixth" and insert "twenty-eighth".

Consideration in Committee.

The Hon. W. A. RODDA: I move:

That the Legislative Council's amendments be disagreed to.

Mr. BANNON: The Opposition opposes the motion. This matter has been subjected to extensive debate and full consideration in this place and in another place. It has caused great unrest in the community; there is confusion about the attitude of a particular local government body, which is most directly concerned.

Members interjecting:

Mr. BANNON: I have spoken to a number of people concerned with that body, and it is ironically interesting that today invitations were issued in regard to the celebration of the regular Proclamation Day on 29 December by the Glenelg council. The same ceremony will go on and the same recognition of Proclamation Day will continue, yet at the same time the Government is attempting in this Chamber to abolish that holiday and its significance. Let us not mince words: that was the effect of the Bill as it left this place. The Bill has come back in a greatly improved form. It gets over all of the practical difficulties. The amendments have been accepted and for this year the Bill complements the way in which the days fall. We will not accept that that situation should be made permanent, because it overrides the whole concept of Proclamation Day. All of the rhetoric that the Premier has constantly given about backing South Australia, being proud of our State and our origin are things that the Opposition subscribes to. We are proud of South Australia, and Proclamation Day and its recognition is one of the ways in which this can be demonstrated. The Government is being hypocritical in almost on the same day announcing recognition of the State Flag, and the distribution of State flags to schools and other bodies, while abolishing the proper recognition of Proclamation Day, which is the only public holiday specially reserved for South Australians.

The Hon. W. A. RODDA: I take note of what the Leader has said. The Government received strong representations in regard to the change, and I am sure that the Opposition is not unaware of this.

Mr. Keneally: From whom did the representations come?

The Hon. W. A. RODDA: From right across South Australia. As the Leader said, this issue has been canvassed far and wide. This new found patriotism from members opposite is quite laughable.

An honourable member: We've held the line for 10 years.

The Hon. W. A. RODDA: Of course, you have held the line, because you were not damn well prepared to do anything about it. When the opportuinity comes along, it is rejected out of hand. I listened to the debate in the other place and I heard the same platitudes echoed there. The Government is quite adamant in its decision, which has not been taken lightheartedly. The Leader said that invitations were sent out today. It was made plain that the celebration would be held on 28 December.

Mr. Bannon: It's not a holiday.

The Hon. W. A. RODDA: Most people in the State will be on holiday, as the Leader well knows. It is futile for the Leader to say that the majority of people in South Australia will not be on holiday, because most work places close on that day. The Government does not wish to detract at all from the celebration on the hallowed site at Glenelg. The Government rejects the amendments.

The Hon. J. D. WRIGHT: I had been content not to prolong this debate, because I thought the Leader had adequately covered the Opposition's stand. I have already made a long contribution, as the Minister will remember, an excellent contribution about which I have had a lot of comment. I have now been enticed into the debate by something that the Chief Secretary said, and I do not know whether he wants to withdraw the remark at a later stage; he accused the Opposition of having a new found patriotism. I want to make abundantly clear that this patriotism is not new found—it is an old found patriotism . Over the years, I am not sure how many times the Labor Government was requested to make an alteration to the Proclamation Day holiday; this certainly occurred almost every year that I was in the Cabinet, which was for 4½ years. Premier Dunstan told the Cabinet that he had received similar requests over the years, so I imagine that, for the whole 10 years—

The Hon. H. Allison interjecting:

The Hon. J. D. WRIGHT: If the Minister of Education could be as smart and confident in regard to his own department as he is at pulling people up and making an ass of himself—

The CHAIRMAN: The Deputy Leader is quite out of order in referring to the Minister of Education in that way.

The Hon. J. D. WRIGHT: The Minister was quite out of order in interjecting.

The CHAIRMAN: The Deputy Leader must not refer to interjections.

The Hon. J. D. WRIGHT: I would not refer to interjections if there were no interjections.

Mr. Mathwin: Don't reflect on the Chair.

The CHAIRMAN: Order! The member for Glenelg will cease interjecting.

The Hon. J. D. WRIGHT: I make the point clearly and concisely that the Labor Government stood steadfastly in regard to this matter for 10 years: it would not move. It would not sacrifice Proclamation Day, and the Opposition's principles have not altered. These principles are not new found: they are old and strong, because we believe in Proclamation Day. It is one thing to say that the ceremony will go on as it has done in the past, but I put to the member for Glenelg, who is more directly involved than anyone else, what he will say to his constituents and to the workers who, for the first time in their lives, will either have to sacrifice a day's pay to go to the ceremony on Proclamation Day or will not be able to go at all.

Mr. Mathwin interjecting:

The CHAIRMAN: Order! The member for Glenelg is out of order.

