LEGISLATIVE COUNCIL

Tuesday, March 7, 1978

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

NEW MEMBER

The Hon. K. T. GRIFFIN, to whom the Oath of Allegiance was administered by the President, took his seat in the Council in place of the Hon. F. J. Potter (deceased).

QUESTIONS

CHILD PORNOGRAPHY

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation prior to directing a question to the Minister of Health about child pornography.

Leave granted.

The Hon. R. C. DeGARIS: On December 6, 1977, in answering a question directed to him by the Hon. Mr. Hill, the Minister said (at page 1167 of *Hansard*):

> Because of the vigilance of the board the matter of child pornography was raised at an interstate conference, and in due course other States and the Commonwealth came to agree that special attention should be paid to this type of publication.

First, what was the conference referred to by the Minister? Secondly, was the matter of child pornography raised specifically at that conference by the South Australian delegates? Thirdly, at the conference referred to by the Minister, which States in Australia were permitting or classifying child pornography?

The Hon. D. H. L. BANFIELD: When answering that question, I would have been answering on behalf of my colleague. I will refer the Leader's question to my colleague.

DROUGHT

The Hon. F. T. BLEVINS: I seek leave to make a brief explanation prior to asking a question on drought.

The Hon. M. B. Cameron: Of whom?

Leave granted.

The Hon. F. T. BLEVINS: Last week's *Stock Journal*—

Members interjecting:

The PRESIDENT: Order! I will not have talking across the Chamber. When I call "Order!" and stand I ask honourable members to resume their seats. The Hon. Mr. Blevins has the floor. I ask members not to start discussions during Question Time. The Hon. Mr. Blevins.

The Hon. F. T. BLEVINS: Thank you very much, Mr. President; I very much appreciate your protection and control of the Council. Last week's *Stock Journal* carried an accusation by the Federal Minister for Primary Industry that the States are making a profit out of drought relief. He based his accusation on the fact that most States charge 4 per cent interest on drought loans, although Western Australia charges 6 per cent, and that the Commonwealth contribution is interest-free. The Federal Minister claimed that 2 per cent or 3 per cent would be sufficient to cover administration charges, and the rest was "profit". Would the Minister comment on the statement made by the Federal Minister for Primary Industry?

The Hon. B. A. CHATTERTON: The Federal Minister made a surprising statement when he said the interest rate to be charged by the State resulted in a profit for the State over the cost of the administration. It surprised me because he has never asked us what the cost of the administration is, so it is difficult to understand how he can suppose that the interest will result in a profit. The other point I should like to make is that, of course, the Federal contribution to drought assistance is interest-free, but the State has had to borrow its share ($1 500 000) and pay interest at the bond rate on that share; the current bond rate is very much higher than the 4 per cent, and the State is making a loss on that section of the advances to farmers for drought relief. The other important point that should be mentioned is that the interest rate is, in effect, below 4 per cent. The loan has a holiday on interest and capital repayments for two years. If we average the interest rate over the whole term of the loan, it makes it effectively below 4 per cent.

Finally, in drawing up this scheme the Government examined the possibility that a drought would occur again during the term of the loan, which is nine years, and that interest might have to be suspended during a subsequent drought. All those factors taken together show that it certainly is not a profitable exercise for the State Government.

ARTS APPOINTMENTS

The Hon. C. M. HILL: I seek leave to make a statement before directing a question to the Minister of Health, representing the Premier, as Minister responsible for the arts, regarding professional artists being appointed to boards.

Leave granted.

The Hon. C. M. HILL: Recent changes in the Art Gallery Board were commented upon by the art critic, David Nolan, in the February 18 issue of the *Advertiser.* The subject of board appointments in all areas of the arts in South Australia has consequently been raised in discussion during the current Festival of Arts. Last evening, I attended a meeting at which the Government's apparent policy of not appointing professional artists to these boards was severely criticised. Artists are appointed to similar positions in other States by Governments, both Federal and State. The view is accepted outside this State that artists contribute so much to cultural activity that they deserve to be involved at board level, which is, of course, the decision-making level. Without mentioning any boards regarding the performing arts, I point out that the Art Gallery Board in this State has not a professional artist as one of its members, whereas I understand that two such people are on the board of the Art Gallery in New South Wales.

The Hon. F. T. Blevins: Worker participation!

The Hon. C. M. HILL: No, that has nothing to do with the staff being appointed to these boards. I am not referring to worker participation in this matter. Will the Premier give an undertaking, before the Festival of Arts concludes, that, when future board vacancies need to be filled, full consideration will be given to South Australian professional artists themselves being appointed to such positions?

The Hon. D. H. L. BANFIELD: I agree with the Hon. Mr. Blevins. I thought that the honourable member was referring to worker participation, and I was, therefore, a little intrigued. I will refer the honourable member's question to the Premier.

COUNTRY FIRE SERVICE

The Hon. R. A. GEDDES: I seek leave to make a statement before asking the Minister of Agriculture a question.

Leave granted.

The Hon. R. A. GEDDES: Recent press reports indicate that members of the Country Fire Service are concerned at their rates of pay, suggested by the Public Service Board. The Minister is, I am sure, aware that under the Country Fire Service Act, passed by this Parliament, the salaries and wages of executive members of the Country Fire Service are determined by the Minister. What action has the Minister been able to take to alleviate the apparent disquiet regarding members of the C.F.S. and their salaries?

The Hon. B. A. CHATTERTON: The question of the classification of the positions of members of the C.F.S. staff and their salaries has been under discussion for some time. As the honourable member has pointed out, the views of the C.F.S. board were contrary to those of the Public Service Board. Last week I convened a meeting with the Chairman of the Public Service Board and the Chairman of the C.F.S., when we discussed this matter and a few other problems facing the C.F.S. organisation. I think the conclusions of that meeting will be satisfactory, but I feel that I ought not make a public statement until there has been time to discuss the matter and reach their own conclusions. There is a meeting today and I hope to have a report of that meeting soon. I am confident that the negotiations last week will conclude the matter satisfactorily to both parties.

The other point I wish to make regarding the C.F.S. is that the report in last week's *Stock Journal* that the Government had not made funds available as promised to the C.F.S. was quite erroneous. All my inquiries of the C.F.S. and officers of the State Treasury have failed to reveal the source of this statement. It is completely untrue. The State Government has backed the C.F.S. financially and there have been no problems about the funds available to that organisation. I am surprised that the *Stock Journal* should have published the report without first checking whether the statement was correct.

ABORIGINES

The Hon. C. W. CREEDON: I seek leave to make a brief statement before directing a question to the Minister of Health, representing the Attorney-General, concerning Aborigines.

Leave Granted.

The Hon. C. W. CREEDON: I refer to last Saturday's *Advertiser* (March 4, 1978) and the report headed "Aboriginals miss gaol 'to attend rites' " which states:

> Twelve Aboriginals were not gaoled at Ceduna yesterday because a court was told they would be speared, clubbed or ostracised if they failed to attend sacred "man's business" rites in the outback. The men were arrested on Thursday after a mid-morning melee involving 50 Aboriginals and six police at a campsite on the Eyre Highway about 36 kilometres west of Ceduna at Koonibba Tanks.
>
> The men from the Yalata community had been camped for the night while on their way to tribal initiation ceremonies —"man's business"— at Indulkana, an Aboriginal community with sacred ties. They had been travelling in a large truck on the 800-kilometre trek to the far North-West of South Australia. Local JPs in the Ceduna Court yesterday accepted a submission by Aboriginal Legal Aid field officer, Mr. R. Miller, that the men not be gaoled because they faced tribal retaliation and possible death if they did not attend initiation ceremonies.
>
> The JPs told the men they deserved long gaol terms because of the seriousness of the offences. On this occasion, however, because of the important sacred rites, they would be fined heavily.

That is only part of the report, which concludes as follows:

> The *Advertiser* was unable to get the names of the JPs because they wished to remain anonymous in press reports. It is believed they feared possible reprisals against their business.

That is the part of the report that concerned me the most. That is a shocking allegation, but it is in line with other recent allegations made by the press in this State. Therefore, will the Minister investigate this matter to ascertain whether or not the allegation is true? If it is true, will the Minister see whether it is possible to make other arrangements for the hearing of cases in this area by a person or persons who will administer justice without fear or favour?

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

CITIZENS' RIGHTS

The Hon. R. A. GEDDES: On behalf of the Hon. A. M. Whyte, I ask whether the Minister of Health has a reply to the honourable member's recent question concerning citizens' rights.

The Hon. D. H. L. BANFIELD: My colleague is surprised that the honourable member should ask this question, as the Government introduced a Bill in 1974 designed to prevent the type of invasion of privacy about which the honourable member now complains. The honourable member was then vocal in his opposition to the measure, and I direct his attention to *Hansard*, November 13, 1974, page 1936, so that he can refresh his memory. The honourable member is not the only person who has changed his mind. "South Australia's most outspoken columnist, Max Harris," as the honourable member described him, was also hysterical in his opposition to the 1974 Privacy Bill and wrote "outspoken" articles condemning the measure. I hope that when the Government next introduces a Bill to ensure that the privacy of the citizens of South Australia is protected, both the honourable member and Max Harris will be as eager to support the measure as they now are doing.

COAL MINING

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply to the question of the Hon. A. M. Whyte of February 21 about coal mining?

The Hon. B. A. CHATTERTON: As part of the investigation to determine the coal resources at Lock a study is being made of the groundwater situation in the area with particular reference to the possible effects of mining on the nearby freshwater Polda Basin. This basin lies some 20 kilometres west of the proven coal field but investigations to date are not sufficient to determine any effects due to dewatering. However, it is fully realised that an important aspect in determining the feasibility of mining this coal deposit will be its effect on the regional groundwater situation and in particular the Polda Basin. The Minister of Mines and Energy tells me that investigations to date have proven two separate aquifers at the coal field and each contains saline water with total dissolved solids of up to 25 000 mg/litre being recorded. This compares with a sea water salinity of 36 000 mg/litre.

HEALTH SERVICES

The Hon. N. K. FOSTER: I seek leave to make a statement before asking a question of the Minister of Health.

Leave granted.

The Hon N. K. FOSTER: Last week I asked some questions about what the State's attitude might well be regarding what might be forthcoming from the so-called inquiry set up by the Federal Government in Canberra at the moment.

The Hon. D. H. Laidlaw: The Federal Government will be there for a while, too.

The Hon. N. K. FOSTER: I perhaps could agree, because the honourable member was one of the people who attended a meeting in July—

The PRESIDENT: I suggest to the Hon. Mr. Burdett that the Hon. Mr. Foster's explanations are often lengthy enough. I therefore suggest that the honourable member do not provoke the situation by interjecting. The Hon. Mr. Foster.

The Hon. N. K. FOSTER: I understand one of the honourable gentlemen sitting opposite attended an important Liberal Party meeting with other—

The Hon. J. C. Burdett: Question!

The Hon. N. K. FOSTER: You will get it. I respect the fact that the President is in a position, even after the assurance given last week—

The PRESIDENT: Order! I must ask the honourable member to ask his question.

The Hon. N. K. FOSTER: Will the Minister seek information as to who are the directors of the private health funds in South Australia, who are on the boards, is there a majority of doctors on the boards as directors, management, and board members? What are their other interests? In what areas are funds invested: are they in normal business areas based in South Australia, or are the public's funds invested in other areas beyond the State, or even in oversea companies? Is it possible under the present Commonwealth scheme that patients can be directed to have pathological tests or the services of so-called medical specialists, or can members of the public go direct to the pathologists or specialists without being referred and still be entitled to benefits? Will the Minister ascertain whether or not there is any validity in the allegations made by private health funds that it is the operation of Medibank that has forced the escalation of prices in this field? Will the Minister provide the Council with details of the increased costs being borne by the public or by the Commonwealth or by any other financial source that have occurred in the last six years by way of increased levies by way of Federal Government action through increases in fees made by the private health benefit funds? What percentage of the total increase is taken up by pathologists' fees, by specialists' fees and by doctors' fees, and what is the percentage of short consultations as against long consultations?

The PRESIDENT: This is a long question.

The Hon. N. K. FOSTER: Yes, because it is a long and vexed problem. In conclusion, what is the extent that assistance is rendered to the medical profession by way of money spent on public buildings dealing with health generally?

The Hon. D. H. L. BANFIELD: I thank the honourable member for his questions, and I will endeavour to get replies, but I cannot guarantee to have them by tomorrow afternoon.

SMITHFIELD TRANSPORT

The Hon. M. B. DAWKINS: On February 15—

The Hon. N. K. Foster: Question!

The Hon. M. B. DAWKINS: Bad luck! I have not asked for leave to make a statement. On February 15, I asked a question about the build-up of houses in the Housing Trust area north of Smithfield and the possible provision of an additional railway station to cater for the transport of people there. Has the Minister of Lands a reply?

The Hon. T. M. CASEY: Areas have been set aside for future stations on the main railway line north of Smithfield, but there are no current plans to proceed with construction at these locations.

PHOSPHATE MINING

The Hon. R. A. GEDDES: Has the Minister of Agriculture a reply from the Minister of Mines and Energy to my question of February 15 about the possibility of mining phosphate deposits within the State?

The Hon. B. A. CHATTERTON: The Minister of Mines and Energy informs me that although his department is fully aware of the importance of phosphate to the State's economy, an expensive exploration and drilling programme is not envisaged at this stage. The department is fully committed to other projects at present, however, an attempt has been made to interest mining companies in the question. The question by the honourable member probably derives from an article entitled "The economic significance of the magnesium-rich-clay-dolomite lithofacies" in *Mineral Industry Quarterly* No. 7, August, 1977, page 11 (a publication of the Department of Mines and Energy). Portion of this article reads as follows:

> The comparison with the Miocene of Florida is also striking, hence investigation of areas in which the lithofacies impinges on the marine environment might lead to discovery of significant phosphate deposits. Such an environment may occur in the southern portion of the Pirie-Torrens Basin, since the facies is known from Lake Torrens, and the medial Miocene was a time of maximum marine transgression. Another area of interest in this context is the northern margin of the Murray Basin.

In this context "the lithofacies" and "the facies" refer to the association of palygorskite (an absorbent magnesium-rich clay) and dolomite rocks. Similar rocks in Florida, U.S.A., are associated with phosphate deposits. In addition to the abovementioned article, letters were sent to individual companies. Many companies exploring for base-metal deposits in the Torrens hinge zone rocks are likely to drill through tertiary sequences overlying their deeper targets. Hence, all the leaseholders were alerted to the possibilities of phosphate (and other minerals) in the tertiary rocks. It is anticipated that bore samples would be tested for phosphate, on a routine basis. The technique is relatively simple. The companies have also been encouraged to submit samples of the appropriate sequence to the Mines and Energy Department. In due course, all this data will be collated and, if warranted, an exploration programme will be formulated for phosphate.

The result of this joint effort between the Government and private enterprise will be to evaluate fully the possibility for phosphate deposits in South Australia. The Mines and Energy Department has extensively tested tertiary and older strata for phosphate in the past, and a number of comprehensive reports are available on this subject.

NORTHFIELD WARDS

The Hon. C. M. HILL: I seek leave to make a short statement prior to directing a question to the Minister of Health about the colour scheme of the new Northfield wards of Royal Adelaide Hospital.

Leave granted.

The Hon. N. K. Foster: Question!

The Hon. C. M. HILL: Last Friday—

The Hon. N. K. Foster: Question! Never mind the preamble.

The PRESIDENT: Leave was granted for an explanation. If the Hon. Mr. Foster wants to ask a question when the explanation is finished, I will listen to it then.

The Hon. D. H. L. BANFIELD: I should like this matter cleared up while we are on it. It has been the procedure for many years when leave has been granted for that leave to be cancelled by the call of "Question!". While I agree with the principle of what you are saying, that leave should not have been granted if a member was to call "Question!", the fact remains that a little while ago the Hon. Mr. Foster sought and obtained leave and was explaining a question when a member opposite called "Question!". He was then asked to ask his question. There is no difference whatsoever, because Mr. Hill started and, when he was on his feet, Mr. Foster called "Question!". I want to know how one stops the leave once it has been granted, if your ruling is to continue. It is entirely the same case as applied to Mr. Foster, who started his explanation and "Question!" was called, and he was asked to ask his question. I want this cleared up so that we will know in future when "Question!" can be called. Sometimes the call of "Question!" is warranted.

The Hon. C. J. Sumner: It is up to the President to decide.

The PRESIDENT: The Minister has a point of order. I take notice of what he has brought to my attention. I thought I was trying to stop some of the absolute nonsense that is taking place during Question Time, by using some discretion. It is true to say that Mr. Foster did not have an opportunity to explain his question. On the other hand, I thought the honourable member moved in stupidly to gag an explanation, and therefore I ruled that way. I hope that satisfies the Minister but, if he wants to run to the letter of the law and not use common sense, that is another thing. I intend to run the Council as I see fit.

The Hon. D. H. L. BANFIELD: I do not deny that, but I want to know when the Council will know when it is right to stop an explanation when an honourable member is giving it. I disagree with you, Mr. President, because Mr. Foster had started and was stopped because a member opposite called "Question!" I want to know what is to happen in future. It is true that the other side called "Question!" first.

The Hon. F. T. Blevins: Yes.

The PRESIDENT: In view of the Minister's query on this point, I should like to say that I will consider the explanation he has asked me for, and will bring down an interpretation to the Council. In the meantime, I ask Mr. Hill to continue with his explanation.

The Hon. C. M. HILL: Last Friday, I was with the Minister of Health at the opening of the new Northfield wards of the Royal Adelaide Hospital. I am sure that all those present appreciated the opportunity to observe and hear the Minister at the opening ceremony; also, we appreciated the inspection of the wards and of the whole development generally because of the benefits it will bring to the unfortunate patients occupying some of the rooms and others who were to occupy the balance of them. However, in the group that was making its inspection with me, while generally speaking those people fully approved of all that they saw, there was some criticism, particularly from the ladies in the party, that the colours of the curtains in the new rooms in the wards and the internal colour scheme—

The Hon. N. K. Foster: Come on—Question!

The PRESIDENT: The honourable member has been asked to ask his question.

The Hon. C. M. HILL: Because there was some criticism of the internal colour scheme and of the colours of the curtains—

The Hon. N. K. Foster: Question!

The PRESIDENT: I must ask the honourable member to ask his question.

The Hon. C. M. HILL: First, who designed and specified these colour schemes? Secondly, are professional interior decorators consulted and retained for this work in regard to any Government hospitals?

The Hon. D. H. L. BANFIELD: The honourable member was not in the same group as I was; I received only praise for the facilities provided and the brightness of the curtains, it being said that they were ideal for the conditions. If that is all the honourable member can complain about, I say they are some of the best facilities at Northfield over the past 50 years.

