LEGISLATIVE COUNCIL

Tuesday 28 October 1980

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

PETITION: INFORMATION CENTRES

A petition signed by 16 electors of South Australia, stating that the Tonkin Liberal Government had broken its pre-election promise and praying that the Council would take whatever steps were within its power to ensure that the Government honour that promise by continuing to support community-based information centres and in particular restore the funding for the Thebarton Information Centre, was presented by the Hon. J. E. Dunford.

Petition received and read.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Road Traffic Act, 1961-1980—Regulations—Tow Trucks.

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

Pursuant to Statute—

Coast Protection Board—Report, 1978-79.

Metropolitan Milk Board—Report, 1979-80.

Stock Foods Act, 1941-1972—Regulations—Pesticides Residues.

By the Minister of Arts (Hon. C. M. Hill)—

Pursuant to Statute—

South Australian Film Corporation—Report, 1979-80.

State Theatre Company of South Australia Act, 1972-1979—Regulations—Representatives for Board of Governors.

QUESTIONS

Dr. PETER ELLYARD

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question regarding Dr. Peter Ellyard.

Leave granted.

The Hon. J. R. CORNWALL: Last Thursday, the Minister of Environment announced that he intended to appoint Mr. Ted Phipps as the Director-General of the proposed new Department of Environment and Planning. Since that time, there have been widespread protests from the public and from special interest groups, which are unprecedented in recent times in any matter concerning the South Australian Public Service, over the fact that the present Director-General of the Department for the Environment was passed over. I wish to add my protest in the strongest possible terms.

Dr. Peter Ellyard was appointed to his present position by the previous Government in July last year. There is no doubt that he was appointed to the position because of very strong recommendations that I made to the Cabinet at that time as Minister of Environment. In the present political climate that would appear to be his only blemish. Peter Ellyard brought to the position a degree of expertise and stature previously unknown in this State. It is worth recounting some of his more notable achievements. Dr. Ellyard graduated in agriculture from the University of Sydney, and subsequently he obtained a Ph.D. in Environmental Studies from Cornell University, one of the most prestigous universities in the United States. After Cornell, Dr. Ellyard worked for some time in the model cities programme in New York gaining valuable experience in urban planning. He then returned to Australia and took up a senior position in the Commonwealth Public Service in Canberra.

In 1975, Dr. Ellyard was seconded to Papua New Guinea for three years as the first Director of the new Environment Department in that country following independence. During most of the 1970's, he also worked as a consultant in the United Nations Environment Programme. For many years he has been well known and well respected on the world environment scene. His demotion (and that is most surely what it is) is effective from 1 July 1981. However, in practical terms it began early this year. It has made South Australia a joke in environment terms not only in this country but around the world.

Dr. Ellyard's conduct and performance of his duties in his position as Director-General of the Department for the Environment has been outstanding. Since 15 September 1979, I have studiously avoided any contact with him, except on four or five occasions when I have contacted him with questions on matters of fact. I have done this quite deliberately so that he could in no way be compromised or be seen to be compromised. For his part, Dr. Ellyard has just as scrupulously avoided any contact with me that could be misconstrued in any way whatsoever.

I have carried this policy to such an extent that there may have been occasions when my attitude could have been interpreted as curt or almost discourteous. I would like Peter Ellyard to know, through this Parliament, that I did this quite deliberately to avoid any possible embarrassment to him. I would like it to be on record today that I regard him as an environmentalist who walks tall on the world scene.

My view is obviously shared by the Committee of the Conservation Council of South Australia, the State's peak body on environmental matters. Members of the committee have told me that last Thursday they were due to meet the Minister of Environment to discuss progress and initiatives, or lack of them, during the first 12 months of the Liberal Government. The first that they knew of the new appointment was when they arrived for that meeting. As an indication of protest, they immediately declined to meet with the Minister and retired to the office of the Conservation Council to consider their position. They subsequently issued a considered statement strongly critical of Dr. Ellyard's demotion.

A further indication of the type of reaction occurring in the community was reflected in a letter in this morning's *Advertiser* from 11 teachers and graduate students of the School of Environmental Studies at Adelaide University. In addition, I have received numerous phone calls from environmentalists, planners and the public at large concerning the matter.

This Government has systematically set about downgrading the Department for the Environment ever since it came to office. It now seems just as determined to degrade and diffuse the Department of Urban and Regional Affairs.

I therefore ask why the Minister has seen fit to downgrade the office of the new Director-General of Environment and Planning by passing over the present

Director-General of Environment and appointing an officer whose skills are in engineering and management. Also, in view of the widespread adverse reaction among environmentalists, planners and the public, and since the appointment is not effective until 1 July 1981, will the Minister reconsider the appointment?

The Hon. J. C. BURDETT: The applications were submitted to the panel, and the appointment has been made in accordance with the decision of that panel.

The Hon. J. R. Cornwall: It's the Minister's decision to appoint a Director-General, and you know it.

The Hon. J. C. BURDETT: I also know what the recommendation of the panel was, and that was unanimous. I will refer the honourable member's question to my colleague and bring back a reply.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Was the appointment made in accordance, first, with the qualifications of the person appointed in comparison with the qualifications of the person referred to in the question; and, secondly, was it made in accordance with the policies of the Government as it sees the need for conservation in this State?

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

LITTER CONTROL

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking the Minister of Local Government a question concerning the Litter Control Council.

Leave granted.

The Hon. J. R. CORNWALL: Today we learnt that the Government intends to abolish the Litter Control Council, set up an advisory committee on litter control within the Department of Local Government and move to upgrade the Kesab organisation. The Litter Control Council was set up in 1976. It was, I have to admit, a somewhat uneasy partner of Kesab. I think that had the previous Government continued in office we would have had to move to straighten things out in that area. However, I have no doubt that, whatever we did, we certainly would not have handed to Kesab the supreme authority in this area.

Kesab has a fairly enviable public record and image. This is hardly surprising. It is run, in essence, by a public relations team. It has managed, with great skill, to "corner the market" as it were. It has a high reputation among local government and other organisations. Just occasionally, however, conservationists have looked at it with some suspicion. I suggest that it is not, with all its many virtues, the right organisation to be the official Government standard bearer of litter control. For a start, it is a private organisation. For another thing, some very large organisations that produce items that end up in the litter stream have substantial influence on the organisation, because they contribute heavily.

When the previous Government legislated for deposits on disposable drink containers, Kesab stopped just short of outright opposition. Kesab used to circulate, and possibly still does, documents prepared by the Packing Industry Environment Council, so there, of course, we have a clear conflict of interest.

The Packaging Industry Environment Council is a cooked up public relations front for the large businesses whose main activity is to flog disposable items that end up in the litter steam, businesses that are deadly scared of any official Government action that realistically deals with the litter problem at its source. Kesab is a "softer" organisation of the Packaging Industry Environment Council. It is far more acceptable, apparently. But I do not think that the basis of its representation and its methods of operation are such that it should be elevated by the Government into a position where the packaging interests might be able, more effectively, to lobby against any genuine environmental initiatives, should this Government ever decide to take any.

Therefore, I ask the Minister whether it is a fact that the Minister of Local Government has announced, as Government policy, that the Keep South Australia Beautiful organisation would now become the State's foremost litter control authority.

The Hon. C. M. HILL: In the explanation to his question, the honourable member admitted that the former Litter Control Council and Kesab were somewhat uneasy partners. He also admitted that had his Government remained in office it would have had to do something about the situation. Like so many other things that the previous Government should have done something about, it did not act on this matter, and it has fallen upon the present Government's lot to take action and straighten such matters out. Indeed, we have straightened this matter out.

The Hon. J. R. Cornwall: You've sold out to the packaging industry.

The Hon. C. M. HILL: There is absolutely no truth at all in the honourable member's claim that we are selling out to the packaging industry. The fact is that, in the election policies of this Government prior to its coming into office last September, we emphasised our support for Kesab, and we indicated in these policies with which we went to the people that we were going to support Kesab strongly. We have much faith in Kesab, because basically it is a voluntary organisation established to control litter, and it acts right across the board.

The Hon. J. R. Cornwall: Who funds it?

The Hon. C. M. HILL: It is funded by many parties—by private enterprise (and I commend private enterprise for funding an institution of this kind) and by the Government. I found, on coming to office, that I was in the quite ridiculous situation as Minister of Local Government of having the Litter Control Council under my control and on my lines, yet through my funding I was passing money across to Kesab, which was under the control of another Minister. There was duplication and inefficiency, and this Government does not stand for either. I had a look at the situation and found that there were some people, including members of the previous Government, who knew that this situation existed, but nothing had been done about it.

The Government saw that there was no need for a high-powered Litter Control Council and Kesab as well, so the two have been separated. In all matters relative to Government regarding litter control, such as my department's advice to local government and liaison with other Government departments on this matter, a smaller committee (to be called the Litter Control Committee) is being established. That committee will act in many ways as the former council acted. Kesab will receive its funding through its own Minister, the Minister of Environment, and not through two separate Ministers, and it will, in some respects, be upgraded by the present Government because of our election promises last September.

The Hon. C. J. Sumner: Are you giving it more money?

The Hon. C. M. HILL: We will not know that until next financial year, because the change has only occurred in this financial year, and money which is on the lines now will go to Kesab, as was planned months ago. After this year, the funding will be quite clear in the lines. It is not clear at the moment, because of this problem of

duplication that exists. There is nothing wrong in what has happened, and I can assure the honourable member who asked this question that litter control will be pursued and enforced with even greater vigour in future than has been the case in the past.

The Hon. J. R. Cornwall: Rubbish! You should be ashamed of yourself.

The Hon. C. M. HILL: The honourable member says "rubbish". Frankly, the honourable member does not know what he is talking about.

The Hon. Anne Levy: He's talking about "rubbish".

The Hon. C. M. HILL: Yes, he is a specialist in it. The Government's programmes concerning litter control will be more efficiently continued and pursued by these new arrangements. I hope that the Kesab organisation will benefit as a result of the change and, also, that departmental activity that will come under the general umbrella of the new and smaller Litter Control Committee will be pursued with vigour.

SPECIAL BRANCH

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about the Special Branch.

Leave granted.

The Hon. C. J. SUMNER: In a report in the *News* of 18 June this year it is indicated that the State Government review of the role of the Police Special Branch is nearly complete, and the Chief Secretary (Mr. Rodda) is quoted as saying that he expected an announcement to be made in about four weeks. That was over four months ago, and since then we have had no indication from the Government of whether any decision has been taken on Special Branch and whether any further guidelines have been laid down or whether its role is to be changed.

Accordingly, my questions are: first, have new guidelines for the operation of the South Australian Police Special Branch been decided upon by Cabinet? Secondly, have these new guidelines been conveyed to the Police Commissioner? Thirdly, is it intended to make the new guidelines public? Fourthly, if no decision has been made, when is it expected that a decision will be made?

The Hon. K. T. GRIFFIN: Last week there was a Question on Notice by the Hon. Miss Levy which related to Special Branch and to which I provided an answer. Among the questions asked was whether or not Special Branch is acting under the guidelines that were promulgated by Order-in-Council on, I think, 18 January 1978. My answer to the Hon. Miss Levy was "Yes", that Special Branch was still operating under those guidelines. She also asked about staffing changes, the relationship of the Australian Security Intelligence Organization to Special Branch and whether or not the Chief Secretary had authorised any information to be made available by Special Branch to ASIO. The answer to that question, from memory, was "No".

The other part of the question related to staff, where the Hon. Miss Levy asked questions about changes that had taken place in the staffing of Special Branch and whether the Minister had given any approval for staff changes. My recollection is that the answer to that question was that there had been one staff change, which did not have the approval of the Minister because it was not felt appropriate or necessary for the Minister's approval to be sought and given, for the reason that the change had occurred as a result of the promotion of one of the officers in Special Branch.

Those answers clearly indicated the status of Special Branch. There are other questions on notice, one in particular asked by the Hon. Mr. Blevins for Thursday of this week in relation to files held by Special Branch, and it is expected that that question will be answered on that occasion. The Government's view is that, if at any time in future the guidelines are to be changed, they will be made public.

The Hon. C. J. SUMNER: That information was very interesting, if not completely irrelevant to the questions I asked. I, and, indeed, the other members of the Council should be grateful to the Attorney for repeating the answers he gave last week, but those answers bear no relationship to the questions I asked.

My supplementary question is: does the Attorney intend to answer the following questions? First, have new guidelines for the operation of the South Australian Police Special Branch been decided upon by Cabinet? Secondly, have these new guidelines been conveyed to the Police Commissioner? In regard to the third question, the Attorney has answered that it is intended to make the new guidelines public at some stage. Fourthly, in view of the fact that four months ago the Chief Secretary indicated that a review of Special Branch would be completed within four weeks of that date, if no decision has been made on Special Branch or on any changes in it, when is it expected that such a decision will be made and the Parliament notified?

The Hon. K. T. GRIFFIN: They are properly questions for the Chief Secretary. I will refer them to him and bring down a reply.

REPLIES TO QUESTIONS

The Hon. FRANK BLEVINS: Has the Attorney-General answers to questions asked by the Hon. Mr. Foster on 4 June about the motor vehicle industry and on 17 September about crash repair companies, and by the Hon. Mr. Creedon on 26 August about bus subsidies? If the Attorney-General has those answers, the Opposition would appreciate it if they could be incorporated in *Hansard*.

