LEGISLATIVE COUNCIL

Thursday 20 November 1980

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

HIGHGATE PRIMARY SCHOOL REDEVELOPMENT

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

Highgate Primary School Redevelopment.

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

Police Regulation Act, 1952-1978—Directions to the Commissioner of Police—Order-in-Council by His Excellency the Governor.

MINISTERIAL STATEMENT: SPECIAL BRANCH

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. K. T. GRIFFIN: On 18 January 1978 certain directions relating to the operation of Special Branch were issued by His Excellency the Governor-in-Council to the Commissioner of Police in accordance with section 21 of the Police Regulation Act. That order specified the grounds on which records may properly be kept by Special Branch, directed the destruction of records which did not comply with those criteria, and appointed His Honour Mr. Acting Justice White as the person responsible for supervising the culling and destruction of non-compliant records. Further provisions of the order related to staffing of Special Branch, and the relationship between Special Branch and the Australian Security Intelligence Organisation.

On 11 June 1980, the present Government requested Mr. Justice White to audit the reconstructed files of Special Branch pursuant to paragraph 5 of His Honour's terms of reference dated 7 November 1977. Mr. Justice White has now completed that audit and reported that the records currently held by Special Branch are in conformity with the criteria established by the former Government.

Today, His Excellency the Governor-in-Council revoked the order issued on 18 January 1978 and issued a new order relating to the scope of activities which may properly be undertaken by Special Branch. The essential differences between the present and former orders are as follows:

1. The purposes and objectives of Special Branch have now been specified, whereas this reference was not contained in the earlier order. In general terms, the task assigned to Special Branch requires that it shall be concerned with persons or groups whose activities are directed to terrorism, sabotage, or the overthrow, undermining or weakening of democratic government by unlawful means.

2. The manner in which Special Branch shall exercise its functions, which also was not included in the former order, is now specified in the new order. These provisions relate to the gathering, assessment and dissemination of information, and are explicitly limited to persons or groups who may reasonably be suspected of engaging in the activities already described.

3. Access to the files of Special Branch is now explicitly limited to designated officers of the Police Force, and mandatory provision is made for periodic inspection of the files by both the Officer-in-Charge of Special Branch and the Assistant Commissioner of Police (Operations). The purpose of these periodic inspections will be to cull and destroy those files which are redundant or no longer relevant.

4. Use of Special Branch files for the purpose of providing security assessments of persons seeking employment is now explicitly limited to situations in which there is a statutory power to provide such information, or, in the absence of such a power, upon receipt of a written application from the employer together with the written consent of the person seeking employment.

5. Finally, the audit of Special Branch files by a person other than a police officer, which was included in the order of January 1978, has been retained. However, the person so nominated is no longer to be a Judge of the Supreme Court. The Government has made this change upon the advice of the Chief Justice, which was expressed by His Honour in the following terms:

> [The Government has] indicated that [it] was considering the institution of a procedure for the future whereby there would be a continuing judicial audit of the records of Special Branch for the purpose of ensuring their conformity with criteria to be specified by the Government. On behalf of the Government you requested me to make a judge available for that purpose on a continuing basis.
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> Having considered all aspects of the matter, I have reached the conclusion that it would not be appropriate to do so. The considerations which apply to a continuing audit are quite different from those which applied to my predecessor's decision to make a judge available for a specific inquiry and for duties in connection with the implementation of the recommendations of that inquiry. The Police Department is part of the executive branch of Government, and the Special Branch is an executive operation. In my view, the continued involvement of the judiciary in the supervision or auditing of an executive operation would tend to impair the separation which ought to exist between executive and judicial functions. Public confidence in the Judiciary's independence of the executive Government might be diminished. Moreover, the activities of Special Branch have been attended by considerable public controversy, and controversy of a Party-political nature.
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> There is no certainty that controversy will not attend the future activities of Special Branch. It is essential to the respect with which the Judiciary ought to be regarded by all sections of the community that judges should not be involved in functions which might result in such controversy, unless the public interest renders such involvement inescapable. For these reasons, I regret that I am unable to accede to the Government's request.

In the circumstances, the Government has sought the services of another person whose probity is beyond question, and is pleased to announce that the Hon. David Hogarth, Q.C., formerly the Senior Puisne Judge of the Supreme Court, has accepted the Government's invitation to inspect and report on the files of Special Branch at least once each year.

MINISTERIAL STATEMENT: SELECTION PANELS

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a further statement.

Leave granted.

The Hon. K. T. GRIFFIN: On Tuesday 18 November, I supplied a brief answer to a Question on Notice asked by the Hon. C. J. Sumner in relation to Public Service selection panels. Unfortunately, the answer given related to another question which had been asked by the Hon. Mr. Sumner and which concerned the transfer of officers from the Ethnic Affairs Division. Information is currently being collected to enable an answer to be given to the question on Public Service selection panels, and it is expected that an answer will be available next week. The confusion was caused by both questions having the same number (3) on Notice Papers for different days.

QUESTIONS

MARKET DEVELOPMENT

The Hon. B. A. CHATTERTON: I seek leave to make a brief statement before asking a question of the Minister of Community Welfare, representing the Minister of Agriculture, about market development.

Leave granted.

The Hon. B. A. CHATTERTON: One of the first actions of the present Minister of Agriculture when he came to office was to disband the Market Development Section within the Economics and Marketing Branch. The people working in that section trying to develop new markets for agricultural commodities were placed in other divisions of the Department of Agriculture. There was, at the time, some controversy as to whether this, in fact, impaired the effectiveness of the people concerned. I do not think the present situation has been in operation long enough for one to be able to really tell whether the effectiveness of the market development people is as high as it was in the past. I have, however, been informed that the two principal officers concerned in market development work will soon both be overseas working on overseas projects. One has been overseas for some time, and the other is just about to leave. As the two officers who are both closely involved in this important area of the Department of Agriculture's work are now to be overseas, will these vacancies be filled? Will the department be looking for other people to take up this market development work?

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

APEX FARES

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Consumer Affairs a question about apex and super apex air fares.

Leave granted.

The Hon. J. R. CORNWALL: Last week an acquaintance of mine, a colleague in the veterinary profession, tried to book a seat on a flight to Darwin in May 1981, which is six months away. He naturally tried to book it on a super apex basis but was told that there were no seats left for allocation on that basis. It seems extraordinary that six months before the event the airline, which for the moment will remain nameless (it can be only one of two), was unable to provide a super apex package. The thought crossed my mind (as the Hon. Mr. DeGaris might say), that this super apex fare situation might simply be an advertising gimmick, and that it might be misleading at that.

As I have said, it seems extraordinary that one cannot make a super apex booking on a flight to Darwin six months in advance. Can the Minister say what percentage of seats are held or allocated on flights ex-Adelaide to other Australian capital cities, including Darwin, and will he investigate the matter of apex and super apex fares to see whether they are real or simply an advertising gimmick?

The Hon. J. C. BURDETT: I think it is not surprising that I cannot say what percentage of seats are held, but I will certainly investigate the matter and bring down a reply for the honourable member.

DISPLACED TEACHERS

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

Leave granted.

The Hon. ANNE LEVY: There has been much controversy recently about the proposed displacement of teachers by the Education Department. I am sure that members are aware of large and angry meetings of teachers in recent days, and I think it was the southern region of teachers that held a large meeting which passed a motion of no confidence in the Minister of Education. That meeting closely paralleled the meeting being held on the same day involving more than 150 people at the still existing Reading Development Centre to protest about its proposed destruction. That meeting also passed a motion of no confidence in the Minister of Education and called for his resignation.

I understand that it is currently Government policy that, whenever any new proposals or initiatives are suggested, family impact statements have to be carried out on those projects by the department concerned. Of course, a department can obtain help or guidance in preparing family impact statements from the Family Unit of the Department of Community Welfare. Was a family impact statement prepared on the proposal for the displacement of teachers for 1981?

What notice was taken of the family impact statement, if it was prepared? Was it prepared solely by officers of the Education Department, or did they receive any advice or help from the Department of Community Welfare's Family Welfare Unit? Will the Minister make available the results of the evaluation of any such family impact statement relating to the displacement of teachers?

The Hon. C. M. HILL: I will ask my colleague the Minister of Education for replies to those questions and bring them down as soon as possible.

RIVERLAND CANNERY

The Hon. B. A. CHATTERTON: I seek leave to make a brief statement before asking the Attorney-General a question about the Riverland cannery.

Leave granted.

The Hon. B. A. CHATTERTON: Earlier this year the Minister informed the Council that an investigation of the affairs of the Riverland cannery was being conducted by a task force set up by the South Australian Development Corporation, and that a committee established by the Government to investigate the S.A.D.C. itself would also look at the position regarding the Riverland cannery. I believe that a possible conflict of interest between individual members of the task force and some criticisms of the cannery was brought out in questions asked in this Council.