The Hon. C. M. Hill: I heard the Minister playing politics.

The Hon. D. H. L. BANFIELD: If the honourable member opposite, the shadow Minister of Health, says I was playing politics—

The Hon. C. M. Hill: You did, from the platform.

The Hon. D. H. L. BANFIELD: Because I drew attention to the fact that this was the first new building there for 50 years, was that playing politics? I went on to say how we have upgraded the other poor facilities in the geriatric wards, but that is not playing politics: that is providing benefits for this State. Yet all we can get from the honourable member is about the colour of the curtains, when we have had planning teams for the whole building and the whole scheme, including the colour schemes; it was all worked out by the planners, and I congratulate them. The patients are pleased with the colour scheme. If the Hon. Mr. Hill is not happy about it, I hope his application is refused when he applies to be a patient in those wards.

The Hon. C. M. Hill: You haven't answered the question.

FISHING INDUSTRY

The Hon. F. T. BLEVINS: I seek leave to make a statement before asking the Minister of Agriculture a question regarding fishing.

Leave granted.

The Hon. F. T. BLEVINS: It has been reported to me that last week the Agriculture and Fisheries Department used a helicopter for fisheries enforcement work. Will the Minister say whether that is correct and, if it is, whether the department intends to use a helicopter for fisheries enforcement in future?

The Hon. B. A. CHATTERTON: The fishing industry has been concerned (a concern that I share) for some time about the enforcement of management rules in the industry. The department has been examining alternative methods that might improve the effectiveness of enforcement procedures, particularly with the introduction of citizen band radio, which has become something of a nightmare for those involved in this work. Citizen band radios make it difficult for fisheries patrol vessels to have

any element of surprise, as their movements are effectively monitored by people and reported on citizen band radios. For those reasons, the department has been examining alternatives, and one that came to mind was the use of the helicopter.

True, the department hired a helicopter for 10 hours last week to examine the possibility of using it as a means of enforcing fisheries management rules. So far, we are pleased with the results of this work and, when it is fully evaluated, the department will consider whether it will use the helicopter on a charter basis instead of replacing one of its fisheries patrol vessels. The preliminary calculations that have been made so far show that the charter of a helicopter will be considerably cheaper than replacing a fisheries patrol vessel. If it is also more effective, this procedure will certainly be adopted in future.

FINANCE COMPANIES

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking the Minister of Health, representing the Attorney-General, a question regarding the activities of finance companies.

Leave granted.

The Hon. C. W. CREEDON: On Friday, 30 men, women and children from 14 Salisbury families protested outside the city offices of the C.B.A. Bank and General Credits Limited over disputed home loan repayments. The families are refusing to make loan repayments because of money allegedly owed to them by collapsed builder, V. Amadio Builders Proprietary Limited, which was wound up recently with debts totalling $216 000. The 14 families claim that General Credits Limited and the C.B.A. Bank, the parent company, had called on the families to pay outstanding payments due on the houses. All had refused to make further payments.

A spokesman for the families said that, under an agreement, the Amadio company was to subsidise house repayments on bridging finance with General Credits Limited until long-term loans came through. The house buyers had later found that the Amadio company had not made subsidy payments to General Credits Limited for some months before it went into receivership. The house buyers said that General Credits Limited had denied knowledge of the subsidy arrangement. General Credits Limited had drawn up new contracts between the company and the buyers, but the new contracts were up to $2 000 more than the original ones.

The spokesman for these people said that his weekly repayments of $40 had increased to $101. Other families faced similar rises. He said, "We simply cannot afford this sort of money, and we are all refusing to pay." The spokesman said further that a recent deputation to General Credits Limited had been thrown out. All the families said that they had not been told by General Credits Limited that repayments by the Amadio company under the subsidy arrangement had fallen behind. Instead, General Credits Limited had charged interest on the unpaid payments.

Will the Minister ascertain whether such an agreement exists between Amadio and the 14 families concerned and, if it does, whether that agreement binds V. Amadio Builders Proprietary Limited? Also, does the C.B.A. Bank and General Credits Limited have an agreement with Amadio builders in relation to this matter and, if the credit company and the building company have an agreement, how is it possible to transfer the repayments to the house buyers? Further, did the Amadio building company pay to the finance company any money by way of subsidy on behalf of the 14 families? Finally, can the Government take any action to relieve the burden placed on these hard-pressed families?

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

GRAPEGROWERS' ASSISTANCE

The Hon. N. K. FOSTER: It was reported on the A.B.C. news that the Federal Government has suggested carry-on loans for grapegrowers affected by the down-turn in the market for red wine grapes. Does the Minister of Agriculture believe that this is an effective form of assistance for growers of red wine grapes?

The Hon. B. A. CHATTERTON: It was announced last week that the Federal Government had offered to enter into negotiations with State Governments concerning carry-on loans for grapegrowers who have been affected by the down-turn in the red wine grape market. This scheme is similar to that provided for the beef and dairy industries when they suffered from marked down-turns. There is a great distinction between those two industries and the wine grape industry, which make this proposal ineffective in relation to helping red wine grapegrowers. Although the beef and dairy industries suffer from low prices, producers in those industries have always been able to sell their output. This makes it possible to construct a budget and to see what place a carry-on loan would have in it. Grapegrowers cannot sell their grapes and, in these circumstances, it is impossible to produce a projected budget of income and expenditure and to see what place a carry-on loan would have therein.

By their very nature, carry-on loans are loans to produce, and there seems little purpose in producing grapes if there is no market for them. Also, it seems to be an inappropriate form of assistance for this industry and one that is surprising, when the answers to the industry's problems are in the Commonwealth Government's hands, merely by its stimulating the domestic market for brandy.

VICTOR HARBOR WATER SUPPLY

The Hon. C. M. HILL: Has the Minister of Health a reply to my recent question about the water supply problem at Victor Harbor?

The Hon. D. H. L. BANFIELD: In recent months Victor Harbor has been supplied predominantly from the Murray River. The physical quality of water pumped from the river at Goolwa is generally poor, and is supporting a growth of algae, which could give rise to unpleasant odours. The sources of supply to Victor Harbor are continuously chlorinated, and regular checks on the bacteriological quality confirm that the supply meets public health requirements for drinking water. While there are no long-term proposals for the treatment of this supply, short-term measures, such as the introduction of better quality water into the system and the application of higher chlorine dosage rates, are expected to improve the quality.

INTERPRETER COURSES

The Hon. C. M. HILL: I ask the Minister of Agriculture, representing the Minister of Education, how many courses to train interpreters and translators are now established at Adelaide College of Advanced Education and what is the approximate attendance at such course or courses.

The Hon. B. A. CHATTERTON: I will refer the question to my colleague and bring back a reply.

PARAFIELD INTERSECTION

The Hon. N. K. FOSTER: I direct a question to the Minister of Lands, representing the Minister of Transport. Will the Minister ask his colleague whether any restrictions are imposed by council by-law or under the Road Traffic Act relating to the intersection of Kings Road and Main North Road, adjacent to the northern boundary of Parafield aerodrome? I seek the information on behalf of some residents who were delayed by a policeman at that intersection for a long time last Friday morning. They could not find out from the police officer what was illegal, or why their names were taken. I can only surmise (and I seek information on this) that the council had a reason for restricting that area and perhaps found it necessary to have a policeman at the intersection last Friday from about 7.30 a.m. to 8.30 a.m.

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

QUESTION PROCEDURE

The Hon. N. K. FOSTER: By way of a question to you, Mr. President, I seek your guidance. I regret what has occurred in this Council this afternoon, and I seek leave to make an explanation prior to asking the question.

Leave granted.

The Hon. N. K. FOSTER: I was concerned this afternoon because "Question" was called when leave of the Council had been sought and that leave was aborted by the Hon. Mr. Burdett. In this Council about two or three weeks ago we had a situation on this matter that I felt was quite wrong. I thought then that there was a competition in the Council about who could knock out whom by aborting leave to explain. I said then (and I have no reason to have changed my mind) that this was unfair and unscrupulous. If I or any other member does not want to hear what a member has to say about a question, I and every other member have the right to say "No". You ask whether leave is granted. I have quickly searched Standing Orders but I cannot find one that gives a member the right to abort leave. In the absence of a Standing Order on any matter, I can only believe that the practice has grown up in this place because of past procedure and, as a result, is much the same as a Standing Order in your eyes, in ruling on the issue.

I felt strongly on the matter and I wonder whether, in your position as Chairman of the Standing Orders Committee, which deals with the rules and procedures of this place, you would be prepared to raise with both the Leader of this Council and the Leader of the Opposition the matter of whether that provision should remain. I hold strongly the view that you have ample power within the written Standing Orders to prevent anyone from taking unfair advantage of Question Time, to the extent that you have power to more than suggest to the member speaking that he should direct his remarks to the Minister by way of that question. However, I feel that it will tend to leave the position somewhat unqualified and that a one-upmanship type of feeling will prevail in the Council by the aborting of leave of the Council by a member's calling "Question".

The PRESIDENT: I did undertake to investigate the matter. I hope (and I ask for the co-operation of members when they are asking questions) that members will be heard when leave has been granted for an explanation and that they can seek from the Ministers the information that they want. If members want to make a farce of Question Time, we will have to do the best that we can within Standing Orders, and although my interpretation of Standing Orders may not be the same as the honourable member's. Standing Orders will be applied in conducting the Council, and I should hope that decorum will be maintained and discretion allowed in relation to members when they are on their feet. I have stated that I will examine the question that has been raised and bring back a reply.

CONTRACTS REVIEW BILL

The Hon. R. C. DeGARIS: Will the Minister of Health ask the Attorney-General whether he will, before the motion is put for the second reading, withdraw the Contracts Review Bill and ask the Law Reform Committee to examine it and report to Parliament?

The Hon. C. J. Sumner: You can't ask a question like that.

The Hon. R. C. DeGARIS: Under Standing Orders, I can.

The Hon. C. J. Sumner: Most inappropriate: it's a Bill before the Council.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: Will the Minister of Health ask the Attorney-General whether he will withdraw the Contracts Review Bill and ask the Law Reform Committee to examine it and report to Parliament on the effect of the Bill on the existing law in South Australia and its effect on international contracts, as well as any other matters that the committee considers should be reported on.

The Hon. C. J. Sumner: That's out of order, Mr. President.

The Hon. D. H. L. BANFIELD: I will refer the question to my colleague.

The Hon. C. J. Sumner: It's out of order.

The PRESIDENT: Do you want to—

The Hon. N. K. Foster: Yes, clarify it for him. He's only a lawyer!

The PRESIDENT: The question is somewhat questionable, I must admit. However, if the Minister is prepared to bring down a reply, the problem will be solved.

The Hon. D. H. L. BANFIELD: I said I would refer the matter to my colleague.

Later:

The PRESIDENT: I refer to the question asked by the Hon. Mr. DeGaris about the Contracts Review Bill. I will investigate the situation and bring down a reply tomorrow. In the meantime, I rule that the question is out of order.

CENTRAL MANUFACTURING PHARMACY

The Hon. D. H. LAIDLAW (on notice):

1. In view of the statement in *South Australian Development,* 1977, issued recently by the Department of Economic Development, that a committee or working party has investigated whether to establish a central manufacturing pharmacy:

(a) who were the members of the committee or working party;

(b) has the investigation been completed;

(c) does the Government wish to establish a factory

to make pharmaceutical products in South Australia and if so, where would this factory be located;

(d) would such an operation be wholly owned by the South Australian Government or its instrumentalities or would it be established in association with private industry;

(e) what types of pharmaceutical products would be manufactured; and

(f) would it be intended to produce goods of a kind already supplied by existing South Australian manufacturers?

The Hon. D. H. L. BANFIELD: A working party was established by the Hospitals Department in December, 1976. Its purpose was to examine whether a central pharmaceutical manufacturing facility should be established by the Hospital Department to replace in whole or in part pharmacy services currently provided by pharmacies in existing hospitals. The question arose as a consequence of a decision not to provide a comprehensive manufacturing pharmacy within the new Para District Hospital.

(a) The working party consisted of Mr. J. W. Joel and Mr. P. L. Jeffs of the Hospitals Department and Mr. R. J. Taylor of the department of Economic Development.

(b) Several meetings were held early in 1977, including visits to existing pharmacy facilities and existing centralised hospital services such as the group laundry and the frozen food factory. The transformation of the Hospitals Department and Public Health Department into a Health Commission and the delay in the Para District Hospital building programme has given the working party time to employ the management services group to undertake data collection which is now in train. The report of the working party should be completed this year.

(c) At this stage the "manufacture" referred to is only that currently being undertaken in existing hospital pharmacies. This includes repackaging of tablets, lotions, etc., preparation of sterile solutions, and manufacture of special prescriptions not available commercially.

(d) The question of ownership of such a centralised facility has not been at issue yet. However, the fact that the need has existed in the past for hospitals to provide certain pharmaceutical manufacturing services is because commercial organisations have not been prepared to offer the service. Nevertheless, private enterprise interest will be canvassed at an appropriate time.

(e) See part *(c)*.

(f) See parts *(c)* and *(d)*.

JOINT SITTING

The PRESIDENT laid on the table the minutes of proceedings of the assembly of members of both Houses for choosing a member to replace the late Hon. F. J. Potter.

ADELAIDE UNIVERSITY COUNCIL

The Hon. R. C. DeGARIS (Leader of the Opposition): As a result of the untimely death of the Hon. F. J. Potter, a vacancy has occurred on the Council of the University of Adelaide. I therefore move:

That the Hon. C. M. Hill be appointed to the Council of the University of Adelaide, pursuant to section 15 of the University of Adelaide Act.

Motion carried.

JOINT COMMITTEE ON SUBORDINATE LEGISLATION

The PRESIDENT: I have to inform the Council that I have this day resigned as a member of the Joint Committee on Subordinate Legislation.

The Hon. R. C. DeGARIS (Leader of the Opposition) moved:

That the Hon. J. C. Burdett be appointed one of the Council representatives on the Joint Committee on Subordinate Legislation.

Motion carried.

APPROPRIATION BILL (No. 1)

Adjourned debate on second reading.

(Continued from March 2. Page 1890.)

The Hon. C. M. HILL: The public was amazed a week or so ago when it learnt that the South Australian Government's finances were in such a deplorable state. The public learnt that there was a deficit of $26 000 000 in the current financial year but only last October the Government estimated that the deficit would be $18 400 000. So, there has been a sudden increase between October, 1977, and March, 1978, of $8 000 000. This means that the Government is in financial trouble. When I first heard the news, I expected that we would hear all sorts of claims that the main fault lay at the Federal Government's door, and during this debate we have heard such claims. Of course, the State Government cannot blame the Federal Government for this deficit. The State Government has to change its methods in regard to the finances of South Australia and must put its own house in order. I will give the Government some credit in that, in his second reading explanation, the Minister admitted that the private sector was in trouble and that the Government, too, was feeling the adverse effects of the depressed economy. In his second reading explanation, the Minister stated:

> Like the private sector and the community generally, the Government is feeling the adverse effects of a depressed economy in which business activity is reduced and unemployment is at a record level. The fall in business activity is being felt everywhere but particularly in regard to employment, real estate and motor vehicles.

A large portion of this unexpected deficit has been caused by the cost of labour. In the Supplementary Estimates, which the Government expects Parliament to approve, a considerable part of the deficit of $26 000 000 comes under the heading of extra wages and salaries. In the second reading explanation, the Government claims that the unemployment figure here is slightly less than the national average. The second reading explanation states:

> Indeed, South Australia has retained its rather unusual position in these difficult times of having slightly less unemployment than the national average.

I dispute that claim, which I believe is wrong. I had the

Parliamentary Library Research Officer obtain figures for me only today. Those figures are from the Bureau of Statistics for the period between May and November, 1977, and they show that South Australia's unemployment figure is not less than the national average: it is the same as the national average, which is 5·1 per cent. That figure is the percentage of the labour force unemployed. So, the Government should drop that type of propaganda and tell the truth in dealing with the unemployment situation in South Australia.

I turn now to the question of the railways. The Government cannot escape severe criticism at this stage because of the false political statements made at the time of the agreement between the Commonwealth and the State for the Commonwealth to take over country rail services; those statements said that the financial benefit would be tremendous to South Australia. In 1975, the Premier said that this State would benefit by $800 000 000 over the 10 years commencing with 1975. About 2½ years have gone by, and any benefit received in that period has gone down the drain. The people want to know why the benefits claimed cannot be brought into account here, so that we are not facing this record deficit, which exceeds the aggregate of the past 10 years of deficits in South Australia. Regarding the Premier's claim about how the railways deal would assist South Australia financially, a newspaper article of June 24, 1975 (the date of the opening of the Labor Party's election campaign in that year), states:

> Opening his South Australian factory gate campaign at the Islington railway workshops yesterday, the Premier, Mr. Dunstan, said that the Legislative Council had robbed South Australia of a tremendous financial deal by rejecting the railway transfer legislation. He told 450 workers that the deal South Australia would have received under the transfer was the best in the history of this State. In Canberra last week, Mr. Dunstan said that the Treasury figures had shown that the deal would have been worth $800 000 000 over a 10-year period. "That deal would have taken us out of the position of being a State constantly in need of additional hand-outs," he said.

Now, after only 2½ years, we are in need of additional hand-outs. The article continues:

> The railway transfer would have put South Australia in the best financial position of any State in the country.

That shows what a political fraud all that talk was at that time concerning the so-called benefits of that deal. The people want to know where any benefit has gone. Why is the State now confronted with a record deficit of $26 000 000? The people cannot see any benefit at all from the railways deal for this State.

South Australia is back now running neck and neck with the other States, even being in a worse position, in many respects. The people of South Australia now acknowledge that all that political propaganda about the great financial benefits of that railways deal to this State was nothing but electioneering for that election in 1975.

The Hon. R. C. DeGaris: Of the worst order.

The Hon. C. M. HILL: Yes. I will quote from the Premier's own campaign speech in the Norwood Town Hall on June 24, 1975, when he opened that campaign. This occurs not buried in the body of his campaign address but on the very front page of it. He stated:

> The cash benefits to South Australia of the agreement—that is, the railways agreement—amount now to $100 per family per year, rising to over $300 per family per year in 10 years, and continuing to grow thereafter. The extra money provided to South Australia under the agreement over the next 10 years alone is $560 000 000 to $600 000 000, but the extra cost beyond that, if we had to continue to pay for railways deficits, is $200 000 000. They have rejected a gain of $600 000 000 and insisted on a loss of $800 000 000.

The facts now prove that that was a lot of rubbish. People not only do not accept that point but also ask what feed-back into the railways system has been provided by any monetary benefit that this State gained, and, if there has been any feed-back, what results can be shown.