The Hon. J. D. WRIGHT: What will the member for Glenelg say to those people who ask him how they can get to the ceremony, if the Government has its way? Clearly, this is a ruse by the Government and nothing else. The Government is not even honest in its approach to the situation, as the Minister well knows. I do not believe that the Minister would have introduced this Bill if he had not been pressured by the Cabinet to do so. The Legislative Council, in its wisdom, has reviewed the legislation as it passed this House and sent it back in the current form, which in my view fixes the situation completely. This gives the Government the opportunity to accept the amendments of the Legislative Council in toto, without having to go to the bother of setting up a cumbersome conference to further consider the issue, which I do not believe can be resolved in that way. I ask the Minister to withdraw the motion and accept the amendments.

Mr. KENEALLY: I am very concerned at the attitude of the Minister and the member for Glenelg. They have both stated in the House by way of speech and interjection that the workers of this State will be able to attend any function at Glenelg on Proclamation Day, because they will all be on holidays. That is an absolutely clear indication of how Government members have lost touch with the workers of this State. Many hundreds of thousands of people in South Australia will be unable to attend the function on that day

because they will be working, and it is absolutely ridiculous for the Government to be stating otherwise. It is a clear indication that Government members have lost touch with the important people of this State, the workers. If there is one member in the House who ought to be silent while his Party is forcing this measure through the House, it is the member for Glenelg. He, of all members, should have some concern, because Proclamation Day, and what it means to South Australia, has great relevance to the District of Glenelg, as we all know.

The workers of this State will be prevented from going to the celebration on Proclamation Day, whereas self-employed people, whom the Government represents, will be able to be there. Government members cannot distinguish between self-employed people and the workers, and it is about time they started doing that. We are concerned about the people who cannot be there, those who will be required to attend their workplace on that day and, more so, because of the actions of the Government, which will ensure that they will be at work, when, if the *status quo* prevailed, some people could choose to be at Glenelg, to attend the celebration. That choice will be denied them by the motion.

Mr. HAMILTON: As did other Opposition speakers, I lodge my strongest protest at what is being done. For so long, all we have heard from this Government is that the worker must tighten his belt, and this is another tightening of the belt of the worker in this State. It remains to be seen in the light of this Government how many more instances of this nature the workers of this State will be subjected to. It is all very well for those who have forgotten their working background to stand on the other side of the House and talk about the workers never having had it so good. I refer to one section of the workforce with which I was involved for 24½ years as a shift worker. For Government members to deny those people this opportunity is a ludicrous situation. I must on behalf of those people, in particular, lodge my objection to what the Government is attempting to do.

The Committee divided on the motion:

Ayes (21)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Eastick, Evans, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda (teller), Russack, Schmidt, Wilson, and Wotton.

Noes (18)—Messrs. Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, O'Neill, Payne, Peterson, Slater, Trainer, and Wright (teller).

Pairs—Ayes—Messrs. Chapman, Goldsworthy, and Tonkin. Noes—Messrs. Corcoran, Plunkett, and Whitten.

Majority of 3 for the Ayes.

Motion thus carried.

The following reason for disagreement was adopted:

Because the amendments destory the purpose of the Bill.

LIQUEFIED PETROLEUM GAS SUBSIDY BILL

Returned from the Legislative Council without amendment.

ROYAL COMMISSIONS ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 2066.)

Mr. BANNON (Leader of the Opposition): Before that intermission I was dealing with events leading up to the establishment of the Royal Commission, the subject of this bill, and was reminding the House of the Chief Secretary's opposition to any form of general or public inquiry which ultimately was reversed. However, we should remember the circumstances of the matter. The Budget Estimates Committees were on; we were approaching the time when the Chief Secretary's lines were to be examined. Indeed, I am reported in the *Advertiser* on Monday 6 October as saying:

> The A.L.P. intended to pursue Mr. Rodda on the matter and ensure that he did not hide behind public servants. It had been extraordinary enough when he had refused permission to the shadow Attorney-General, Mr. Sumner, to visit Yatala. The latest allegations on top of that refusal make it all the more extraordinary. The A.L.P. will take advantage of the sittings of the Estimates Committees to press the matter.

That was supported by the Australian Democrats. It was in that context that a day later, after notice had been given quite clearly and firmly that the Estimates Committees were to be used for the purposes for which they were established, the Government attempted to pre-empt that inquiry and, indeed, successfully managed to do so by announcing a Royal Commission. There seems to be no doubt in anyone's mind (indeed, even the press and the commentators on the situation agreed that what had happened was that the Royal Commission had been announced, in the words of the *News* editorial, amazingly enough, to pre-empt the investigations that were going to be talked about in the Estimates Committees of the House). That was a quite extraordinary way of getting around the proper probing of this Parliament, an extraordinary action on the part of the Government, and an indication, of course, of just how badly they were going in this area. The Government was not prepared to allow the Chief Secretary to be subjected to that proper examination.