I understand from an A.B.C. broadcast that the Minister of Water Resources recently announced that the affairs of the cannery were looking very much better than they looked only a few months ago. Has either the task force established by the S.A.D.C. or the committee of inquiry investigating the S.A.D.C. produced a report, or possibly an interim report, on the affairs of the Riverland cannery? If so, did the Minister of Water Resources use that report as the basis for his remarks? If a report has been made to the Government, will the Minister give more details about the cannery's future?

The Hon. K. T. GRIFFIN: It should be remembered that the task force was appointed not by the South Australian Development Corporation but by the board of Riverland Fruit Products Co-operative Limited. It was a delegate of the board of the co-operative and not a creature of the S.A.D.C. The task force was established by the co-operative in the middle of this year to take over management of the co-operative whilst an inquiry was being conducted into the affairs of the co-operative by that task force.

When the State Bank appointed a receiver and manager of Riverland Fruit Products Co-operative Limited, the task force continued its work for a time, but I understand that the task force felt that its work has been superseded by the appointment of that receiver and manager and by the Government's announcement that its own committee of inquiry into the S.A.D.C. would specifically look at the affairs of the co-operative. In relation to the task force, any report would be made first to the board of the co-operative. As far as I am aware, no report has been made. In fact, the task force has indicated that it does not believe that that course of action is now appropriate.

On the other hand, a substantial amount of the material that was gathered by officers appointed by the task force has been available to the receivers and managers appointed by the State Bank. The Government's own committee of inquiry into the South Australian Development Corporation, so far as it affects Riverland Fruit Products Co-operative, has not yet reported to the Government. The comment by the Minister of Water Resources undoubtedly would have arisen from information that has been made available to the Government by the receivers and managers through the State Bank, which information indicates that there has been a considerable improvement in management at the cannery. At this stage, because there was such a shambles in the accounting aspects of the co-operative, it still has not been possible for the receivers and managers to present final audited accounts but the information that the Government has indicates that the receivers and managers have made a substantial improvement in the operation of the co-operative. Of course, that is important from the Government's point of view, because, as we said when we concurred in the appointment of a receiver and manager on 12 September this year, it is the Government's very strong desire to have in the Riverland a viable canning activity. It is in the interests not only of the Government but more particularly of the people of the Riverland that that objective be achieved, and the fact that there are receivers and managers who are competently administering the operation through to and including processing of the 1981 crop will enhance the prospect of achieving the objective that was indicated when the Government concurred in the appointment of a receiver and manager.

The Hon. B. A. CHATTERTON: I wish to ask a supplementary question. Since there is such a lot of apprehension in the Riverland about the future of the cannery, is it possible for the Minister to make a more detailed statement to reassure the growers that perhaps the future of the cannery is not as bleak as was first thought? The Attorney has said that the reports indicate that there is reason to be a little more optimistic, but perhaps a more detailed explanation of the reasons why the situation has improved would assist growers in that area.

The Hon. K. T. GRIFFIN: I will refer that request to the receivers and managers, because they are the ones principally responsible for the administration of the co-operative. I will do what I can to obtain further information with a view to reassuring those who may be apprehensive about the co-operative. I must say that, as we have indicated, there have been a number of concerns about the co-operative. Certainly, it is in a very difficult situation, but at least the appointment of receivers and managers has crystallised the position and has put in control of the situation persons who have demonstrated, from reports that I have received, that they are doing an excellent job in dealing with the shambles that they inherited on their appointment.

MURRAY RIVER

The Hon. N. K. FOSTER: I desire to direct a question to the Attorney-General regarding Murray River waters and seek leave to explain my question.

Leave granted.

The Hon. N. K. FOSTER: I suppose that, whilst we sound off occasionally about coal, oil and non-renewable resources, it is fair to say that, in respect of the Murray River system generally, which is governed by an Act embracing three or more Governments, the fact is that, while the river itself is not necessarily a non-renewable source, it will become a non-usable source in the next 10, 15 or 20 years. As I have said, it is not good enough for Governments of either political persuasion to spend millions of dollars in evaporation plains. I understand that $4 000 000 is being spent at present around Noora, which I think is north of Loxton.

The Hon. D. H. Laidlaw: It's a lot more than that.

The Hon. N. K. FOSTER: Yes, it will be a lot more than that overall. However, in terms of combating spoliation of the river, it will have a short-term effect only. If we had available for display in this Chamber a map of South Australia showing the whole of the Murray River pipeline system, most honourable members would be shocked to see how far that system goes. It goes to the bottom of Yorke Peninsula and is able to feed areas almost as far away as Port Lincoln. Indeed, it goes all over the State and is of the most paramount importance to South Australia.

One of the great problems involved is that thousands of tons of pig urine and sewage from pig farms to the north of the lower reaches of the river in New South Wales slightly upstream from Mildura are fed into the river. This is repeated upstream for hundreds of kilometres. There is also the salinity problem affecting the irrigation systems in New South Wales and Victoria, and particularly in South Australia. This puts a lifetime of 18 to 20 years on the Murray River, despite the millions of dollars that are being spent to solve this great problem.

A simple way of dealing with it is the most common and earliest known method, namely, dilution. This can come only from areas that are not subject to pollution such as that to which I have referred. I have not gone into the matters of toxic wastes or pesticides, which I will leave aside. I used to raise this matter often in the Federal Parliament. We in this country fail to recognise danger signs and the rights of individuals, in whichever State they happen to live.

A system has been evolved in this country, and a commission set up under successive Governments. I know that I am taking a long time, Mr. President, but I ask you to bear with me, as this is an important matter. I refer to the Snowy Mountains hydro-electric scheme, which was fed into the grid system in Melbourne and Sydney but with which we were not entertained. We received some acre-feet from that scheme, although we did not get it from above or below the pollution area. Therefore, this scheme should apply to a number of rivers in northern New South Wales, where successive Governments have spent billions of dollars building concrete wash-away systems to allow this huge quantity of water to run into the Tasman Sea.

The best water conservation facility that one can have is a fast-flowing river, and there must be a recognition of this by South Australia's Senators. This is absolutely necessary, and I cannot emphasise this aspect too strongly. South Australian Senators need to have a common aim, based on our needs. After all, this involves South Australia's life blood, and we should say, "To hell with politics, particularly South Australian politics."

Will the Attorney-General prevail on the Premier to convene a meeting of all South Australian Senators with a view to arranging a meeting between Senators from New South Wales, Victoria and the Australian Capital Territory for the purpose of recognising the just and rightful claims of this State in relation to water quantity and quality? Also, a working party should be set up on the basis of recognising the need within the next five years to plan a scheme, or having a feasibility study undertaken of the northern New South Wales river area, with a view to having it connected to the Darling and Murray Rivers system, which would be to the benefit not only of South Australia but also of the three States concerned. I ask that this matter, because of its urgency, be given the utmost priority.

Will the Minister also undertake to ascertain from the South Australian Minister of Health when the critical stage will be reached in relation to dangers to the health of people living in South Australia's Iron Triangle and on Eyre Peninsula? When will the threshold level be reached in relation to the meningitis threat, by way of disease transmitted from the Murray River, which disease is now held at bay because of the high quantity of chemicals being injected into the water supply at Port Augusta?

The Hon. K. T. GRIFFIN: We in this State are very fortunate to have the most able Minister of Water Resources that the State has ever had.

The Hon. N. K. Foster: It's nonsense to talk so stupidly.

The PRESIDENT: Order! The Hon. Mr. Foster asked a long and detailed question and I now ask him to listen to the Minister's reply.

The Hon. N. K. Foster: I'll ask him another one in a minute.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Mr. Arnold, the Minister of Water Resources, has already, in his short term as Minister, campaigned vigorously for South Australia's rights in relation to the Murray River waters. In the past few months, members would have seen reported in the press that South Australia had appeared at a Land Board hearing held, from memory, at Wentworth, relating to a proposal to open up certain land on the Darling River for irrigation purposes. Later, another application was made with respect to one of the tributaries of the Darling River north of Walgett. Notwithstanding the earlier leave that had been granted for the South Australian Government to appear at Wentworth, the Government was not granted leave on that occasion.

In relation to the Wentworth hearing, other parties took that matter to the New South Wales courts, and that hearing, at which the South Australian Government is represented, is still continuing. However, the Government, through the Minister of Water Resources, has every intention of opposing every application that is made.

The Hon. N. K. Foster: That's fruitless.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: At least some marks ought to be given for trying.

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The fact is that the New South Wales Government has plans for extensive development of irrigation works not only along the Darling River but also along other tributaries of the Murray River. It is terribly important for South Australia to take every action that it can to ensure that at least that development does not occur until consultants have reported on a comprehensive scheme for the management of the Murray River system. It is not just the Murray River, but all of the tributaries of that river, because as we all know the Murray River is, in fact, the lifeline of South Australia. There has been estimated to be, apart from other pollutants, some 1 000 000 tonnes per year of salt—

The Hon. N. K. Foster: More than that. Get your figures right.