In the Minister's second reading explanation of this Bill, he refers to the railways and is, in effect, asking for more money under this Bill to assist the railways. Naturally, people are saying, "What has happened to that which you have already received, because you should not be coming forward 2½ years later, when you told us you were going to get $800 000 000 over a 10-year period, and you are asking for money in the Budget for 1977-78?" The Minister painted a gloomy picture with these words:

> The additional amount of $1 200 000 required by the State Transport Authority is related to excesses in each of its operating divisions. Net contributions on behalf of the Rail Division are increased by $500 000 because receipts are running at levels lower than estimated, while payments are exceeding estimate. Similarly, net contributions for the Bus and Tram Division are greater than estimated due to an increase in retiring and death gratuity scheme payments following unscheduled early retirements ($300 000), a carryover of the operating loss from 1976-77 ($250 000) and other sundry cost increases ($150 000).

There are two points here. The first is that there is $1 200 000 that the Government is asking Parliament to approve now to go back into the railways system. The Government also admits that its estimates of custom and patronage are lower for the year than it anticipated. So what benefit has been achieved by our suburban rail system as a result of that deal? Certainly, more people are not using the railways, and that is the best criterion to judge whether the present Minister of Transport and the present Government are making a success of our transport system. The patronage is decreasing, the money that we have received over the last 2½ years has gone down the drain, the $800 000 000 estimate has proved to be a complete political fraud, and the losses on the bus and tram section of the transport system are escalating tremendously. What a pitiful picture for the Government to paint now when it makes an admission of this record deficit!

It simply means that the average South Australian taxpayer must subsidise more and more the transport system, because the money that was coming under the agreement has disappeared, so a call will be made upon the taxpayer for more subsidies. That is a story for which this Government, in my view, should be condemned, because the benefits have not shown up. The Government has not mentioned them at all in its presentations in this debate, and that propaganda of highlighting a figure of $800 000 has proved to be false.

If the Minister has any reply to this general issue of the railways, I shall be pleased to hear him when he replies to this debate. The people of this State are entitled, after 2½ years, to a full explanation of whether the original estimates of benefits were correct and have proved to be correct, and what has happened to the money already received. Also, what does the future hold for transport and where is the overall integrated transport system for metropolitan Adelaide and for South Australia, for which this State has been waiting for eight years since the present Government came into office? It said it would do much for the transport of this State, but we still have not got a well integrated transport plan. There have been attempts to put the pieces together and all kinds of shifting of ground, but not one firm decision where the Government has shown

courage to stand by it. I refer to the North East corridor, upon which there is still procrastination and bickering.

My second point deals with further education. I notice that in these Estimates the Government is claiming in the schedule that accompanies the Bill that salaries and wages and related payments totalling $1 200 000 are sought until the end of the financial year as an extra requirement. Of this sum, $470 000 is for salaries and wages, which the Government says have increased and therefore this amount must be found. I bring to the Government's notice that there are certain rumblings in the public sector that all is not well with the administration of further education, By that, I mean that there are claims that an empire has been and is being built by those at the top in the Department of Further Education, and that the whole financial structure for further education has become and is further becoming top-heavy.

Added to that there are claims that many of the people at the top of this bureaucratic pyramid have had very little experience in the field. I do not want to be over-critical about this, because I do not have the facts to substantiate the rumours, and I am prepared to admit that they may be wrong but, when one has complaints from constituents and those complaints continue to come from different people, I think every member has a clear duty to raise the matter in Parliament and to seek an explanation from the Government on those points. It has been put to me that of the top 20 people in this Department of Further Education only two or three have had experience in administering large education colleges. I should like to know whether or not that is true. If it is not true, I want to get back as quickly as I can to the people who have come to me and give them the facts.

The Hon. Anne Levy: None of those at the top are women; have you read a report regarding women in the Department of Further Education? It is quite relevant.

The Hon. C. M. HILL: I agree with the honourable member that it is relevant, that there must be fair and proper balance between male and female staff at all levels in the Further Education Department. However, I leave that more specialised knowledge to the honourable member, who is most keen to raise that point in all matters in this Council. Nevertheless, I want to be told whether any of those 20 top officers of the department have had experience at a senior level in the field. How many have been in charge of large education colleges? That is an important factor.

Further, if the Minister has other information in relation to this subject, I would appreciate his supplying it to the Council, although I understand that in his reply today the Minister will not have that information at his fingertips, but even if I received it eventually by mail, I would be satisfied. Certainly, there is no other way for me to obtain that information. I stress that there are many people who claim that the department is top heavy, that too much money is being spent at the top and, apart from the high expense involved (apart from the financial aspect), I should like a thorough check made to see whether people holding top appointments in the department are totally qualified, and whether they have the necessary broad experience to administer such a department in the best and most efficient manner.

My last point deals with the Health Commission. In the Estimates the Minister is seeking a considerable sum for the Health Commission, for example, a further $3 650 000 for the net cost of the South Australian Health Commission and Hospitals Department for the balance of this financial year. The Minister also seeks an additional $8 000 000, but I recognise that that sum may be reimbursed by the Commonwealth. However, under the heading "Miscellaneous", the Minister also seeks $1 350 000. Such a request cannot but help raise questions.

In his speech the Minister stated that the Government was seeking a virtual moratorium on all new expenditures in the health area. What does this mean? Does it mean that all expenditure in the department is getting out of hand and is racing away? That certainly seems to be the case as the Minister is now seeking funds as I have just outlined.

Has the Government suddenly realised that it has to put the brakes on? Has the Government instructed the Minister to put on the brakes, thereby placing him in a clamp and telling him to stop expenditure in the whole health area? Although the Government claims it is implementing a moratorium on health expenditure, less than seven weeks ago the Government advertised six senior positions for the South Australian Health Commission. Each of these positions carried a high salary, as follows:

> Assistant Commissioner (Planning) Salary level: $28 435/28 435.
>
> Assistant Commissioner (Health Services) Salary level: $35 683/35 683.

The Hon. C. J. Sumner: What is that?

The Hon. C. M. HILL: It is a Health Commission advertisement seeking senior officers less than seven weeks ago, yet in the Minister's speech he claimed that the Government was seeking a virtual moratorium on all expenditure in the health area. I seek an explanation about this.

The Hon. C. J. Sumner: You voted for the Health Commission Bill, didn't you?

The Hon. C. M. HILL: True, I voted for it, and in reply to that interjection I remind the Council that the Health Commission legislation was enabling legislation. The legislation's purpose was to set down broad guidelines for the establishment of a commission, for its provision and for its autonomy at various hospitals and at the grass roots of our health services. That is the essence of the promise then given by the Minister. The commission's first meeting was about nine months ago, and I will deal with that later. Parliament was told that it must accept that broad enabling legislation to allow the commission to be established in order to provide great benefits to people in need of health services in South Australia. Parliament accepted those representations.

I now refer to the last four positions advertised, as follows:

> Divisional Director (Environmental and Occupational Health Services) Salary: $34 863/34 863, Divisional Director (Health Services Co-ordination) Salary: $34 863/34 863, Divisional Director (Community Health Services) Salary: $34 863/34 863, Director (Aboriginal Health and Health Care Co-ordination) Salary: $32 612/32 612.

These six positions were advertised at high salaries less than seven weeks ago, yet last week the Council was told that the Government was seeking a virtual moratorium on all new expenditure in the health area. What is the reason for this inconsistency?

I refer to the position in June, 1977, when the first task force was established and when appointments were being made. The Director-General of Medical Services (Dr. Brian Shea)—an officer for whom I have a high regard—explained in the press what were the aims of the Bill passed by Parliament to establish the commission. The press report states:

> Today Dr. Shea said the first job would be to set down guidelines for health care generally. He went on: "Our intention is to involve the community as hard as we can in the

> operation of Government hospitals and institutions. We are trying to get Government hospitals to operate with the same relative freedom as non-Government hospitals which are directed by boards. Existing Government departments particularly the Hospitals Department have grown tremendously in recent years. It has just got too big and there is need now to decentralise the authority of the departments to individual hospitals and health centres. We hope to avoid duplication and hopefully plan more adequately for the future."

On the same day the Minister made a statement supporting his Director-General. The first meeting of the commission was in July, 1977. Can the Minister say what progress has been achieved since then? True, I realise that one cannot expect wonders in a period of only nine months.

I want to be fair and reasonable on that. However, I must say that there are rumblings amongst many people involved in the delivery of health services in the field that there is little evidence of power and autonomy being given up at the top of this organisation and that it is granting initiative, flexibility and autonomy to the various hospitals and health centres.

I ask the Minister whether he can give to the Council any preliminary advice on all the targets that were being sought and the achievements that he and his department claimed would be enjoyed. Would he also say what action has been taken and what progress has been made towards achieving these final goals?

I assure the Minister that the situation is being watched closely indeed by those involved in the total health area. These people watched the situation closely indeed when the original Bill setting up the commission was debated in this place. Many expressed doubts then that what was being claimed in relation to that legislation would not come to fruition. A preliminary report by the Minister would clear the air, and I certainly hope that the time is not too far distant when some of the autonomy, flexibility and initiative will be noticed, not at the top where it was before but down at the grass roots level of the total organisation.

A matter that has been brought specifically to my notice regarding this issue of the commission's taking over is the discontent evidenced in some boards of country hospitals. It is considered that the Government is bringing some pressure to bear to force existing boards to adopt a policy of worker participation before incorporation will be granted to those hospitals.

This is a serious matter, and I should like the Minister in this debate emphatically to deny that this is the case. Can the Minister say that he, his department or the Government is not in any way insisting that they will not incorporate a hospital unless or until worker participation is evidenced by the member of the staff of that hospital being made a member of its board?

The Hon. Anne Levy: Don't you think that nurses should be on the board?

The Hon. C. M. HILL: I have no objection to nurses being on boards, provided that nurses are elected by those who elect members to the board (as happens in country areas), or if the nurses' inclusion on the board is totally voluntary. I agree with the Labor Party when it says, "We will not enforce worker participation by legislation." That is what the Premier said within the past fortnight.

The Hon. J. E. Dunford: They'll ask for it.

The Hon. C. M. HILL: Well, we can examine the matter then, if that happens. The Premier announced in the past two weeks that the Government did not intend to enforce worker participation by legislation.

The Hon. J. E. Dunford: That's right.

The Hon. C. M. HILL: If my worst fears are true, what is the difference between worker participation being enforced by legislation or being forced on country hospital boards by the Government's saying to the boards concerned, "You will not be incorporated under the Health Commission system unless and until you accept on that board, in the name of worker participation, a member of that hospital staff."

In my view, there is no difference at all in principle and, if the Government claims that there is a difference, it is being hypocritical. If the Government tells the people that it will not enforce worker participation by legislation, but brings that kind of pressure to bear and forces boards to yield to this system, which the Government is trying to claim will all be voluntary, anyway, the Government is certainly being hypocritical.

The Hon. J. E. Dunford: Where's that in the Bill?

The Hon. C. M. HILL: There is nothing specific regarding that in the Bill, but when one hears of these problems and one is interested in the health area, one has no alternative than to raise the matter in this place. I ask the Minister of Health categorically to state the Government's position on this matter, and I shall be interested to hear his reply.

These are only three headings under which I believe questions must be asked regarding these Estimates of Expenditure. Taking the unfortunate financial situation of the State, the Government must invoke a more responsible and businesslike attitude to its financial management. The Government must not only maintain that attitude in the hospital area, as it says it will do, but it must also control the growth of the Public Service bureaucracy.

I have great respect for the Public Service generally but, unless the Government sets down proper guidelines, it will go on spending, and the State cannot afford to finance the employent of staff to that extent. If the State's financial position worsens further, the Government will either have to consider increasing taxation (which will bring this State to its knees, because the economic position, as admitted by the Government in its own speech in this debate, is depressed) or be forced to fund more Loan money into the revenue area. Of course, the more Loan money involved in this respect, the fewer public works, and so on, that will be carried out.

There is, therefore, a serious situation confronting the Government, and I trust that the Government will apply a more responsible approach to the whole situation than it has done in the past. I hope, too, that by the end of this financial year and in the immediate years to come a far better financial result will be achieved than exists at present.

The Hon. J. E. DUNFORD: I support the Bill and, in doing so, congratulate the Labor Government in this Council for inserting the Premier's second reading explanation in *Hansard*. Therein, the Premier sets out in detail the reasons for this State's $26 000 000 deficit.

The Hon. J. C. Burdett: He'd need to.

The Hon. J. E. DUNFORD: I agree. It needs a responsible Treasurer to answer to both Houses of Parliament why there is a deficit of $26 000 000. The public, if it reads the document, will appreciate the Premier's remarks. The Premier makes clear that the Government, like the private sector and the community generally, is feeling the adverse effects of the depressed economy. The three honourable members who have preceded me in this debate (the Leader of the Opposition, the Hon. Mr. Cameron and the Hon. Mr. Hill) maintain that the people were amazed at this deficit. I believe that the Premier has set out the answers to all the questions

that have been raised by those three honourable members. The Hon. Mr. DeGaris said:

> Every honourable member would know of cases where companies wishing to extend have looked to South Australia and have turned away.

I am one Government member who knows of no company that has done that, and the Hon. Mr. DeGaris has not indicated any companies that have. The Premier has stated several times that new industries have established in South Australia. The Hon. Mr. DeGaris also attacked Medibank and the State Government Insurance Commission.

The Hon. R. C. DeGaris: What did I say about Medibank?

The Hon. J. E. DUNFORD: The honourable member said:

> No longer is there the same devotion by people in the community towards providing health care . . .

The Hon. R. C. DeGaris: What has that to do with Medibank?

The Hon. J. E. DUNFORD: I am referring to what the honourable member said, including what he said about the doctors and about Medibank. I used to see my doctor at 6 o'clock, until we got Medibank: now I must see him no later than 4.30. The honourable member also said:

> . . . keeping costs down, and providing a high quality service to as many people as possible. I find that that keen interest is waning. Also, in our overall health care, the cost of Medibank has increased.

It has not increased as much as the increase in the private funds in Victoria. The honourable member also said:

> This sort of thing has happened in Great Britain and elsewhere. Once these schemes are introduced there is a rapid escalation of costs to the community without any increase in the standard of the service provided.

There is some truth in that, but there has been an escalation in services. On *Four Corners* recently, we saw that some doctors were referring people for services that they do not require and that some doctors were getting people to come back more than they should come back. On the good side, there has been good use of doctors and health services, because prior to Medibank people would not use any health service.

The Hon. R. C. DeGaris: I did not attack Medibank.

The Hon. J. E. DUNFORD: The honourable member did, in his own devious way. He even knocked the Health Commission. He said:

> It was stressed that we must be careful not to upset the unique health services, or indeed the unique structure, that we have in South Australia.

Of course, the structure has been made unique by doctors who have robbed and ripped-off the Medibank system by claiming that people have had operations that they have not had and by claiming fees for the operations. They have fraudulently been converting patients' facilities to their own interests, amounting to hundreds of thousands of dollars. The Federal Minister for Health (Mr. Hunt) said last Sunday that 400 doctors were being investigated.

I do not know how many doctors there are in Australia but 400 seems to be a large number. I will bet that none of them is on the Special Branch files, either. Most of them would be in the Liberal Party. Medibank has done two things. It has cut costs against the private funds in Victoria and that is borne out by the Federal Minister. Further, it has provided a service to the elderly, the sick and the poor that they have not had previously.

The Hon. R. C. DeGaris: Nonsense!

The Hon. J. E. DUNFORD: The honourable member's own Federal Minister said it, and he also gave the facts to the Federal Parliament. The Hon. Mr. DeGaris attacked the increase in employment in the Public Service.

The Hon. B. A. Chatterton: He did not say what areas should be cut.

The Hon. J. E. DUNFORD: No. The matter of community welfare has been dealt with by three speakers, and I believe that the need for community welfare is brought about by unemployment and that it is a direct result of the Federal Government's policy. I know that not many workers go to Opposition members, but people have come to me when their cars have been repossessed or when their electricity has been cut off. They cannot pay the Electricity Trust, and the trust cuts the supply off immediately.

The Hon. R. C. DeGaris: Do you agree with that?

The Hon. J. E. DUNFORD: No.

The Hon. R. C. DeGaris: Why don't you do something about it?

The Hon. J. E. DUNFORD: I telephoned and got the electricity put on. Further, people are sent to the Community Welfare Department to get money. Workers must get money somewhere. As a result of the actions of the Federal Government last year, when they started paying the dole in arrears instead of in advance, workers have had to wait five weeks before receiving unemployment benefits. A report in the *Advertiser* this morning shows that people with no sustenance are coming to this State, and this imposes a heavier burden on community welfare. Two attacks have been made. The Hon. Mr. Cameron said that the Law Department ought not to receive more money.

The Hon. C. M. Hill: There was an attack by Clyde Cameron the other day.

The Hon. J. E. DUNFORD: I wish he was here to teach members opposite some lessons.

The Hon. C. M. Hill: He may be on our side, the way he is going.

The Hon. J. E. DUNFORD: He may have been misreported. Members opposite put up little opposition to this Bill, because the expenditure is set out in detail. Tied in with community welfare services is health. When people get sick while they are unemployed, they take longer to recover, and that is because they are unemployed. Their debts build up and finance companies run riot. The expenditure provided is necessary to look after the community.

The Hon. Mr. Cameron said that I ought to read the newspaper and he said that, but for the Federal Government's action in bringing down inflation, the State Government would have a deficit higher by $10 000 000. He did not tell us how he got that figure, but I do not know how a deficit can be increased by $10 000 000, or by nearly 50 per cent, because of the inflation rate. I have read the *Australian* of March 2, and the headline on a report in that newspaper is: "Deficit bigger than expected, Howard". The report states:

> "The projected Budget deficit for 1976-77 looked like being exceeded, but there is no cause for concern," Mr. Howard said. "It is in no sense a matter of concern," he told Parliament. He predicted that the deficit could be exceeded by $800 000 000.

The Federal Government has reduced inflation by a few points, but it said that it would increase employment prospects from February onwards. It is now well into March, and the unemployment situation is getting worse. I am waiting for the Federal Government to explain a deficit 100 times greater than South Australia's deficit. The article continues:

> There had been increases in spending, such as aged people's accommodation, the beef industry aid scheme, shortfalls in income, but financing of the deficit was in a very

comfortable situation.

We can compare that kind of statement from the Federal Treasurer to the sense of responsibility shown by the Premier of this State in his detailed financial statement. We can discount the contributions of the Hon. Mr. Cameron to debates here. Since he left the Liberal Movement and joined the Liberal Party, he has become hamstrung. He says he is concerned about the transport situation. I believe that the Government ought to go into debt to give the people a decent transport system. Of course, honourable members opposite do not have to use public transport but, actually, the new buses are a credit to the Government. This Government is in touch with the needs of the community and, to meet those needs, we have to go into debt. What happens Federally must affect the people of this State. The Hon. Mr. Hill argued that the unemployment figure for South Australia was not lower than the figures in other States, but generally the South Australian unemployment figure is lower.