The Hon. Peter Duncan: They weren't game.

Mr. BANNON: That is so, and as a result they announced a Royal Commission, an extraordinarily expensive way of getting around the problems that were being created. By then there was a consensus in the community which supported an inquiry of this kind.

The next question with which we were confronted was the adequacy of such an inquiry. Did the terms of reference allow all those issues that were in question to be properly canvassed and considered before the Commission? Right from the second day after the announcement had been made, all the people who were to be involved in the inquiry asked that those terms of reference be widened. Immediately, inadequacies in those terms of reference were pointed out. A look through the press clippings of the time, only a month or so ago, indicates quite clearly that that was the consensus of opinion. On 9 October, prison officers were reported as demanding that all aspects of the Department of Correctional Services be investigated by the Royal Commission into the prison system. They held a stop-work meeting and passed a motion saying that they would like to see those terms of reference widened. The senior wardens (not only the rank and file people but the officers themselves) also said that they wanted the inquiry widened. Dr. Perry, a University of Adelaide lecturer, commented at length on the inadequacies of the terms of reference of the Royal Commission and suggested also that they needed to be widened. At the hearing itself, submissions were made by a number of counsel on behalf of the parties that the terms

of reference were far too narrow and that they should be widened. A report in the *Advertiser* of 24 October stated:

> Mr. Mahoney, who was acting for the P.S.A. told the commission that he had written to the Premier, Mr. Tonkin, on 10 October with proposals for expanding the terms. He understood the Cabinet was meeting yesterday morning to consider the submission. A spokesman for Mr. Tonkin said later that neither the Cabinet nor the Executive Council had discussed extending the terms.

In other words, the matter did not even go to that stage of examination by the Government. The letters were simply put into the too hard basket, the pending tray, or whatever, and no response was forthcoming. The Government had set its face at that early stage against any extension or change to the terms of reference, and the P.S.A. had been told that not only had neither the Cabinet nor Executive Council looked at the matter, but that it was up to Mr. Clarkson, the Commissioner, to approach the Government.

Of course, that brings us immediately to the dreadful circular dilemma in which all the parties have been placed from that date. The Government said to them, "We are not interested in extending the terms of reference. We do not even want to consider your submissions on that, go and speak to the Commissioner on that." I think it was made clear by the Premier at an early stage, in answer to a question in this place, that it was up to the Commissioner, that the Government would look at any requests he made. So the parties went to the Commissioner and made extensive submission to him about the terms of reference, their inadequacies and their extension, and they called for a decision from the Commissioner.

He was placed in a very invidious position. He had been given terms of reference by the Government, and he had submissions made to him by the parties that those terms of reference were not adequate. The Commissioner's dilemma was: should he go back to the Government or should he accede to the Government's original intention. It is quite clear that he took a very legal and, one would suggest in his circumstances, a quite proper view of the matter, when he was reported as saying that it was the Government which had sought to find information through the Royal Commission, and that it had a range of options which it could use to discover information on any particular matter. He mentioned Select Committees, Standing Committee, annual reports of statutory bodies, authorised inquiries, Royal Commissions, and departmental and inter-departmental inquiries. He was reported as saying:

> Each method has its own use and it is a matter for the Government to determine when it requires information on a particular subject matter and what form of inquiry it will use.

So, in consequence of this, he said:

> I see no good reason at this stage for recommending any amendment to the terms of reference.

In other words, he needed a signal from the Government, some indication from it that it wished him to inquire into the matter in a broader way. The Commissioner made that quite clear when he was reported as saying:

> It is for the Executive to decide the best means by which it makes inquiries and collects information. It has chosen a combination of methods, and I have no reason, nor do I presume to comment on, the plan adopted.

I have suggested that, although that is a fairly narrow and technical response, it is a quite proper response in the circumstances, and there's the bind: the Premier says to the parties, "We have given the Commissioner the terms of reference; if he wants them broadened, he can come back to us." The Commissioner says, "That is not my function; if the Government wants me to investigate matters more widely than the terms allow, then the Government must ask me to do so." The Government refuses to do so, so the parties go from one to the other, and back to the other, and there is absolutely no possibility, while the Government maintains its attitude, of this issue of prisons being properly or fully dealt with in the way that all the parties wish it. Even this very day the Premier was still affirming, in reply to the member for Elizabeth (and in this instance he was quoting the Attorney-General; he was not standing up and saying it himself), that the government had no intention whatever of enlarging the terms of reference, unless there is a request from the Royal Commissioner that indicates that he would like the terms of reference widened because he is in any way impeded in conducting his inquiry. The Commissioner has said plainly to the Government, "If you want me to look at these wider issues, I am available to do so, but you must tell me; you are the Executive; you determine the parameters of the inquiry."