The Hon. K. T. GRIFFIN: There is estimated to be at least 1 000 000 tonnes of salt which crosses the border into South Australia each year. The development along the tributaries of the Murray River will, in fact, add to that burden and once development has taken place in New South Wales there is no way in which that development can be reversed. So, the Government is actively pursuing opposition to all irrigation development on the tributaries of the Murray River and is urging other Governments which are parties to the River Murray Waters Agreement to allow the consultants to continue with their review of the whole system with a view to making recommendations on the way in which it ought to be managed in the future and what development, if any, ought to occur. That does not just relate to salinity problems; it relates also to pollution of all the other sorts to which the honourable member has referred. So far as calling a meeting of senators is concerned, it is not a matter for senators; it is a matter for the Governments of South Australia, New South Wales, Victoria and the Commonwealth, which has indicated its support.

The Hon. N. K. Foster: It's done exactly that for 50 years.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Commonwealth Government has recently negotiated proposals to amend the River Murray Waters Agreement and has indicated its support for further studies to ensure that we know something about the Murray River waters system and the way in which we ought to protect it in the future. Far from calling meetings of senators, it is important for the Government to continue to take legal action in the courts of New South Wales, and, if it becomes necessary, to consider action in the High Court, and to continue pushing the New South Wales Government, in particular, and the Victorian Government to ensure that South Australia's water system is not further polluted and, in fact, that such pollution is reduced in the future.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. I do not care whether the Minister's name is Arnold, Corcoran, Payne, Abraham or Moses—that does not worry me at all. The fact is that the Minister's answer does not convey anything of substance in reply to the question I asked. I therefore ask him some further

questions. First, is he aware that discussions similar to those he has referred to were the subject of a constitutional proposal in the 1880's along almost identical lines to those in his reply? Secondly, is he aware that the changed complexion of the Senate is such that it is no longer dominated by the House of Representatives and Malcolm Fraser? Thirdly, is he also aware that the New South Wales Government has still refused the right of the South Australian Government Minister in the appropriate portfolio area to be represented at all of the conferences that are going on to determine the extent of further new irrigation areas in New South Wales? Fourthly, is he prepared to research the information available on the possibility of the northern rivers of New South Wales being used to further the interests of South Australia in the Murray River waters scheme? Finally, is he prepared to ask the Engineering faculty of Flinders University, and the other appropriate faculty areas, to study this matter, because they are bodies independent of national thinking or of the State thinking of New South Wales and Victoria? There are some good people at Flinders University.

The Hon. K. T. GRIFFIN: So far as the last two questions are concerned, they are appropriately the responsibility of the Minister of Water Resources and I will refer them to him for his consideration. So far as the other questions are concerned, all that I can say is that in the early part of this century when the Murray River Waters Agreement was negotiated there was more emphasis on quantity than on quality. Since the development on the Murray River system, and into the last decade in particular, there has been a much greater concern for water quality, and that is what concerns South Australia.

FOSTER PARENTS

The Hon. C. J. SUMNER: I seek leave to make a brief statement before directing a question to the Minister of Community Welfare about foster parents.

Leave granted.

The Hon. C. J. SUMNER: It has been drawn to my attention recently that a 13-year-old ward of the State was placed with a family at Port Pirie while awaiting assessment by the Department for Community Welfare. That assessment was necessitated by the boy's serious sexual misbehaviour while being cared for in a foster home at Port Augusta. It has been alleged that while this boy was with the family at Port Pirie children in the family were victims of serious sexual molestation. The parents of the children feel that the screening process carried out by the department before placing this 13-year-old boy was not adequate and that more careful screening is necessary before such placements are made. The parents also feel that, where foster placements are made, the departmental file on the child should be made available to the foster parents so that they can be assured that proper care has been taken in making the placement. I understand that the department and the Minister are aware of the case to which I refer. First, what were the circumstances that led to the placement of this 13-year-old boy in a Community Welfare foster home at Port Pirie in August 1980 and, in view of the information now available, was that an appropriate course of action? Secondly, will the department in future make available to foster parents the full file on children entrusted to their care before a placement is made?

The Hon. J. C. BURDETT: I am aware of this matter and it certainly is most serious. So far as I can see, there was no neglect on the part of the departmental officers who made the placement of the child in question. It is somewhat difficult for me to answer the question in full because the 13-year-old boy has been charged with a serious offence. He is due to appear for plea in the Children's Court shortly, so it would be improper for me to say anything about the circumstances.

The practice when placing children under guardianship in a departmental family home and in foster care or other placements is to give as much relevant information as possible to the care providers. In this case, the youth had been in the family home previously and the family home parents knew of his physical and mental handicaps. Some specific details about the youth's sexual fantasies and problems were discussed with the family home parents prior to the placement. It is not possible to give full details from departmental files to care providers because frequently such files contain information which should rightly be regarded as confidential to persons other than the youths concerned.

The stress which the family home parents have suffered as a result of the alleged offences to their children is regretted and could not have been anticipated at the time of placement. The youth was placed in the family home for assessment with a view to an "in need of care application" because of his retardation, sexual fantasies and masturbation, and not in relation to any alleged offences at that time. The family home parents were advised earlier of police investigations and the likelihood of charges if there was evidence to support the allegations. It was also suggested that they may wish to apply for compensation under the Criminal Injuries Compensation Act if the offence is now proved.

FAMILIES

The Hon. L. H. DAVIS: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about families.

Leave granted.

The Hon. L. H. DAVIS: Recently the Minister of Community Welfare was reported as saying that the Department of Community Welfare's Family Research Unit will hold public meetings and will also conduct a survey for the purpose of establishing what people think about families. I understand that the research project is the forerunner of a national study into Australian families by the Federal Government's Institute of Family Studies. Is the Minister in a position to provide details on the format of the meetings—

The Hon. N. K. Foster: Yes, because the question is a Dorothy Dixer.

The Hon. L. H. DAVIS: The Hon. Mr. Foster believes that this question is a Dorothy Dixer—

The PRESIDENT: The Hon. Mr. Davis should continue with his question.

The Hon. L. H. DAVIS: Is the Minister in a position to provide details about the format of these meetings, where and when these public meetings will be held, the scope of the survey, and who will be involved in the survey?

The Hon. J. C. BURDETT: The research project, which is the first one to be carried out by the department's Family Research Unit, which incidentally developed the Government's family impact statement system which was another part of our policy, is aimed at finding out from South Australian families what they think about family life and what they think is important for them to work effectively as families.

I have found since I have been Minister that it is very tempting to tell people what is best for them and their

families. I support this kind of policy and project. The Mann Committee investigation was instituted by the Government to find out what the clients of community welfare thought. This is another investigation to ascertain from families what they think, because it is so easy for social workers and, I guess, Ministers, to think that they know what is best for families. It is very refreshing to find out from families what they think about it.

Part of the research involves public meetings. There are to be five meetings in Unley, five in Campbelltown, three in Noarlunga and two each in Mount Gambier, Whyalla and Clare. Most of the meetings will be open to the general public, although some are aimed at professional and voluntary groups which deal with families. Four meetings have been set up for and by members of the ethnic community. The survey will be carried out in various stages and will ultimately involve several thousand people throughout Australia. Initially in South Australia 150 randomly selected families have been invited to take part in this survey. They will be asked questions about various aspects of family life.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Will the Minister consider having meetings held in the western district, in suburbs such as Port Adelaide and Rosewater, because no mention was made of those areas? Will the Minister give further thought to expanding the inquiries to include those areas?

The Hon. J. C. BURDETT: This is only the first group of meetings. Further meetings will be held next year, and consideration can certainly be given to the request.

BALCANOONA STATION

The Hon. ANNE LEVY: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Environment, a question about Balcanoona Station.

Leave granted.

The Hon. ANNE LEVY: I have received correspondence from concerned constituents, as I am sure other members have, regarding Balcanoona Station, which was purchased by the State Government. I understand that the purchase was finalised in April this year. The station is adjacent to the Gammon Ranges National Park, and now that the pruchase purchase is complete the Government is free to constitute the station as part of the existing national park under section 27 (3) *(b)* of the National Parks and Wildlife Act.

This Balcanoona area is one of the wonders of South Australia, and can well be classed as one of the great wilderness areas within Australia of a different type but quite on a par with the Franklin River and Gordon River wilderness area in Tasmania. It is visited by a large number of bushwalkers, and I understand that, in fact, research has shown that its use by bush walkers has increased enormously in the past five years, as can be determined from entries in the log book on the station.

This is a very fragile area, and it is certainly important that it be properly conserved and managed as an important wilderness area for the benefit not just of South Australians but of all Australians who are interested in bushwalking. Five months have passed since the Government acquired the property and still nothing has happened in regard to its becoming part of the Gammon Ranges National Park. Can the Minister say when the station will be incorporated in the national park, and can he do anything to speed up the process, so that the protection and value of this land will be realised?

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

ENERGY

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Mines and Energy, who is always absent, a question about energy.

Leave granted.