The Hon. K. T. GRIFFIN: I have answers to those questions. However, I am not prepared to seek leave to incorporate them in *Hansard*. If it is good enough for this Council to listen to the long statements that are often made in relation to questions and then listen to the questions, it is good enough for the Council to listen to the answers provided.

The Hon. N. K. Foster: That's not the answer—you're being hypocritical again.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I am prepared to give answers when they are available and I now intend, at the request of the Hon. Mr. Blevins, to provide those answers. I intend to read them for the benefit of all members of the Council and for people occupying the galleries, and I commence by replying to the question asked on 4 June by the Hon. Mr. Foster. Inquiries have been conducted into the record of motor vehicle registered number SLF-041. Legal advice on the inquiries which have been conducted is that a prosecution cannot be instituted against anyone involved in the various transactions and repairs affecting the vehicle on the evidence which has been obtained. Clause 2, page 2, of the Report on the Motor Vehicle Towing Industry refers to the accident towing roster and is based upon a feasibility study conducted by a subcommittee to the Motor Body Repair Industry Steering Committee.

The replies to the Hon. Mr. Foster's question of 17 September are as follows:

1. The commission has not had satisfactory dealings with the company for some years and, in particular, during the last year. Following several warnings, the commission suspended dealings with it for a period of one year to be followed by review.

2. No other suspensions of this nature have occurred.

3. The commission is at liberty to direct work wherever it wishes and to suspend its dealings with a repairer if it so chooses. There is nothing illegal or improper in that. It is the commission's policy to act in the public interest at all times.

In reply to the Hon. Mr. Creedon's question of 26 August, my colleague the Minister of Transport (Hon. Michael Wilson, M.P.) advises that the bus service between Adelaide and Kapunda is provided by Briscoe's Charter Service Proprietary Limited under licence to the State Transport Authority. This bus service has never been subsidised by the Government, apart from a pensioner reimbursement subsidy which is provided to all private operators by the Government for the carriage of pensioners. The company now provides a return service Mondays to Fridays inclusive, departing Kapunda at 8.20 a.m., arriving in Adelaide at 9.40 a.m. and returning from Adelaide at 5 p.m. (5.40 p.m. on Fridays), arriving at Kapunda at 6.30 p.m. (7.10 p.m. on Fridays). In addition, a return service is provided on Saturdays, departing Kapunda at 6.40 a.m. with the return service departing Adelaide at 12.15 p.m.

The former service which departed Kapunda at 7.5 a.m. had an average daily load of only five passengers and, in view of the lack of patronage, this service was discontinued by the operator. As for all private bus operators, Briscoe's services are provided proportionate to demand and subject to financial viability constraints. If demand warranted, the operator would be in a position to provide additional services. The company is considered to provide an acceptable level of service to the area, relative to other operators in South Australia, in accordance with the patronage offering and its commercial judgment.

In reply to the Hon. Dr. Cornwall's question of 18 September—

The Hon. Frank Blevins: I haven't asked for that yet.

The Hon. K. T. GRIFFIN: Yes you have.

Members interjecting:

The Hon. FRANK BLEVINS: Has the Attorney-General a reply to the Hon. Dr. Cornwall's question of 18 September about the Cheltenham Racecourse?

The PRESIDENT: This is a most unusual practice to have another member asking for replies to questions. I suggest that if the Hon. Dr. Cornwall wants the answer to his question he should ask for it. The Hon. Dr. Cornwall.

The Hon. J. R. CORNWALL: Has the Attorney-General a reply to my question of 18 September about the Cheltenham Racecourse?

The Hon. K. T. GRIFFIN: I am advised by my colleague the Minister of Recreation and Sport (Hon. Michael Wilson, M.P.) that the South Australian Jockey Club has notified the Government that it has a special committee inquiring into the future of Cheltenham Racecourse. The course was acquired by the S.A.J.C. following the amalgamation of the Port Adelaide Racing Club and the South Australian Jockey Club on 1 July 1975, and there are no encumbrances.

KANGAROO ISLAND SOLDIER SETTLERS

The Hon. B. A. CHATTERTON: Has the Minister of Local Government a reply to my question of 23 October about Kangaroo Island soldier settlers?

The Hon. C. M. HILL: I have been advised by the Minister of Lands in relation to the debt of Mr. Johnson that the court in considering damages has offset the amount which was outstanding to the Crown. To that extent the debt is current. As there are writs lodged in the court in relation to other settlers, the Minister is not prepared to comment on their positions. The Kangaroo Island Land Management Study is a report which was prepared for the Minister of Agriculture, and I have been advised that the report will not be released until the determination of the appeal to the High Court in the Johnson case.

The Hon. B. A. CHATTERTON: By way of a supplementary question, I ask whether the Minister of Lands is aware that the Federal Minister for Primary Industry, Mr. Ian Sinclair, in reply to a question asked by Senator Cavanagh in Federal Parliament, said that the debts of the Kangaroo Island settlers were wiped off when their leases were cancelled.

The Hon. C. M. HILL: I shall ask that question of the Minister of Lands and bring back a reply.

KEEVES COMMITTEE

The Hon. ANNE LEVY: Has the Minister of Local Government, representing the Minister of Education, a reply to my question of 22 October about the Keeves Committee? I seek your guidance, Mr. President. If the Attorney-General wishes all replies to be read so that people in the gallery can appreciate the answers, they will not have heard the question I asked on 22 October. Do you wish me to take up the time of the Council by reading the question again?

The Hon. N. K. FOSTER: I rise on a point of order. I understand that it is not permissible under Standing Orders to refer to people in the gallery.

The PRESIDENT: The Hon. Mr. Foster is quite right. The Standing Orders state that reference shall not be made to people in the gallery. Regarding the Hon. Miss Levy's question being asked a second time, that is not permissible. The honourable Minister.

The Hon. C. M. HILL: The Hon. Miss Levy has asked whether the Keeves Committee of Inquiry into Education is considering the non-government school sector within its terms of reference. The answer is "Yes".

TRANSPORT BROKERAGE UNIT

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Transport, a question about transport brokerage.

Leave granted.

The Hon. N. K. FOSTER: I refer to the following report in this morning's *Advertiser* by transport writer Stuart Innes:

> A report is being prepared for the South Australian Department of Transport on setting up a "transport brokerage" unit in South Australia. The scheme would involve car and mini-bus pooling and Government incentives or subsidies to encourage particular forms of commuter transport and discourage others. Two United States transport brokerage experts are in Adelaide this week studying aspects of local transport. They are providing the South Australian Department of Transport with information about transport brokerage operations.

The report goes on to state that the experts, from a company called Multisystems, are its Vice-President, Mr. M. Flusberg, and Mr. K. W. Forstall, its Senior Transport

Analyst. The report goes on to state that Department of Transport officers say that the department, and not the Government, is studying transport brokerage schemes. However, the Minister of Transport (Hon. M. Wilson) has made some remarks in relation to energy saving. I therefore ask the following questions, a portion of which I expect the Minister to say he will refer to his colleague. However, I hope that the Minister will take notice of the sixth question and, despite his limited capabilities, answer that question.

Will the Attorney-General, representing the Minister of Transport, investigate the probability of his department's recommending the creation of a transport brokerage unit? Secondly, if so, will the Minister give this Parliament the right to debate such a proposal? Thirdly, why do departmental transport officers say that this is their initiative and not that of the Government? Fourthly, does the Minister regard energy saving as important and, if so, will he provide, through his department, an energy audit unit to asist both the public and private sectors, and semi-governmental organisations? Fifthly, what cost is involved in relation to the Department of Transport regarding all aspects of such a scheme, including travelling and all other expenses? Sixthly (and surely the Minister can answer this question), has the subject of a transport brokerage unit been a matter of Cabinet discussion?

The Hon. K. T. GRIFFIN: I am not prepared to disclose what has or has not been discussed by Cabinet. I will refer the honourable member's other questions to my colleague and bring back a reply.

TOBACCO ADVERTISING

The Hon. BARBARA WIESE: Has the Minister of Community Welfare, representing the Minister of Health, a reply to the question I asked on 6 August regarding tobacco advertising?

The Hon. J. C. BURDETT: My colleague the Minister of Health reports that the smoking of tobacco in the community and its links with many kinds of ill-health is a major concern. Unfortunately, there are no remedies to the problem which are both simple and reasonable. Banning cigarette advertising is immediately attractive, but research suggests that such action in isolation from a range of other more positive community education strategies would not bring about a major reduction in tobacco smoking in the community.

A more positive approach is to recognise that persons are motivated to establish and maintain a smoking habit because of psychological or social pressure and immaturity. Whilst making this assertion, it is not intended to suggest that the influence of tobacco advertising is not a factor, but should be seen in context with the very strong psychological and social influences.

Obviously, there is a need to accelerate the promotion and development of an attitude in the community that non-smoking of tobacco is the normal social behaviour; that it is now more acceptable socially not to smoke than to smoke. Already, some initiatives have been made, as evidenced by action taken to prohibit smoking in certain areas of hospitals, restaurants, places of public entertainment, and public transport.

The Hon. C. J. Sumner: What did Jenny promise, though?

The PRESIDENT: Order!

The Hon. J. C. BURDETT: However, much more can be done to promote this change to non-smoking in a positive manner, and the South Australian Health Commission, with the support of the Minister of Health, is planning appropriate campaigns. Nevertheless, my colleague is concerned about tobacco advertising and intends to review what can be achieved to overcome its influences in the context of a broadly based community education programme.

URANIUM MINING

The Hon. BARBARA WIESE: Has the Minister of Community Welfare, representing the Minister of Health, a reply to the question I asked on 23 October last year concerning uranium mining?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Health that officers of the Health Physics Section of the South Australian Health Commission have read the article contained in *Habitat*. The South Australian Health Commission is responsible for monitoring and regulating all health aspects of uranium mining in South Australia, and will take action to ensure that the operations of the various mining companies meet all health requirements contained in the Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores currently being developed by Commonwealth and State health authorities.

NATURAL CURES

The Hon. FRANK BLEVINS: Has the Minister of Community Welfare, representing the Minister of Health, a reply to the question that I asked on 21 August regarding natural cures?

The Hon. J. C. BURDETT: I am informed by my colleague the Minister of Health that the substance Seatone is promoted as a diet supplement, not as a food or a drug. The Commonwealth Health Department has issued a licence for importation from New Zealand, and the terms of the licence are that the product be not promoted as a drug in any way and that it be marketed as a food or food supplement. By this means its manufacturers have avoided the stringent controls which exist in Australia to test the safety and efficacy of all new drugs.

While many people take Seatone for arthritis and similar complaints the attitude of the medical profession, especially rheumatologists, is neither to recommend nor condone Seatone until rheumatology tests in England and New Zealand are completed and results published.

The incident referred to has been investigated and is fully reported in the *Medical Journal of Australia,* 19 August 1980 (pages 151-152) by staff at The Queen Elizabeth Hospital, one of the authors being Dr. Milazzo. It is normal practice for clinicians to report unusual cases, and in this particular case of Granulomatous Hepatitis and Seatone the likely association between the disease and the intake of the substance was reported.

The question of more adequate controls on the labelling of health foods, etc., has been referred by the South Australian Health Commission to the Consumer Products Safety Committee of the National Health and Medical Research Council.

APHID RESEARCH

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question regarding aphid research.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier this session, I

pointed out that the Aphid Task Force had been abolished by the Minister of Agriculture on 30 June, and yet, only a few weeks later, after the Minister had said that the work of that task force had been completed, some more positions were suddenly found available to enable research to be conducted into the resistance of pasture plants to aphid.

It has now been reported to me that the Department of Agriculture cannot get permission from the Minister of Agriculture to appoint former members of the Aphid Task Force to the positions that are now available in relation to aphid research work. At the time, I suggested that it looked very much as though the Minister was in fact victimising those people because of their public campaign, which advocated that the aphid research work should continue.

Why is the Minister refusing to allow the Department of Agriculture to appoint people who were on the Task Force to the positions that are now available, which people are, as everyone admits, the most qualified, having worked in this area of research for two years, and sometimes longer? It seems that the claims that I made on that occasion (that is, that the Minister is victimising these people) are true, unless the Minister can provide some alternative explanation.

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

RATES

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking a question of the Minister of Local Government.

Leave granted.

The Hon. C. W. CREEDON: I have had drawn to my attention the conflict raging in the Thebarton local government area. Residents and business houses claim the council is trying to extort more than a fair increase in rates, which in some cases is stated to be as much as a 130 per cent increase. The council claims that the Valuation Department decides the valuation and that there is nothing that the council can do to alter it. The residents, I believe, claim that the council should shift the burden away from residents, small businesses and struggling shopkeepers, who are said to pay the same rate in the dollar as some of South Australia's most prosperous companies. Probably partly responsible for this state of affairs is the unfair method of assessment by taking into account potential use. I believe about 1 800 people signed a petition asking the council to review the rate rise. I am sure the Minister has had the problem drawn to his attention, but I am not sure whether all the questions that I intend to ask him come within his jurisdiction so, where they do not, I ask that the Minister forward them to the appropriate Minister for consideration. First, has the council adopted a differential rate? Secondly, is the council rate increase greater than the rate of inflation? Thirdly, if it is, why is it? Fourthly, did the council protest to the Valuation Department about the steep increases? Fifthly, did the council take any action to protect the interests of those it represents? Sixthly (and these following questions may be the questions that the Minister will want to refer to his colleagues), when placing a new value on the area, did the Valuer-General take into account the slump in land sales? Seventhly, what was the average value increase between the last valuation and the present one? Eighthly, what section of the Thebarton council area had the highest value increase, and did it include residential properties? Ninthly, how many people have appealed? Tenthly, was the valuation well publicised? Finally, did the Government provide advisers within the Thebarton area to explain the increases to the ratepayers?