The Premier chooses to hide behind a request from the Commissioner that he knows will never come, and because of that he is happy to sit and ignore the submission or to respond totally inadequately to the submissions made. It is not for want of trying on the part of the parties. Both the Public Service Association and the A.G.W.A. have written extensively to the Premier in response to the Commissioner's ruling, pointing out that it is in the Premier's hands, that it is up to him and his Cabinet. They have constructively taken up a number of issues. How long they can remain constructive in the face of the replies they get is becoming very doubtful. There have been stop-work meetings, suggestions of work bans, and so on, as an indication of the total frustration and dissatisfaction of those unions with the way in which the inquiry has been narrowed. And that will go on, too, possibly even to the extent of those bodies not feeling able to properly participate in the Royal Commission unless the terms of reference are widened.

The Government has not acted, but in this instance the Opposition and sufficient members in another place have acted to ensure that we have before us a Bill that will achieve this. It will be opposed here. The amendment has been circulated. I imagine that, as soon as the result of the vote in the other place was announced, the typewriters started tapping out the amendment to be moved down here with no further consideration. The Premier this week has replied to the parties saying that the Government believes that the terms of reference of the Royal Commission will be interpreted as widely as is necessary to encompass all matters bearing on the subject of the inquiry.

The Hon. Peter Duncan: That's already been proved wrong.

Mr. BANNON: That is the extraordinary point. It believes that they will be interpreted as widely as is necessary—as who deems necessary? It is not the parties before the Commission, the people who want to give evidence, or the concerned people in the community who want the matters canvassed. It is not as widely as is necessary for them. That has been made abundantly clear. Because the Government wants to constrict it, it will not move.

The Premier goes on to say that the Government believes and is confident that the Commissioner will request an extension of the relevant terms of reference if he feels that his inquiry is constrained or impeded in any way. He is repeating again, as if he had not read the Commissioner's remarks, that the Commissioner may ask for an extension. Of course he will not. He has said that he will not, and he has explained why. He believes that the

Government must lay down the parameters within which he operates. That is his view, he is entitled to it, and that is the basis on which he will proceed. Why will the Government not act? It is quite outrageous, and the Government, confronted in this instance with a Bill that substantially improves the measure introduced in another place, is going to stand flat-footed and try to force this to a confrontation situation.

The confrontation is not just with the Opposition in this place. It is also with all of those persons in the community, those professional and trade union organisations, those bodies concerned with prison reform, those who work in the prison system, and the persons incarcerated in the prisons. All the people involved before this Royal Commission, with the sole exception of the Government itself, want this Bill passed in the form in which it appears before us in this place, and that is why we are going to insist that the Bill is passed in that form.

Dr. BILLARD (Newland): I think something should be said about what I believe is the nonsense uttered about the terms of reference of the Royal Commission. I quote a letter sent by Mr. Morley, the General Secretary of the A.G.W.A., to the Chief Secretary. It was written on 3 October, and it states:

> I advise that members of the Gaols and Prisons Branch of this association are most perturbed about the allegations that have been made in the Coroners Court this week in relation to the alleged behaviour of some prison officers. Our members are most anxious that this matter be settled, and on their behalf the association demands that a full judicial inquiry be held to examine and investigate these allegations.

That indicates that these people wanted the terms of reference of the inquiry to be directed at investigating those allegations. Other allegations were made in the press on the weekend following the date of that letter. I do not believe that that body can then criticise the terms of reference as being too narrow, when that narrowness was as requested in the letter of 3 October. I believe that I am correct in asserting that Mr. Morley was or still is a member of the State Executive of the Labor Party, so he can be excused for taking a Party line on this issue.

The Hon. Peter Duncan: He's not a member of the State Executive.

Dr. BILLARD: He was in the past though, was he not?

Mr. O'Neill: That's about as accurate as the rest of your contribution.

Dr. BILLARD: Well, he was quoted in the *Advertiser* of 7 October as criticising the terms of reference as being too vague, and saying that they are too vague is hardly the same as saying that they are too narrow; in fact, it is quite the opposite.

The Hon. Peter Duncan: They were too vague because he didn't know the meaning. Now it has become clear—

The SPEAKER: Order! The honourable member for Newland has the floor.

Dr. BILLARD: It seems that, if the terms of reference were set up precisely in their narrowness as was requested by the General Secretary of the A.G.W.A., it is then a bit much for him, first, to immediately criticise them for being too vague when they are determined precisely to investigate the matters that he wished to have investigated. Secondly, it seems that the attitude that has firmed from the Opposition and the A.G.W.A. that they are too narrow contradicts what was asserted on the morning immediately after the terms of reference were announced. I believe that the criticisms of the terms of reference in that light are not well based, that a few people have been pursuing matters not simply for political reasons; there are genuine reasons as well, but they have exploited the situation for political reasons. I believe that the motivations for asking for the terms of reference to be widened lay in that are rather than in genuine concern. Let me go on to discuss the way in which—

The Hon. PETER DUNCAN: On a point of order, Mr. Speaker, the member for Newland has just reflected on the motives of members on this side in supporting the Bill before the House. That is clearly in breach of Standing Orders, and I request that you ask him to withdraw that imputation. It was not an imputation; it was a statement.