The Hon. N. K. FOSTER: I want to read to the Council the following:

> Australia's retiring Ambassador at large for Nuclear Non-Proliferation and Safeguards, Mr. Justice Fox, says he has a gut-feeling that nuclear weapons will be used this century. In an interview in London with Australian Associated Press, Mr. Justice Fox said he thought it unlikely that nuclear weapons would be used by the superpowers; they were more likely to be used by a country or countries in one of the more unstable regions of the world. Mr. Justice Fox said there were problems yet to be resolved to public satisfaction in the areas of waste disposal and spent fuel storage and disposal. Existing bi-lateral safeguards on non-proliferation, he said, were not good enough. Greater internationalisation was needed. After three years in his post Mr. Justice Fox is to return to Canberra to resume duties as a Federal Court judge.

The PRESIDENT: Order! The honourable member should bear in mind that a Select Committee is inquiring into uranium resources.

The Hon. N. K. FOSTER: I am aware of the delicacy of this matter, Mr. President. However, I have not transgressed as yet. I am not being provocative. I refer to the transcript taken from a tape recording of the 7.45 a.m. ABC national news and the AM programme on 27 October this year. That broadcast has been widely reported in the Eastern States, but scarcely any information is available about it in this State. A virtual blanket ban has been placed on nuclear information by both newspapers in this State, unless it is on behalf of nuclear freaks.

The PRESIDENT: Order! The honourable member asked leave to make a short statement before asking a question.

The Hon. N. K. FOSTER: Mr. President, I only—

The Hon. C. M. Hill: You have made a shocking reflection on the press.

The Hon. N. K. FOSTER: The press does not mind being reflected upon.

The PRESIDENT: Order! Argument across the Chamber will cease, and the Hon. Mr. Foster will proceed with his explanation.

The Hon. N. K. FOSTER: Mr. President, I will proceed. Throw out the members opposite who are interjecting; that will be a good compromise. My question is—

The Hon. J. C. Burdett: Good!

The Hon. N. K. FOSTER: My questions always are good. Will the Attorney inform this Council whether or not the State Government is aware of the public statements made by Mr. Justice Fox? Secondly, is the Attorney aware that Mr. Justice Fox has referred to the countries which the present Minister of Mines and Energy (Mr. Goldsworthy) has publicly said will be customers for this State's uranium? Thirdly, is the Attorney also aware that the present Minister of Mines and Energy over the last few weeks has been reported in the press as saying (quite foolishly I might add, and in spite of Mr. Justice Fox's public announcements) that a safe method of disposing of high-level and low-level wastes is available?

Finally, how can the Government justify its present stupid and destructive policy in view of what has been said by Mr. Justice Fox, a roving ambassador by the Federal Liberal Government? That same man has referred to the dangers of nuclear energy, non-proliferation, international nuclear treaties being fragile and even non-existent, and the threat to the human race as a result of the mining and further process of uranium ore.

The Hon. K. T. GRIFFIN: It would be very interesting to read the context in which Mr. Justice Fox's comments were made and the broader context in which those excerpts appeared. I will refer the matters raised by the honourable member to the Minister of Mines and Energy.

BLACK HILL NATIVE FLORA TRUST

The Hon. N. K. FOSTER: Has the Minister of Community Welfare a reply to a question I asked months and months ago about the Black Hill Native Flora Trust?

The Hon. J. C. BURDETT: The question was asked on 6 November. I am advised by my colleague the Minister of Environment that a news release concerning the Government's decision that the Black Hill Native Flora Park Nursery would remain open was made to the media on 16 October 1980.

The Hon. N. K. FOSTER: Mr. President, I desire to ask a supplementary question.

The PRESIDENT: The Hon. Mr. Foster has had all the fun he is going to have today. The time for questions without notice has expired.

SPECIAL BRANCH

The Hon. FRANK BLEVINS (on notice) asked the Attorney-General:

1. On which South Australian State and Federal members of Parliament were Special Branch files held?

2. When, how, and under what circumstances were they destroyed?

3. Will South Australian members of Parliament be the subject of Special Branch files in the future and, if so, under what circumstances?

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

1. All Special Branch files dealing with South Australian State and Federal members of Parliament have been destroyed, and no records are now held by the Police Department identifying the names of individual members.

2. The files relating to Parliamentarians were progressively destroyed by incineration during the period 18 January 1978 to 18 January 1980 in the presence of Special Branch personnel.

3. Membership of Parliament will not be the basis for any person to be recorded in Special Branch.

LICENSING ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to amend the Licensing Act, 1967-1977. Read a first time.

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

That this Bill be now read a second time.

It makes several technical amendments to the Licensing Act to overcome problems that have arisen in the administration and enforcement of the Act, which regulates the sale and supply of liquor in this State. At present the Act specifically allows the Electricity Trust of South Australia to be granted a full publican's licence in respect of its mess and canteen facilities at the township of Leigh Creek. The canteen sells liquor and provides meals to employees of the trust and to visitors to the township, and provides an important social facility for that isolated community. The trust is establishing a new township at Leigh Creek South in association with the extension of its mining activities to that area. This Bill allows the trust also to be granted a full publican's licence in respect of facilities it provides in this new township.

The trust wants to be able to make arrangements for an independent contractor to operate the kitchen facilities of the new canteen at Leigh Creek South, under which that contractor would share in the profits of the canteen's operations. The Act at present prohibits a licensee (in this case, the trust) from permitting an unlicensed person to share in such profits, or to have other interests in licensed premises. In addition, instances have arisen in the past of licensees who wish to enter into similar arrangements, and of persons who want to obtain a licence only on the basis of such arrangements, but who do not know for certain whether those arrangements are prohibited under the Act. In the case of persons wishing to apply for a licence, the only way to determine the matter is to apply to the court for a licence on the basis of the proposed arrangements (which can be a costly and time-consuming process) and to await the court's decision.

The Bill proposes that persons, whether licensed, applying for a licence, considering applying for a licence, or parties to an agreement or arrangement with a licensed person or person applying for a licence may apply to the court for a ruling on whether those arrangements, whether existing or proposed, are or would be prohibited under the Act and, if so, the court is given a discretion by the Bill to approve them. If an arrangement is prohibited under the Act, the court must either take the drastic step of declaring the licensee's licence void or impose a relatively small fine of between $10 and $200. The Bill increases the amount that the court may impose as a fine to no less than $200 and no more than $500, so that a substantial fine may be imposed if a breach is not serious enough to merit declaring the licence void.

Section 192 of the Act empowers the Governor to declare any premises to be an historic inn if those premises are of national, special historic or architectural interest and should be preserved for the benefit of the public generally. The effect of the wording of the Act, however, is that the Governor may only make such a proclamation in respect of premises that are or have been licensed premises after 1932. This means that many of the premises that would be most suitable to be declared historic inns, such as hotels that operated in the last century but which ceased operations before 1932, cannot be so declared. Clearly, this was not the intention of section 192. There are other problems with the section. The Government believes that it should be a requirement instead of an option that the court inquire into an application that premises be declared an historic inn, before a declaration is made.

The Government also believes that it should have power to vary conditions under which a declaration or exemption is made and to revoke the declaration or exemption if there is a breach of a condition. To make piecemeal amendments to the existing section is unsatisfactory and accordingly the Bill replaces it with a new section. The new section is designed to ensure that only in proper cases are premises declared historic inns, and to ensure that historic inns do not enjoy trading advantages over their competitors.

Section 20 of the Act now allows the grant of a limited publican's licence (which allows the licensee to sell or supply liquor only to lodgers, or with meals in specified parts of the premises) only in respect of premises specifically constructed and primarily used for the accommodation of travellers. The Bill proposes that such a licence, which is the type usually granted to motels, can also be granted in relation to premises that have been adapted for use primarily to accommodate travellers but which were not constructed for that purpose.

Section 67 of the Act relates to the grant of permits for clubs that supply liquor for consumption by members on the club's premises. A club's permit may not be reissued if, under the preceding 12-month permit, its gross takings from the sale of liquor has exceeded $25 000. This upper limit was last increased in 1974, and the Bill proposes that it be further increased to $50 000 to allow for increases in the price of liquor since then. Clubs will now be able under this Bill to increase their gross takings from liquor sales to $50 000 before they have to apply for a licence.

In 1976 section 68 of the Act was repealed. That section regulated the issue by the court of packet certificates to allow the sale of liquor on boats that only travelled short distances. For longer journeys a packet licence under section 28 could be granted. The amendment in 1976 enabled the court to grant all vessels a packet licence under section 28, and abolished packet certificates. Section 69 related solely to the issue of packet certificates under section 68, and so is now redundant. The Bill simply repeals this redundant section. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 amends section 16 of the principal Act so that a full publican's licence can be granted in respect of both Leigh Creek and Leigh Creek South. Clause 4 removes a passage from section 20 of the principal Act. This passage has confined the granting of limited publican's licences to premises constructed for the accommodation of travellers. This prevents the conversion of premises built for other purposes and is an unwarranted restriction. Clause 5 amends section 67 (11). Subsection (11) limits the value of the liquor that may be sold under a club permit. The new figure of $50 000 is now more realistic.