The Hon. C. M. HILL: There are some basic facts that have to be pointed out in regard to the honourable member's question. The first is that the Valuer-General makes an assessment on property, and owners are advised of that assessment. Owners have the right to appeal against that assessment.

The Hon. N. K. Foster: That is not the question he really asked.

The Hon. C. M. HILL: I know that, but it is vital to the question, and I intend to explain the situation. Leaving aside the fixation of the rate for the amount of rates that people will be asked to pay, the foundation to it all is the value by the Valuer-General against which individual owners are able to appeal. That is the first matter that has to be made clear. That assessment really has nothing to do with the council. The council fixes a rate which is based upon those assessments. As the honourable member knows, because he is a local government man of many years standing, a council can vary its total revenue by the fixation of the appropriate rate. I think much confusion occurs when blame is cast upon the assessment of the Valuer-General when the real decision as to the amount of rates that a person pays is in the hands of the local governing body when it fixes the rate. Therefore, I do not think that the two matters can be confused.

The council cannot in any way be criticised for the Valuer-General's assessment of property within a local governing area, because the ratepayers themselves have a right to treat with the Valuer-General in regard to that matter. I have not had any specific complaints put before me in regard to this matter that I can recall. Perhaps some letters have come to the department which as yet I have not seen. I do not know whether the council has fixed a differential rate or not. I can only say in broad terms that at the present time, because of the great problems which Thebarton Town Council has been faced with (mainly because of the questions of information centres and the complexities that the local governing body has in Thebarton because of the very large proportion of ethnic population residing there), I think the council is doing a splendid job in Thebarton.

I have the highest admiration for the new Mayor and the Town Clerk for the manner in which they are facing up to the challenges that they are meeting down there. Specifically in regard to the rate that has been fixed, the percentage increase that this is over the total revenue from the previous year and in regard to other questions to which the honourable member seeks specific answers, I will bring down a reply as soon as possible.

The Hon. C. W. CREEDON: I desire to ask a supplementary question. In his replies to my questions, will the Minister indicate whether ethnic groups receive an explanation in their own language about their right to appeal against the valuation?

The Hon. C. M. HILL: I will ascertain whether or not the Valuer-General's Department translates its notices into ethnic languages when it sends out the notices giving ratepayers the opportunity to appeal against an assessment.

CREDIT REPORTS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question in relation to credit reports.

Leave granted.

The Hon. FRANK BLEVINS: I refer to an *Advertiser*

editorial of 4 September which makes some observations about the inaccuracy of some credit reports and the possible damage that this could do to people's careers and the availability of credit. It is a brief editorial which I will read to the Minister, so that he can get a fuller assessment of my subsequent question. Headed "Credit reports", the editorial states:

> The reported case of an Adelaide woman who could have missed out on a job because of an inaccurate credit report provides cause for concern. In this case the woman was lucky enough to be asked about the content of the report by her potential employer, the error was revealed and she was employed. But, as she pointed out, what about the instances involving other job applicants where nothing is said?
>
> The use of credit reports in the community is extensive and it is certainly reasonable for a potential lender, landlord or employer, for example, to want to know as much as possible about an applicant before making a decision. In fairness to all concerned, however, it is essential that the information used should be accurate and relevant. Many instances have come to light over the years where credit reports have not been accurate or complete.
>
> While South Australia's Fair Credit Reports Act has gone a long way towards ensuring care in report preparation, giving consumers access to them and providing for corrections, there is a weakness. That is that there is no obligation on either the credit bureau or the company receiving the information to tell the person a report has been received. There should be.

I think that we can all be pleased that the employer in that particular instance outlined in the editorial did contact the applicant and questioned what was in the report, thus making the potential employee aware of what was in that report and giving that person a chance to correct it. It is clear, as the editorial pointed out, that this may not happen in all cases and that considerable damage can be done to people's careers. What is the Government's view regarding the availability of credit reports? Will the Government give consideration to amending the Act to make it mandatory to supply to any person a copy of any credit report made on him or her on every occasion that such a report is made?

The Hon. J. C. BURDETT: The Fair Credit Reports Act was an Act of the previous Government. It was considered by that Government at that time that it went as far as necessary to remedy the bad situation which arises when credit reports are inaccurate. It was accepted by the then Opposition. There were some amendments. There was some conflict between the Houses, and a conference of managers was held. The substance of the Act was not changed very much; it was what the Opposition thought was fair at that time.

It was some time ago that that editorial appeared in the *Advertiser,* but I did read it and referred the matter to my department. The department considers that it would be a quite impossible burden to require every reporting agency to inform the subject every time a report was made.

The Hon. C. J. Sumner: Do you agree with your department?

The Hon. J. C. BURDETT: Yes, I do. It would be completely impossible. It was not contemplated by the previous Government.

The Hon. Frank Blevins: It's just a matter of a postage stamp.

The Hon. J. C. BURDETT: It is not just a matter of a postage stamp; it is the time required to prepare the report, find out the address of the person and send it to him or her.

The Hon. Frank Blevins: That must be in the request for the report, surely.

The Hon. J. C. BURDETT: Not necessarily. This was not contemplated by the previous Government, and it surprises me to find that it is now contemplated. The report made to me is that to require a reporting agency to inform every person the subject of a credit report at the time a report is made is quite impracticable and unduly expensive. Nevertheless, I will again refer the honourable member's request to the department and will investigate the feasibility of doing this. The reports that have been made to me so far indicate that it would be beyond the ability of any credit agency at any time to check the accuracy of and to forward credit reports to the subject of that report.

MENTAL HEALTH ACT

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking a question of the Minister of Community Welfare, representing the Minister of Health, regarding the Mental Health Act.

Leave granted.

The Hon. ANNE LEVY: The new Mental Health Act came into operation just over 12 months ago. Section 16 provides that any patient detained in an approved hospital is to be given a statement of rights as soon as practicable after admission. This statement is printed in rather small type in the regulations, and informs patients of their right to appeal and to be represented at no cost to them. Wherever possible, the statement should be in the language with which the patient is most familiar. Could the Minister inform us in what language the statement has been prepared and in what languages it is available to people in these circumstances?

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

REPLIES TO QUESTIONS

The Hon. BARBARA WIESE (on notice) asked the Attorney-General: When does the Government intend to answer the following questions concerning—

(a) Uranium Mining (asked on 23 October 1979);
(b) Tobacco Advertising (asked on 6 August 1980);
(c) Swan Shepherd Pty. Ltd. (asked on 19 August 1980)?

The Hon. K. T. GRIFFIN: The replies are as follows:

(a) This question was answered today.
(b) This question was answered today.
(c) This question was answered on 25 September 1980 (see *Hansard* page 1122).

BUDGET PAPERS

Adjourned debate on motion of the Hon. K. T. Griffin:

That the Council take note of the papers relating to the Estimates of Expenditure, 1980-81, and the Loan Estimates, 1980-81.

(Continued from 23 October. Page 1378.)

The Hon. L. H. DAVIS: In mid-June the Leader of the Opposition in another place, Mr. Bannon, said in a press release that to suggest Labor had been anti-development while in Government was "a demonstrable lie". Included in that statement was the claim that Labor had begun a $40 000 000 oil and gas search in 1977 and had authorised the Roxby Downs mineral exploration. Yet, in this place

honourable members opposite wriggled and squirmed when speaking to the Budget papers last Thursday. I pointed out that, while Mr. Bannon likes to claim credit for Labor Party's support for oil and gas development and the Roxby Downs joint exploration programme announced by Western Mining Corporation and BP Australia in July 1979, he also likes to be known to be opposed to the development of that project and has gone on public record as saying that as recently as May 1980; presumably this is said to keep sweet with the left wing of the Labor Party.

As I mentioned last week, it is inappropriate to look at mining, oil and gas projects in isolation without recognising the potential benefits which may flow to industries providing equipment and/or services to those projects. So, in time direct and indirect employment opportunities can be created. In addition, royalties will accrue to the State Government, and this will also benefit the people of South Australia. Therefore, it is pleasing to see that the expenditure allocated to mines and energy for the 1981 fiscal year is 13 per cent greater than actual expenditure for that item in 1979-80. Incentives for industry that are available are also well in advance of those for the preceding year and of those offered by the Labor administration.

Another aspect of the Budget which I commend is the increasing allocation for tourist advertising and promotion, up from an actual figure of $580 000 in 1979-80 to a budgeted figure of $982 000 for the current year. This increase was accompanied by significantly higher allocations for subsidies for the development of tourist resorts and grants to regional tourist associations. Today, everyone is a tourist, or a potential tourist, whether it is within this State, interstate or overseas. I hope the Government encourages entrepreneurs in this area who can provide top facilities matched by personal service and style. I believe that South Australia has still some way to go in the field of tourism. Therefore, the 27 per cent increase in the allocation to the Department of Tourism overall in this Budget is to be commended.

The Hon. G. L. BRUCE: I rise to speak to the Budget papers, and in doing so I must reply to the Hon. Dr. Ritson who, in his address, drew attention to the multi-nationals of the world. I believe that what Dr. Ritson said would have been right had those multi-nationals had a conscience. My colleague, the Hon. Mr. Dunford, remarked that the polluters are moving to the third world. Of course, what is happening there is that, where the multi-nationals are prohibited from doing what they want to do in a country, they just say, "Bad luck about that; we will go where we are allowed to do it". They take no cognizance of the laws of the country, what the environment needs, and the permanent employment situation.

Those multi-nationals are not concerned about that. All they are concerned about is the almighty dollar. The Hon. Dr. Ritson should have seen a programme on Channel 2 last Saturday week that referred to the tobacco lobby. It was most interesting to see that the tobacco lobby had gone to Third World countries and set itself up to such an extent that no Government action could be taken against it without bringing the country down to its knees. They went to the agriculture situation and to the situation of saying that smoking was a good thing. So, multi-nationals do not always work for the good of the country.

The Hon. R. J. Ritson: I did not say they should not be under control.

The Hon. G. L. BRUCE: If they are under control, they move out. They do not seem to answer to anyone apart from themselves, for the profit motive. I mention that in passing.

I must express my disappointment, in debating these Budget papers, at the Government of South Australia for its callous attitude in relation to that sector of the community who are underpriveleged in this State. The State Government's callousness is matched only by that of the Federal Government in Canberra. No doubt members would be aware of the Catholic Church survey that would indicate that at least 2 000 000 Australians are living on or below the poverty line today.

The Hon. R. J. Ritson: They are doubtful figures.

The Hon. G. L. BRUCE: Well, it is interesting to read Professor Henderson's comments in the *Australian* on 23 June 1980, because those comments are relevant to the argument that I intend to develop. That report states:

> Unemployment creating poverty, says Henderson. There is more poverty in Australia today than in 1973 and unemployment is its major cause according to Professor Ronald Henderson, the man who conducted the Commission of Inquiry into Poverty in 1973.
>
> At that time, the rate of unemployment was very low, as it had been for the previous 25 years, but by November 1974 it had risen to 3·2 per cent, he said.
>
> Professor Henderson, head of the Institute of Applied Economics and Social Research, was addressing the second poverty inquiry conference convened by the Brotherhood of Saint Laurence, in Melbourne, yesterday.
>
> He called for an acceleration of the growth of the economy to 5 per cent a year and an expansion of public services to reduce unemployment and poverty.
>
> The Henderson poverty commission released its first report in November 1974. We wrote then: "It is the commission's strong view that a major element in an attack on poverty must be the provision of jobs and measures to help people to obtain jobs," he said.
>
> It has been the growth of unemployment since then that has been the main cause of the increase in poverty. This is the big issue on which we must concentrate.
>
> He said that throughout the rich countries of the world and many of those less rich, the period from 1946 to 1973 was one of remarkable growth and prosperity.
>
> In Australia, income per head of population had been rising at 3 per cent a year for the decade previous to 1973, he said.
>
> We realised that as we wrote: "The majority of the population who are not poor resent reductions in their incomes to effect transfers to poor people."
>
> Backlash; suggestions that dockers or highly paid metal workers should receive a smaller percentage increase in their money incomes than the rest of the community were rejected by these groups in 1974.

I suggest that they were also rejected at the Federal election that we have just had. The report goes on:

> As real wages have stopped growing, wage earners and other citizens become even more reluctant to pay taxes to provide income maintenance for the poor. A backlash develops against "dole bludgers".
>
> Professor Henderson said this was aggravated by the effects on Government income and expenditure, and revenue was deprived by lack of growth in the economy.
>
> As a result, expenditure, usually described as "welfare expenditure", was substantially increased by the rising number receiving unemployment benefits and the increased proportion of older people being squeezed out of the workforce, many of whom had to be subsidised by pensions.
>
> He said: Governments respond by tightening up regulations to reduce the numbers who qualify for pensions and benefits and reducing the real value of some of these, such as family allowances, and the unemployment benefits

for single people by fixing them in money terms, while prices rise.

This, of course, puts more people into poverty, more have to beg for emergency relief from voluntary agencies which themselves receive lower Government grants and have to reduce their staff. Employment by welfare and religious institutions fell from 40 500 in 1976 to 36 800 in 1980.

Now, Government in Australia, as elsewhere, is a big employer in the services sector. There are 384 000 employed in health, 340 000 in education, 256 000 in public administration and defence.