The SPEAKER: I ask the honourable member for Elizabeth to indicate the precise words which were used and which have caused offence.

The Hon. PETER DUNCAN: As I recall it, the honourable member said that the motives of those who have now sought to have the terms of reference of the Royal Commission widened were political and were not based in any way on a concern for the prison system itself.

The SPEAKER: I ask the honourable member for Newland whether in fact the assertion made is correct and whether he desires to withdraw the imputations which have been alleged.

Dr. BILLARD: The assertion was immediately qualified by my saying that they were not entirely political and that some of the reasons were genuine.

The SPEAKER: The member for Newland has been asked whether he desires to withdraw the imputations that have caused offence.

Dr. BILLARD: No, I do not desire to do so; if directed to withdraw the remarks, I will do so.

The SPEAKER: The member for Newland, or any other honourable member, is not required to withdraw certain words. Honourable members may recall an indication that was given to members of this House on an earlier occasion to the effect that, if words are offensive and if they are identified, the member who made the assertions will be asked to withdraw. It is only when the words are unparliamentary that there will be a direction from the Chair that they shall be withdrawn. The member for Newland having indicated that he does not desire to withdraw his imputation, I do not uphold that the words that were alleged to be used were unparliamentary; I therefore ask the honourable member for Newland to continue.

Dr. BILLARD: I make the point that the Bill, which had one purpose—to provide protection to those who wish to give evidence before the Royal Commission—has been completely turned around and used for an entirely separate and different purpose. The Bill now seeks to coerce the Government into changing the terms of reference of the Royal Commission, and I believe that that is quite abhorrent.

Mr. McRae: Don't you believe in the sovereignty of Parliament?

The SPEAKER: Order! Other honourable members will have an opportunity to speak in due course.

Dr. BILLARD: I believe that it is quite abhorrent to take a Bill that has one specific purpose and to use that Bill as a shell to impose something that has an entirely different purpose. I believe that most people in South Australia would find this purpose abhorrent.

The Hon. PETER DUNCAN (Elizabeth): I support the Bill as it has come from the other place. At this late hour of the evening—

Mr. Lewis: We haven't started yet.

The Hon. PETER DUNCAN: The honourable member may like to sit tight for at least the next half hour and listen to a few home truths that I intend to put to the Parliament. We are being asked to pass this measure as a matter of

great urgency. The Government puts to the Parliament that this Bill is needed urgently so that the Royal Commission can get on with the job. The Government seeks to promote this matter of urgency at least through the second reading stage in this Chamber tonight, yet this matter of great importance and urgency is being debated in the absence of the Premier, who is the person calling the shots, and in the absence of the lame duck Chief Secretary (and possibly we can well understand his absence from the Chamber)—without the presence of either Minister involved with the Bill. Why is that?

It is about time the Government started to take this matter a little more seriously. So far, we have had from the Government an explanation of the Bill at the second reading stage by the Minister in charge (the lame duck Minister of Education), an explanation which was prepared long before the Bill was amended in another place. The explanation bears little relevance to the Bill that was introduced tonight and, to cap it all off, after a very effective contribution from the Leader of the Opposition, what did we hear from the other side? One of the new chum members of a marginal area, a oncer, was trying to cut his teeth. He has had 12 months in this place, and his contribution was no better than it has been in the past. I would have thought that, in regard to a matter of such importance, the Government would put up the Premier, if not the Chief Secretary, to deal with the Bill, because those members of the Government are involved in this matter and they make the decisions (and I refer more particularly to the Premier).

Where are we in this sorry matter? The situation has continued for about five or six months, since allegations were first raised in connection with the Department of Correctional Services, and the Government has been extraordinarily slow to react at every stage of the proceedings. In this current situation, we find that the Government is still being extraordinarily slow in acting. I do not doubt that, in due course, the Government, to protect the lame duck Chief Secretary, will come to grips with this matter and will extend the terms of reference of the Royal Commission, because from the way in which the Commissioner and, more particularly, counsel assisting the Commissioner are interpreting the terms of reference at present, it appears that most of the allegations that one would want to air and most of the concerns that we all share (and I believe that this refers to members on both sides) will not be aired or considered by this Commission, because there have been indications that the Commission will take an extraordinarily narrow view of the terms of reference.