Clause 6 repeals section 69 of the principal Act. This section has been redundant since the repeal of section 68 in 1976. Clause 7 makes a consequential change to section 74 of the principal Act which will allow the court to declare a licence granted after premises have been declared to be an historic inn to be forfeited if a condition specified in a proclamation under section 192 has been breached. Clause 8 amends section 141 of the principal Act. Paragraph *(a)* makes a consequential amendment. Paragraph *(b)* increases the penalty provisions to more realistic levels. Paragraph *(c)* inserts three new subsections in section 141. New subsection (2) allows the court to grant an exemption from the operation of the section in specified circumstances. The subsection also allows the court to approve an agreement or arrangement that does not offend against the section. In this way the parties to an agreement or arrangement can ascertain in advance whether their proposals will be subject to the section.

Clause 9 replaces section 192 of the principal Act. An exemption or declaration made under subsection (1) of the new provision can be made subject to conditions under subsection (2) and the conditions may be varied or revoked under subsection (3). The declaration of exemption itself may also be revoked under subsection (3). Subsection (4) requires an inquiry by the court before the declaration is made. Subsection (5) ensures that declarations are made in respect of premises that are currently or have previously been licensed. Subsection (6) is a transitional provision that brings premises already declared to be historic inns under the new provision.

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

TRADING STAMP BILL

The Hon. J. C. BURDETT (Minister of Community Welfare) obtained leave and introduced a Bill for an Act to prohibit third party trading stamps; to repeal the Trading Stamp Act, 1924-1935; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It proposes the prohibition of third-party trading stamps and the repeal of the Trading Stamp Act, 1924-1935. Under third-party trading stamp schemes, independent trading stamp companies (the "third party") sell trading stamps to retailers. When consumers purchase goods from the retailer they receive a certain number of stamps, with the number received depending on the value of the purchase. The consumer collects the stamps and can eventually receive goods from the trading stamp company upon redemption of the stamps. Consumers can select from the company's catalogue, although the value of goods available to each consumer depends on the number of stamps which have been accumulated.

Trading stamp schemes need not involve a third party. Stamps may be issued by a retailer, and be redeemed either by that retailer or by the manufacturer of the goods purchased. The Trading Stamp Act prohibits all trading stamp schemes promoted in connection with the sale or advertising of goods. The Governments of 1924 and 1935 argued that the stamp system of trading undermined local enterprise and encouraged monopoly because those manufacturers and retailers who were able to offer stamps and associated gifts at no extra cost, in many cases large interstate manufacturers whose stock included the lines offered as gifts, gained an unfair advantage over those who were not able to.

In recent years it has become increasingly apparent that the very wide ambit of the Act is out of phase with modern market circumstances, for in prohibiting the more traditional coupon systems of trading the Act also prohibits such trade promotions as cash rebate schemes, bonus gift offers, free vouchers, and competitions. Such promotions have become standard features of the marketing environment. The prohibition of these kinds of promotions has imposed several costs upon the community.

Where a promotion is being run nationally, suppression in South Australia is a cost to South Australian consumers because they are being deprived of potential benefits for which they are paying. In recovering the cost of an Australia-wide promotion, companies will not charge a lower product price in South Australia to reflect the foregone promotion.

Costs are also incurred by South Australian manufacturers and traders as a result of the Trading Stamp Act. These include the costs associated with interpretation of the Act, with the need in some cases to prepare separate promotional campaigns for South Australia and for other

States, and with withdrawing campaigns found to contravene the Act. The Government considers that these schemes should be allowed. The Bill prohibits third party trading stamps schemes as these have several undesirable characteristics. For example, consumers may not be able to estimate the value of the benefit they receive. Furthermore, there has been no interest shown by any party in changing the *status quo* with respect to such schemes.

The following interested parties have been consulted concerning the proposed amendments and they all support them: Retail Traders Association of S.A. Inc., Chamber of Commerce and Industry S.A. Inc., Australian Association of National Advertisers. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 repeals the Trading Stamp Act, 1924-1935. Clause 4 provides definitions necessary for the interpretation of the Bill. Subclause (2) provides that a trading stamp published in a newspaper or magazine is not a third party trading stamp if it is redeemable by the manufacturer or vendor of the goods to which it relates.

Clause 5 provides offences in relation to third party trading stamps. It will be an offence to supply or redeem a third party trading stamp or to publish an advertisement relating to a third party trading stamp. Subclause (4) provides a defence where the publisher of the advertisement could not be expected to have known that the advertisement related to a third party trading stamp.

Clause 6 provides that company directors are guilty of an offence committed by their company unless they could not have prevented the commission of the offence by the exercise of reasonable diligence. Clause 7 provides for the summary disposal of offences against the Act.

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

MONARTO LEGISLATION REPEAL BILL

Second reading.

The Hon. J. C. BURDETT (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It is designed to repeal the Monarto Development Commission and Monarto (Land Acquisition) Acts as well as to make provision for the disposal of the Monarto land. It has been apparent for some time that Monarto is not a viable proposition. The original proposal was perhaps a well-intentioned decentralisation scheme, which recent trends and research have shown was based from the outset on inadequate demographic and economic information. The previous Government recognised this and had accordingly scaled down the affairs of the Monarto Development Commission to some degree.

One of the concerns of this Government when seeking office at the last election was the impact on the finances of this State of the general indebtedness and ongoing interest burden being incurred by a project that was being maintained although no longer relevant to the State's needs. We believed that the Government of that time had refused to face facts on this issue and to recognise fully the impracticality of the scheme, and had made no real attempt to resolve the problem. Accordingly, we announced our policy that, on gaining Government, we would wind down the activities of the Monarto Development Commission and investigate alternative uses for the Monarto land.

On taking office, this Government undertook a review of the Monarto project and concluded that population projections indicated that the Monarto land would not be required for an urban growth centre, and that both the State and Commonwealth Governments should cut their losses and recover at least some of the total invested capital.

Negotiations were entered into with the Commonwealth Government with the aim of varying the terms of the financial agreement relating to Monarto and seeking a reduction in the debt interest burden accruing on the Loan funds advanced by the Commonwealth for the project. As at June 1980, the Commonwealth Government was owed $15 000 000, representing a loan of $9 100 000 and capitalised interest of $5 900 000. As a consequence of the negotiations, $9 900 000 of this debt was written off, leaving a liability for repayment of $5 100 000. This has now been repaid. State Loan funds represented a further liability of $4 100 000 and debenture borrowing of $7 900 000. Thus, debts of $12 000 000 must be repaid. In order to reduce this debt and return the Monarto land to a state where it can be of greater use to South Australia, the Government has decided to expedite the disposal of the Monarto land.

The Department of Lands is to be the agency responsible for disposal and management of the Monarto site, and this Bill accordingly vests the land owned by the Monarto Development Commission in the Minister of Lands, together with the commission's duties and obligations.

The Bill establishes the means by which the Minister may dispose of the land. If necessary he will be able quickly and simply to divide land, amalgamate titles and establish title. Disposal of land will be by various means, including private contract and public auction. The Minister shall also be able to divest himself of land vested in him, and the land thus affected will be dealt with as Crown lands. Although the land will be prepared for sale by the Department of Lands, maximum possible use will be made of private sector services.

In recognition of the dislocation experienced by property owners as a result of the Monarto land acquisition programme, the Government proposes to offer first option on appropriately sized parcels of land to previous owners before placing the land on the open market. The basis of all sale prices will be market value.

Whilst the Government proposes that the majority of the site should be disposed of as agricultural land, it is recognised that there is some land within the site which should be made available for other purposes. Such land includes areas having valuable vegetation, existing commercial facilities, existing or potential community facilities and land which should be set aside to cater for the urban expansion of Murray Bridge.

The Department of Lands is investigating the arrangements to be made in relation to land which should be used or set aside for the above purposes, as well as the arrangements to be made concerning land subject to long-term lease agreements. The small group of Monarto Development Commission staff have been transferred to the Department of Lands, where, in addition to the performance of their former maintenance duties, they are assisting in this investigative task.

The site itself will be incorporated into the area of the District Council of Murray Bridge, following revocation of

the Governor's proclamation exempting the Monarto land from the powers of the Local Government Act. Interim development control under the Planning and Development Act is to be introduced over the site, and the District Council of Murray Bridge will eventually exercise all the responsibilities of local government with regard to the Monarto site. Council will make such arrangements as it finds necessary for extending representation to the site area. These arrangements have been discussed with the officers and members of council and have been accepted by them. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 provides definitions of certain terms used in the Bill. It should be noted that the "undertaking" of the commission is defined to include the liabilities of the commission as well as its assets. Clause 4 repeals the Monarto Development Commission Act, 1973-1974, and the Monarto (Land Acquisition) Act, 1972-1973.

Clause 5 vests the undertaking of the commission in the Minister of Lands. Because of the definition of "undertaking", the Minister is responsible for all the liabilities of the commission as well as being entitled to all the property and rights of the commission. By subclause (2), the Minister is entitled to be registered as the proprietor of the Monarto land, or alternatively, under subclause (3), he can deal with the land without first being registered as the proprietor. Subclause (4) enables the Minister, by order published in the *Gazette*, to bring any part of the land under the Crown Lands Act, 1929-1980. Land that the Government intends to retain permanently will be brought under that Act. Clause 6 empowers the Minister to sell, lease or otherwise deal with the land.