The Hon. C. M. Hill: It is the same as the national average.

The Hon. J. E. DUNFORD: The Leader of the Opposition said that industries are leaving South Australia. There is a 5 per cent unemployment rate in South Australia, while there is a 9 per cent unemployment rate in Queensland, yet the Hon. Mr. DeGaris and the Hon. Mr. Hill say that everyone is flocking to Queensland. They will be on their way back soon. The Government is attracting industry to South Australia, because the workers are more content here. Mr. Millhouse said on a television programme that, even though none of the establishment likes the Attorney-General, the other half respects him for his progressive legislation. The Attorney-General is given credit for the consumer protection legislation he has introduced, as a result of which the rip-off merchants are going interstate, making this State a better place in which to live. Further, there is a lower crime rate here.

I was pleased to see that the State Transport Authority refused to increase fares. This Government is giving a better transport service without increasing fares. In particular, there will be a better service for workers at Gawler, Elizabeth, and Christie Downs. From time to time the Hon. Mr. Hill says that better services are needed in various places, yet he does not want the Government to spend any money. He supported the establishment of the Health Commission, yet he does not want to give it any staff. This attitude is similar to that of his counterparts in the Federal sphere, who said that they would provide a rural bank, yet there was no money in it. The attacks on the State Government have been bad and have been orchestrated by the press.

He has been supported by the right wing reactionaries in the Liberal Party, yet the Government has overcome all those attacks. Mr. Tonkin says that the Labor Party is attacking his Party. The other point that Mr. Hill made prior to resuming his seat was that too much money was being spent at the top. He looked at the Supplementary Estimates and referred to one item, the State Transport Authority, involving $1 200 000, and then said no more.

We know what the extra expenditure is in the State State Transport Authority: there is the upgrading of bus and train services in the metropolitan area. No doubt the people of South Australia respect the manner in which the Government has handled the finances of this State, as it has an incomparable budgetary record compared to other States of Australia. South Australia has not shown a deficit in the past seven or eight years, to my knowledge. On this occasion, there is a deficit, which is only one-hundredth of the deficit expected by the Federal Government. I support the Bill.

The Hon. D. H. LAIDLAW: The Government has now estimated that the loss against the Revenue and Loan Budget for 1977-78 is likely to be $26 000 000 rather than $18 000 000 as forecast in October last. I recognise that the Government is engaging more persons under the Public Service Act and is seeking to finance projects in which to employ more weekly-hired persons in Government departments and public authorities in order to absorb some of the high numbers of unemployed in the State. However worthy this object may be, it will add considerably to public expenditure, and to meet this cost the Government will have to obtain more Federal loans or grants, raise taxes, and/or exercise better financial management.

It is imperative for the Government to find ways of reducing expenditure, and it should seek to do this without retrenching employees. There are two areas in which, according to my calculations, the Government could save about $6 600 000 a year (that is, 25 per cent of the expected deficit) without retrenching one public servant and without treating them in a harsher manner than applies or will apply to employees in the private sector.

The first is to amend the Superannuation Act, 1974-76, to vary benefits offered to public servants, get away from the open-ended scheme which at present applies, and adopt a defined benefits scheme. The Hon. Ren DeGaris has already raised this matter whilst speaking in the present debate. The second is to make public servants take their long service leave entitlements when they become due. I have advocated the latter many times since entering the Chamber but, as yet, without success.

I recognise such measures would be resented bitterly by a large group of public servants and, so far as I am aware, neither the Federal nor other State Governments have been prepared to tackle this problem area. I do stress, however, that businesses in the private sector are forcing their employees to take long service leave because, during a period of inflation and rising wages, each year that leave is deferred the more expensive it becomes. In addition, many employers in the private sector are most concerned about the undetermined ultimate commitment contained in many superannuation schemes. At least one major national company has persuaded its employees that their entitlements to superannuation must be amended, and some other companies to my knowledge are planning to do likewise. The schemes in most need of review are those that offer an annuity which escalates to cover inflation rather than a lump-sum payment upon retirement or death.

The Hon. R. A. Geddes: This is in the private sector?

The Hon. D. H. LAIDLAW: Although it would be bitterly opposed by the public sector, I am not advocating anything that does not apply or will not apply to the private sector. Therefore, although a strong-minded and management-conscious Government might incur the displeasure of public servants by taking the steps I advocate, I suggest that the Government would be applauded by an even larger group in the private sector who are already subjected to such restraints and who would appreciate that, if these practices were applied in the public sector in future, the continual increases in rates and taxes might be restricted.

I wish to explain in some detail how much the present open-ended scheme of superannuation for public servants costs the taxpayer. In the year ended June 30, 1974, the South Australian Government and its public authorities paid out $6 900 000 in superannuation benefits. In 1975, the contributions rose by 56 per cent to $10 820 000. In 1976 these payments escalated by a further 42 per cent to

$15 370 000, and then in the latest year by 36 per cent to $20 960 000.

During this three-year period from June 30, 1974, to June 30, 1977, the contribution from public funds increased by 203 per cent whereas the consumer price index for the Adelaide area rose by 61 per cent during the same period. An actuary has advised me that, based on current monetary values and a stable number within the Public Service, the contribution from public funds within 10 years will exceed $100 000 000 a year.

If the Government continues to expand the numbers engaged under the Public Service Act as it has done during the past year and extends these superannuation benefits to weekly-hired employees as well, the annual contribution will rise far beyond $100 000 000. If the population of the State reaches 1 500 000 within 10 years, as is forecast, each man, woman, and child will be contributing on average $70 a year, at current monetary values, towards the superannuation benefits of the State public servants.

The explanatory booklet issued by the South Australian Superannuation Fund to cover the 1969 Act said that contributions to be paid by members are calculated on the basis that they will bear only 30 per cent of the cost and the Government (that is, the taxpayer) will cover the balance of 70 per cent. The explanatory notes to cover the 1974 Act delete reference to the percentage of contribution by the Government and employees.

The ratio of contributions from public funds compared to the members' own contributions in the year ended June 30, 1974, was 71 per cent to 29 per cent; in 1975, the gap widened to 78 per cent to 22 per cent. In 1976, it increased to 81 per cent to 19 per cent; and in the latest year to 82 per cent to 18 per cent. The same actuary to whom I referred says that, if the present benefits continue, within 10 years the taxpayers will be contributing each year over 90 per cent. To my knowledge, such differences in proportions do not apply in any contributory superannuation scheme in the private sector.

Explanatory notes to the 1974 Act state that, if a member joins by the age of 30 and thereafter contributes 6 per cent of his salary to the fund, he can retire at 60 on two-thirds of his final annual salary. Since the annuities escalate with inflation, this open-ended commitment to provide two-thirds of salary will impose an intolerable drain upon public funds.

I believe that the Superannuation Act, 1974, should be amended to alter the formula. The Government should revert to the basis of the 1969 Act and subsidise members' contributions on the basis of 70 per cent to 30 per cent and then pay annuities upon retirement depending upon the funds available at the time; or, alternatively, members should contribute a greater percentage of their salaries each year in order to acquire an annuity as high as two-thirds of their final annual salary upon retirement.

In this way, the Government would have a defined rather than an open-ended commitment. Businesses in the private sector have closed, or are about to close, that gap. This is being done regrettably but in order to save those businesses from commitments that may ultimately send them bankrupt. If the South Australian Government in the past year had reverted from proportions of 82 per cent to 18 per cent, it would have saved $3 100 000 in 1976-77, and very much greater amounts in future years.

The second area in which significant savings could be achieved without retrenching employees is that of long service leave. Soon after being elected to this Council in July, 1975, when speaking in the Budget debate, I said that, if persons engaged under the Public Service Act and weekly-hired employees in Government departments had been made to take long service leave when due rather than being allowed to accrue it, the saving in one year would be $10 000 000. That was during the Whitlam Administration and, of course, a period of rampant inflation. The calculation was based on an estimate of length of service of the 78 400 employees in Government departments in South Australia who in 1974-75 were paid $519 000 000 in wages, compared to $374 000 000 in the previous year.

With increasing wages, the Government commitment for long service leave must inevitably rise year by year. It must be remembered also that both Liberal and Labor Party spokesmen stated in 1957, when the State Act was introduced, that the object of long service leave was largely compassionate and to enable employees to have extended holidays during their working lives. Unfortunately, the Government has not practised what it preached. It allows public servants to accrue long service leave as a nest-egg until retirement, whereupon they receive a lump-sum payment. This is a good hedge against inflation and, under Federal tax laws, only 5 per cent of that lump sum is taxable.

The Hon. R. C. DeGaris: What would the saving be if the policy that you are enunciating was adopted?

The Hon. D. H. LAIDLAW: In the past financial year it would have been $3 100 000. The Labor Government is obviously well aware of that situation, and I must assume that it adopted this lax, but very costly, attitude in order to win or hold votes.

Last Thursday, the Minister of Education, in reply to my suggestion that teachers currently employed should take long service leave entitlements when due and make room for some of the 1 400 teachers at present unemployed, said that his department did not compel anyone to take long service leave when due. However, there is a specific provision (section 19b) in the Education Act which provides that leave should be taken at the department's convenience.

According to the Auditor-General's Report, the sum paid to 81 200 employees in Government departments as at June 30, 1977, was $698 000 000, compared to $629 000 000 in the previous year. If, for example, one-fifth of those employees had completed 10 years service and were thereafter entitled to 13 weeks long service leave, the Government's pay-out, if that leave had been taken in 1975-76, would have been $31 400 000 in that year. However, if it was carried forward into 1976-77, the pay-out with respect to leave accrued up to June 30 in the previous year would have been $34 900 000, an increase of $3 500 000.

There is even greater need for the Government to adopt a strict attitude since the recent amendment to the Public Service Act which came into effect on January 1 this year and which increased from nine days to 15 days a year the long service leave benefits for employees after 15 years service. On February 13 last, Chanticleer wrote an article, which was reported in the *Financial Review*, on the effect of this amendment on the South Australian Act. He pointed out that employees under Federal awards receive 39 weeks of leave with pay at existing rates over 45 years of service, whereas South Australian public servants receive 83·6 weeks during the same period of service. He concluded by saying:

> As might be expected, the private taxpayers are far more generous, in long service leave payments to public servants than they are to themselves . . . and so it would seem that the public servants with direct lines to Ministers play their cards well on the long service leave front.

I protested strongly during the debate on this amendment about the huge advantage in long service leave being proposed for South Australian public servants compared to their counterparts in the private sector. I object even

more to the fact that public servants can accrue their leave whereas most employees in the private sector must take their leave when it falls due, as contemplated when the State Act was first introduced.

I have said that the Government could save one-quarter of its expected deficit of $26 000 000 this year by amending the Superannuation Act and administering the long service leave provisions correctly. Furthermore, it could do so without retrenching a single employee. I support the second reading of this supplementary Appropriation Bill, although I ask the Government seriously to consider my two proposals, which are put forward in an effort to be constructive.

The Hon. D. H. L. BANFIELD (Minister of Health): I thank honourable members for the attention that they have given to this Bill, and I will try to reply to a number of questions that have been raised during the debate. The Leader of the Opposition and the Hon. Mr. Hill both raised questions regarding the South Australian Health Commission. The commission is proceeding to establish itself, and it is expected that by July 1 Government hospitals will be incorporated under schedule 2. The Hon. Mr. Hill said that certain appointments were being made to the commission and, of course, that is so. After all, the commission must have a staff. However, I point out retirements will occur (in fact, Dr. Woodruff, the Director-General of Public Health has retired) so that, although some appointments will be made to the commission, other people will retire. Take-overs will therefore occur in relation to some of the commission's present staff.

Regarding the incorporation of hospitals, I point out that there is no way in which the Government can incorporate a country hospital if it does not want to be incorporated. It is entirely up to the hospital concerned whether it wants this to happen. So, it is ridiculous for the Hon. Mr. Hill to imply that the Government will incorporate hospitals against their will.

I am also concerned about the increased costs incurred in the delivery of health services. I have asked the departments, wherever possible, to reduce costs. The Government is doing all it can in this respect, without affecting patient care. This is a time for review and a time in which any reasonable Government can act. Any responsible Government must examine costs, as I announced some weeks ago. This does not apply only to the health authorities: it applies to every department. This is a responsible Government and it will govern responsibly. If costs can be cut, we will cut them.

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

CONTRACTS REVIEW BILL

Adjourned debate on the question:

That this Bill be now read a second time, which the Hon. J. C. Burdett had moved to amend by leaving out all words after "That" with a view to inserting the following:

the Bill be withdrawn with a view to the Government referring it to the South Australian Law Reform Committee for its report and recommendations regarding the implementation of the objects of the Bill and that the Bill be redrafted to allow for its inter-relationship with other Acts.

(Continued from March 2. Page 1891.)

The Hon. D. H. LAIDLAW: I rise to support the amendment moved by the Hon. John Burdett that this Bill should be referred to the Law Reform Committee for further review. This is despite the inquiry already carried out by the Select Committee in another place and the amendments introduced as a result.

I am particularly concerned as to the attitude of foreign parties to private international contracts relating to commodities and currency obligations if this Bill passes in its present form. This matter was not mentioned in the Select Committee report nor during the present debate, but it is particularly relevant for South Australia, since it is a trading community which sends more than 80 per cent of its products to other States and overseas.

The Select Committee pointed out that this Bill was the the first comprehensive legislation for review of contracts to be introduced in any Australian Parliament. Honourable members must therefore be particularly careful not to pass legislation which may cause foreign countries or foreign companies to avoid dealing with South Australians, for fear that the terms of their contracts may be varied in our courts. There are enough reasons already why foreign companies prefer to trade or operate in other States rather than in South Australia. Let us not create another deterrent.

Clause 9 provides that, if the proper law of contract is that of South Australia, the Act shall apply regardless of any provision in the contract that it should be interpreted according to the law of some other place. Furthermore, if a person attempts to exclude the application of this Act, he shall be guilty of an offence and liable upon summary conviction to a penalty of up to $2 000.

I wish to quote a personal experience to emphasise the dangers of this clause. Some years ago I went, at the request of a large Japanese company, to negotiate a contract to manufacture and sell items of heavy machinery in South Australia to designs supplied by the Japanese. Victorian and New South Wales based engineering companies were also competing for exclusive rights to manufacture and sell, but eventually I was successful. One condition was that the contract should be interpreted according to the law of Japan. Since one of the parties was domiciled in South Australia and the equipment was to be made in and sold from South Australia, a court would surely have held, except for the specific provisions in this contract to the contrary, that the law of South Australia was the proper law of the contract.

If this Act had been in force at the time, I believe that I would have been liable to prosecution for agreeing to have the contract interpreted according to the law of Japan. One of my interstate competitors, who was under no such restraint, would probably have been preferred. Heavy machinery worth millions of dollars has been produced in South Australia as a result of this contract, but it would have been lost to this State if this Bill had been in force. The example that I have given is not uncommon, because foreign designers, who are willing to licence Australian manufacturers, generally insist that their contracts should be interpreted according to the law of their country of domicile.

Another field where this practice applies is in the negotiation of long-term contracts for supply of minerals or concentrates. Japanese and European smelting and refining companies usually insist that such contracts be interpreted according to the law of their country of domicile. Since the mining and processing is carried out in South Australia and one of the parties is domiciled here, the law of this State would surely be held, except for specific provisions to the contrary, to be the law of the contract. If South Australian based mining companies are unable to agree to this requirement of the purchaser, they

will be at a disadvantage when competing with mining companies in other States for export contracts for base metals.

Clause 7 provides that, where a court is satisfied that a contract is unjust, it may declare the contract void or vary its terms. Subsection 5 sets guidelines for courts to take into consideration and these include the public interest, differences in intelligence and in economic circumstances of the parties, and the commercial or other setting in which the contract was made.

I stated earlier that we must beware not to prejudice South Australia as a trading community. Consider, for example, the case of a farmer who offers some bales of wool through a wool broker at the beginning of a regular three-day wool sale in Adelaide. The price is low, and some eastern European country instructs its buyer's agent to enter the market and buy large quantities of wool up to a stated price above the opening level. The Bill prescribes that the court should take account of differences in intelligence and of the economic circumstances of the parties. The farmer therefore may seek to have the terms varied because the foreign country bought at a low price when it knew with some certainty because of its entry into the market that the price must rise. If the farmer succeeded in his action we would not be likely to see that foreign country at future wool sales in Adelaide.

We should consider also the effect of this Bill upon contracts for the sale or purchase of foreign currency. Take the case of a group of tourists who buy travellers cheques expressed, say, in United States dollars from a South Australian based trading bank which is acting as agent for the exchange control department of the Reserve Bank and is accredited as an official dealer. Officials in the bank may be well aware that the Australian dollar is likely to be valued upwards against the United States dollar within the next few days and that, if the tourists waited, they would be able to buy more United States dollars for the money laid out. If these tourists were able to sue the bank successfully on grounds of differences in intelligence and economic circumstances and have the exchange rate applying to their transaction varied, it would create chaos in the currency market in Adelaide.

I could refer to other fields of commerce which could be badly affected if this Bill passes in its present form. At the least it will cause confusion amongst the commercial community in South Australia, and this would be most undesirable at a time of economic uncertainty. The Select Committee said on page 2 of its report:

> Several submissions sought to confine the scope of the Bill to consumer contracts, perhaps including exempt proprietary companies, but excluding larger commercial transactions. However, the committee takes the view that this is more than a consumer protection measure. It is a significant law reform measure adding a new dimension to the law of contract, and is not confined to consumer law.

I wish that the scope of this Bill could be confined to matters of consumer protection. In attempting to embrace the whole field of contracts, the Bill could confuse and disrupt the activities of the trading community in South Australia. I support the amendment of the Hon. John Burdett to refer the whole of the Bill to the Law Reform Committee to consider how to implement the objects of the Bill and also its effect on inter-related legislation. I wish also to move an amendment to widen the scope of this inquiry so that the committee can consider the effect upon international and currency contracts. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

APPRENTICES ACT AMENDMENT BILL

Consideration in Committee of the House of Assembly's disagreement to the Legislative Council's amendments.

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

> That the Council do not insist on its amendments.

These matters have been well canvassed, and I have previously given the Government's reasons for not accepting the amendments.