Reference has already been made today as to whether the terms of reference apply to breaches of the regulations that have been admitted by the Director of the department. It has been made fairly clear that such breaches will not be considered by the Commission. Of greater concern is the fact that counsel appearing before the Commission believe that the Commission will not report on allegations that have been made subsequent to the appointement of the Commission. That is a fantastic situation and one that I believe will probably lead the Government to broaden the terms of reference, because the implications are that the Opposition will be able to start cross-examing the Chief Secretary once more as to the situation in his department and, no doubt, when that commences, the Chief Secretary will appear in the poor light in which he appeared a month or so ago, so that the Premier will have to come to his rescue by broadening the terms of reference. Surely we do not have to reach that point before the Government reacts.

I see that the member for Flinders is present in the House, and I hope that he listens to what I am about to put to the Parliament so that he will realise how stupid it is for the Government to be so obstinate in this matter. There is no doubt that an investigation is long overdue, and I have made this point before. I do not believe that we on this side consider that all these problems relate particularly to the administration of the Tonkin Government, as I have said before: some of the problems that have come to light are of long standing. On the other hand, a number of them are problems that have emerged during the time of this Government. Certainly, the matters that the Public Accounts Committee is considering have occurred during the time of this Government.

Certainly, the death that is the subject of a coronial inquest at present occurred during the time of this Government, so there is no doubt that the matters which are before the Commission and which are of concern to this Parliament, the community, and people who work in the prison service—

Mr. Lewis: When was he tried and found guilty?

The SPEAKER: Order!

The Hon. PETER DUNCAN: During the time of this Government. It ill behoves the honourable member to interrupt a serious matter of this sort in that fashion. I am trying to say that in a sense this is a bipartisan matter, and that was the whole point that I was trying to make. We have had seven inquiries into the prison service in 10 years. That ought to be enough for the Government to recognise that it is time for a full-scale and no-holds-barred inquiry into the whole prison service that will really clear the air and get to the bottom of the matter, but for some reason this Government continues to obstruct and tries to avoid such a full-scale inquiry. I cannot understand the Government's attitude in the matter.

Why should we not have a wide-ranging inquiry such as was held in New South Wales to get to the bottom of the matter and clear the air? It is not as though this is a matter where, as in New South Wales, the prisoners on one hand are putting forward one proposition, and prison officers and the department are putting forward another. In this instance, that is not the case. What we have is wide-ranging concern on the part of prison officers at senior staff levels, concern by the psychologists in the prison service, concern by the probation officers, concern by the prison industry staff, concern by the general duty officers and, certainly, concern by the prisoners, and concern by the Public Service Association and the Australian Government Workers Association, the associations covering all those aforementioned groups that work in the prison service.

All those groups have asked the Government to extend the terms of reference and to date they have got a resounding "No" from the Government. I cannot understand the Government's attitude. The only reason that can be put forward to indicate why the Government is taking this obstructive attitude is that it is concerned to defend the tall poppies in the Department of Correctional Services. If one likes to read the terms of reference—

Mr. Lewis: Who planted them there?

The Hon. PETER DUNCAN: If the honourable member looks at the terms of reference—

Mr. Lewis: I am looking at the tall poppies. Who put them there?

The SPEAKER: Order!

The Hon. PETER DUNCAN: I am happy to answer the interjection, out of order as it is. The member's own Minister put the Director of Correctional Services there. For goodness sake, if the member is going to continue to interject, at least he may like to take a little advice from the front bench to find out just what is going on in the

prison service so that, when he interjects, he does not make a complete clown of himself. The terms of reference provide that the Royal Commission is to inquire into and report upon allegations in relation to prisons under the charge, care and direction of the Director of the Department of Corectional Services and certain related matters. The terms of reference of the Royal Commission are to inquire into and report on the following:

(1) Allegations of graft, corruption, misappropriation of goods and irregular practices at prisons.

(2) Allegations of sexual and non-sexual assaults committed at the said prisons.

(3) Allegations relating to the security of the said prisons and the discipline of the prisoners held therein.

(4) Allegations relating to the presence of unauthorised material within the said prisons.

The point I draw from that is that the Royal Commissioner is only able to look downwards in the hierarchy into the prisons. He is not given power to be able to make recommendations arising out of allegations about the department at large and allegations concerning why the current situation and crisis exists in our prisons. The tragedy of all this is that, if this Government continues to obstruct the reasonable calls for an extension of the terms of reference, I believe that it will precipitate a crisis that none of us wants, by way of confrontation. Goodness only knows where that crisis will go. I will not speculate on that matter tonight but it concerns me greatly that, as the Royal Commission goes on and the limitations on the terms of reference become more and more apparent, prison officers, senior prison officers, and, indeed, prisoners will take action in response to the decisions being made by the Royal Commissioner in line with the narrow terms of reference that he has been given.