Clause 7 makes provision as to local government. Until the Monarto Development Commission Act, 1973-1974, is repealed, the Monarto Development Commission is, by virtue of that Act, the local authority for the designated site. The site is surrounded by the area of the District Council of Murray Bridge, and the clause provides for the site to be annexed to the area of that council. Subclause (2) ensures that detailed provisions in the Local Government Act, 1934-1980, for the annexation of an outlying district to an area can be adopted in relation to the Monarto land.

The Hon. N. K. FOSTER secured the adjournment of the debate.

WORKERS COMPENSATION (INSURANCE) BILL

In Committee.

(Continued from 19 November. Page 2023.)

Clause 5—"Claims against the fund."

The Hon. C. J. SUMNER: I understood that this matter was adjourned last evening to enable the Government to consider certain propositions that had been put to it by the Hon. Mr. DeGaris. Honourable members will recall that the Hon. Mr. DeGaris was very strongly of the view that employers who found themselves disadvantaged by the insolvency of an insurance company in workers compensation matters ought to receive 100 per cent reimbursement for the loss that they suffered. That view was put strongly by the Hon. Mr. DeGaris in the second reading debate, and the honourable member also raised it in the Committee debate on this clause. The Government felt that his arguments were of such validity and so compelling that last evening it adjourned the Committee debate.

I understood that the Government would obtain for the Hon. Mr. DeGaris some further information on the matter and would try to ascertain whether it could convince him to change his mind, because I imagine that the Hon. Mr. DeGaris will vote with the Opposition on our amendment. I would be very surprised if he did not, in view of what he said last night (in fact, it would amaze me completely). Has the Minister investigated the problems that the Hon. Mr. DeGaris raised, and has he an answer to those queries? Further, is the Minister now prepared to agree to the suggestion made by the Hon. Mr. DeGaris?

The CHAIRMAN: I point out that the words suggested to be struck out must be struck out before any suggested new words can be inserted.

The Hon. C. J. SUMNER: I am still debating the clause.

The Hon. J. C. BURDETT: I do understand that. I also understand that, although arrangements have been made for the Minister who introduced this Bill in the other place to have consultations with the Hon. Mr. DeGaris, that has not yet happened. For that reason, I suggest that progress be reported.

Progress reported: Committee to sit again.

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1995.)

The Hon. C. W. CREEDON: This Bill indicates the desire of the Government to increase the membership of the Board of the Electricity Trust from five to seven members. Members will note that I used the term "Board of the Electricity Trust". I find it very confusing to have a five or seven man trust of a public utility called the Electricity Trust of South Australia. I believe that, while the Government was in the mood to commit itself to amendments to the Electricity Trust Act, it should have proffered an amendment that would have removed the confusion surrounding this body. Is the Electricity Trust a five-member body that the Government wants to make into a seven-member body, or is it that large body of men and women who make up its work force throughout the length and breadth of our State?

When people refer to the Electricity Trust, they never think of the Board of Directors, so if the Government wants to convince the public that the Electricity Trust is a responsible body of five or seven members who are intelligent men of great business acumen it should immediately further amend the Act to show clearly that there is a governing body to direct this very energetic enterprise. In his second reading explanation, the Minister said:

> The Electricity Trust faces quite momentous decisions which must be made in the near future in relation to fuel supplies, generating capacity and a variety of other matters. The Government believes that the trust would be better equipped to make the difficult decisions that presently confront it if its membership were widened to include additional experts with skills in planning and managing major industrial enterprises and in energy management.

We all know that the trust is a very large organisation heavily involved in the generation of electricity, and is the major provider of power within the State. Being involved in power generation causes ETSA to be a major user of

our other natural sources of energy. For all its vastness, and the smallness of its directorate, it functions very smoothly, and we do not oppose the amendments proposed by the Government. I must say that, for the sake of the State, it is just as well that the trust is an efficient organisation, for where else can we find in the State a Government-owned public utility that can spend such large sums of money gathered from the Treasury, set tariffs and undertake borrowing with no oversight from Parliament or its appointed Parliamentary committee?

No Government department can spend more than $500 000 without the matter being examined by the Public Works Standing Committee, yet statutory bodies can borrow huge sums that the Government has to assume responsibility for and repay the capital and interest if those bodies find themselves in financial difficulties. However, that is another matter that should be given very close attention in the future. We agree generally with the principle of the Bill, particularly as the Government has provided that the terms of appointment for the existing members will not be interfered with. I suppose we can presume that the term of three years for the new appointees will apply to subsequent appointments as the sitting members are either reappointed or new personnel are appointed in their place.

The Government has not been very specific about the qualifications it will demand of the new board members. I think it would be appropriate for the Minister to explain more fully what is expected and to assure the Council that it is not intended as a perk for some supporter. The most interesting amendment so far as I can see is the striking out of paragraph *(d)* of subsection (2) which removes the restriction against employees of the trust being appointed as members of the trust. That is a very good idea and maybe one that I could heartily commend. I underline the word "maybe".

The trouble is that I do not know who will be appointed or by whom. Will the person seeking appointment be nominated or seek nomination? Are fellow workmates being allowed a vote in line with employee representation or, if an employee is allowed on the trust, will that employee be appointed by the trust directorate or by the Government? Will the Minister tell us what he had in mind when he provided that an employee could now be appointed a member of the trust? About the only other matter mentioned in the Bill is the quorum, and it is only natural that it would be enlarged if the directorate numbers are increased. The Opposition supports the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I thank the honourable member for indicating the Opposition's support for this Bill. There are several matters to which he has referred and which require answers. I am able to assist him to a certain extent, but not completely. I undertake to obtain further details and will let him have those details in due course. I can say, in relation to the removal of the restriction on the appointment of employees to the board, that whilst the Government has no present intention of appointing any employee to the board it is felt that an unnecessary restriction which has expressly prohibited the appointment of an employee to the board has been removed.

It may be that at some time in the future a person occupying an executive position could appropriately be a member of the board and, if that were the case, the Government would certainly want to be in the position of being able to make that appointment. It was felt that because we were making changes to the size of the board it was an appropriate occasion to remove the specific provisions in the Act that prevented the appointment of an employee. It is intended that if that power is exercised that would be an appointment by the Governor-in-Council. So far as the additional membership of the board is concerned, the Government has in mind that, as the Electricity Trust embarks on extensive planning for the provision of energy supplies in South Australia, other expertise could be of value at board level when decisions have to be made.

Perhaps there ought to be an engineer on the board, or someone who has specific expertise in conservation of energy. For example, maybe there needs to be someone on the board with a mining background. A variety of different expertises could appropriately be represented on the board beyond its present representation. Members of the board certainly have expertise in a number of areas but, because we in South Australia rely so heavily on electrical generation and because we are looking at some extensive developments in South Australia in the next decade and we would predict, well into the next decade, electrical generation would be a critical factor.

It is that, together with the development of new reserves of fuel for electrical generation, that prompted the Government to move at this stage to widen the range of expertise that can be represented on the board. The honourable member hinted at the possible use of this as a perk for supporters. I could certainly develop that argument with regard to past Governments, but I do not want to do that. I want to give the assurance that it is not our policy to embark on that course with this or any other board. We will be looking at persons with ability whose expertise will be required on the board and who will contribute to the development of the trust and its activities in the context of South Australia's development in a wide range of areas.

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

SECURITIES INDUSTRY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 1992.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill. The Attorney-General's second reading explanation outlined the matter clearly. The Bill alters the word "Commissioner" to "Commission" in two places. This matter has been giving the Opposition some concern for some time and we are delighted to see that the Government has at last got around to resolving this problem that has been worrying both us and the securities industry. With those few words, I indicate our support for the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I am pleased that the Opposition will so readily agree to such a complex Bill. I am pleased, because it demonstrates a change in attitude that I hope will continue in regard to many other complex issues that have to be considered by this Council.

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

WANBI TO YINKANIE RAILWAY (DISCONTINUANCE) BILL

Second reading.

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

That this Bill be now read a second time.

It empowers the State Transport Authority to take up and sell, or otherwise dispose of, the railway line from Wanbi to Yinkanie. The railway was built under the Wanbi to Moorook Railway Act, 1923. The line never reached Moorook. In 1971 the Transport Control Board, with the approval of the Public Works Committee, whose approval was then necessary, closed the line. Under the present provisions of the Railways Act, the State Transport Authority may close a line and may sell surplus land and assets. However, there is no specific authority to take up the railway track, and it is considered that a separate Act is necessary in respect of any railway that is to be dismantled. The Australian National Railways Commission has accepted that, as the line was not in use at the time of the transfer of non-metropolitan railways under the Railways (Transfer Agreement) Act, 1975, the railway is not Commonwealth property.

Clause 1 is formal. Clause 2 provides the definitions necessary for the operation of the measure. Clause 3 authorises the removal and disposal of the railway.