He warned, however, that the major problem in improving living conditions was to achieve it without aggravating inflation.

A report on the same page, headed "Agencies to snub welfare relief cash", states that an agency refused the grants that the Government had offered it. The report goes on to say:

Victorian welfare agencies will refuse to accept their share of the 500 000 Federal Budget allocation this year.

The Victorian Emergency Relief Committee said the allocation is so "ludicrously small" it will hand the money back to Federal politicians to be distributed.

The committee's spokesman, Mrs. Merle Mitchell, said if Victoria's Federal M.P.s had to distribute welfare payments they might realise the seriousness of the problem.

They might discover what it is like to tell a woman with three children that she can only have $10 for food this week, Mrs. Mitchell said.

She was objecting to the miserable bit that has been given to the private charities to try to alleviate the plight of those unfortunates (I believe about 2 000 000) who do not get what the people of Australia expect. I believe that there are 2 000 000, and I believe the survey made by the Catholic Church is correct. A Government survey should be carried out to see how correct it is. The unemployment in 1974 was 3·2 per cent and we thought that was bad. I understand that at present it is running at 7·7 per cent in South Australia, the highest in Australia. A report in the *Australian* of Wednesday 24 September 1980 of a statement by Mr. Mick Young, the Labor spokesman on employment, states:

The figures show unemployment increased by 16 600 to almost 413 600 for the year to end of August.

However, the unemployment rate over the year remained steady at 6·2 per cent of the estimated workforce.

The CES reported yesterday that unemployment last month fell by 10 146 on the July total compared with a fall of 13 200 in August last year.

The August decline was due mainly to fewer young job-seekers registering with the CES.

Registrations by juniors fell by 6 198 and adults by 3 948.

Despite a small drop, South Australia retained the highest percentage of unemployed in Australia.

The number fell by 439 to 45 917—2 224 more than in August last year when the unemployment rate was 7·3 per cent.

The report went on (and the figures have not been shown to be wrong):

Mr. Young said that since the Fraser Government had come to power almost 100 people a day had been pushed on to the dole queues.

He said that in South Australia there were 30 unemployed registered with the CES for every vacancy. For juniors the ratio increased to 31 to one and for unskilled juniors 83 to one.

Nationally, there were 87 unskilled juniors registered for every vacancy, Mr. Young said.

Quite obviously, the Federal Government has not come to grips with this huge problem, and from all accounts of the propaganda we saw relating to the Federal elections it does not seem to take the view that this is one of the most divisive and important matters confronting Australia today.

I have been in this Parliament some 12 months now and I guess it is a time for reflection. Last session we dealt with some 80 Bills affecting the people of South Australia. To my recollection, none of them came to grips with the underprivileged in our society and sought to alleviate the problems they must face.

None of them came up with a worthwhile job opportunity scheme. The much vaunted pay-roll tax scheme, according to Government estimates, has been responsible for some 1 700 jobs. How this is accurately assessed, I do not know. To my mind this is only a drop in the bucket. I say that I do not know how it is assessed, because some of those people would have got a job, anyway.

The Hon. R. J. Ritson: The same way as the 2 000 000 estimated to be on the poverty line.

The Hon. G. L. BRUCE: Why should these estimates be so rough when they are the basis for our arguments in Parliament? Let us get to the bottom of it and find out what is wrong. If I am wrong in what the Catholic Church is saying, I stand to be corrected. If there is a doubt as to the 1 700 jobs, I stand to be corrected also, but I believe we should have accurate information to be argued in Parliament. An examination of the Treasurer's Financial Statement gives us some idea where the underprivileged stand in relation to this Government's policies. It states:

The Government perceives its task in this area as doing all within its power to establish the preconditions for economic growth in the State. However, it should be emphasised, and emphasised strongly, that, although we see certain actions by the Government as necessary to create the climate for economic growth, they are not be themselves sufficient to ensure that growth. Ultimate success will depend on other factors, including decisions taken in the private business sector, consumer confidence, the attitudes of employees and their representatives and economic management at the national level.

I concur in all of that. The Premier evidently does not see the public sector going hand in hand with the private sector in this Utopia he paints of the private business sector experiencing economic fields of growth. How can he expect consumer confidence when a person can no longer be sure of his employment? It used to be a well known cliche in the Public Service that, if you did not kill the boss, did your job and kept your nose clean, you had a job for life. This is no longer true, and cut-backs and transfers to areas that are new and strange in a late stage of one's career or working life certainly do nothing to engender consumer confidence.

The Hon. K. T. Griffin: There have been no retrenchments.

The Hon. G. L. BRUCE: No, but there are no chances of jobs. In reply to the interjection, I understand that the Fire Brigade is now in the situation of having to accept people from the Public Service sector because jobs are being made redundant in certain departments. The Attorney-General is saying that because people have been in the Public Service they have the attributes to be firemen, but that is a completely different type of job. If they do not accept the job they will be penalised.

The Hon. K. T. Griffin: They are not penalised.

The Hon. G. L. BRUCE: I imagine they would be.

The Hon. K. T. Griffin: You imagine but they are not.

The Hon. G. L. BRUCE: I stand to be corrected on that, but if people kept knocking back jobs by way of a transfer—

Members interjecting:

The PRESIDENT: Order!

The Hon. G. L. BRUCE: I find it frustrating, after 12 months here, that we as a Parliament—not just the Government—have not been able to come to grips with this problem. Some pilot schemes are a step in the right direction towards providing job opportunities for those who are under-privileged. I realise that this State alone has not the resources itself to effect the changes needed and that can only be fully achieved by the involvement of the national Parliament.

I note that in yesterday's *Advertiser* the Fraser Government has started measures to overcome youth unemployment. I welcome the initiatives taken. Regardless of whether it is too small or too late, the effort is still welcome. However, it concerned me that the article stated:

> From 1 December, 15 to 24-year-olds who have been unemployed for four of the previous 12 months, were away from full-time education for four months in the same period and registered with the Commonwealth Employment Service will have their subsidy increased from $50 to $55 a week for 17 weeks training.

My concern is that the private sector in which the Government places so much faith and confidence abuses that faith and trust. The schemes promoted by Governments have been abused by the private sector, in that when the money runs out from the Government the jobs run out for the people employed. I for one would have welcomed a Federal change of Government to see where and what the thrust to solve these problems would amount to. The present Federal Liberal Government can no longer shovel the blame for the state of the nation on to the Whitlam Government. The present Federal Government has had more than a fair go to achieve something in the field of unemployment, and the South Australian Premier has had one year in which to do something in this State. As Mick Young has pointed out, since this Federal Government has been in power 100 people a day have been pushed on to the dole queues. If a Federal Labor Government behaved no better than the current Liberal Government in creating job opportunities, I can assure honourable members that I would be just as critical of it as I am of the Liberal Government's efforts in this area.

The Hon. R. J. Ritson: It was worse wasn't it?

The Hon. G. L. BRUCE: I do not see that it was on the figures that have been produced. My belief is that, if we are waiting for the private sector to upgrade employment opportunities, we will be waiting for a long time. How can we encourage them to employ more people at this time in history when every journal, paper or technical magazine we pick up extolls the virtues of the computer age and the machines of modern technology that can do the job more cheaply and more quickly? I have a magazine which came across my desk recently called *Productivity Australia*. An article headed "R2D2 a Reality" states:

> Star Wars started it with its little robot R2D2—it made the inhuman robot seem human, and has led to our children playing with, and accepting the possibilities of robots doing our work. But how will little Johnnie feel when his father, or his possibilities of work, are taken over by an R2D2? For, let's face it, robots are here. They are here in force. And the art of Robotics (as it is called) is nowhere more pronouced in this day and age than in the materials handling/physical distribution scene.
>
> And who are we to blame? Where do we look to find the beginnings of these mechanical creatures which tire not, nor do they seek overtime or sickness benefits, and which have politicians and unionists alike sitting on the fence?

Of course that is true. Where these robots fall down, however, is that they are not the consumers in society. By not being consumers, they place the onus on the Government to try to come up with the solution that buys these products. Where is the incentive to employ people if we are embarking upon a growth factor in the field of commerce or industry? The banks do not want to provide jobs. We have seen slogans to the effect that bank workers have tried to stop computerising movements in the banks. Office and insurance companies do not want to employ these unfortunate people, nor do printing firms, Telecom or the Public Service (in South Australia, anyway). An article in the *Australian* of October 22, headed "O.H.M. Surplus Service", states:

> Fraser will curb the ever-growing ranks of Federal public servants.

It goes on to say exactly what is involved in that, as follows:

> On 30 June there were 150 743 people employed under the Public Service Act. The Public Service Board's total expenditure for 1979-80 was $22·3 million of which $22·2 million went in salaries and administrative costs and the rest in capital expenditure.

It is a big factor in employing people that the Government does not want them any more and is going to cut down. Car manufacturers do not want them, the breweries do not want any more and the large stores do not want any more unless it is on a casual basis. Just who are those employers who are looking to employees rather than machines to boost their growth? The State Government is pioneering the way in cut-backs of staff, retrenchments and pay-off schemes for people to leave the work force. It then has the cheek to say to private industry that it expects it to take up the slack, and that in this day and age we can employ a lot more people when we go into a growth situation. The Government must be living in a fairyland if it really expects this to happen. It has just been pointed out to me that an article in this week's *National Times* headed "Start sacking, says manager" states:

> "Sack your surplus employees"—that's the advice for small businesses by Ray Price, manager of Australian Industries Management Services. Small businesses here live hand-to-mouth through the year, he says. Few could plan or budget for the coming June quarter when sales and debt payments would slow and creditors would become adamant.

That is the growth of the private sector that our Premier is looking for! It shows how concerned employers are; they are saying that people should start sacking staff. The Premier also referred in his Budget speech to taxation, as well he might. He said that he was concerned that he could not cut back in more areas of taxation. In fact, it has been said that, if one is in the big money league, it becomes a matter of conscience whether one pays taxation. Surely, one cannot get a lower level of taxation than that. However, this has still not stimulated the private sector to spend more money or to do all or any of the things that this Government expects it to do.

It has been floated around that tax avoidance is costing those people who have no choice in the matter (the "pay as you earn" group) an extra $4 a week to make up for the shortfall of those who evade their responsibilities. The Premier also referred to firm control over public sector expenditure. We have certainly got that. There is definitely no joy for the under-privileged in regard to that statement.

He also referred to the provision of essential infrastructure, including that associated with major development projects. This will be a once-only thing, because, if it is applied to Redcliff, once the project gets under way, one can bet London to a brick that it will be one of the most highly technological plants built in

Australia, that it will be fully automated, and that it will offer the greatest productivity for the lowest input of labour that one could get in this day and age.

No doubt, the Government is looking for the taxation reimbursements from these types of industry to enable it to balance its Budget. However, whether the Government sees fits to expand its programme into increased job opportunities for the under-privileged is another thing.

Responsible programmes to encourage specific industries and firms to establish or expand their operations in this State mean the pay-out of Government money in competition with the other States to attract business here. It eventually boils down to the State that offers the biggest pay-offs getting the most business. The Government sees nothing wrong with spending millions of dollars enticing private firms here. However, if it is suggested that the Government should involve itself in some job opportunities scheme, Government members throw their hands up in horror and scream "socialism". They could not act quickly enough when it looked as though private enterprise might control the South Australian Gas Company. This makes a mockery of the Government's stated policy of a reduction in direct Government involvement in the economy and controls over the private sector. I do not know how one can equate those two policies.

The Hon. C. J. Sumner: They don't take them very seriously.

The Hon. G. L. BRUCE: I am sure that they do not, especially when one hears the statement "Sack your surplus employees." The matter of responsible restraint in growth, salary rates and other incomes (this is another of the Premier's statements) certainly bears looking at in relation to those people who are fortunate enough to be employed.

I see from page 21 of the 1978-79 *Australian Year Book* that the average weekly wage of adult males in South Australia was $210.30. One sees in the same book that, of all wage earners in the trades group (and this went up to 30 June 1979, 12 months later), only four categories were in receipt of this wage or better. The rest received well below this average wage in their awards.

When one realises that a large percentage of weekly paid award wage employees receive very little over and above their award rate of pay, one begins to realise the difficulty that those people must have in making ends meet. In fact, even today, with all the relevant increases that have occurred, a barman on a 40-hour-a-week job has received an award rate of $167.40 a week as from 14 July 1980, whereas a cook in a hotel receives $168.50 for his 40 hours. This is in 1980, so it can be seen that these people would certainly have to work a large amount of overtime even to get near the average weekly earnings of $210.30 which applied up to 30 June 1979.

A winery employee (who works in a fairly big industry in South Australia that is always held up as a tourist industry but benefits the man on the land) receives $171.30 for his 40 hours work, and has very little chance of earning overtime or extra money, except possibly for five or six weeks during the vintage season. It seems to me to be very difficult for one to ask these people to show restraint on existing wages, which are definitely not wages on which one can live. I know in my own circumstances that the wages that I have received since I became a member of this Council seemed quite generous. However, I can assure members that, by the end of the month, those wages have all gone.

The Hon. K. T. Griffin: The more you get, the more you want.

The Hon. G. L. BRUCE: That is true. However, I do not know how those who are on the poverty line exist.

The Hon. C. J. Sumner: Which people are they?

The Hon. G. L. BRUCE: They are in the hospitality industry: those who work in the hotel and tourist trade industries, and who must work Saturdays, Sundays and public holidays in order to make sufficient money on which to live.