The Government has the opportunity tonight to right the wrong that it has created by these limited and narrow terms of reference, and it has the opportunity to admit the mistake that it has made and allow the Commissioner to get on with the job. This circular process that the Premier has set up by saying to the community, "Well, if the Commissioner wishes the terms of reference to be widened, the Government will look at it" has the Commissioner in a position where he can act only in terms of the existing terms of reference. That is a ridiculous situation and I believe that everyone in the community understands that. The Government is precipitating a crisis, and goodness only knows why it cannot see that and do something about it.

If the Government had had enough foresight earlier when I was calling for a judicial inquiry into the prison system, the Chief Secretary might have had sufficient inteligence then to consider the matter seriously instead of wiping it off, dismissing it, and saying that he was not going to bow to any calls for a Royal Commission. He got enough egg on his face subsequently when he was overruled by Cabinet, and Cabinet set up the Commission. He can sit here and smile tonight. He would have to be able to smile over such a serious matter if he had enough cheek and hide to sit here after being embarrassed so severely by his own colleagues when he was overruled.

I want to refer to the position in New South Wales that developed following the Bathurst riots. Thank goodness the situation in South Australia has not got to that sorry stage and I hope it never gets to that stage, but the matter is very much in the hands of the Government. I will read a brief passage from New South Wales *Hansard*.

The SPEAKER: Will the honourable member relate it to the clauses of the Bill before the House?

The Hon. PETER DUNCAN: Certainly. This is in relation to clause 2 (2), where the terms of reference proposed are very much wider. In New South Wales, when a call was being made for a Royal Commission initially into the Bathurst riots and subsequently for an extension of the terms of reference, the New South Wales Liberal Government at the time, at every step, objected and tried to avoid any extension of the terms of reference. I think it interesting to quote this brief passage. A question concerning the riots at Bathurst was asked by Mr. Osborne, a member of the Liberal Government of the time, addressed to the Minister of Justice of the day. The question was:

> Does the Minister of Justice agree that during the recent riot at Bathurst gaol the staff of that institute carried out their duties with great credit—despite wild allegations made by some arm chair strategists at a safe distance from the trouble—and that they safeguarded the people of the Bathurst district and, indeed, New South Wales from what could have been a mass outbreak?

What I want to get to is the answer from Mr. Maddison, the Liberal Minister for Justice, who said:

> Certainly the damage runs into many millions of dollars and it will cost many more millions of dollars to reconstruct the institution at Bathurst.

Members will know that it was eventually found that it was almost impossible to reconstruct that institution. Mr. Maddison continued:

> Undoubtedly, when one looks at what happened one apprehends full well that the staff at that institution performed amazingly well. Indeed, they showed great courage and determination in preventing what obviously was a mass breakout attempt. All the inquiries thus far indicate that an attempt was to be made to set alight the paint shop, close to the perimeter wall, which would have had devastating effects on the perimeter security of the institution.

It is well known now, as a result of the Nagle inquiry, that 40 of the staff at least (and they were only the ones the Commission was able to comment on) were held to have committed breaches of regulations and to have acted generally in a discreditable fashion on that occasion. I am not suggesting for a moment that such things have gone on in our institutions here. What I am doing is demonstrating the fact that, by the Government's obstruction, it is putting itself in a similar position to that of the New South Wales Liberal Government at the time of the setting up of the Royal Commission into the Bathurst riots. What is needed, for goodness sake, after seven inquiries in 10 years into various aspects of the prisons in South Australia, is a widespread Royal Commission looking into all aspects of the prison service, and that is what this Bill before us would provide if it were passed by the House.

I have mentioned before the support that exists in the community for extending the terms of reference. I want to refer to a press release from the Public Service Association, and I point out to the House that the Association does not represent the ordinary general duty officers, the rank and file members of the prison staff service within the prisons: it represents the hierarchy, the chief prison officers and the senior staff within the prisons. The P.S.A. issued the following press statement (I will not read of all it, but it is available if any member wants to read it):

> Mr. Fraser said that the meeting had unanimously voted to impose an immediate overtime ban and a ban on higher duties of work in order to prove to the public how understaffed prisons really were. "There is no way that prisons can operate in this State without massive overtime being worked day in, day out," he said. The member also approved the sending of a petition to Parliament, urging it to consider an immediate expansion of the terms of reference of the Royal Commission.

So, although that petition apparently has not reached the Parliament, a petition is coming from the senior staff of the prisons calling on this Parliament to take the necessary steps to broaden the terms of reference of the Royal Commission. In an extraordinary example of what can best be described, in the most charitable interpretation, as naive, the member for Newland, in his brief contribution this evening, said that it was abhorrent for this Parliament to take the step of amending a piece of legislation before it—a contempt of the Parliament, if ever I heard one. He said that it was an abhorrent act for this Parliament to pass legislation directing the Government which, after all, I remind those democrats opposition is the creature of this Parliament, and not the other way around.