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

SOUTH-EASTERN DRAINAGE ACT AMENDMENT BILL (No. 2)

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

COUNTRY FIRES ACT AMENDMENT BILL

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

[Sitting suspended from 4.5 to 5.25 p.m.]

ROYAL COMMISSIONS ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Page 1 (clause 2)—Leave out the clause.

No. 2. Page 2 (clause 3)—Leave out subsection (4) of new section 16a.

Consideration in Committee.

The Hon. K. T. GRIFFIN: I move:

That the House of Assembly's amendments be agreed to.

The amendments have already been canvassed at some length.

The Hon. N. K. Foster: Yes, we know that.

The Hon. K. T. GRIFFIN: If you listen, you might hear it again. The House of Assembly's first amendment omits the clause which seeks to provide that the Bill shall come into effect on a date to be proclaimed and that the proclamation may not be issued until the terms of reference have been widened. I have already given extensive reasons why the Committee should not agree to have tacked on to the Bill a provision that it shall come into effect only if the terms of reference are widened. I believe that that is inappropriate for widening the terms of reference. In fact, it is blackmail: it blackmails the Government in circumstances which are quite inappropriate, and it will also substantially prejudice the proper conduct of the Royal Commission, unless it has the power to suppress names.

There has been some suggestion that the terms of reference that the Leader of the Opposition has previously sought to have included are almost identical to the terms of reference of the 1976 Royal Commission into New South Wales prisons. There, the terms of reference were particularly wide but I think one needs to recognise that the Royal Commission into prisons established in New South Wales in June 1976 was established in circumstances that were totally different from the circumstances that affect the present Royal Commission into prisons in South Australia.

Let me remind members that in New South Wales in 1974 there were extensive riots in the Bathurst Gaol. What happened was that a prisoner threw a home-made bomb into a crowded chapel where inmates were watching a film. A riot followed, many prisoners were injured, and the gaol was wrecked. A series of prosecutions followed in the District Criminal Court in New South Wales but the juries declined to find anyone guilty of the crime with which the prisoners were charged, namely, that they riotously and tumultuously assembled together for the disturbance of the public peace and unlawfully did destroy certain buildings, being part of the Bathurst Gaol. During the trials, there were many allegations of mistreatment of accused prisoners by prison officers. The Royal Commissioner in New South Wales made this comment in dealing with the history of that Commission:

> No-one could cavil at the width of the terms of reference. Perhaps it would be more in point to suggest that the terms were so wide as to invite the fate of the Amory Commission. That Commission in the United Kingdom, with somewhat similar terms, disbanded after two years without making any report.

In New South Wales, it took two years for the Royal Commissioner, from the date of receiving the Commission, to present his report in early 1978, and it took more than two years from the date of the disturbance for the Royal Commission to be established. What I really want to indicate to the Council is that the circumstances in which the Royal Commission in New South Wales was established were quite different from the circumstances that have prompted the Royal Commission to be convened in South Australia.

In this State it is quite appropriate that the terms of reference be specifically related to the allegations made publicly by a number of members of this Parliament, through the public media and, as I indicated yesterday, the Government took up the challenge that was presented by the allegations made publicly and appointed a Royal Commission so that those making those allegations could stand up and be counted and produce the evidence on which they had made the allegations.

As I also indicated yesterday, the terms of reference in South Australia are wide but it is premature for the Government to move towards any widening of those terms of reference even before opening addresses have been taken by the Royal Commissioner and before any evidence has been heard. The proper course to follow is to allow the Royal Commissioner to hear the opening addresses and then, if he feels that issues raised need to be investigated and are not covered by the already broad terms of reference, he can recommend to the Government and we will act on that.

The Hon. C. J. Sumner: You will agree if he recommends?

The Hon. K. T. GRIFFIN: We will act if he says that the terms are too narrow to investigate matters raised during the Royal Commission that he thinks are relevant to the inquiry but which are not within the terms of reference.

The Hon. C. J. Sumner: That's the whole point, whether they are relevant. These people want other investigations into the prisons system and the Department of

Correctional Services which are not within the terms of reference.

The Hon. K. T. GRIFFIN: I am not prepared to speculate on what those terms of reference do or do not cover. It is for the Royal Commission to hear evidence and, if there is something that the Commissioner thinks needs to be changed, he can make recommendations to the Government. For those reasons, amendment No. 1 proposed by the House of Assembly ought to be agreed to.

Amendment No. 2 seeks to provide for the Bill a limited lifespan; that is, for it to apply during the course of the current Royal Commission. I have indicated that I think it proper to ensure that any future Royal Commissioner has the opportunity to suppress names where certain criteria are established, namely, in the public interest or where it is likely to cause undue prejudice or hardship to witnesses or persons alluded to in evidence. The provision follows closely the provision in the Evidence Act, and I believe that it is a proper provision to include in the Bill. Accordingly, I ask the Committee to agree to the quite reasonable amendments made by the House of Assembly.

The Hon. C. J. SUMNER: I take the opposite view. I do not believe that the Committee should agree to these amendments that the House of Assembly wishes to make to the Bill passed in this Council last night. I reject absolutely the accusation that the Opposition, including the Australian Democrats, is trying to blackmail the Government by tacking on to this Bill, which deals with the suppression of names and evidence, reference to the Royal Commission into prisons. We know that this Bill has been brought before Parliament at this time because of the prisons Royal Commission, so we must debate it in that context.

We know that there is considerable disquiet about the terms of reference of the Commission and has been since the Commission was established. I reject the accusation that blackmail is involved in this. The Government is squealing because it has mishandled the situation from the beginning and is continuing to do so. It has steadfastly refused to have any negotiations on or consideration given to the terms of reference. The whole thing has been handled very badly.

The Attorney-General has said that to agree to the Bill as it left this Chamber would prejudice the proper conduct of the Royal Commission. The only people who have prejudiced the proper conduct of this Royal Commission are the members of the Government, because they have refused to negotiate sensibly about the terms of reference when problems have been pointed out to them. By continuing with this dispute about the terms of reference and failing to come to grips with them, the Government is reducing public confidence in the inquiry and, ultimately, if this continues, it will mean that the findings of the Commission will be criticised on the basis that the terms of reference were not wide enough. Parties represented before the Commission will not be confident that the inquiry has been adequate.

The members of the unions who work in the prisons will not be confident that the inquiry has been adequate, not because of any deficiency in the Royal Commissioner but because of the deficiencies in the Commission's terms of reference. So, any prejudice to the proper conduct of the Royal Commission stands fairly and squarely with the Government for its failure to negotiate and consult and to try to come to grips with the complaints that have been made about the terms of reference. Those complaints have been made by many parties before the Royal Commission, certainly by the prison officers represented by the A.G.W.A. and the Public Service Association, certainly by the prisoners who have been represented by their own legal counsel, and also by the Aboriginal Legal Rights Movement.

The Opposition has proposed the New South Wales terms of reference because they are broad. This has been done deliberately because we wanted to make the Commission all-encompassing. If the Government does not consider that those terms of reference are appropriate, it has one option, namely, to sit down with the parties before the Commission and work out what ought to be appropriate and agreeable terms of reference.

The Hon. L. H. Davis: Like you did with the Salisbury affair.

The Hon. C. J. SUMNER: There was no need to do it in relation to the Salisbury affair, as the honourable member knows. The Royal Commissioner said that. The Government ought to sit down with the parties concerned. The Opposition has been compelled to suggest these very broad terms of reference because the Government will not negotiate: it is washing its hands of the whole issue. I should be pleased if the Government would sit down with the parties. Indeed, the parties would be pleased to try to define what areas they are dissatisfied with and what areas they consider ought to be investigated, and to see whether the Government agrees to that. If agreement can be reached, the Royal Commissioner can be asked to extend the terms of reference.

By that process one would know what matters the Government thinks ought not to be investigated by this Royal Commission. At the moment it is refusing to say this. The proper course is for the Government to negotiate with the parties, and to that end I wrote to the Premier today, in the following terms:

> I am writing to you in connection with the Royal Commission into South Australian prisons. There has been considerable dispute about the Royal Commission's terms of reference since the Government announced it. I do not wish to canvass all the issues that have been raised at this time because they are well known to everyone concerned. However, it is quite clear that many of the parties represented before the Royal Commission believe that the terms of reference before them are too narrow. This continuing dispute can only reduce the effectiveness and public confidence in the Royal Commission.
>
> Accordingly, I am proposing that the Government convene a conference comprising the Government's legal representatives, counsel assisting the Royal Commissioner and other parties or their legal representatives who have expressed concern about the terms of reference. In this way serious and detailed discussions could be held to define what matters the parties want investigated beyond what is in the terms of reference and the Government could then indicate whether it agrees or disagrees on whether the topics proposed ought to be within the terms of reference.
>
> I feel sure that this proposition would ensure a careful and rational consideration of the terms of reference and lead to the Royal Commission conducting an inquiry which is broad enough to satisfy the parties represented before it. I look forward to hearing of your response.

Surprisingly (because we do not usually receive responses quite as promptly as this), I received a reply from the Premier. Without reading it in full—

The Hon. K. T. Griffin: Come on! Read it in full.