What about the poor unfortunate people who receive unemployment benefits or the pension? No wonder that the Catholic Church could state with confidence and authority that some 2 000 000 Australians (I see that the Hon. Dr. Ritson has left the Chamber) exist on or near the poverty line. I cannot for the life of me see how people on a reasonable income cannot help but make our economy better, as I believe that, if they have the money and the security that a permanent job brings, they will become consumers in our society, with the resultant upsurge in business that the Government so earnestly desires. There would be no need for an advertisement showing someone breaking the piggy bank to make this State great if we could upgrade the income of these underprivileged people, such as the low wage earners and unemployed.

In fact, an article by Barbara Page in the 17 September issue of the *News* makes enlightening reading. She said that the poor get poorer. Barbara Page came across an old cook book which went back 128 years and which said that, if one was hard up in relation to what one could cook, one could save by buying beef and cooking that. That was 128 years ago. However, I suggest that it is way outside the average person's ability to buy beef at present. In fact, page 46 of the *Australian Year Book* shows that in the past three years the only meat lines to show a persistent growth increase (and this was up to 1978 only) were offal products, bacon and ham, and poultry. All the others had lost ground. So, there is no way in which the underprivileged in our society are living better now than those who lived 128 years ago in relation to the consumption of meat, in particular beef.

We even had the unemployed and the trade union movement joining in a protest march from Port Adelaide to Adelaide to draw attention to the beef march of the depression. I guess that the depression days are drawing that much closer to those 2 000 000 individuals who would see beef on the table as the height of luxury and affluent living. So do many other Australians.

The Hon. C. M. Hill: You didn't get many people in the march.

The Hon. G. L. BRUCE: This just shows the indifference of people in our society, and displays the attitude "I'm all right Jack; don't rock the boat." There are 45 000 unemployed people in South Australia, and I agree that we could not raise a large muster of those people in that march. Yet, if one speaks to the parents of unemployed children, one is told about the difficulties that they are suffering.

Why they are not in the forefront and not more vocal, I will never know. Perhaps our society is sweeping them under the mat. I went on a holiday last year or the year before around the coast and saw many people out surfing. There is no doubt in my mind—there were hundreds surfing around the coast in Victoria—that many of those people were unemployed. My wife asked me whether I expected them to sit at home and watch television and do nothing so that one does not see them. It seems that when unemployed people are more visible they are called dole bludgers. What do Government members expect unemployed persons to do? Should they stay out of sight and thus stay out of mind? If they stay in the sun and go surfing it seems that they are dole bludgers. If they stay at home and do nothing, then they are unemployed. It is hard to

draw a distinction between what is right and what is wrong.

What an indictment this situation is on the people of South Australia for tolerating this type of living in the 1980's. It amazes me how people who do not have children at school seem to believe that too much of their tax money goes to education when they are not direct recipients of that expenditure. What they fail to realise is that that same education helps to give them a better life style and standard of living in this country—a tradesman or any other worker is only as good as the education he receives.

Surely the same argument must apply to the underprivileged in our community. We must all share the responsibility and burden of ensuring that people are given opportunity in job creation schemes and the like. Failure to do this can only result in our all being the worse off. This Government and its Budget fail to recognise that fact. The warning spelt out on these matters to the recently elected Federal Government can no longer be ignored. While the threat of socialism used by the Liberal Party seems to have a telling effect on the community, surely this does not give it the right to ignore social justice and equality of job opportunity for those unfortunates in the community who, through no fault of their own, have not achieved a job in our society. Job opportunity is not socialism, although I believe job opportunity to be one of the greatest social issues of our time. It can be ignored only to the peril of all people and sections in our community. I believe that the social conscience is a matter about which we should all be concerned.

How we can go on living and existing while ignoring 45 000 unemployed South Australians (it is getting nearer to 450 000 unemployed Australians) without positively trying to do something through the Government and Parliament is beyond me. I would like to see more recognition of these matters in the Budget. True, if unemployed people are not visible and are not seen, it does not look as though there will be much done until they decide that they have had enough and make their voices heard by the politicians and Governments of this country.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the attention that members have given to this debate to note the Budget papers. This is the second year in which we have moved to debate a motion to note the Budget papers. It is designed to take some of the pressure off members of the Council when it comes to debating the Budget Bills. The practice from previous years has been to save up for the later part of the debate on Budget matters much of the material which then requires the Council to sit more frequently in the evening and for longer hours, rather than spreading the volume of work over a longer period.

I believe it is in the interests of a proper consideration of the Budget matters in particular that honourable members have a greater opportunity over a longer period to make comments on the various Budget papers rather than having to present them when the Budget Bills come before the Council after debate in another place. Of course, the debate on the motion does not preclude members from debating the Budget Bills at the second reading stage or actively pursuing questions during Committee, but it was our experience at the end of last year that the debate on the motion was able to reduce the amount of time that the Council spent on the Budget Bills themselves. In addition, this year there has been the experience in another place of the Budget Estimates Committees, which made available more information on the lines to members of Parliament and which, I hope, will ensure in this Council a better appreciation of the Budget papers.

The Leader of the Opposition referred extensively to the Federal Government's federalism policy, which was introduced in 1975, and has tended to place emphasis on the revenue aspects of that policy. Revenue aspects of that policy are by no means the predominant influence in that policy. The new federalism policy introduced by the Fraser Federal Government in 1975 is designed, amongst other things, to ensure that there is active co-operation between the three spheres of Government—the Federal Government, the State Governments and local government. It has also an emphasis upon providing the State Government and local government with greater control over guaranteed funds, and it is also directed—

The Hon. C. J. Sumner: It doesn't say anything about guaranteeing funds—that is what the Premier is on about.

The Hon. K. T. GRIFFIN: It is also directed towards encouraging greater responsibility for expenditure decisions by State Governments and by local government and, above all, to restore a proper balance in Australia's Federal system.

The Hon. C. J. Sumner: You're living in a dream world.

The Hon. K. T. GRIFFIN: It is not a dream world. I will give the Leader two clear examples of the way in which the federalism policy has worked in the past five years. The first is in relation to the package of legislation dealing with questions of jurisdiction between the States and the Commonwealth over off-shore waters, which involves mining and fishing, all resulting from the seas and submerged lands case.

The approach of the Federal Government—an approach which is to be commended—is that the obvious jurisdictional problems which have a very wide-ranging impact upon State Governments, in particular, should be resolved by consultation between the States and the Commonwealth and a co-operative scheme of legislation should be enacted at the State and Federal levels. In the last year we have seen the results of those negotiations flowing through in legislation in this Parliament: legislation to deal with the question of jurisdiction, crimes at sea, and subsequently with mining, fishing and other areas which are being negotiated for legislation at the State and Federal level.

The other area which is an important one is the co-operative scheme in respect of companies and securities. Members will doubtless recollect that the Whitlam Government adopted the attitude that it should legislate to control companies within Australia acting under the power it believed it had in the Federal Constitution. It was a unilateral decision which would have centralised authority and power in respect of companies and securities in Canberra.

The Hon. C. J. Sumner: You haven't done that in the present scheme.

The Hon. K. T. GRIFFIN: No, it has not been done, and I will tell the Leader why, if he needs to be reminded. The Leader knows well enough what is involved in the co-operative scheme which is being negotiated.

The Hon. C. J. Sumner: The State Parliament has no further say in it.

The Hon. K. T. GRIFFIN: We are talking about who has the authority. The States can withdraw from the co-operative scheme by legislative enactment within the States, and to that extent the State Parliaments retain ultimate control of the situation. However, it is fair to say that in the way in which this scheme is being developed the principal responsibility, once the scheme is in operation, will lie with a Ministerial Council from the State and Commonwealth Legislatures. But, ultimately, if States believe that the scheme is not working as it should, and that the States are being disadvantaged on a constant

basis, then their remedy will be to withdraw from the co-operative scheme. I prefer, and the Government prefers, to have that sort of co-operative arrangement negotiated between the States and the Commonwealth, obviously, where compromises have to be made with the objective of obtaining a proper balance between the power and authority of the Commonwealth and the States and involving the States in the responsibility for the operation of that scheme.

There are two areas where the Federal Government's approach to States and States' rights is very much different from the approach of the Whitlam Government, which was directed towards centralising power and authority in Canberra and to not allowing the States to have any say even in the way in which laws should be enacted or administered. Another initiative which has been taken and which, of course, does not get much publicity but which nevertheless is an important aspect of the federalism policy is the establishment of the Advisory Council for Inter-Government Relations, which has representatives appointed by the Commonwealth, State and local government, as well as certain citizen representatives selected by the Governments.

The Hon. C. J. Sumner: What has it done?

The Hon. K. T. GRIFFIN: Obviously, again, the Leader has not kept pace with the sorts of research material which are being published by the Advisory Council for Inter-Government Relations. It is looking at topics such as the relationship of Governments in responsibility for roads and road funding. It is looking at the question of franchise for local government. It is looking at the relationships between State, local and Federal Governments. It is doing what has not been done at any time in Federation history, that is, looking at both the philosophical and practical relationships between Governments at the three levels.

What it is seeking to do is to have identified those relationships and to at least present them in the form of a discussion paper and recommendations for action which need not, of course, be acted upon by Governments, but which will undoubtedly be taken into consideration by Governments in their relationships one with the other. There are a number of other papers, all directed initially towards the relationship of Governments at State and Federal level with local government, which papers have either been published or are in the course of preparation and which will be a valuable contribution to our understanding of the relationships between these three spheres of government and will contribute towards the improvement of those relationships.

All of these matters are quite clearly directed towards a recognition of the role of the States and local government in Australia and towards ensuring that the States and local government share in decisions which affect the population. It is true that some part of the federalism policy relates to the sharing of available funds but, contrary to what the Leader has sought to show is the principal emphasis, it is only one of the emphases of that policy.

The Federal Government has, under its policy, undertaken to provide to local government a 2 per cent share of net personal income collections. That has been a graduated process which has now been achieved. It gives local government an assured income over and above rates collected by it and over and above the amounts which local government receives for other purposes from the State and Federal Governments. Of course, we recognise that States' Grants Commissions have been established again as a result of the federalism policy, to be responsible at the State level for dividing up the States' share of net personnel income tax collections available for local government. The States, too, have had a guaranteed share of net personal income tax collections and, of course, the emphasis of the federalism policy is to require Governments to exercise more responsibility for collections but, more particularly, for expenditure of income which they receive, particularly from the Federal Government.

I think it is important also to point out that the federalism policy not only gives States the opportunity for raising additional revenue but also provides States with the opportunity to grant rebates of income tax out of funds which they, as a State Government, would otherwise have available for spending. There are also a number of other initiatives which result from the federalism policy. The establishment of a Local Government Office in the Department of National Development and Energy and the recognition of the Northern Territory as a self-governing Territory on 1 July 1978, and initiatives—

The Hon. N. K. Foster: The initiative for the Northern Territory was taken by a Labor Government.

The Hon. K. T. GRIFFIN: It was not; it was taken and implemented by the Fraser Government.

The Hon. N. K. Foster: Not for Northern Territory local government.

The Hon. K. T. GRIFFIN: I am not talking about local government; I am talking about self-government.

The Hon. N. K. Foster: I am not wrong. Look up *Hansard,* and see if I'm right.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr. Foster will cease interjecting.

The Hon. N. K. Foster: I don't want people coming in and telling lies like that.

The ACTING PRESIDENT: That is enough from the Hon. Mr. Foster. The honourable Attorney-General.

The Hon. K. T. GRIFFIN: The federalism policy of the Federal Government is a valuable policy, a policy which has given—

The Hon. C. J. Sumner: What does the Premier think of the federalism policy?

The Hon. K. T. GRIFFIN: The Premier thinks a lot of the federalism policy. The Leader seeks to make a great deal of noise about the revenue aspects of the federalism policy, but ignores the other more important aspects of that policy, all of which are directed towards recognising the responsibilities of State Governments and ensuring that when funds are made available to State Governments those State Governments are accountable for them. This Government is not afraid of its responsibility to be accountable and has demonstrated by careful budgetary planning, both in last year's Budget and, more particularly, in the current Budget, that, where responsibility is accepted for funding and for expenditure, savings can be made if a Government is prepared to make difficult decisions.

There are several other matters to which I want to refer and which have been raised by members during the debate. The first is in relation to the north-east busway. A number of comments were made by the Hon. Mr. Cornwall about some aspects of that busway and he was rather colourful in the way he described the decision by the Government to move towards a busway rather than to the very expensive l.r.t. concept of the previous Government.

I think it ought to be made perfectly clear that the Government's decision in relation to north-east transport is, first, very much less expensive than the previous Government's proposal for light rail. Members may remember that the previous Government's proposed l.r.t. scheme was costed at about $115 000 000, while the north-east busway concept of the present Government will cost the State Government $42 500 000. In a State such as

South Australia, that sort of difference is a very important consideration in determining what sort of system for public transport will be adopted for the north-east.

The busway project will provide the same service to members of the public as the l.r.t. system would provide. It has advantages in flexibility that l.r.t. did not have. There has been some criticism from the Hon. Mr. Cornwall about the decision to run the north-east busway, in part, through the Torrens River valley, but I should indicate, as has already been made known by the Minister of Transport, that, in conjunction with the O'Bahn busway system from Park Terrace along the Torrens River valley to a point east of Lower Portrush Road, there is a proposal to spend approximately $4 000 000 on the river valley development to complement the transport scheme.