The Hon. R. C. DeGARIS (Leader of the Opposition): The reason given by the House of Assembly for disagreeing to the Legislative Council's amendments is that the amendments adversely affect the Bill; actually, our amendments do not do that. The original Bill was an affront to democracy, and our amendments at least make the situation democratic. Under the original Bill, the Apprenticeship Commission could not grant adult apprenticeships if there was not a unanimous vote of the trade committee; in other words, we would be right back in the eighteenth century in the days of the blackball. I cannot understand how any Government could allow such a discriminatory position to exist in any legislation. Our amendments to the penalties are in line with the consumer price index. I therefore oppose the motion.

The Hon. D. H. LAIDLAW: I am disappointed with the Government's attitude. Our amendments to the penalties allowed for an increase in accordance with the consumer price index. I have heard the Minister say that he believes in full indexation yet now, when we are offering it to him, he is still unhappy. I am again surprised that the Government will not accept our amendments in connection with granting adult apprenticeships.

From time to time, the Government professes an interest in democratic government and the rule of the majority; it certainly does not in this case. Also I am surprised that the Government will not accept our proposal that the rights of the school leavers wanting jobs as apprentices should be protected. With those remarks, I hope this Committee will stand firm and insist on its amendments.

The Committee divided on the motion:

Ayes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

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

The CHAIRMAN: There are 10 Ayes and 10 Noes. There being an equality of votes and to enable further consideration to be given to the amendment, I give my vote to the Noes.

Motion thus negatived.

MOTOR FUEL RATIONING BILL

In Committee.

(Continued from March 1. Page 1859.)

Clause 15—"Definition of bulk fuel."

The Hon. R. A. GEDDES: When the Committee last dealt with this Bill, I gave my reasons for moving my amendment to clause 15. I pointed out to the Committee that one reason for the amendment was that the principal form of fuel transport for many people and industries, particularly in the northern areas of the State, was the old conventional 44-gallon drum. I also pointed out that, from

the name of the Bill, it would be thought that we were dealing only with petrol, but the legislation would be permanently on the Statute Book and it could deal with any type of fuel—diesolene, petroleum, kerosene, and power kerosene; so, whether petrol or any of these other fuels is carried in this type of drum, it is important that the Bill provides for these other fuels. It would not prevent the Government of the day from controlling anyone who wished to purchase any of these fuels, because he would still have to get a licence to purchase and a licence to sell.

The Hon. D. H. L. BANFIELD (Minister of Health): The Government opposes this amendment, the effect of which is to delete the commonly used 44-gallon container from the definition of "bulk fuel". The need to be able to control the movement of such containers during rationing periods was made abundantly clear during petrol shortages in Victoria last year when persons were transporting on trailers 44-gallon containers of fuel obtained from neighbouring States.

The Hon. C. M. Hill: What is wrong with that?

The Hon. D. H. L. BANFIELD: That effectively destroys the control of the supply of fuel. If a person can transport these 44-gallon drums around (I agree with the Hon. Mr. Geddes that this is the main size of container used) people only have to load up their semi-trailers and come in from a bordering State, and they can distribute the petrol where they like.

The same happened during the rationing period in 1973. Rationing did not apply in the South-East, and semi-trailer loads of 44-gallon drums of fuel were being brought to the city from the South-East in order to circumvent the legislation. These are emergency measures, to be put on the Statute Book in order to cope with a certain emergency and, if the Government was to accept the honourable member's amendment, it could defeat the whole purpose of controlling retail sales. It would create a dangerous situation on the roads, but also encourage breaches of the Inflammable Liquids Act, which prohibits the storage of more than 25 gallons of motor fuel in other than registered depots. It will encourage farmers to take 44-gallon drums, and they will be breaking the law. The safety element far outweighs any considerations for excluding such containers from the provisions of the Bill.

The Hon. Mr. Geddes said that 44-gallon drums were used to carry other types of fuel. I point out that under clause 15 (2) the Minister has power to determine which class, if any, of movements of bulk fuel are to be restricted. So, if a restriction is to be on petrol only, the other fuels referred to by the Hon. Mr. Geddes would not be affected. It is not intended to prohibit movements of 44-gallon drums for legitimate purposes such as farming activities and things of that nature.

I ask honourable members to realise that this is an emergency matter that the Government considers it should have on the Statute Book. It is not the Government's intention to implement the legislation unless that course of action is warranted. I therefore ask honourable members not to support the amendment.

The Hon. R. C. DeGARIS: Some districts of this State normally draw their supplies from over the border.

The Hon. R. A. Geddes: Mount Gambier does.

The Hon. R. C. DeGARIS: That is so; Mount Gambier gets its supplies from Portland. If a strike occurs at Port Stanvac and fuel rationing follows, will the normal trade relations between Mount Gambier and Portland be affected?

The Hon. D. H. L. BANFIELD: No. It is not intended to upset relationships between the States in this regard. There is no way in which trade would be restricted in the case referred to by the Hon. Mr. DeGaris.

The Hon. R. C. DeGaris: If fuel was rationed, the whole State would be affected.

The Hon. D. H. L. BANFIELD: The Government can declare where the rationing will apply, as I understand happened in 1973, when the South-East was exempted.

The Hon. R. C. DeGARIS: Normally, petrol can get through from one area to another, and any objection to this amendment will affect the normal trade that occurs between States. Also, the normal containers used in business should be placed into the area of bulk fuel delivery. I think that it is better to exclude the 44-gallon drum; otherwise, a container of less than that quantity will come within the scope of the legislation.

The Hon. R. A. GEDDES: The Minister said that in no circumstances did the Government wish to upset the farming community with (to use my own words) the movement of 44-gallon drums from property to property or from paddock to paddock. He also said that the Government needed to have power to restrict the movement of 44-gallon drums from other States. I remind the Minister that under the Bill anyone who purchases fuel without a permit in the circumstances referred to is subject to a fine. Under section 92 of the Commonwealth Constitution, a person purchasing fuel and paying for it in this State would commit an offence and come within the ambit of the Act. I still argue that the Government cannot say that the farming community would be exempted, when such a provision is not written into the Bill, at the same time preventing the movement of this commodity from another State.

I remind the Minister that bulk containers carry fuel north from Port Augusta. Most of this fuel is carried in 44-gallon containers on semi-trailers, to be used by people such as pastoralists, miners, the owners of light aircraft and, indeed, the Royal Flying Doctor Service, all of whom depend on it. I am sure that the Government can have no good reason for rejecting the amendment.

The Hon. D. H. L. BANFIELD: I remind the honourable member that under clause 15 (2) the Minister may, in respect of a rationing period, by notice in writing prohibit or restrict the movement of any consignment of bulk fuel. In those circumstances, the Government would not restrict the Royal Flying Doctor Service or any other emergency service. The honourable member also referred to fuel in the South-East. There could be restrictions in Victoria and South Australia. At present, South Australia relies on petrol coming from Victoria, and not vice versa. If, during a time of rationing, 44-gallon drums could be moved from the South-East into Victoria, it would further deplete South Australia's stocks.

The Hon. R. A. GEDDES: The Government would not be able to stop that. It would be an interesting exercise if a carrier loaded his truck with 44-gallon containers in South Australia and took them across the border into Victoria. How would the Government handle that situation, because of the section in the Constitution to which I have previously referred?

The Hon. M. B. DAWKINS: If fuel were purchased in South Australia by a Victorian and transported across the border to Victoria, what the Hon. Mr. Geddes has said would apply. Section 92 of the Commonwealth Constitution would apply. For example, that same section would also apply if goods were transported into this State from Portland. I find it difficult to understand why the Government is insisting on its opposition to this amendment. Will the Government further consider its position? The Hon. Mr. Geddes referred to people in the outback and the Hon. Mr. Whyte in his speech referred to the use of 44-gallon drums for the transportation of fuel in northern areas, into which bulk carriers do not go.

Although many country people in settled farming areas have bulk tanks lent by oil companies, 44-gallon drums are still used in areas further removed from the city. The use of such drums in the South-East could ease the situation there and in the Riverland, where petrol could come from places such as Mildura.

The Hon. D. H. L. BANFIELD: As I have already indicated, this is an emergency Bill. This provision is like the other provisions of the Bill—we hope that we never have to use any of them. It would give no joy to this Government or to any other Government to implement such provisions. However, the Government believes it should be able to control this matter if the need arises, and we are asking the Committee to give us this power. We do not have to inhibit the movement in any way, but seek this power for use if we believe that it is essential. This is an emergency measure, and I ask the Committee to give the Government the powers it seeks.

The Committee divided on the amendment:

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

Noes (10)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, and C. J. Sumner.

The CHAIRMAN: There are 10 Ayes and 10 Noes. I give my vote to the Ayes.

Amendment thus carried; clause as amended passed.

The Hon. D. H. L. BANFIELD: In view of the vote taken, I will have to reconsider the position and I seek leave to report progress.

Progress reported; Committee to sit again.

Later:

Clauses 16 to 24 passed.

Clause 25—"Regulations."

The Hon. R. A. GEDDES: I move:

> Page 7, after line 31, insert—"(aa) direct a person or a person of a class to do any specified matter or thing in relation to the manufacture, provision, transport or distribution of rationed motor fuel during a rationing period;"

This clause deals with regulations, of which the Government may or may not make use. However, the Bill will be on the Statute Book permanently, and any Government may in future wish to use its powers thereunder. A fuel shortage could occur in many circumstances, including, say, management causing a lock-out. Despite the interjections from the Government benches, I consider it necessary to examine other than the worst alternative, that is, the problems caused by strike action. It is not unusual for lock-outs to occur, thereby affecting fuel supplies, in other parts of the world. Alternatively, a manufacturer could refuse to deliver his fuel, or overseas shipping lines might not permit any more ships to visit Port Stanvac. Also, the equipment at Port Stanvac could break down and, if the necessary repairs took some time, it might be necessary to import fuel from elsewhere. Adverse weather conditions could retard tankers coming to our refinery, or there could be a shortage of 44-gallon drums.

The Hon. D. H. L. Banfield: Your argument is a bit different now: now you want all-embracing powers.

The Hon. R. A. GEDDES: I disagree, because there could be shortages of many types of fuel. I refer, for instance, to the commodity needed to manufacture diesel fuel. If there was such a shortage, some sort of restriction would have to be imposed on the distribution of diesel fuel. Similarly, super-grade or high-octane petrol needs a certain type of fuel, different from that needed for standard grade petrol. Lubricating oils, all of which are imported from the Middle East and do not come from Bass Strait oil, could come within the aegis of the legislation. I refer also to kerosene, of which there could be a shortage. It can be seen, therefore, that a group of fuels could be in short supply, necessitating the imposition of this legislation in relation to their distribution and supply.

Most members opposite see this amendment as a restriction or control on the labour force. They think a strike is the only way in which we can have a fuel shortage, but the Government, by its singular ineptitude, has drawn the Bill in relation to the possibilities of strike action.

Many other things could cause a fuel shortage in South Australia, and the Government may welcome the regulatory authority. The Government is not forced by the Bill or by the amendment to implement the amendment, because it is a regulatory power and, therefore, must pass through the process of regulations. In New South Wales in 1976, Premier Wran introduced a Bill with the following preamble:

> An Act to constitute the Energy Authority of New South Wales; to confer and impose on the Authority certain responsibilities, powers, authorities, duties and functions with respect to energy and energy resources; to authorise emergency action to be taken during shortages of energy or energy resources.

In that Bill (it is now an Act) the Premier included the following regulatory powers dealing with emergencies, providing that the Government could make regulations:

> *(a)* to control, direct, restrict and prohibit the sale, supply, use or consumption of the proclaimed form of energy, whether generally or for any purpose or purposes specified in the regulation:
>
> *(b)* to direct a person who extracts, provides, transports or distributes the proclaimed form of energy to extract it for or provide, transport or distribute it to a person specified in the regulation:
>
> *(c)* to specify the terms and conditions on which the proclaimed form of energy shall be extracted, provided, transported or distributed;
>
> *(d)* to direct that a person to whom the proclaimed form of energy is provided or transported accept the proclaimed form of energy . . . ; and
>
> *(e)* to make such orders, take such measures, give such directions and do such things as are in the opinion of the Authority or the person specified in the regulation necessary or expedient to carry into effect the purposes of this section and any regulation made under this section;

New South Wales has many more people than has South Australia, and it has a similar supply problem to that in this State, with no local supplies of petroleum products. The power in New South Wales is extremely wide and it has been considered in that State that the Government can have regulations to do what it sees fit under the Act. I suggest that we should give the State Government here similar powers (and not to the present Government any more than to future Governments) because the movement of people and goods in South Australia depends on an efficient transport system that can provide necessities to all communities.

During a fuel strike in this State, a press report asked how long the railways could continue, and the reply was that the Railways Commissioner had constructed big storage tanks on railway property so that the railways would not suffer from a lack of diesel fuel in an emergency. The State is divided by Spencer Gulf and the St. Vincent Gulf, with Eyre Peninsula isolated on one side

and Yorke Peninsula on another. Supplies of fuel are important as is the need for transport in this State and nation. I do not agrue that strike action is the core of the Bill. The matter of the supply and distribution of fuel in the world is such that, if we are not careful, a future Government could be hamstrung by this legislation.

The Hon. N. K. FOSTER: That speech implies that the Bill will protect this State or some other States from the inroads of a fuel crisis that occurs in the Middle East, the Asiatic countries, or elsewhere. Many speeches have been made by politicians or on behalf of political Parties on matters such as this, with similar intent.

Billy McMahon was the classic example of this type of thing. When dealing with industrial matters in 1965, he told many delegates from the trade union movement that, when a certain Bill became law, the Government would never implement it. Many trade unionists have listened to such speeches since the transport strike of the 1920's that culminated in the timber workers' strike and the maritime strike over the period from 1928 to 1942. Let us not be misled by the words of this suave member who has moved the amendment that gives the unfettered right to direct labour.

The Hon. J. C. Burdett: So it should.

The Hon. N. K. FOSTER: The shadow Attorney-General has let the cat out of the wheat bag. Why is the honourable member so dishonest as to talk about an energy crisis that has nothing to do with South Australia, in terms of the Bill?

The honourable member said that it has nothing to do with strikes. The Hon. Mr. Burdett put his oar in and let the cat out of the bag. The passing of this amendment would mean that, if there was a shortage of fuel brought about by industrial action, the first thing the honourable member would say would be, "We want you to direct the tanker drivers to go to Port Stanvac." The Hon. Mr. Geddes was concerned about getting petrol to retail outlets, and he saw nothing wrong in that being done by compulsion. I refer to the running fight between the Seamen's Union and that giant monopoly, Utah Development Company. The Seamen's Union has imposed bans, and a High Court action has been instituted. In the past, when there could have been a halt to petrol supplies in South Australia, what was the reaction of the Seamen's Union? Did that union starve this State of petrol? There is not a murmur from the Opposition, because members opposite know that the Seamen's Union acted responsibly by releasing sufficient petrol to ensure that there was not one lay-off in this State.

Those who support this amendment ignore the right of people to take part in industrial disputes. In supporting the amendment, honourable members opposite will only bring trouble on themselves, because the amendment will militate against the objects of the Bill. Opposition members should cease seeing every Bill as needing to be amended so that they can compete with one another for political one-upmanship. I oppose the amendment.

The Hon. J. C. BURDETT: I support the amendment. In his excellent speech, the Hon. Mr. Geddes went back to the preface of the clause. I will go back to the long title of the Bill, as follows:

> An Act to provide for the distribution of motor fuel during any period of limitation of supplies of motor fuel and for other purposes.

So the purpose of the Bill is to ensure that the distribution of motor fuel is made possible during any period of limitation, and this amendment makes that more possible. The Bill gives the Minister tremendous power to control the sale of motor fuel, but it gives no power to the Minister to ensure that the supply of motor fuel continues. In his inflammatory speech, the Hon. Mr. Foster condemned the Askin Government, but what does he think about the actions of the Wran Government? That Government in New South Wales introduced the Energy Authority Act of 1974, and section 32—

The Hon. N. K. Foster: What has that to do with this Bill?

The CHAIRMAN: The Hon. Mr. Foster was patient when the Hon. Mr. Geddes spoke; I should like him now to listen to the Hon. Mr. Burdett.

The Hon. J. C. BURDETT: Section 32 went through every stage of the production, manufacture and sale of motor fuel or any sort of energy and made sure that the Government could control them, depending on the emergency that arose. Remember that all that the Hon. Mr. Geddes is seeking to do is to ensure that the Government can, not must, control the distribution of motor fuel. If motor fuel is so important, we should adopt the same principles as obtain in New South Wales. The Minister in his second reading explanation suggested that the Executive Government should be armed with sufficient power so that appropriate action could be taken with swift and effective measures, and that is all the Hon. Mr. Geddes is seeking to do. This Bill would empower the Government to control the movement and sale of motor fuel, but it should provide throughout the whole structure, from the beginning to the end, the power that has been given by the Wran Government in New South Wales. I suggest that, in accordance with the objects of the Bill as set out in the long title, this amendment does not destroy the apparent intention of the Bill, if the Government is honest, but rather assists that intention. I take it the Government is honest and that it was honest when it inserted the long title of this Bill. The Government should support the amendment.

The Hon. C. M. HILL: I think the Government should secretly welcome this amendment because it may need to be armed in times of emergency with the opportunity to act in this way. Previously, it has said that it can act in this way only after it has introduced regulations, which must run the gauntlet of Parliamentary scrutiny. I do not know whether the Hon. Mr. Foster is speaking for the Government or for the trade union movement. We all know that all is not well in the relationship between those two groups at present.

The Hon. N. K. FOSTER: On a point of order, any inference by the honourable member that what I said a few moments ago led to the conclusion that I was on one side or the other, the trade union movement or the Government, is stupid.

The CHAIRMAN: That is not a point of order. The Hon. Mr. Hill.

The Hon. C. M. HILL: I was referring to the comments made by Clyde Cameron.

The Hon. F. T. BLEVINS: On a point of order, there is nothing about Clyde Cameron in this Bill. Mr. Hill knows it, as we all do. If he wants to raise the matter of Mr. Clyde Cameron, let him raise it on a proper item on the Notice Paper, and not on this clause. It is ridiculous.

The CHAIRMAN: That is not a point of order. The Hon. Mr. Blevins does not know what the Hon. Mr. Hill was about to say.

The Hon. C. M. HILL: The point I was getting at was that there may come a time when the Government of the day in this State, irrespective of its political colour, will want, in the interests of the people of this State, to exercise the power that this amendment provides. It is not power exercisable directly; it is power that can be exercised only after a Government of the day brings a regulation into Parliament. There may well be a need, in

the interests of the people of the State and of the emergency services of the State, that such power should be exercised; there may well come a time when there is fuel in storage when emergency services, such as hospital services, urgently need that fuel, and a Government that faces up to its responsibility should, in those circumstances, be able to say, "These emergency services simply must have that fuel."