I have never heard such nonsense in all my life. I do not think that there is anyone with any amount of intelligence in this place who would support that sort of rubbish for one moment. It is entirely within the power of this Parliament to pass this legislation. Not only that, but I believe that it is the prerogative of this Parliament, because this Parliament now well knows the position, having had plenty of material before it.

If it needed anything further, it has had the Government's setting up of a limited Royal Commission to indicate that there are serious problems within our prison service. It is not only the right, but also the obligation of this Parliament, to pass this legislation, so that the Commission can get on with the wide-ranging full-scale investigation into all aspects of the operations of the Department of Correctional Services, so that the air can be thoroughly cleared and the groundwork established for a Department of Correctional Services and for correctional institutions under that department that can provide a modern penal service to take us into the 1980's.

I could quote at some length from many pieces of correspondence that I have received from people throughout the State calling for a wide-ranging judicial inquiry.

Mr. Lewis: Do you want an extension?

The Hon. PETER DUNCAN: If the honourable member wants to move that way, I will not be opposed to it, and I will give him the opportunity of doing that later.

Mr. Lewis: Do you think you'd get the numbers?

The Hon. PETER DUNCAN: I will not comment on that. One of the matters needing investigation in the prison service is drugs, and their availability. The honourable member may be able to fill us in on such matters. What really concerns me about this matter is that there was an implication in the speech tonight by the member for Newland that the Bill would not be the end of the matter. Every member knows that because, as the Commission goes on, more and more matters will come out that will be perceived by the public to be matters which ought to be before the Commission and which will be determined by the Commission to be outside of its terms of reference. That is a ridiculous situation. We have the opportunity tonight to clear the air, to set up the Commission on a proper footing and basis, so that it can deal with all of the matters that are of concern to the community, all of the matters that ought to be aired and cleared up.

If I went into a list of matters even within my knowledge, I would be able to keep the Parliament here for three or four hours. I believe that some of the matters that have already come out in these early days of the Commission are proof enough of the need for the Bill to be passed in its present form. We have evidence already that the regulations in the Department of Correctional Services dealing with the separation of prisoners, young from old, convicted from remanded, are being honoured in the breach. The Director's comment on that was that it had been going on for a very long time.

The SPEAKER: Order! I ask the honourable member to be careful now that he does not transgress into areas that might be considered as *sub judice*.

The Hon. PETER DUNCAN: I would be delighted, in my next comment, to explain that the Commissioner, in his wisdom, made the extraordinary decision (not reflecting on him), showing the extraordinarily difficult position in which he was placed, that, because these practices had been continuing, and were regular practices, that they were not, therefore, irregular practices, and were therefore outside of the terms of reference. What an extraordinary situation for the Commissioner to find himself in!

[Midnight]

He must rule that, because a practice (undesirable and illegal as it is), is a regular practice in prisons, it is outside his terms of reference.

Mr. Lewis: Why didn't you so something about it before?

The Hon. PETER DUNCAN: Members are given the opportunity of doing something now, and I hope the honourable member who has just shown his concern by that interjection will take the step open to him and vote for this Bill, because it is an extraordinary situation. It means that, if the allegations of sexual harassment, for example, are so regular in the prisons as to not fall within the term "irregular practice", the Commissioner may find himself unable to recommend anything under the terms of reference. What a scurrilous situation that would be.

Mr. McRae: Including rape practice.

The Hon. PETER DUNCAN: Including possibly rape; that is a ridiculous situation and not one for which members here would want to be responsible.

The Hon. H. Allison: That covers bi-sexual practices, too.

The Hon. PETER DUNCAN: It may. No doubt other practices may be involved. The easy way out of this is to pass this measure as it stands, and that will resolve the matter. No doubt the junior Minister dealing with the matter may well say that, if the Commissioner finds that that is a problem, he can come back to the Government. Are we to have a position where the Commissioner is going to come back to the Government every month or so and say that he has run across a problem and that something should be done about it, and then have the terms of reference widened? I do not think that is a satisfactory way to handle the matter and it is a very amateurish way for this Government to be carrying on.

One thing this Parliament must do with this piece of legislation is to stand up to its responsibilities and give the Government the necessary directions to ensure that the Commission has the appropriate and proper powers to be able to hold a widescale inquiry into the prison service and to clear the air once and for all, so that we can get on with reforming the felons and others who are put into the prison system in this State.

Mr. McRAE secured the adjournment of the debate.

HOLIDAYS ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. W. A. RODDA (Chief Secretary): I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs. D. C. Brown, Mathwin, McRae, Rodda, and Wright.

ADJOURNMENT

At 12.8 a.m. the House adjourned until Thursday 20 November at 2 p.m.