The busway will not prejudice the environment of the Torrens River valley. In fact, the O'Bahn system will allow minimal disruption to the Torrens River valley system. Far from being a system that creates the problems to which the Hon. Mr. Cornwall has referred, the north-east busway will enhance both public transport and the way in which the route is directed and constructed from the north-east, with minimum impact along the Torrens valley, emphasis on the Torrens Valley development scheme, no effect on Adelaide park lands and King William Street, and fast comfortable vehicles at a cost that is quite dramatically lower than the cost of the proposal by the previous Government.

The Hon. C. J. Sumner: The longer-term cost?

The Hon. K. T. GRIFFIN: The longer-term cost is much less.

The Hon. C. J. Sumner: In 20 years?

The Hon. K. T. GRIFFIN: No-one knows what the position will be in 20 years time.

The Hon. C. J. Sumner: Buses will cost a lot more than l.r.t. then. Ask the Hon. Mr. Carnie. He investigated it. He supported l.r.t.

The ACTING PRESIDENT: Order! The Honourable Minister has the floor. The Leader has had his opportunity.

The Hon. C. J. Sumner: Better get a new President, I think.

The ACTING PRESIDENT: Is that a reflection on the Chair?

The Hon. C. J. Sumner: No.

The ACTING PRESIDENT: It had better not be, or you will be asked to withdraw it.

The Hon. K. T. GRIFFIN: The emphasis of the Hon. Mr. Cornwall in criticising the Government over the environmental matters is, I think, an unfortunate emphasis, because, whilst he seeks to make some cheap political capital out of his cricitism, he has failed dismally. The Government's record in environment matters is that it has placed considerable attention on protection of the environment and conservation but recognises that that must be consistent with but not over-ridden by an emphasis on development.

One of the important things that this Government has been doing in the past 12 months and will be doing is encouraging development in South Australia, whether of the industrial and commercial kind or in the mining sector. The Pitjantjatjara Land Rights Bill, which is being considered in another place, achieves a proper balance between those competing claims, and we will have an opportunity to debate them when that Bill comes to the Council. That historic agreement is another indication of the care that the present Government takes to ensure that there is proper consultation in the community by all groups affected, whether conservationists, environmentalists, or other groups. The agreement that has been achieved has demonstrated what can be achieved by the present Government.

The Hon. C. J. Sumner: You didn't consult too much about Moore's.

The Hon. K. T. GRIFFIN: That has nothing to do with this. The Moore's proposal, if we are going to talk about it, is an indication again that we are prepared to take some longer-term decisions, disclose proposals publicly, and allow them to be commented on by members of the public who have an interest in them. That occurred with Moore's, where the Precincts Planning Study was released and an opportunity given to the public to comment.

The Hon. C. J. Sumner: There's an option on returning Moore's to the retail trade, is there?

The Hon. K. T. GRIFFIN: If members of the community want to make that sort of representation, they are entitled to do so. The submission released for public comment was always available for comment in that context if people wanted to make a comment in that vein. The Government has been prepared on that issue and on a number of others where extensive reports and industrial reports have been prepared, to make them available for public comment.

I can think of a number. The report on the Industrial and Provident Societies Act has been released and comment invited. The report on workers compensation has been released for public comment. On a number of other reports, there will be value in releasing them in this way for public comment. The community is encouraged to take an interest in those sorts of reports and make submissions where appropriate. In the area of conservation and environment, the Liberal Government has a clear policy that it takes those matters into consideration.

The Hon. C. J. Sumner: You wouldn't know it.

The Hon. K. T. GRIFFIN: You do not bother to look around.

The Hon. C. J. Sumner: What about giving the job to Mr. Ellyard?

The Hon. K. T. GRIFFIN: I do not want to get into details of that, because a Question on Notice has been asked. The Minister of Community Welfare has indicated today that a panel interviewed all applicants, and the best applicant was recommended by that panel and has been accepted by the Minister of Environment and the Government.

The Hon. C. J. Sumner: The Minister didn't have anything to do with it.

The Hon. K. T. GRIFFIN: The Leader of the Opposition is sparring at shadows. He does that quite frequently but without success. In environmental and conservation matters, this Government gives proper emphasis to a consideration of these matters and seeks to balance those considerations against other competing claims. The record has been a very good record in this State. There are a number of other matters of interest which have been raised by honourable members on which I do not intend to make specific comment during this debate. Suffice it to say that I appreciate the contributions which have been made and those matters which have been highlighted by honourable members but have not been referred to by me. They will undoubtedly be considered by Ministers in their respective areas of responsibility.

Motion carried.

APPROPRIATION BILL (No. 2)

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

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

That this Bill be now read a second time.

This Bill, which is the main Appropriation Bill for 1980-81, provides for an appropriation of $1 189 814 000. The Treasurer has made a statement and has given a detailed explanation of the Bill in another place. That statement has been tabled in the debate on the motion to note the Budget papers and made available to honourable members.

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

PUBLIC PURPOSES LOAN BILL

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

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

That this Bill be now read a second time.

This Bill provides for an appropriation of $227 500 000. The Treasurer has made a statement and has given a detailed explanation of the Bill in another place. That statement has been tabled in the debate on the motion to note the Budget papers and made available to honourable members.

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

FOREIGN JUDGMENTS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1288.)

The Hon. C. J. SUMNER (Leader of the Opposition): The Opposition is prepared to support this Bill. The Foreign Judgments Act, 1971, provides for the registration and enforcement in South Australia of judgments of foreign courts. However, the judgments which can be registered and enforced in South Australia are restricted in that judgments covering penal or criminal matters or covering revenue matters cannot be registered and enforced in South Australia. This is a statutory enactment, at least in relation to revenue judgments, which codifies the common law position which has developed in the common law courts, particularly that the British courts would not recognise or do anything to enforce a judgment on a revenue matter of a foreign court. As I understand the principle, it did not operate in the last century prior to 1901, and the development of the principle has occurred in the House of Lords and other common law courts until 1955, when it was finally determined that this principle should apply and that no revenue judgments would be enforced in British courts. This position has now been enshrined in legislation in our Foreign Judgments Act of 1971.

I am not sure what the rationale for that restriction on the registration of foreign judgments is, and it might be that the Attorney-General could indicate to the Council what his views are on this matter, and whether he sees any need for this restriction to continue, particularly as we are now about to make an exception to it. The exception that we are making by the Bill before us is to provide that the Australian courts will register and enforce judgments of the courts of Papua New Guinea relating to income tax. This issue has arisen because the Papua New Guinea Government is concerned about persons living in Australia but evading their responsibilities for income earned in Papua New Guinea.

In Port Moresby last year, the Standing Committee of Attorneys-General agreed that some action should be taken in Australia to try to accommodate the problems that Papua New Guinea had in this respect. At that meeting, which I attended, it was agreed in principle that we in Australia would legislate to provide for the registration and enforcement of income tax judgments obtained in Papua New Guinea courts and that the New Guinea Government would do the same.

This Bill is the result of that agreement in principle. I should like to ask the Attorney-General what stage this legislation has reached in other States and whether the Parliament of Papua New Guinea has legislated to provide the reciprocity that was a part of the original agreement. The Council should realise that the Bill is of limited scope, in that it does not apply to all revenue judgments of Papua New Guinea courts, but applies only to income tax matters, and that the original agreement provided that the registration and enforcement should apply only to the judgments of superior courts, presumably only to those of the Supreme Court of New Guinea.

In the discussions on this issue, questions were raised as to whether or not it ought to apply beyond revenue judgments and whether it should apply to all courts of that country. It was decided, more I think on grounds of practicality, that, at least in relation to areas of income tax and judgments of courts of superior jurisdiction, agreement could readily be reached and that, if there were going to be further discussions on broadening the applicability of this legislation, it would be unduly delayed. It was also decided that, while agreement could be reached on income tax, it ought to be implemented.

I understand that the problem of broadening the matter beyond income tax is that some States that had abolished succession duties, for instance, did not want to have their courts enforcing succession duties taxes from Papua New Guinea. This would create problems in relation to getting a uniform approach to the matter.

Personally, I have difficulty in seeing why revenue judgments ought not to be enforced, just as any other foreign judgments are enforced in Australia. I have difficulty in seeing why all revenue judgments from Papua New Guinea ought not to be able to be registered and enforced in Australia. However, I understand that the difficulty occurred because some of the States' objection on the succession duties question. So, as a result, we have this limited agreement.

I should like further to ask the Attorney-General whether discussions are continuing within the Standing Committee on the further extension of this agreement to all, or at least some other, revenue judgments, and whether they will apply also to the judgments of all courts in Papua New Guinea. Indeed, on my reading of the Bill, it is possible that judgments of inferior courts could be registered and enforced in South Australia on income tax matters, and I should like the Attorney-General to say whether that is the case.

Finally, there was some discussion in the Standing Committee regarding the priority that a judgment of this kind would receive in competition with other judgments, in the case of bankruptcy or liquidation. I should like the Attorney-General to provide the Council with some information as to where these foreign judgments on revenue matters would rank in terms of priority in the case of bankruptcy or liquidation.

With those few questions, I am pleased to be able to support the Bill, which I think is proper. Generally, I have difficulty in seeing why revenue judgments ought not to be enforced. However, particularly in the case of Papua New Guinea (with which Australia has a special relationship and has many close ties, and where there ought to be

considerable co-operation between the two countries), I believe that it is desirable that we in Australia should act to ensure that revenue that is rightly due to the Papua New Guinea Government ought to be collected through the means of the courts of this country.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the Leader for his indication of support for this Bill. It is correct that the Bill has limited application, but, notwithstanding that, it is an important piece of legislation, in that it deals with the principal area of revenue evasion, where persons may leave Papua New Guinea with an income tax bill, and return to Australia, and vice versa, and probably to a lesser extent where citizens of Papua New Guinea leave Australia and return to Papua New Guinea. It is in that area that the enforcement of revenue judgments has been the major concern.

The position taken by the Standing Committee reflects the concern of the Papua New Guinea Attorney-General that there is substantial tax evasion in Papua New Guinea, where citizens of Australia incur a liability, return to Australia without paying it, and are then immune from the collection procedures.

There may well be other taxes which are imposed by Papua New Guinea and which persons now living in Australia may have avoided paying when living in Papua New Guinea. However, they are the smallest portion of tax avoiders.

The Leader did ask some questions that I think need to be answered but, if I do not answer them all, the Leader will have the opportunity in Committee to remind me, and I would appreciate it if he would again raise those matters. The Leader asked what stage has been reached in other States with this legislation. I think South Australia is the first State in which this amendment has been proposed, but the other States and the Commonwealth have indicated that they support the proposal and will be moving to enact it.

I do not know whether Papua New Guinea has legislated to see that there is reciprocity. Suffice to say, this Bill will not be proclaimed to come into effect until all the States and the Commonwealth have enacted similar legislation, and until Papua New Guinea has also legislated. It is to be a uniform approach within Australia and Papua New Guinea and, for that reason, it is important for South Australia's amending legislation not to become effective until full reciprocity can be achieved.

The Leader asked whether discussions are continuing on widening the scope of the reciprocal arrangement. Certainly, not at committee level, but there could have been some discussions continuing at a foreign affairs level between the Commonwealth Government and the Papua New Guinea Government, but I doubt that that would be occurring because the objective of the Papua New Guinea Government has been substantially achieved in enacting this legislation. The question of priority in liquidation or bankruptcy is an interesting question, but I take the view that, if there is a judgment in Papua New Guinea, a revenue judgment which is enforceable under the legislation here, and if there is a judgment in South Australia, then the judgment will rank in a liquidation or bankruptcy with other unsecured creditors. Probably that is the case also with a judgment that has been entered in Papua New Guinea but not registered in South Australia. I have not researched that particular point and am not able to give an unequivocal assurance that that is the case.

Certainly, where a revenue judgment from Papua New Guinea has been enforced in South Australia but not yet paid, it is my view that it would rank along with all other unsecured creditors. It will not receive any priority as, for example, the Commonwealth income tax achieves. The Leader says that he cannot see a problem with widening the application of this legislation beyond income tax. It is correct that there was some concern about enforcing Papua New Guinea's succession duties judgments in those States where succession duties had been abolished. It was probably more the fact that the Attorneys were not sure of where revenue judgments of Papua New Guinea would go in the future, which held them back from agreeing to a much wider amplification of the reciprocal arrangements.

The fact is that sovereign national Governments are free to legislate how they wish in the revenue collection area. Whilst on one day a national Government may not have any legislation which imposes other than, say, income taxes, tomorrow there may be a substantial change in the taxation base for that particular country. It is particularly relevant with other countries beyond, say, the Pacific region where some countries' tax impositions are (not necessarily income tax impositions) quite savage.

It is for this sort of reason that the Standing Committee of Attorneys was not anxious to see a broad application of the arrangement which has been reached with regard to judgments of an income tax nature. This Bill is important. It will give to Papua New Guinea, in particular, a measure of tax enforcement opportunity in Australia which it previously did not have and which will be to its advantage. It will also be to the advantage of good relationships between Australia and Papua New Guinea.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Interpretation."

The Hon. C. J. SUMNER: My query relates to what judgments of which courts in Papua New Guinea come within the purview of this legislation. It seems to me that the superior courts are those courts which are proclaimed to be courts of reciprocal jurisdiction and which would be covered, but there is nothing precluding the registration and enforcement of judgments of inferior courts in Papua New Guinea either, although as I understood the original agreement, the proposal was merely to cover income tax and judgments of superior courts, presumably the Supreme Court of Papua New Guinea. If the Attorney is not in a position to provide that information now, he can let me have the information privately.