At that point in time there may be some differences between the trade union movement and the Government of the day. If the relationship between the trade unions and the Labor Party are cordial, this probably will not happen; and nine times out of 10 the trade unions are responsible in matters such as these, but I am somewhat concerned about this relationship, and my concern was highlighted by a report about Mr. Clyde Cameron; honourable members opposite would agree that he must be regarded as one of the most senior, if not the senior, and most experienced members of the Australian Labor Party in this State. According to yesterday's *Advertiser,* there was a statement which indicated his views that the relationship between the A.L.P. and the trade union movement was not as cordial and responsible as I thought it might have been.

The Hon. F. T. BLEVINS: On a point of order, there is nothing in this clause dealing with Clyde Cameron. The honourable member has every opportunity on other occasions to discuss that. As regards this clause of this Bill, reading an article from a newspaper is entirely out of order; it has nothing to do with the Bill.

The CHAIRMAN: I rule that so far the Hon. Mr. Blevins has not given the Hon. Mr. Hill a chance to link his quotation with what he is saying. I suggest that the Hon. Mr. Blevins listen carefully and, if the Hon. Mr. Hill does stray from the matters before us, the Hon. Mr. Blevins will have a point of order. The Hon. Mr. Hill.

The Hon. C. M. HILL: This is what the *Advertiser* reported: "Mr. Cameron said that Australia's unions were in danger of being taken over by the communist party. It was no exaggeration that the neglected area of Labor politics was that of inter-union conflict."

Members interjecting:

The CHAIRMAN: Order!

The Hon. F. T. BLEVINS: On a point of order, I do not wish to give you, Mr. Chairman, a bad time in your first week as President. Honestly, are you, Sir, telling me that this has any relevance whatsoever to the clause? It is absolute nonsense, and has no relevance whatsoever, as I am sure every honourable member realises.

The CHAIRMAN: I uphold that point of order.

The Hon. R. A. GEDDES: I ask you, Sir, whether there is a Standing Order which provides that when in Committee an honourable member cannot touch on other subjects apart from the relevant clause. We have always accepted that in Committee there is a certain freedom, of which honourable members may at times take advantage.

The CHAIRMAN: Standing Order 299 provides that debate shall be confined to the clause, schedule or amendment immediately before the Committee.

The Hon. C. M. HILL: Thank you, Sir. I accept your ruling without any query. I return to my point: that it is now in the best interests of the A.L.P. Government that this amendment be carried. I say that because the relationship between this Government and the trade union movement is not as cordial as it should be. To support that statement, I refer again to what Mr. Clyde Cameron said.

The Hon. D. H. L. BANFIELD: On a point of order, Sir, you gave a ruling regarding what can be debated in Committee. This clause has nothing to do with trade unions, the sacking of Mr. Vial or Mr. Taylor, or about a person who was to be a Senator for one day. You, Sir, ruled that we could discuss only the clause and not the cordial relationships that exist between the trade union movement, the Country Party, the L.C.L., or whatever it calls itself. It is clear to me now why Mr. Griffin has been nominated to this Chamber. It is to stiffen up the ranks of the Liberal Party in this place. Are you now going to allow the Hon. Mr. Hill to stray along these lines?

The CHAIRMAN: I ask the Minister to resume his seat.

The Hon. D. H. L. BANFIELD: I was raising a point of order, Sir. I wanted to explain why I considered that my point of order was necessary. I thought that I could then resume my seat, as I was merely trying to elaborate on what you had already said.

The CHAIRMAN: I take the Minister's point of order, and ask the Hon. Mr. Hill not to get away from the subject matter but to continue debating the amendment and the clause, relating the two together.

The Hon. C. M. HILL: The Hon. Mr. Foster has already referred to the clause as a strike-breaking measure. He related the attitude of the trade union movement to the direction of the Labor Party. Indeed, he related the Labor Party's policy—

The Hon. D. H. L. Banfield: He didn't say it was Labor Party policy at all.

The Hon. C. M. HILL: I stand corrected by the Minister. However, I am entitled to say that the Government ought to accept this amendment because it is in its best interests to do so.

The Hon. F. T. Blevins: You've said that four times.

The Hon. C. M. HILL: And I will continue to do so.

The Hon. F. T. Blevins: You can't. It's against Standing Orders.

The CHAIRMAN: Order!

The Hon. F. T. BLEVINS: On a point of order, Sir, the Hon. Murray Hill has agreed with me that he has said the same thing four times, and has said that he will continue to do so. I draw your attention to Standing Order 186, which provides:

> The President may call attention to the conduct of a member who persists in continued irrelevance, prolixity, or tedious repetition . . .

The Hon. Mr. Hill has said what he has said four times and threatened to say it again. If that is not tedious repetition, I do not know what is.

The CHAIRMAN: The Hon. Mr. Blevins has no point of order. Perhaps the honourable member is repeating himself, too.

The Hon. C. M. HILL: I support my contention that the relationship between the trade union movement and the Government is not cordial and, therefore, that there is a special need for this amendment, by calling on the support of Mr. Clyde Cameron, who further said—

The Hon. D. H. L. BANFIELD: I rise on a point of order. Mr. Clyde Cameron is not here to support the Hon. Mr. Hill. I ask how under this clause we can get Mr. Clyde Cameron here to give the honourable member support. Can the honourable member do it? If he can, will the Council have to adjourn until the Hon. Mr. Hill gets Mr. Cameron on the Opposition benches to support him?

The CHAIRMAN: I did not interpret, from what the Hon. Mr. Hill said, that he wanted that to happen.

The Hon. C. M. HILL: I will rephrase what I said. To support my argument, I will quote what Mr. Clyde Cameron said.

The Hon. D. H. L. BANFIELD: I rise on a further point of order. The only argument the Hon. Mr. Hill has been trying to make is that there is not a cordial relationship between the trade union movement and the Government. What has that to do with the Bill? I call on you, Sir, to

support my point of order.

The CHAIRMAN: I am not sure what the Minister's point of order is. We have gone through this matter before and I have said that, if the Hon. Mr. Hill contravenes the Standing Orders, I will ask him to sit down.

The Hon. D. H. L. BANFIELD: With due respect, Sir, my point of order is that the relationship, cordial or otherwise, between the trade union movement and the Government has nothing to do with this clause. The Hon. Mr. Hill says that, to support his argument that these relationships are not cordial, he will rely on Mr. Clyde Cameron's help. That has nothing to do with the clause.

The CHAIRMAN: We are not going to get into a silly situation where all honourable members take a point of order. I will control the debate to the best of my ability, and I ask members to bear with me while I try and do that, and not raise stupid points of order. If the Hon. Mr. Hill goes further than I believe he should go regarding the quotation, I will stop him.

The Hon. C. M. HILL: I am submitting supporting evidence.

The Hon. D. H. L. Banfield: Of what?

The Hon. C. M. HILL: Of my contention.

The Hon. D. H. L. Banfield: What is it?

The Hon. C. M. HILL: That the relationship between the A.L.P., which forms Government in this State—

The Hon. D. H. L. BANFIELD: That is the very point that I raise. Where, Sir, does this clause say anything about Party relationships? Under questions, the Hon. Mr. Hill gave the answer truthfully about what he was trying to do. What has this to do with the clause?

The CHAIRMAN: We have not stifled debate on this matter so far. Each member who has spoken has had a reasonable chance to explain his case.

The Hon. D. H. L. Banfield: They spoke to the Bill.

The Hon. C. M. HILL: I am giving evidence to support the contention I have just made. This evidence is a quotation of comments made by the Hon. Clyde Cameron in yesterday's *Advertiser*. The report continues:

> "It is bringing the whole trade-union movement into disrepute and having some effect on the Australian Labor Party. Even Labor voters believe unions have too much power and an overwhelming majority of rank-and-file unionists are dissatisfied with the way unions are run"
>
> Mr. Cameron said a survey commissioned by the A.L.P. showed that as many 56 per cent of trade unionists were dissatisfied with the way unions were being run.

The CHAIRMAN: Order! The Hon. Mr. Hill has transgressed the ruling that I gave. He is out of order. I asked him to relate his remarks to the amendment and the clause.

The Hon. C. M. HILL: I make the point that this Government should welcome such a clause being written into the Bill because it is in its interests in view of what Mr. Cameron said, and it is in the interests of the people if a Government of the day is armed with such power. Certainly, I hope that, if the clause is included in the legislation, there will never be a time when regulations will be brought down with the objective of using this power but a situation may arise where it is necessary to provide for essential services. If a Government has such a provision it can properly carry out its responsibilities.

Without such a provision, it could be held to ransom by radical elements of the trade union movement. That is not in the Government's best interests or in the people's best interests. For those reasons I support the amendment.

The Hon. F. T. BLEVINS: I oppose the amendment. The Hon. Mr. Hill referred to the words of Clyde Cameron to support his contention that there was some dissension between the trade union movement and the Labor Party, and he claimed that that made the amendment necessary. That is absolute nonsense. The Hon. Mr. Hill failed to continue to quote Mr. Cameron and, if it was in order for him to quote Mr. Cameron, surely it is in order for me to do the same.

The CHAIRMAN: The honourable member must confine his remarks to the amendment and the clause.

The Hon. F. T. BLEVINS: I say the amendment is unnecessary for the opposite reason to that advanced by Mr. Hill. The relationship between the industrial and political wings of the Labor Party in South Australia is cordial in the extreme. It is superb and, as my authority, I quote Mr. Clyde Cameron. He is the authority to whom the Hon. Mr. Hill has just referred, and, in the same article, he stated—

The Hon. J. C. BURDETT: I rise on a point of order. Standing Order 299 provides:

> Debate shall be confined to the clause, schedule or amendment immediately before the Committee.

The Hon. Mr. Blevins's remarks are not in accordance with the Standing Order.

The CHAIRMAN: I have already referred to that Standing Order, and I have made the point that I am in control of the debate and will make the decision on whether or not this is a point of order and whether the honourable member is out of order. I think the honourable member is getting close to it, and I warn him that he should not transgress from my ruling.

The Hon. F. T. BLEVINS: Certainly, I do not wish to transgress from your ruling, Sir, as I merely wish to refute the argument advanced by the Hon. Mr. Hill.

The CHAIRMAN: Against the amendment or in relation to Mr. Cameron?

The Hon. F. T. BLEVINS: I am totally against the amendment. My reason is that a good friend of mine, Mr. Clyde Cameron, has clearly spelt out why such an amendment is unnecessary. He said that there is no dissension whatsoever in the Labor movement between the political and industrial wings. He stated:

> In South Australia where internal Labor Party elections, Parliamentary pre-selections and policy decisions . . .

The Hon. J. C. BURDETT: On a point of order, if the Hon. Mr. Hill is not allowed to quote the Hon. Clyde Cameron I see no reason why the Hon. Mr. Blevins should be able to do so. I refer to Standing Order 299. If what Mr. Cameron said had nothing to do with the debate when the Hon. Mr. Hill was speaking, it has nothing to do with the debate now.

The CHAIRMAN: I try to be as fair as possible and, as the Hon. Mr. Hill quoted portions of what the Hon. Mr. Cameron said, I am going to allow that much justice. The Hon. Mr. Blevins should not take it any further.

The Hon. F. T. BLEVINS: I am not pushing at all. The Hon. Mr. Cameron stated—

The Hon. Mr. CAMERON: On a point of order, I have no objection to anyone quoting the Hon. Mr. Cameron *ad infinitum* but I should like honourable members to use his Christian name so that I am not linked to any of his statements. I hope that you, Sir, will direct *Hansard* accordingly.

The CHAIRMAN: The point is taken.

The Hon. F. T. BLEVINS: The Hon. Clyde Cameron stated:

> . . . were decided by the card vote of union delegates, the public saw the Premier (Mr. Dunstan) as having more influence in the A.L.P. than the unions. It proves that when a sensible political wing meets a responsible industrial wing, it is not power that counts, but good sound common sense.

That is what we have in South Australia. That is what the Bill is all about, and the amendment does nothing to assist

in the running of the State or its industrial affairs. It is merely to work up passions.

The Hon. N. K. FOSTER: I oppose the amendment. Much argument has been advanced by three speakers opposite concerning the necessity for such legislation in an emergency. I refer to the comparable situation in America in relation to the power strike where Presidential power is considerable.

President Carter has waited for months. In fact, he has waited for six months in some parts of Virginia. He has almost absolute powers but has not used them. He has the power that has prolonged the dispute, and there was a two to one majority against his entering the dispute, to the extent that the President has spelt out the terms of settlement and they have been rejected two to one. The Federal colleagues of members opposite have prated for 20 years, but they have never sought the powers that President Carter has. Having proclaimed himself publicly about the terms of a return to work, he now finds that there has been a massive rejection by the miners, and his position is untenable.

The Hon. R. A. GEDDES: On a point of order—

The Hon. N. K. FOSTER: I have finished.

The Hon. R. A. GEDDES: I ask whether a debate on the coal strike in the United States of America and reference to Jimmy Carter has anything to do with the amendment.

The CHAIRMAN: I believed there was some connection. The debate was twisted slightly to involve the trade union movement, and I think the Hon. Mr. Foster has been making a point about that.

The Hon. J. R. CORNWALL: I oppose the amendment. For years members opposite have continually perpetrated the falsehood that this is some kind of non-political place. The amendment proposes the most Draconian powers possible and clearly they are designed for confrontation such as one expects in a backward State like Queensland. During the Torrens Island power dispute some time ago, there was clearly a demarcation dispute and the powerhouse was picketed. Members opposite were the first to call for all sorts of Draconian methods to be used, for the calling out of troops, because that is likely to get a gut reaction from the worst elements in the community.

The Hon. C. M. Hill: Who called out the troops?

The Hon. J. R. CORNWALL: Members opposite have advocated all sorts of Draconian strike-breaking tactics. Now these members, particularly Mr. Hill and Mr. Geddes, are trying to write into legislation the most Draconian provisions possible. Governments change from time to time and we should not merely consider this matter in the context of the Labor Government having the power to deal with the trade union movement, because this Government has the best relations with that body and we can settle disputes by conciliation and by talking to people reasonably. The position may arise in the next, say, 25 years where, by default, the Opposition Party now could become the Government and in that case, if this legislation was law, it would be a disaster.

The Hon. R. A. GEDDES: I ask the Government why has it taken a guilt complex. The reasons for opposing the amendment are merely fears that the Government Party may have about the trade union movement or the work force. We have listened to two members saying, in effect, "We have been guilty in the past."

The Hon. J. R. CORNWALL: On a point of order, I suggest that the honourable member would have to be far more specific than that. He has said that two members have said, "We have been guilty in the past." I do not recall anything like that being said.

The CHAIRMAN: That is not a point of order.

The Hon. R. A. GEDDES: A fuel crisis can have serious consequences in times of emergency in future. My contribution to the debate was not against the principles of strikes. It was not a denigration of the A.L.P. or unions that may be involved in problems in an emergency. The Minister's second reading explanation deals with the future possibilities of international crises because of shortages of fuel. There could well be a need for the amendment, but the Government cannot see it.

The Hon. D. H. L. BANFIELD: Honourable members opposite are not clamouring to recommit clause 15, which they amended this afternoon when we were asking for power to control the distribution of fuel. However, this evening those members have referred to the things that they say the Government ought to be armed with in an emergency. This also applied to clause 15 (2), which members opposite deleted. They put in a different provision.

Members opposite are saying that, during times of emergency, the Government cannot have too much power. In the past, when the Government has asked for sweeping powers, it has been knocked back by the Opposition, yet the Liberal Party is now saying that the Government should have wide and sweeping powers. The amendment seeks to provide an over-riding power to the Government to control the whole of the oil industry, including industrial relations. This would empower the Government to direct employers and trade unions. Australia is a democratic, free-enterprise society, a concept to which Opposition members refer from time to time when it suits them to do so. However, it does not suit them to refer to this concept this evening, although tomorrow they may say that the Government should not interfere with the people.

This Bill is virtually the same as legislation that has been successfully used in the past when the rationing of fuel has had to take place. The powers in previous legislation were sufficient to cope with temporary conditions, and no wider powers are needed. The amendment would only extend disputes further. Honourable members opposite have evidently been told that they should support the amendment so that, if ever the Liberal Party is elected to Government in the future, it can use the powers to crush the trade union movement.

The CHAIRMAN: Order! We are dealing with a clause relating to regulations. I have ruled that honourable members must keep within the bounds of the amendment and the clause.

The Hon. D. H. L. BANFIELD: If this amendment was carried, it would give any future Liberal Government, if ever such a Government was elected, powers that would not settle industrial disputes: the powers would widen industrial disputes. Because these powers are far too sweeping, I oppose the amendment.

The Committee divided on the amendment:

Ayes (9)—The Hons. J. C. Burdett, M. B. Cameron, J. A. Carnie, Jessie Cooper, M. B. Dawkins, R. C. DeGaris, R. A. Geddes (teller), K. T. Griffin, and C. M. Hill.

Noes (9)—The Hons. D. H. L. Banfield (teller), F. T. Blevins, T. M. Casey, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, and Anne Levy.

The CHAIRMAN: There are 9 Ayes and 9 Noes. I give my casting vote to the Ayes.

Amendment thus carried; clause as amended passed.

Title passed.

Clause 14—"False statements"—reconsidered.

The Hon. M. B. DAWKINS: I apologise for overlooking this matter last week when we were dealing with this Bill. In the second reading debate, both the Hon. Mr. Geddes

and I referred to clause 14 (1), which refers to "A person"; it does not indicate whether it is a supplier, a driver, or any other person; and it is possible for any person in good faith to make a statement which he later finds to be not as accurate as he thought. It was suggested to me that the word "knowingly" should be inserted in that subclause, so that it would read "A person shall not knowingly make any statement . . ." The penalty could be $1 000. In the second reading debate I indicated that, under those conditions, no-one could really object to a penalty as high as that in the emergency contemplated by this Bill.

I have had advice that, rather than insert the word "knowingly", it would be better to word this subclause, "A person shall not make any statement or representation whether express or implied that is, to his knowledge, false or inaccurate", etc. That would cover the situation. If a statement was inadvertently inaccurate, a person would be covered. Would the Leader of the Government be kind enough to move that progress be reported so that this could be examined? I could get an amendment on file for tomorrow in the words I have just quoted, rather than the one word suggested to me and other honourable members.

The Hon. D. H. L. BANFIELD (Minister of Health): In the circumstances, I am willing to report progress. However, I point out that we may not want to go on with this tomorrow, as clause 14 (2) provides:

> In any prosecution for an offence against subsection (1) of this section, it shall be a defence for the defendant to prove that he did not know and could not by the exercise of all reasonable diligence have known that the statement or representation was false or inaccurate.

The Hon. M. B. DAWKINS: In any case, I think subclause (2) reverses the onus of proof and perhaps, in those circumstances, it can be left until tomorrow.