The Hon. K. T. GRIFFIN: I do not have the information at my fingertips. This reciprocal arrangement will apply to such courts as are covered by the principal Act. I will have the matter looked at, and I will undertake to provide the Leader with a reply.

Clause passed.

Remaining clauses (4 and 5) and title passed.

Bill read a third time and passed.

DOMICILE BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1290.).

The Hon. ANNE LEVY: I support the second reading of this Bill. In doing so, I wish to note that the concept of domicile is a very ancient common law concept which has never been codified into a Statute. These days, many countries use concepts of nationality or habitual residence where the common law uses domicile. Indeed, this has been used in Australia, in certain circumstances. However, the concept of domicile is still an important test of personal connection, though of decreasing importance

in our legislation. The definition of domicile which is often quoted is that given in 1914 by Mr. Justice Holmes, as follows:

> The very meaning of domicile is the technically pre-eminent headquarters that every person is compelled to have in order that certain rights and duties that have attached to it by the law may be determined.

It is this "technically pre-eminent headquarters" which is the operative part of the definition. It implies, first, that everyone has a domicile and that if they are not legally capable of acquiring one or are not permanently settled in any one place, then they must be given a domicile by operation of law. Secondly, the definition implies that a person cannot have more than one domicile for the same purpose. Questions where domicile arises include questions of matrimonial law and also of succession, but for matrimonial matters domicile was defined in 1961 in the Matrimonial Causes Act and in 1975 by the Family Law Act in the Federal Parliament. These removed from matrimonial matters the quaint old idea that a married woman could not have domicile apart from her husband. Prior to that time, there were, of course, difficulties if spouses lived in different States, for divorce proceedings, or if one spouse, namely, a husband, took up domicile in another country, as under common law the wife had domicile wherever her husband was. She could not sue for divorce in an Australian court in the State where she lived even though she might be resident there. As I said, that was abolished in 1961 by Federal legislation.

The question of domicile refers to a State or country, not to a particular address within it. What is important is the intention to permanently reside in that State or country. When domicile matters all fell under State law, there was no such thing as Australian domicile; one could only have domicile in South Australia, New South Wales, etc. But now, in matters relating to marriage and divorce, we do have a concept of Australian domicile created by the Federal Statute, but in matters of succession we still have State domicile as a concept.

Under common law there are three types of domicile: the domicile of origin, that which is attained by birth; the domicile of choice, that which a person voluntarily acquires by choosing a new place of permanent residence; and the domicile of dependence, which is that of a person who lacks capacity to acquire a domicile for himself or herself so that the domicile is determined by that of another person. Under the old common law, married women, minors and lunatics traditionally fell into this latter category. I need hardly comment on the categorising of married women in the same category as children and lunatics. I am very glad, indeed, to see that this insult to married women is being removed by this Bill so that a married woman, along with all other adults, can have a domicile of her own choice. I should add that this does not mean, as was incorrectly reported in the *Advertiser* last week, that the Bill will enable married women to live away from their husbands. That, of course, they have been able to do for a very long time.

For children, too, discrimination is being removed in this Bill. Under common law related to domicile, legitimate children must have the domicile of the father, and illegitimate children must have the domicile of their mother. When this Bill becomes law the domicile of a child will be that of the parent with whom the child makes its home if the parents live apart. This is certainly much more modern in its approach.

There have been other quaint oddities of common law, which have built up over the centuries, relating to domicile. At the moment, if a person leaves their domicile of choice the domicile reverts to the domicile of origin until a new domicile of choice is taken up. I gather that this arose because the English courts in the nineteenth century could not believe that a younger son who went to the colonies really wished to sever his connection with the ancestral home, so while he roamed around, say, New South Wales or Queensland and may well have intended to stay in Australia indefinitely his domicile of origin back in the United Kingdom prevailed. This is to be altered in the legislation before us. A domicile of choice will continue until a new domicile of choice has been achieved. This certainly already applies under the Family Law Act for matrimonial matters, but with this Act it will apply in all circumstances and remove the peculiar common law status of the domicile of origin.

Until this Bill becomes law, evidence of a domicile of choice over a domicile of origin had to be very much stronger than for evidence required to say that one could change domicile of choice to another domicile of choice, but this will no longer apply. Determining the criteria for domicile has obviously provided great scope for academic legal arguments. To me, they are reminiscent of medieval theological arguments as to how many angels can fit on the head of a pin. Domicile is determined not only by residence but also by intention to stay there permanently or indefinitely. For example, in 1904 a case occurred in which a man who had spent 37 years in the United Kingdom but had always spoken of returning one day to his native land of the United States of America was held to be domiciled in the United States, despite 37 years residence in England.

There was another case in 1930 in which a judge ruled that a Scot who had come to England and stayed there for 40 years was still domiciled in Scotland, as he had never stated that he intended to stay permanently in England. However, in a 1937 case, a judge ruled:

> Domicile of choice can be inferred notwithstanding the fact that the individual to whom it is ascribed is not conscious of having taken any deliberate decision at any given or particular moment.

Determining intention is obviously a tricky business, and the Bill before us states still that intention to make a particular country or State one's home indefinitely is to be the criterion of domicile, which may still leave room for plenty of legal argument in future, with consequent benefit to the legal profession and countless cases to quote as precedents.

I understand that the Standing Committee of Attorneys-General took a long time to decide whether this new Australia-wide law on domicile should define the intention as being permanent or indefinite. "Indefinite" certainly seems more common sense to me, on a lay view, so I am glad the decision came down that way.

The domicile of choice of minors does not exist under this Bill. Minors must still have their parents' domicile until they are 18 years old. I feel that this is a bit anachronistic, in view of the fact that a child can leave home at 16 years. Why not allow them to have a domicile of choice at that age? If it were not that the Bill is for uniform domicile provisions in Australia, I would be tempted to move an amendment to make domicile of choice possible at 16 years of age, but I certainly can appreciate the advantages of having uniformity throughout the Commonwealth on this matter.

I understand that Queensland and Western Australia were adamant in refusing to allow domicile of choice at age 16. One can see, thus, that decisions of consensus are often based on the lowest common denominator. The legislation before us has already been passed in Victoria and the Northern Territory, and is currently before the Tasmanian Parliament. It is planned to be introduced soon

in New South Wales but I gather that Queensland and Western Australia are dragging the chain and that it is low on the priority list for introduction in those Parliaments, so we do not know when this Bill will become law, as its proclamation will await the passing of the same legislation by all Parliaments of the Commonwealth.

I would be interested in a comment from the Attorney-General as to when he thinks it is likely to become operative here and to remove discrimination against married women, and children according to their legitimacy, under the common law.

I suppose that one could ask what is the value of defining "domicile" in Statute law. It is rarely used alone today. Most legislation uses criteria of residence or nationality, with or without domicile as applicability for legislation. It can be important in determining status of individuals, such as whether a person is legitimate or illegitimate, and what their state of marriage is, but it is rare these days, and this legislation will not affect many people, as the important provisions are in the Federal Marriage Act and the Federal Family Law Act for the important purpose of divorce.

It is true that status may be important in determining whether a marriage exists, because obviously a divorce cannot be granted unless a marriage exists, and whether a marriage exists depends on the domicile of the parties at the time the marriage occurred, as their status is determined by their domicile then, not by the present domicile.

Domicile does apply also in cases of inheritance of movable valuables. If someone dies intestate, the car and furniture inherited from such a person will depend on domicile and the rules will vary from place to place. Here, the absurdity of the still existing situation regarding married women is evident. It may also be important in questions, say, of gifts by a married woman who lives apart from her husband. One could imagine a situation where a husband lives in Victoria and his wife lives in South Australia. Victoria still has gift duty and South Australia does not.

If she makes a gift to someone as her domicile under common law is with her husband in Victoria, even though she is not a resident of Victoria, Victorian gift duty may be applicable to the gift that she makes, even though both the donor and the donee may live in South Australia. I support the Bill, but I cannot resist quoting from the first edition of the book *Conflict of Laws in Australia*, by P. E. Nygh. When discussing domicile, he states:

> It is true that our courts have in some instances done much to reduce the excessive rigidity of earlier decisions, but in most areas the law has hardened too much to permit of much change at the hands of the judges.

Further on, he states:

> But what is needed is a legislative reform of the law of domicile itself. In so doing it would be wise to try and approximate the position which the American courts have reached without legislative assistance.

I suggest that this law is now before us because the English and Australian courts have not been as flexible or modern in their thinking as have the American courts, and this has necessitated the whole matter of domicile being clarified by the Statute before us. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the honourable member for her indication of the Opposition's support to the Bill and commend the research and attention she has been able to give the measure. So well did she cover the history of the law of domicile in this Bill that there is very little that I need to comment upon except to respond to two questions. One was, "When will the Bill become operative?". All I can say is that I do not know. I would hope that it would be at the earliest opportunity. I have taken the view that it is an important piece of legislation and something which ought not to be controversial although I guess there are people who may misunderstand what is intended by the Bill.

In fact, someone telephoned me last week very much concerned that this Bill would affect an adoption that had been organised quite some time ago. That person feared that the amendment to the law of domicile might mean that that person's child who is adopted would adopt a new domicile. That person was rather confused, but I can understand that, as the concept of domicile is a rather difficult one to comprehend. Any member of the public who was not aware of the background to this legislation and the sort of things that it sought to achieve could be excused for feeling somewhat threatened by a Bill which sought to change the law relating to that difficult concept of domicile. In fact, it does not affect adoptions which have occurred in the past and will not affect adoptions in the future. I would hope that other States and the Commonwealth will find legislative time to introduce and deal with this uniform legislation at the earliest opportunity.

The honourable member has asked what is the purpose of defining domicile in the Statute law. I took that to be really a rhetorical question to which she clearly gave the answers. The answers broadly are that the law still regards domicile as an important criterion for determining status, legitimacy or illegitimacy. It is also relevant in determining certain rights under the Gift Duties Act and Succession Duties Act which no longer apply in South Australia but which at some future time a Government not of Liberal persuasion may reintroduce. If that occurs, domicile will again become relevant. Domicile affects certain other relationships. It is for those reasons that it is important, in my view, that there be at least some legislation which regulates the law relating to domicile. If we acknowledge, as the honourable member has and I have, that there are considerable inadequacies and anomalies in the common law relating to domicile, we need to recognise that Statute law must repeal or amend the common law, and if there are continuing dependencies upon domicile in the law there is a need for the Statute law to enact new rules.

The honourable member has also referred to the age at which minors can obtain a domicile of choice. All I can answer to that is that it has been agreed that 18 years, which in this State is the age of majority, should be the age at which a person can obtain a domicile of choice. While there may be some other areas of law where the age of 16 is more appropriate (for example, consent or decision making), by far the bulk of decisions in the law which have some bearing on the capacity of individuals regard 18 as the age at which the capacity can be exercised and decisions taken by individuals. Whilst this is uniform law, I am pleased to hear that the honourable member is not going to complicate things by moving an amendment. I commend the Bill to members and thank the Hon. Miss Levy for her contribution.

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

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1290.)

The Hon. ANNE LEVY: I support the second reading of the Bill, which is consequential upon the domicile legislation, which has just been considered by the Council.

The one point I would like to make is that I wonder whether there is not a typewriting error in the Bill before us. Clause 3 talks about section 19 of the principal Act, that is, the Adoption of Children Act. Clause 19 does not in any way deal with domicile, whereas clause 20 mentions domicile in subsection (4) *(g)*.

The PRESIDENT: The error has been noted and will be corrected—

The Hon. ANNE LEVY: In Committee. Therefore, I support the legislation.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Discharge of adoption orders."

The CHAIRMAN: "Section 19" will be amended to read "section 20".

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

CROWN LANDS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes amendments to the principal Act, the Crown Lands Act, 1929-1980, relating to the making by the Treasurer of grants or loans to the Lyrup Village Association for the purposes of the construction, installation and rehabilitation of irrigation and drainage works. This proposal has arisen as a result of a request by the association for financial assistance of $38 000 during the current financial year to replace 408 metres of rising main.

During 1973, the association replaced the open channel irrigation scheme with a closed pipeline system and received financial assistance from the Government to cover the cost of that work. The 408 metres of rising main referred to was in existence at that time and was not replaced. Two serious leaks have occurred in that section recently. Although those leaks have been repaired, the condition of the section is such that further leaks and possibly a major blowout will occur which would completely cut the supply of irrigation and domestic water. The Government is satisfied that this section of pipeline should be replaced and that the association needs financial assistance for that purpose. Accordingly, the Treasurer has approved a payment to the association of $38 000, $26 600 to be paid by way of grant, and the balance of $11 400 to be paid by way of loan, repayable by equal annual instalments over 40 years at an interest rate of 8 per cent per annum.

This Bill, therefore, proposes amendments to section 107a of the principal Act designed to authorise the Treasurer to provide such financial assistance. However, the Government is of the view that section 107a, which presently limits such payments to a maximum amount, should be amended to remove that maximum and thereby authorise the Treasurer to make the payment currently required and any future payments, if and when required. Any such payments would, under the amendment, be subject to the approval of the Treasurer. The Government considers that this would be an appropriate arrangement, having regard to the amounts involved and cost and inconvenience of amending the principal Act each time such payments are required.

Clause 1 is formal. Clause 2 amends section 107a of the principal Act so that it authorises the Treasurer, without further appropriation, to make payments to the association by way of grant or loan of such amounts as the Treasurer approves for the purposes of constructing, installing or rehabilitating any irrigation or drainage works of the association.