Progress reported; Committee to sit again.

[Sitting suspended from 5.30 to 8 p.m.]

CONSTITUTIONAL MUSEUM BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

Its purpose is to establish a museum of South Australian constitutional history in the Old Legislative Council building, and to set up a trust for its management. The constitutional museum has been designed to provide the best possible presentation of the story outlining the development of democracy and the Parliamentary system in South Australia, from before settlement to the present time.

Under the plan, the Old Legislative Council building will be transformed into one of the world's most exciting and revolutionary display complexes. The State's constitutional history will be told by words, pictures, illustrations, and exhibits, and will culminate in an extensive and dynamic *son et lumiere* and audio-visual presentation in the restored Legislative Council Chamber. In general, the displays will be bold and striking, featuring large reproductions of documents, photographs, and the written word.

Subjects to be covered include the turmoil of the years from the *Buffalo's* arrival in 1836 to the first democratic election in 1857; the development of the Party system in politics; major political figures; religious freedoms; women's rights; civil liberties; enfranchisement; electoral boundaries and Federation. There will be specialised display areas featuring current legislation; a section called "Your Government Today", where districts and the sitting members will be shown, together with an explanation of the operation of the two Houses, their traditions, offices and procedures, and the role of Government and Opposition.

The museum will be unique in Australia, as it will be totally automated. Visitors will be conducted through the building by an "invisible guide" system which, together with lighting and special effects, fire evacuation and security by television monitors, will be controlled by a computer. The museum will be a distinctive tourist and educational attraction. It will enhance the whole North Terrace precinct and will be an ideal way to teach school groups. Most of the existing building will be restored to a base line of 1875, and will be used for display purposes. However, provision has been made for office accommodation for the controlling authority. The original Parliamentary refreshment room will be converted into a coffee-shop and sales area, for booklets, pamphlets, posters and Parliamentary publications.

Restoration work will start as soon as possible and it is hoped the museum will open in 1979. Furnishings of the period will be included in selected areas. The public will have a chance to become directly involved with the museum and Parliament, by "local member question forms", available on entry to the museum. At the end of the display area, these forms can be deposited for later delivery to members in Parliament House. In this way, members will become closer to their electors. The museum's primary objective is the efficient communication of information, and the function of the visual material will be to support the narrative. Because of the extensive use of special effects, the museum cannot be perceived as a museum in the traditional sense. It will be an "experience": to entertain, to stimulate and, most important, to inform. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2, and 3 are formal, and clause 4 sets out definitions of terms used in the Bill. Clause 5 establishes the Constitutional Museum. Clause 6 provides for the establishment and basic powers of the trust as a body corporate, and clause 7 sets out the terms and conditions upon which members of the trust hold office. Clause 8 is concerned with the validity of acts of the trust and the liability of trust members. Clause 9 sets out the trust's powers of delegation to its members and officers, while clause 10 deals with the remuneration of members.

Clause 11 provides for the appointment of a Chairman of the trust, and clause 12 sets out various procedural measures relating to the conduct of trust business. Clause 13 requires members of the trust who have any interest in a contract contemplated by the trust to disclose such interest and thereafter refrain from any deliberation on the contract. Subsection (3) provides that trust members who are also trust employees are deemed not to have any interest in a matter relating to employment by reason of their being trust employees.

Clause 14 sets out the functions and powers of the trust, and clause 15 provides that the trust shall be subject to the general control and direction of the Minister in the exercise of such functions and powers. Clauses 16 and 17 are concerned with employees of the trust, including the trust secretary. Clauses 18 and 19 set out the trust's borrowing and investment powers and, in addition, provide for banking procedures. Clause 20 requires the trust to present to the Minister for approval an annual budget of estimated receipts and payments for the

financial year immediately following.

Clause 21 provides that proper accounts of its financial dealings shall be kept by the trust, and that these shall be audited at least once a year by the Auditor-General and submitted to both Houses of Parliament. Clause 22 authorises the trust to accept gifts of real and personal property on behalf of the Constitutional Museum, and provides that such gifts shall not be subject to stamp, succession or gift duty.

Clause 23 imposes criminal liability on any person who unlawfully damages property of the trust or the Constitutional Museum and, in addition, provides for the payment of compensation in consequence of such damage. Clause 24 requires the trust to deliver an annual report of its operations to the Minister, who is in turn required to place that report before each House of Parliament. Clause 25 provides that proceedings for offences against the proposed Act may be disposed of summarily, and clause 25 empowers the Governor to make appropriate regulations.

The Hon. C. M. HILL secured the adjournment of the debate.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

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

BUS AND TRAMWAYS ACT AMENDMENT BILL

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

The Hon. T. M. CASEY (Minister of Lands): I move:

That this Bill be now read a second time.

It has two objects—first, to repeal section 43 of the principal Act and, secondly, to effect metric conversion amendments to that Act. The repeal of section 43 is consequent upon the enactment of the State Transport Authority Act Amendment Act, 1978. That Act provides a general borrowing power for the authority, which will apply also to the Bus and Tramways Act, and therefore section 43 is no longer necessary. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 repeals section 43 of the principal Act. Clause 3 provides that five provisions of the principal Act are amended as set out in the schedule. The schedule sets out the proposed conversions, which are either exact or only very slightly different from the present provisions. The amendment to section 49 *(b)* of the principal Act provides an exact conversion, since this relates to the distance between tramways which are in existence.

The amendment to section 49 *(c)* reduces by less than one centimetre the width of roadway on each side of the rails, which must be maintained by the State Transport Authority. The amendment to section 54 effects an exact conversion. The amendment to section 55 reduces by 19 millimetres (less than one inch) the height of fences which must be provided on bridges constructed by the authority. The amendment to section 79 reduces by 48 millimetres the width of the strip of land over which there is a right of public passage (on foot) alongside tramways which are not laid on a road.

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

MINING ACT AMENDMENT BILL

(Second reading debate adjourned on March 1. Page 1858.)

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Progress reported; Committee to sit again.

RESIDENTIAL TENANCIES BILL

Adjourned debate on second reading.

(Continued from March 2. Page 1894.)

The Hon. J. A. CARNIE: I support this Bill. In doing so, I must place on record that I support it as it came out of the Select Committee and not as it was originally presented to the House of Assembly. This shows the wisdom of the House of Assembly in referring the Bill to a Select Committee. I pay a tribute to the Select Committee for the work it did in redrafting this Bill and presenting to its House, and now ultimately to us, a Bill much more acceptable than the original one would have been. I understand the Select Committee sat for nine days, some of those sittings were very long, and much consideration was given to the Bill. What the Bill now does is to codify existing custom; it does not alter very much what is now being done in some cases because it is already the law in certain areas or because it is merely good business practice for both landlords and tenants.

However, there are one or two contentious points with which I will deal; but I will support the Bill because it is designed to protect both the tenant and the landlord. In saying that, I also say that most landlords amd tenants do not need protection of a Bill like this. However, unfortunatly there are some bad landlords and some bad tenants. Consequently, because of the small numbers of those people on both sides of the fence, we have to have legislation like this. I suppose it could also be said that perhaps the tenant needs a fraction more protection than the landlord because the landlord usually, because of his position, has more advice and knowledge available to him than the average tenant.

However, there are some areas where the landlord needs protection and I bring those to the attention of the Council. The first one is referred to in clause 45 (1) *(c)*, which provides that the landlord:

> shall compensate the tenant for any reasonable expenses incurred by the tenant in repairing the premises where the state of disrepair has arisen otherwise than as a result of a breach of the agreement by the tenant and is likely to cause injury to person or property or undue inconvenience to the tenant and the tenant has made a reasonable attempt to give the landlord notice of the state of disrepair.

I will not enlarge on that because the Hon. Mr. Burdett raised this same point in his speech but, as it is written, it raises the possibility of collusion between a tenant and a colleague who carries out repairs, and I believe the landlord needs greater protection in that regard. I foreshadow the possibility of an amendment to the clause.

I refer also to clause 69 (2), which provides that, where a tenant gives notice of termination under the clause, the

period on notice must be not less than 14 days. In these circumstances, 14 days is too short a time because, if a landlord is faced with a sudden vacation of his premises, 14 days is not a long time to allow him to relet the premises. I should like to see that provision altered to provide a slightly longer time, perhaps 21 days. Throughout the Bill, the onus of proof is on the landlord, which is not always in the best interests of law. It is unfair that the landlord should have to provide proof in the examples to which I will refer.

The most contentious clause in the Bill, that has aroused the greatest amount of public feeling and misunderstanding is clause 57, which relates to discrimination against tenants with children. Subclause (1) provides clearly that a person shall not refuse, or cause any person to refuse, to grant a tenancy to any person on the ground that it is intended that a child should live in the premises. I can understand the intent behind a clause such as that: no-one wants to see couples with children disadvantaged or discriminated against in relation to obtaining accommodation. However, introducing such a provision can create difficulties in other areas. For instance, it takes away the basic right of freedom of choice. It involves the landlord's property, and surely he should be allowed to choose to whom he lets his property. Under this clause, the landlord will not be able to do so. He will perhaps be bound to admit tenants that he would not otherwise admit. Clause 57 cuts right across one's basic human freedom to choose for oneself what one will do with one's property.

Subclause (4), which provides that a person shall not for the purpose of determining whether or not he will grant a tenancy to any person inquire from that person whether he has any children, or whether it is intended that a child should live in the premises, is ridiculous. Apart from whether or not children will be present, any landlord letting premises would want to see the family that wanted to rent his premises so that he could decide whether they would be suitable tenants. It is therefore ridiculous that he cannot even ask whether they have children.

It may involve a one-bedroom flat but, because the rent is much cheaper than that for a two-bedroom or a three-bedroom flat, a couple could go to a landlord and not say that they had a child. The landlord would not even be permitted to ask them. So, that couple could live in a flat that was obviously too small and unsuitable for a couple with a child. That sort of situation is ridiculous.

The Hon. C. M. Hill: A landlord may have alternative accommodation that is far more suitable to those applicants with children, yet he is not allowed to ask whether they have children.

The Hon. J. A. CARNIE: I was about to make that point. It could disadvantage a tenant. As the Hon. Mr. Hill has said, a landlord may have other property that is more suitable for those persons but, if the landlord asks whether the people have children, he is liable to a fine of $200. The whole clause is untidy and, to quote an example, it is taking a sledgehammer to kill a wasp. Surely, it would have been possible to exclude discrimination without a clause as sweeping and as Draconian as that.

I refer also to clause 57 (2), which is one of the examples of reverse onus of proof. I return again to the example I used earlier, that is, when a landlord usually likes to see a family so that he can decide whether to let his premises to it. The landlord could decide that the people were not suitable tenants; he might not like the look of the father, thinking perhaps that he might not be a trustworthy tenant. However, that man could say, "I was refused accommodation because I have two children." Although that was not the reason, how on earth would the landlord prove it? Clause 57 (2) is so sweeping that it should be removed completely so that the onus of proof lies in the normal area: the tenant should be required to prove the reason.

Similarly, while dealing with the onus of proof, I refer to clause 72 (4), which deals with application to the tribunal by the landlord for termination and order for possession. Again, there is a reverse onus of proof in this clause, but this provision is even worse than clause 57. I stress "or partly" in this clause. To what part does it refer, and how big a part is it allowed to play? That provision should also be removed, because it is a complete breach of normal practice.

Another point of concern is that the Crown is not bound by the legislation. In this respect, I think particularly of the Housing Trust and the Highways Department, both of which are large landlords, the trust being the biggest in the State. During the Select Committee's deliberations the trust and the department submitted strongly that they should not be bound. Obviously, their will has prevailed, because the Bill, as redrafted by the Select Committee, still does not bind the Crown. I do not believe that the trust, as the largest letting agent in South Australia, should be exempt from legislation that will apply to and bind every other landlord in the State. It is argued that the trust undertakes the letting of property in areas that no other landlord will touch.

That is for the underprivileged and is in the cheap rental area. One case is that of a single mother and child, living on a single-mother's pension. Obviously, she is limited regarding the premises that she can rent and few landlords will provide that rental. However, the Housing Trust does it, and I commend it for doing so. Nevertheless, the trust should be bound.

To me, clause 90 is the greatest single improvement that came out of the Select Committee and, if it was not included, I would not support the Bill. It is a broad clause, and, if the trust considers that there are areas where it should be exempt, it can apply and obtain exemption. I do not believe that the trust, the Highways Department, or any other Crown instrumentality should be exempt from the provisions of the Bill.

Clause 13 provides for the setting up of a residential tenancies tribunal, and I refer to subclause (3). The length of the term of appointment concerns me, although the matter works both ways. An appointment could be made for life, and that might not be in the best interests of the State. If we read that subclause with subclause (5), we see that it is almost impossible to remove a member of the tribunal, provided he carries out his duties without breaching the conditions of appointment, provided he does not suffer any mental or physical incapacity, and provided that he does not engage in dishonourable conduct or neglect of duty. If a person was appointed for a long time, we could be stuck with someone unsuitable.

On the other hand, a person may feel that he has not enough security if the term is short. I think the easiest way out would be to provide a fixed term, and I think a period of five years would be suitable. Also, I imagine that many matters in dispute before the tribunal will involve fairly complex matters of law and, whilst I have often opposed provisions that an appointee to a tribunal must necessarily be a lawyer, in this case I believe that the person on the tribunal should be a lawyer.

My next point concerns Part VI which under clause 83 deals with the establishment of a residential tenancies fund and provides for the setting up of the fund. Can the Minister say what the position will be in the first 12 months? It could be some months, perhaps even a year, before there is a substantial sum in the fund, but it could

be that, soon after the Bill becomes law, one or several claims could be made involving considerable amounts. Does the Government intend to provide funds to get the residential tenancies fund over its initial stage?

Those are the main points I wanted to make about the Bill. Dealing with minor matters, I refer to clause 8, which provides:

> The commissioner shall have the general administration of this Act and shall, in the administration of this Act, be subject to any directions of the Minister.

That is a sweeping statement, and I should like the Minister's assurance that it is not as sweeping as it sounds. Any head of a department is subject to Ministerial control, but this provision sounds particularly broad. Clause 10 was dealt with by the Select Committee and subclause (1) *(d)*—

The Hon. N. K. Foster: What do you consider to be—

The Hon. J. A. CARNIE: If the honourable member wishes to speak in the debate he can do so but he makes most of his speeches by way of interjection. Subclause (1) *(d)* provides:

> the investigation, upon the complaint of a tenant, landlord or otherwise . . .

The rest of the clause deals with tenants' rights on behalf of any tenant. That is correct but, if it refers to "tenant, landlord or otherwise" in that part of the provision, surely action should be taken on behalf of the "tenant, landlord or otherwise," throughout the provision, except perhaps in subclause (3), which deals with excessive rents. Obviously, that would apply to the tenant only. Wherever reference is made in clause 10 to "tenant", I believe it should refer to "tenant, landlord or otherwise", and I foreshadow amendments along those lines.

Clause 10 (12) has been added, I believe rightly, by the Select Committee, and allows a former tenant to make a complaint to the tribunal or the commissioner. However, if a former tenant seeks to lodge a complaint, then six months is an unnecessarily long period in which to allow him to do it. If a complaint is to be made, three months would be ample time, and I should like to see this provision amended accordingly.

The Hon. Anne Levy: It could be more than three months before a former tenant is satisfied about rent and bond money being returned.

The Hon. J. A. CARNIE: That does not apply at all and, if the honourable member reads the Bill, she would find that that is taken care of in respect of rent and bond moneys. In this regard, I think that is one of the good aspects of the Bill. I believe that, overall, the Bill provides security of tenure and also clarifies events in the case of difficulties. I contend that three months is ample in which to allow a former tenant to make any kind of claim.

Returning to the provisions of clause 23 (3), I believe that this is a grave departure from what is normal legal practice. I draw honourable members' attention to the subclause, which provides for something totally opposite to what is and has been standard legal practice, namely, that a person should not be obliged to answer any question that may tend to incriminate him. In Committee, I will move for the complete removal of the subclause.

Another point that causes me concern (and the Hon. Mr. Burdett made a lengthy reference to it) is that an order of the tribunal shall be final and binding on all parties, and no appeal shall lie in respect of such an order. However, I believe that there should be some right and form of appeal, whether to a court or to a tribunal specially set up for that purpose.

Regarding clause 30, which deals with rent in advance and which limits the amount to two weeks rent, I am somewhat of two minds on this matter, although I understand the reason for it. Many people rent homes or flats and, by the time they have paid rent in advance and bond money and had a telephone connected, etc., they can sometimes be faced with a bill for a sum they cannot easily afford to pay. At the same time, it is common practice for many landlords to collect rent on the first of the month, or require that it be paid on the first of the month—in other words, paid monthly.

Take, for example, the case of a tenant who pays on the tenth of the month but from whom the landlord is able to get only two weeks rent in advance, thus taking the tenant to the twenty-fourth of the month. There would still be an odd week before the landlord could collect his rent on the first of the month. This would lead to inconvenience. Although understanding the reasoning behind it, and not wanting to disadvantage tenants in this regard by requiring a too high initial payment, I wonder whether it could be lengthened to a maximum of four weeks rent to allow the landlord, if it is his normal practice to collect rent at a specific time, to collect payment when the normal payment would fall due so that he would not be inconvenienced by having to return two or three times to collect rent.

The Hon. T. M. Casey: Doesn't that defeat the argument you've just put up so far as the tenant himself having to pay for the connection of the telephone, etc.? If you increase his rent payment, bearing in mind the telephone connection, etc., you will place him at a great disadvantage.

The Hon. J. A. CARNIE: I think that, at the outset, I said that I can sympathise with and understand the reason for this provision but, at the same time, I point out the inconvenience to both parties. I admit the difficulty. I am still in two minds. Perhaps we can consider the matter further in Committee.

Clause 35 (4) provides that an order declaring rent to be excessive shall have effect for one year. Clause 33 (1) (ii) provides that the rent payable under a residential tenancy agreement may be increased by the landlord by notice in writing to the tenant specifying the amount of the increased rent and the day from which the increased rent becomes payable, being a day not less than six months after the day on which the tenancy commenced or not less than six months after the day on which the rent was last increased. In other words, it is possible to increase the rent, provided there is justification, every six months yet, if there has been an order declaring rent to be excessive, it is 12 months before the landlord can try again. If we take the two provisions together, it could go for 18 months. For the sake of consistency, the period in clause 35 (4) should be reduced to six months. I foreshadow an amendment to this effect.

I referred earlier to clause 45 (1) *(c)*, dealing with compensating a tenant for emergency repairs. I would like to see some protection to prevent collusion. The person carrying out such repairs should be a licensed tradesman, and he should give a short report on the work done, so that the landlord can decide whether or not the work resulted from a breach of the tenancy agreement. A decision can then be made as to whether the landlord should compensate the tenant. I foreshadow a series of amendments when the Bill reaches the Committee stage. I support the second reading.

The Hon. C. M. HILL: I speak on this Bill with some experience in the matter of letting.

The Hon. Anne Levy: Have you been a tenant?

The Hon. C. M. HILL: I can recall being a tenant, but I have also had experience in the general area of real estate and as a landlord directly concerned with letting. Because

there is no need at all for this Bill, I am opposed to it. I would not have any objection if legislation was introduced to do something about problems relating to security bonds, which have been introduced relatively recently in connection with residential tenancy agreements. Problems have arisen in connection with security bonds.

I acknowledge that those problems have to be tidied up at some stage. That, in my view, is not sufficient excuse for me to vote for the second reading of this Bill. It has some very bad effects. The worst of these is that the legislation will increase rents; there is absolutely no doubt about that.

The Hon. J. E. Dunford: That might be just in the places you're interested in.

The Hon. C. M. HILL: I am concerned about tenants who will have to pay these increased rents. Young people are finding it extremely difficult to pay the rents that they must pay now and they are going to have to pay more, simply because of this Government's legislation. One has only to read the Bill to appreciate that the expenses for necessary advice sought by landlords in future to ensure they do not break a new law of this kind will be costs that they will pass on to the consumer, the tenant.

I believe this Government should look closely at the inevitability of rentals for residential tenancies increasing as a result of this Bill. We hear from time to time from members on the Government side that they represent the consumer and that consumers have first consideration in legislation they bring forward. If that is a fact, what consideration is the Government giving the tenants if tenants are going to have to pay more rent as a result of this Bill. I think that is a serious matter.

The Hon. J. E. Dunford: Did that come out of a Select Committee's inquiries?

The Hon. C. M. HILL: It did not come out in a report. I have made my review of the Bill and, irrespective of what was said or done in the Select Committee, which was a committee in the other place, I am convinced from my knowledge, experience and my reading of the Bill as it stands at the moment that it is inevitable that rentals are going to increase if this Bill passes. I think that is bad, indeed, and is a disadvantage of the Bill. I believe the Government has to weigh that against whatever advantages it says or claims will result.

The Hon. T. M. Casey: You have not given any reasons; you said that, from your experience, rents will increase.

The Hon. C. M. HILL: I feel I touched on them, but if the Minister cannot understand—

The Hon. T. M. Casey: You have not given one reason; it is only what you personally think.

The Hon. C. M. HILL: If a landlord has to consult an expert, whether he be a solicitor or a specialist letting agent, to ensure that under the new law the new agreements and the new arrangements that have to be entered into have in fact all been taken care of so that the landlord does not break the law in the future, that landlord is going to be confronted with more costs than he is at present. It is as simple as that.

The Hon. J. E. Dunford: You mean he shouldn't, if there are any changes, be given advice? If a person is in business he should find out what it's all about. That is part of the business of making his profit.

The Hon. C. M. HILL: I do not believe in the view that you have to have change. If change is contemplated it is my job to look at it to see whether it is of benefit to the community or not. If it is of benefit to the community I am happy to support it. A landlord who is confronted with extra costs will, without doubt, say to his letting agent, "I am finding my costs increase as a result of this new legislation. Therefore, we will ask a higher rental to cover that outgoing." Although the Minister a moment ago said I had not given any reason or explanation for it, that is the point I am making.

The Hon. J. E. Dunford: How much extra is charged for that bit of extra advice?

The Hon. C. M. HILL: It is not only in the preparation of the tenancy agreement. During the whole period of the letting, the landlord must ensure that he upholds every condition laid down in this Bill as to his responsibilities as a landlord.

The Hon. J. E. Dunford: He gets all this information from the landlords association.

The Hon. C. M. HILL: No, he does not. There are hundreds of landlords who do not belong to any landlords association; they are landlords who are businessmen in their own right and, when they seek advice and want to adapt their business arrangements to a new law, they seek specialist advice and consult experts on how they can do that. That will occur in regard to this measure and, as a result, I again say that rent will increase.

The Hon. T. M. Casey: But you were saying a moment ago that he would seek advice from a letting agent; the letting agent would do the work for him.

The Hon. C. M. HILL: Yes, the letting agent can do the work, and the letting agent charges his principal, who is the landlord. The landlord passes on that extra cost to the consumer, who is the tenant. Can I be any clearer than that?

The Hon. T. M. Casey: You are saying that the letting agent will charge more for the information required, under this Bill?

The Hon. C. M. HILL: Yes, he will, because the time of the letting agent involved in the practice of letting will be immense compared with the time involved now. The letting agent must know chapter and verse of 94 new sections in the Act, and we shall find letting agents who will specialise in letting only and will not involve themselves in anything else.

The Hon. J. E. Dunford: You will have a higher standard of accommodation.

The Hon. C. M. HILL: It will cost more and the tenant will have to pay; that is one reason why I say that generally I oppose the measure, because I do not want to see the tenant having to pay more rent.

The second point that is bad about the Bill is that it will stop development in relation to the building of blocks of flats. Those involved in the business of building and letting flats will, in my view, lose all their enthusiasm for that kind of development when they see the new law under which they must operate in future. What does that mean? It means that flats that young people badly need now will not continue to be built. Young people today who cannot afford to buy houses have no alternative but to seek rental accommodation. Most of them do this for the early years of their married lives and then ultimately they are able to purchase houses; but there should be a ready supply of rental accommodation.

At the moment that is being provided by the private sector, but the incentive for the private sector to go on building flats, apart from all the other problems facing the building industry now, will be further damaged by this Bill. So, the lack of supply of new flats coming on to the market is bad for young people of this State who want to marry and who seek rental accommodation of this kind.

What will that limited supply result in? It will inevitably result in higher costs. That is another factor that will tend to increase rents, and that, of course, means that the building industry will suffer further and will see even more unemployment than exists now. Surely that is bad.

What we will see in this State in future is an era of the old fashioned bed-sitting-room kind of letting. Many older

homes will be converted, and couples will have no alternative but to seek bed-sitting-room arrangements because of the effect of this Bill.

The Hon. J. R. CORNWALL: I rise on a point of order, Mr. President. Because of Mr. Hill's wellknown interests in the area he is now debating, I draw your attention to Standing Order 225 and ask for your ruling.

The PRESIDENT: The Hon. Mr. Cornwall does not have a point of order. He is only prolonging the debate by raising that sort of thing.

The Hon. J. R. CORNWALL: Mr. President, will you explain why it is not a point of order?

The PRESIDENT: There are a number of reasons, but it is not a point of order.

The Hon. J. R. CORNWALL: Is that an *ex cathedra* statement or are you speaking from a position of infallibility?

The PRESIDENT: Order! I do not have to give an explanation; I am here to control the debate.

The Hon. J. R. CORNWALL: The Standing Order is headed "Pecuniary Interests". It is public knowledge that Mr. Hill has a direct pecuniary interest in this matter. In the circumstances, I have asked sincerely and genuinely, and without wanting to hold up the Council, for a ruling on the matter. I would like the reason for your ruling. I do not believe with great respect, that it is sufficient for you to say that there is no point of order.

The PRESIDENT: I point out that I do not have to give a reason for my ruling. I have ruled that the point of order is out of order, and I ask the Hon. Mr. Hill to proceed.

The Hon. C. M. HILL: I point out to the Hon. Mr. Cornwall, because he was either not in the Chamber or was asleep at the time, that in my opening remarks on this Bill I made a direct reference to my experience in the field of letting and my direct experience in the field of being a landlord in regard to residential letting. I did that because I hoped the Council would take considerable notice of my submission because of that experience. One of the functions of this Council is to have within it members who can speak from experience and who do in fact make contributions based on that experience. Do I get up when the Hon. Mr. Cornwall talks about his work as a veterinary surgeon and say that he has some interest in it and should not speak? Did I jump to my feet the other day when he took up the time of the House in explaining how he stops dogs from barking?

The Hon. J. R. Cornwall: That was a question: it was an entirely different matter.

The Hon. C. M. HILL: I would expect to hear the honourable member when a Bill is before the House in relation to his profession; I would expect to hear the Hon. Mr. Dunford speak when a Bill is introduced into this House regarding industrial matters; and I would want to hear from my colleagues with rural interests when Bills are before the Council that affect the rural community. That is one of the functions one has in this Chamber.

The Hon. J. R. Cornwall: You have no credibility at all on this performance—none at all.

The Hon. C. M. HILL: I ask for a withdrawal of that statement unless it can be backed up. What does the honourable member mean by that?

The Hon. J. R. Cornwall: I said that you have no credibility.

The Hon. C. M. HILL: Give me a reason why.

The Hon. J. R. Cornwall: Because of your direct pecuniary interests as a landlord.

The Hon. C. M. HILL: The honourable member has a pecuniary interest as a professional man. I repeat that when a Bill comes into this Council regarding his profession I and the rest of the members of this Chamber want to hear—

The PRESIDENT: Order! I am not interested in what pecuniary interests the Hon. Mr. Hill or the Hon. Mr. Cornwall has. However, I am interested in what the honourable member contributes to the debate. I therefore ask the honourable member to stick to the Bill.

The Hon J. R. Cornwall: At least I have a standard of ethics.

The Hon. C. M. HILL: What does the Hon. Mr. Cornwall mean by that? Let him get up and say something to back up that clear implication that I am unethical. Let the honourable member stand up and say that: let him justify that claim or shut up.

The Hon. J. R. CORNWALL: I do not know under what Standing Order I can substantiate that statement, because there is now no give-way rule in the Council. If you, Sir, would care to find a Standing Order under which I can make a further explanation, I should be pleased to do so.

The Hon. C. M. HILL: Why does not the Hon. Mr. Cornwall—

The PRESIDENT: Order! I ask the Hon. Mr. Hill to resume his seat. The honourable member has asked the Hon. Mr. Cornwall to speak.

The Hon. J. R. CORNWALL: Are you willing to hear me, Mr. President?

The PRESIDENT: Yes.

The Hon. J. R. CORNWALL: The Hon. Mr. Hill has said that I speak on matters in which I have a pecuniary interest.

The Hon. C. M. HILL: I did not say that at all, and I object to the honourable member's saying that. I ask for an immediate withdrawal of that statement.

The PRESIDENT: The Hon. Mr. Hill has asked for a withdrawal, but I am not sure what he wants withdrawn.

The Hon. C. M. HILL: I ask for a withdrawal of the statement that I said that the Hon. Mr. Cornwall had a pecuniary interest in veterinary work, and that, therefore, he should not involve himself in debates on legislation of that kind. I said that I want to hear from him, as and expert, on legislation concerning his profession.

The Hon. J. R. CORNWALL: The Hon. Mr. Hill said that I raised a matter in which I had a direct pecuniary interest recently, and he referred to a matter concerning debarking of dogs that I raised by way of a question. I have no pecuniary interest in the matter at all.

The PRESIDENT: Is the Hon. Mr. Cornwall willing to withdraw the statement of which the Hon. Mr. Hill has complained?

The Hon. J. R. CORNWALL: No, I am not.

The PRESIDENT: If the Hon. Mr. Hill wants to address the Council, I ask him to do so. I want to hear from the honourable member what he wants the Hon. Mr. Cornwall to withdraw.

The Hon. C. M. HILL: I will not continue with the matter. I summarise my submission thus far. Although I accept the need for some tidying up of the problems brought about by security bonds in relation to lettings, the Bill, in its present form, is bad legislation. I said that I believed (and I base this remark on my own experience, to which I have already referred) that the Bill would increase rents, and that is bad. It will stop the building of flats by those involved in that work, which also is bad, because of the need for a continuing supply of flats. I said, too, that I believed that unemployment would occur in the building industry and that that, too, was bad.

The limited supply of flats that I believe will occur as a result of the promulgation of this legislation is unfortunate for young people who urgently need and are being forced to rent accommodation before they can afford to purchase their houses. In expressing my general opposition to the

Bill, I do not want it thought that I do not have deep concern for those experiencing problems in relation to obtaining rental accommodation; everything possible should be done to help them.

Basically, I believe that the South Australian Housing Trust should increase its building programme of letting accommodation so that the supply of such accommodation can be increased to the point where the ordinary forces of supply and demand can keep rents down to a reasonable figure, and proper arrangements can be developed between landlords and tenants that make unnecessary complicated agreements and contracts as envisaged in the Bill. In my view, it is a great pity that the Housing Trust has not continued to build more rental accommodation so that the supply could be further increased.

The Hon. F. T. Blevins: A bit of socialism!

The Hon. C. M. HILL: I do not look on it as socialism; I look on it as good Liberal policy to help people where there is a genuine need. The Liberal Party established the South Australian Housing Trust, not as a socialist measure, but to provide adequate housing for workers who could not afford to pay market prices for accommodation available at that time. In my view, that is proper Liberal policy, with which I totally agree.

The second point about the Bill is that it is unfortunate that the Commissioner for Consumer Affairs is involved in the legislation in any way. From my review of the Bill, it seems that we have the Commissioner for Consumer Affairs involved and then, parallel with that authority, we have this newly proposed tribunal to be established by the clauses of the Bill. I could see some merit if the Bill concentrated on setting up a tribunal. I could see some merit if the tribunal were given inspectorial staff and could become a specialised authority to whom people could turn for help in this general area of landlord and tenant legislation. However, to have people seeking advice and guidance from the Commissioner for Consumer Affairs and then having this second authority would be, I suggest, a duplication.

It seems that there is to be a great deal of complexity regarding the work of the staff of the Commissioner for Consumer Affairs, and in my view there will not be the specialist approach which I think is necessary and which could be of some help both to tenants and landlords. I do not know whether it is possible for the Government to look at that question as the Bill progresses through Parliament, but I believe that, if a separate organisation such as the tribunal and a selected number of inspectorial staff could be established, people would know that it is an authority to whom they could turn. If that authority, with the tribunal at its head as a single member inquiry, could concentrate on conciliation in relation to the settlement of disputes and problems in this area, I think many of the problems would be solved. Once these problems get enmeshed in the Consumer Affairs Department, I think the time factor would not be as advantageous as the Government envisages. I think that, generally speaking, the legislation will bog down with a great deal of red tape and bureaucratic interference where it might be able to be kept relatively simple and quick in its decision-making if the tribunal only was the authority provided for in the Bill.

Having made those general observations on the Bill, I do not intend now to enter into detailed discussion, because in many respects this is a Committee measure. Doubtless, there will be much debate in Committee on amendments that will be moved. As members on this side have indicated support for the Bill at least in general terms, it will continue into Committee, when I will speak and vote to improve the Bill so that it will end up in the best possible form.

I hope that, when the legislation goes on the Statute Book, the Government will watch its working and that, if complications, delays, and rent increases occur, it will make further amendments so that both tenants and landlords can be assisted in the best possible way.

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

SUPPLY BILL (No. 1) 1978

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

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

That this Bill be now read a second time.

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

Members will notice that the Bill provides for an amount greater than that provided by the first Supply Act last year, which was for $190 000 000. Some increase is needed to provide for the higher level of costs faced by the Government and, in the normal course, an amount of $210 000 000 would have been proposed. However, a special advance may be required when revised arrangements between Government hospitals and the South Australian Health Commission are introduced at the start of next financial year, and provision has been made to cover this contingency in the $220 000 000 which this Bill proposes. I believe this Bill should suffice until the latter part of August, when it will be necessary to introduce a second Bill.

Traditionally, Supply Bills are short Bills containing three clauses. Clause 1 is the short title. Clause 2 provides for the issue and application of up to $220 000 000. Clause 3 imposes limitations on the issue and application of this amount.

The Hon. R. C. DeGARIS (Leader of the Opposition): As this is the usual Supply Bill to enable the Public Service to carry on, I support the second reading.

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

CLASSIFICATION OF THEATRICAL PERFORMANCES BILL

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

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

That this Bill be now read a second time.

It is designed to deal with the classification of theatrical performances on the basis of principles that have been applied to the classification of films and publications. Issues of censorship create much contention within the community. However, the Government believes that much of the heat has been taken out of the controversy by the Film Classification Act and the Classification of Publications Act. These Acts do not of course satisfy

everybody. There are influential groups within the community that would argue for a return of strict censorship; on the other hand, there are many who would argue that there should be no restriction at all on the dissemination of any form of material throughout the community. But generally the system of classification does seem to strike a reasonable balance which seems to have been generally accepted by the community.

The present Bill extends this system of classification to "live" theatrical performances. The task of assigning classifications to "live" performances will be carried out by a board consisting of the same members as the Classification of Publications Board. The board will be able to classify performances as "restricted" or "unrestricted" theatrical performances. In the case of a "restricted" theatrical performance, the same conditions prohibiting attendance by children between the ages of two years and 18 years as are presently applicable to R classification films will operate. Where the performance is so offensive that it ought to be the subject of proceedings under the criminal law, then the board will, of course, refrain from assigning any classification to the performance. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal and clause 4 sets out the definitions necessary for the purposes of the new Act. Clause 5 establishes the board and provides that it is to be constituted of the members for the time being of the Classification of Publications Board. Clause 6 deals with the procedure of the board and clause 7 grants the members of the board immunity for anything done in their official capacity.

Clause 8 provides for the payment of allowances and expenses to members of the board and clause 9 provides for the appointment of a Registrar of the board. Clause 10 provides for an application for classification of a theatrical production. The board is required to consider a theatrical performance if the Minister requests it to do so and clause 11 sets out the criteria to be applied by the board in assigning classifications. These criteria are similar to those applicable to the Classification of Publications Board.

Clause 12 deals with the classifications that may actually be assigned by the board and clause 13 enables the board to impose conditions in respect of a classified performance. Where a theatrical performance receives a "restricted" classification conditions restricting advertisement may be imposed. Clause 14 sets out a number of necessary powers of a procedural nature and clause 15 provides for publication of a notice of classification in the *Gazette* and provides for service of the notice on the promoter of the performance. Clause 16 makes it an offence to fail to observe a condition imposed in respect of a classified performance.

Clause 17 restricts the theatres in which restricted theatrical performances may take place and clause 18 restricts the admission of children between the ages of two years and 18 years to "restricted" theatrical performances. Clause 19 protects those persons who take part in classified theatrical performances from prosecution for offences relating to blasphemy, obscenity or indecency. Of course, the conditions stipulated by the board must be observed if this protection is to operate.

Clause 20 is an evidentiary provision and clause 21 enables members of the board, the Registrar and other authorised persons to enter theatres for the purpose of viewing performances. Clause 22 provides for the summary disposal of offences and clause 23 is a regulation-making power.

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

ADJOURNMENT

At 10.45 p.m. the Council adjourned until Wednesday, March 8, at 2.15 p.m.