The Hon. G. L. BRUCE secured the adjournment of the debate.

KENSINGTON GARDENS RESERVE BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1291.)

The Hon. C. W. CREEDON: I support the Bill. Apparently, action regarding this matter has been in the pipeline for a couple of years, seeking to rectify the position in which the Burnside council and the kindergarten found themselves. I should like to tell the Council a little of the history of the Kensington Gardens reserve, the origins of which are very interesting. The reserve, known originally as Pile's Paddock, constituted 195 acres.

A move back in the early part of the century was made to subdivide this land, and the Municipal Tramways Trust opened negotiations with the owners, the Bank of New South Wales, for a portion of this land. The M.T.T. suggested that a gift of the land would be appropriate and it (M.T.T.) would extend the tram line to the property, and the trust would have the land dedicated as a public park. The trust pointed out to the Bank of New South Wales that a tram line would enhance the value of the rest of the land. The Bank of New South Wales agreed, but negotiations fell through because of a disagreement within the M.T.T.

Therefore, fresh negotiations were commenced about a year later by a Mr. W. B. Wilkinson, who was a very prominent land agent of the day and a sometime councillor of Burnside council. I now refer to a section of a document entitled "The first hundred years: Burnside", as follows:

> A company, headed by Mr. W. B. Wilkinson, was formed in 1909 to take over the area from the Bank of New South Wales, then the owners. The company, known as Kensington Gardens Limited, duly acquired the land and offered it to the Tramways Trust as a free gift in view of the trust's undertaking to dedicate the area as a public park and to extend the tram service from its then terminus at Gurrs Road to the middle of the northern boundary of the area. The handing-over ceremony took place on 16 October 1909.

It can be seen from that that Kensington Gardens Limited owned the land for about one month only. The document continues:

> The trust proceeded with improvements in the form of drainage, fencing, bridges, water supply, tennis courts, cricket pitches, kiosks and other picnic facilities. A band rotunda was later erected, and band concerts were held in the park. So popular did the area become as a picnic resort that reservations had to be made a year in advance. Sunday schools, particularly, favoured Kensington Gardens reserve as a picnic ground because of its easy accessibility. One of the popular events at the park was the annual sweet pea exhibition held there in the decade between 1910 and 1920. In September 1932, the whole of the Kensington Gardens area was transferred from the Tramsways Trust to the Burnside corporation.

It is a wonder that this problem was not brought to the attention of the council and the pre-school when the lease was first suggested. It is hard to imagine that the business of the council was so loosely handled that a matter such as

a trust deed could have been overlooked. It makes me wonder on how many other occasions such matters have been overlooked. I was always under the impression that, when leases of the kind mentioned were negotiated, Ministerial approval was necessary before the leases were granted.

Turning to the Bill, the only matter I raise concerns just how much land the council is allowed to lease to the kindergarten. That is not stated anywhere that I can see, but I expect to find that out before the Bill is passed. That matter will probably be covered by the Select Committee. I have no doubt that the pre-school centre, the council and the public will be pleased to see the improvements that can be expected in the near future. I support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the Hon. Mr. Creedon for his contribution. It has been interesting to learn of the history of Kensington Gardens Reserve. I thank the member for supporting the measure. I did not really expect there to be any opposition to it because, as I said, this matter has been under review by successive Governments for a number of years.

The Hon. D. H. Laidlaw: Nevertheless, you had all the necessary information at hand, in case there was opposition to the Bill.

The Hon. C. M. HILL: Certainly. I thank the Hon. Mr. Creedon for what he has said, and I hope that the Bill, which will be subject to investigation by a Select Committee, has a speedy passage.

The PRESIDENT: This is a hybrid Bill and must be referred to a Select Committee, pursuant to Standing Order 268.

Bill read a second time and referred to a Select Committee consisting of the Hons. J. A. Carnie, C. W. Creedon, M. B. Dawkins, J. E. Dunford, C. M. Hill, and Barbara Wiese; the quorum to be fixed at four members; Standing Order 389 to be so far suspended as to enable the Chairman to have a deliberative vote only; the committee to have power to send for persons, papers and records to adjourn from place to place; the committee to report on 25 November.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 23 October. Page 1365.)

The Hon. C. W. CREEDON: I support the Bill. Councils, after struggling and battling from time immemorial, had their needs recognised by the Whitlam Government of 1972-75. The Labor Government made a grant to councils of 1½ per cent of income tax, and in the five years since 1975 the present Liberal Government has expanded the amount by a further ½ per cent.

As it is a share arrangement between all councils, a lot of councils find themselves with big increases in their annual revenue. Since the inception of councils in South Australia about 140 years ago, the last seven or eight years has been the period when they had reason to feel that at last they have been accepted as part of the government structure, and the Australian Government has accepted that they have a role to play and was prepared to demonstrate its faith in local government by making available extra funds from the pool for councils to spend as such individual councils saw fit.

The money has been put to good use—certainly by the councils with which I am familiar. It has encouraged councils to offer a greater range of services and it has allowed them to expand others. Now I hope some of the proposals put up in this legislation offering councils the right to control or give more say or to offer financial aid to certain community activities do not turn out to be a delusion or a grand hoax on the part of the State Government.

I am well aware of the policy of Liberal Governments of starving the needy community of funds, and it would not surprise me at all if the apparent generosity of some of these amendments turned in on the recipients. I look upon the 2 per cent share of income tax receipts paid into local government as Federal recognition of attention to the local needs of their own community, a provision for the smaller more personal needs to which a big overall Government gives but scant attention.

It would be very unfair, even unjust, if a parsimonious State Government looking for ways to curtail its overall expenditure was able to foist upon local government the costs and responsibilities that under our system are rightly the costs of a State Government.

It is not that I want to advocate less responsibility to local government; quite the reverse, in fact, is my intention, but if the useless middle appendage to the Australian governmental system refuses to accept what has traditionally been its role under our Constitution, it should not only shed itself of the responsibility but also of the revenue that will be necessary to carry out the tasks.

I can certainly agree that there are many areas of government in which local government could more appropriately serve its electors. The Liberal Party policy, to which the Minister referred in his second reading speech, sets out some of these areas, but that policy makes no reference to where the money will come from. It is certain that local government itself cannot find the money from its own resources to conduct these services, and it is equally certain that, while this Government is willing to give away the work and the responsibility in these areas, there is no way in which it is going to give away the necessary funds from its own resources to conduct these services.

It is all well and good to issue grandiose statements, and no doubt some of the people can be fooled, but the average person wakes up after a time and realises that hot air is never a substitute for genuine exertion. Local government in the other States of Australia has much more responsibility than it has in South Australia, and the State Governments provide the funds for it to carry out its work.

Of the 20 or so paragraphs constituting that policy statement, one of the points, after 12 months, looks like bearing fruit at last. It is suggested that the Government will investigate the practicality of holding local government elections at a more convenient time of the year. The time suggested is the first Saturday in October, and that is not an unreasonable suggestion because it will give any new councillors at least nine months experience before having to deal with budgets, estimates, proposed new works and the striking of a rate. On the other hand, it may be a bad thing to have elections just after striking rates and setting new works programmes, because some of the weaker councillors may well choose to oppose anything that may increase rates, even though it could well be necessary and have great value to the community, merely to curry favour with some of the electors. This Bill sets the first Friday in September as the closing date for nominations, just four weeks before the election. In the past eight weeks has been the accepted period for closing of nominations. I can understand that four weeks for a ward councillor is probably sufficient because of the small area involved.

Aldermen, who represent much larger areas, and the

Mayor, who represents all the wards, could find themselves in an awkward predicament, particularly if they wanted to doorknock to get themselves better known and to meet people in their own backyards, so to speak. I wonder whether the Minister has had this question thoroughly researched. Can he tell us how he went about researching this matter when he is winding up the debate? Clause 3 alters section 5 of the principal Act and deals with deputy returning officers, returning officers and presiding officers. It certainly brings the Act more into line with the Electoral Act. It is probably to be commended in that respect. Throughout the Bill alterations and amendments deal with the striking out or adding of names such as "presiding officer", "deputy returning officer", "returning officer". It makes the legislation easier to handle and makes the terms more familiar to people. I think it is worth while making these alterations. Clause 5 of the Bill provides:

> Section 57 of the principal Act is amended by striking out from subsection (1) the passage "before the first Saturday in July in any year upon which" and substituting the passage "of the time when".

This clause refers to a councillor leaving the council. If a councillor decided to retire, or to not carry on for some reason, or sought to get out of the council within three months of an election, the council would not need to have another ballot; it could wait for the election and replace him by way of fresh nomination. But, under the same provision, if a man dies while serving as a councillor, he can die six months prior to an election and they do not have to call an election. Can the Minister clear up this point? If a man leaves a council it does not make any difference whether he dies, is ill, or retires. I think that the Bill should be consistent about this. I had great difficulty in understanding clause 13, which provides:

> Section 103 of the principal Act is repealed and the following section is substituted:
>
> 103. (1) A deputy returning officer may exercise or perform any of the powers, duties or functions of the returning officer, and where any power, duty or function is expressed to depend upon the discretion or state of mind of the returning officer, it may be exercised or performed by the deputy returning officer according to his discretion or state of mind.

I can understand that, because somebody has gone dotty, he needs to be replaced, or the deputy is to take over in his place. I feel that there could be better words used to express this, and I will be interested in hearing the Minister tell me why the words "the state of mind" have to appear in the amendment. Section 21 deals with scrutineers, and provides:

> Section 113 of the principal Act is repealed and the following section is substituted:
>
> 113. (1) Each candidate may appoint, in writing, one or more scrutineers for each polling-place.
>
> (2) Where a candidate appoints more than one scrutineer for a polling-place, no more than one of them shall be present in the polling-booth at the same time during the poll.

I admit that is plainer now that it was, but I thought there could be more than one scrutineer present so long as there was not more than one scrutineer at the poll. I thought a candidate could inform the returning officer that he was going to appoint two scrutineers. Another interesting amendment is clause 29, which amends section 129 of the principal Act, as follows:

> 29. Section 129 of the principal Act is amended by striking out subsection (2) and substituting the following subsection:
>
> (2) A deputy returning officer (unless he is acting in the place of the returning officer) or any other presiding officer may vote at any election in the same manner as if he had not been appointed to such office.

I understand that returning officers cannot vote but that a deputy returning officer or any other presiding officer may vote. I also notice that there is no mention of poll clerks who serve in polling booths. I wondered whether they are considered to be deputy presiding officers for the purpose of this Bill. That is another matter about which I would be glad to have an answer from the Minister. Clause 36 refers to section 214 of the principal Act, and provides:

> Section 214 of the principal Act is amended by striking out from subsection (4) the passage "No more than one general rate shall be declared" and substituting the passage "Differential general rates shall not be declared".

I can understand that, because it has been pointed out to me that, in the past, such things have happened. The amendment makes the intention clearer, because there was some doubt before, where a rate of, say, 10c was declared and then a differential of 2c; if the ratepayer was so inclined he could insist that he need only pay the 2c. It is not the amendment I am upset about: it is the way a council arrives at its opinion as to whether it should have a differential rate or not. The Act states that it must be by way of a three-quarter majority, a nine to three vote in the case of a council of 12. I maintain that all councillors should face their responsibility, and it should not be any more than a simple majority.

If they strike a differential rate, they should exercise their authority by a simple majority. I recall a case recently of a similar type of thing, where it needed a nine to three majority, and in that case eight of the people wanted a different kind of rate system and four opposed it. The four who opposed the different system felt that they were right, and I am not arguing for or against, but because those four people opposed the motion the other eight really had no say. I think that sort of thing is wrong. I think all these decisions should be made by a simple majority. If there are 12 members on the council, seven should be sufficient votes to carry any motion.

I was quite surprised by clause 47 because it seems, at present, that councils do all the rubbish collection. It turns out that, under the old Act, it was technically illegal for anyone other than the council to collect rubbish. The council was supposed to collect it all. We know it is the council's responsibility to pick up the rubbish around the place, but there are plenty of contractors willing and able to offer their services for this purpose and to do the job well. This Bill will make it clear that councils are allowed to let other people pick up rubbish. However, the councils will still be required to keep all public places clean and to remove all household rubbish.

The last clause to which I refer and one that I am most pleased to see is clause 63, dealing with postal voting. It used to be a trying situation to get postal votes out at election time, quite unlike our State electoral system where one can go and fill out a claim form and is handed the ballot-paper. The council system was that everything had to be posted. The form had to be posted to the person, the person posted it back, the ballot-paper was posted, and the person posted it back to the council. This was most cumbersome, and many people who normally would have voted, when they realised the trouble they had to go to, refused to entertain the idea of postal voting. These changes make it a very simple matter, and it will be easier for the returning officer to administer and also easier for the people who desire to exercise their right to vote. Hopefully, now, we will see more people who intend being absent at the time of the poll casting a vote through the much more easily claimed postal vote.

The Hon. N. K. Foster: Voting should be compulsory.

The Hon. C. W. CREEDON: All Australian voting systems should be the same, and there should be the same kind of ballot-paper marking system. There are many informal votes in council voting because people mark their ballot-papers "1" and "2". It is ridiculous that they have to mark the ballot-paper with an "X". I have not dealt with the Adelaide City Council part of this Bill and I am sure that the Hon. Dr. Cornwall will deal adequately with that tomorrow.

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

ADJOURNMENT

At 5.53 p.m. the Council adjourned until Wednesday 29 October at 2.15 p.m.