The Hon. C. J. SUMNER: I do not mind reading it in full. I was merely trying to save time. There is nothing in the letter about which I am worried. Dated 20 November, the Premier's letter to me is as follows:

> I refer to your letter of 20 November concerning the Royal Commission into South Australian prisons.
>
> After studying your proposal, I can only reiterate the Government's attitude, which is that if the Royal

Commissioner feels inhibited in dealing with matters brought before him he is free to ask the Government to vary the terms of reference.

I am of the opinion that the inquiry should continue under the existing terms of reference, and, should difficulties arise which prove to be insurmountable, then the matters can be reconsidered. Thank you for your letter.

So, the Premier has merely reiterated the arguments that have been put over the past two or three weeks by the Government, namely, that it is a matter for the Royal Commissioner to consider.

As I have said before, it is not appropriate for the the Royal Commissioner to consider representations about the Commission's terms of reference that go beyond the spirit and intention of the Government's original terms of reference. How will it be possible for the Royal Commissioner to make a recommendation in relation to any inquiry into the Department of Correctional Services and its political masters? How will it be possible for him to recommend an inquiry into the facilities at Adelaide Gaol or at other gaols in South Australia? They are matters of a different character from the original terms of reference that were laid down by the Government.

I have suggested to the Government in my letter to the Premier that it should sit down with the parties in a serious attempt to work out point by point what situations the parties want investigated. The Government can then say, "We agree to that," and the parties can then go to the Royal Commissioner and ask him to extend the terms of reference if those situations are not already contained within the existing terms of reference.

This process would also enable the Government to come clean and say to the public what areas it does not want investigated by the Royal Commission. The Government can say in this Council, without any prejudice to the Royal Commission or its findings or status, whether it considers that certain matters ought to be investigated. The Government can say whether it thinks that the non-compliance with the regulations ought to be investigated and, indeed, whether the facilities and conditions at Adelaide Gaol ought to be investigated.

The Government can also say whether or not the inquiry ought to go into the Department of Correctional Services and, indeed, into its political masters. The Government can tell the Council that. However, it will not do so. It refuses to do so. My proposition to the Government is a reasonable and responsible one. The to-ing and fro-ing in relation to the terms of reference has been continuing for the past three weeks.

The Hon. J. C. Burdett: Who started it all?

The Hon. C. J. SUMNER: The Hon. Mr. Burdett is wrong. The Opposition did not start it.

The Hon. J. C. Burdett: I am not wrong. I asked a question.

The Hon. C. J. SUMNER: I am sorry, but I thought that the Minister was accusing the Opposition. Certainly, the Opposition did not start it. In fact, we have maintained a low profile on this issue until the present time. The unions concerned and the parties represented before the Royal Commission have made the complaints. The Opposition has in the past week or so supported the calls that have been made, but it has not taken the matter any further until today, expecting the Government to do something about it. However, the Government has done nothing. The Opposition therefore felt compelled, because of the Government's inactivity, to take this action.

The Government should sit down with the parties concerned; it could easily do so. The counsel acting for the parties concerned, as well as someone from the Crown Solicitor's Office, could sit down and go through the complaints of the people who are represented before the Commission and see whether the Government is prepared to accommodate them by extending the terms of reference.

That is a perfectly reasonable and responsible attitude for a Government to take. I can only suggest to the Government that that course of action ought, at this late stage, to be adopted. I hope that Government members will reconsider their attitude to this matter. I ask the Committee to reiterate its attitude to the Bill as it left here yesterday and disagree to the amendments passed in the House of Assembly.

The Hon. K. T. GRIFFIN: I move:

That Standing Orders be so far suspended as to enable the sitting of the Council to be extended beyond 6.30 p.m.

Motion carried.

The Hon. R. C. DeGARIS: I do not support the amendment to the original Bill moved by the Hon. Mr. Sumner and struck out by the House of Assembly. I think it should not be in the Bill. However, I made myself clear about the second amendment to the original Bill in the Committee stages of the Bill. I ask the Attorney-General whether he will put the amendments separately; otherwise, I will be put in a position of voting for the Hon. Mr. Sumner's amendment, which should not be in the Bill.

The Hon. C. J. SUMNER: Is the Attorney going to answer the Hon. Mr. DeGaris, because, to be fair, the Hon. Mr. DeGaris has made a request to the Attorney-General, having found himself in an embarrassing position because he supports one amendment and not the other? He has requested the Attorney to consider putting the amendments separately, and I think he is entitled to an answer.

The Hon. K. T. GRIFFIN: I am not prepared to put them separately.

The Hon. R. C. DeGARIS: In that case, I believe that the Council should insist upon its amendments to the original Bill and I will be voting that way. But, I indicate no support at all for the first amendment to the original Bill.

The Committee divided on the motion:

Ayes (7)—The Hons. J. C. Burdett, M. B. Cameron, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, C. W. Creedon, R. C. DeGaris, J. E. Dunford, N. K. Foster, K. T. Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. J. A. Carnie and M. B. Dawkins. Noes—The Hons. J. R. Cornwall and Anne Levy.

Majority of 3 for the Noes.

Motion thus negatived.

The following reason for disagreement was adopted:

Because the amendments remove important provisions of the Bill.

Later:

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

Consideration in Committee.

The Hon. K. T. GRIFFIN: I move:

That disagreement to the House of Assembly's amendments be not insisted upon.

The Committee divided on the motion:

Ayes (5)—The Hons. J. C. Burdett, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, R. C. DeGaris, N. K. Foster, K. L.

Milne, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. J. A. Carnie and M. B. Dawkins. Noes—The Hons. J. R. Cornwall and Anne Levy.

Majority of 3 for the Noes.

Motion thus negatived.

A message was sent to the House of Assembly requesting a conference at which the Legislative Council would be represented by the Hons. M. B. Cameron, N. K. Foster, K. T. Griffin, K. L. Milne, and C. J. Sumner.

Later:

A message was received from the House of Assembly agreeing to a conference, to be held in the House of Assembly conference room at 7.45 p.m. on Thursday 20 November.

HOLIDAYS ACT AMENDMENT BILL

The Legislative Council agreed to a conference, to be held in the Legislative Council committee room at 7.45 p.m. on 20 November, at which it would be represented by the Hons. Frank Blevins, G. L. Bruce, C. M. Hill, R. J. Ritson, and Barbara Wiese.

[Sitting suspended from 6.35 to 11.39 p.m.]

The Hon. C. M. HILL (Minister of Local Government): The managers for the two Houses conferred together at the conference, but no agreement was reached.

The PRESIDENT: As no recommendation from the conference has been made, the Council, pursuant to Standing Order 338, must resolve either not to further insist on its requirements or to lay the Bill aside.

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

That the Council do not further insist on its amendments.

The Hon. N. K. Foster: In respect of what?

The Hon. C. M. HILL: Simply in respect of the Holidays Act Amendment Bill, which has been to conference this evening. In moving this motion, I do not think there is any great point in pursuing the debates that have gone on so far throughout the whole period of the Bill being before the Council, because there was a considerable debate at the second reading stage, when the subject amendments were inserted into the Bill as a result of their being moved by the Hon. Mr. Blevins and being supported by members opposite.

During the course of the passage of the legislation, the Council had a further opportunity to debate the issue of whether those amendments should be insisted upon or not and, again, the points for and against were raised and debated in full and, again, the Council, because of the numbers opposite the Government, carried a motion that those amendments be insisted upon.

Now, for the third time, we have the matter before us, and we have an opportunity of either insisting upon those amendments or not insisting upon them. If the Council pursues its same course for the third time, that of insisting upon them, the Bill will lapse, but, if the Council decides in its wisdom that the amendments should not be insisted upon at this third and last opportunity, the Bill will pass and come on to the Statute Book, and we will have a permanent arrangement by which the public holiday shall be transferred from 28 December to 26 December.

I ask members to give full consideration to this question at this last opportunity. In saying that, I do not want to raise the arguments again, because it would be only going over the issues that have been discussed previously. I stress one particular point, however; that is that I do understand the position of members opposite, and the Hon. Mr. Blevins has been quite frank in disclosing that position.

Members opposite have been bound by a decision made by the United Trades and Labor Council, and I am not criticising that, as that is the political situation in which they find themselves. At some stage in the future, I shall be pleased to debate fully whether it is proper, in the best interests of democracy, that decisions are made outside this Chamber, and at the same time members are elected by the people to come into this forum and to cast their votes in this place freely.

However, that does not apply to every honourable member opposite because, of course, the Hon. Mr. Milne, representing a separate political Party, decided in all good faith not to support the Government on the two earlier occasions. He has, so to speak, fully tested the water in relation to whether the Bill is lost should the present course be pursued. However, it has got to the point where the matter of whether the Bill lapses is in the honourable member's hands.

I simply appeal to the honourable member to give every possible consideration to how he votes on this third occasion. I think (although I may be wrong) that the honourable member tended to vote with the Labor Party on the other occasions because he had his own amendment on file and was hoping to gain some support for it. Whether or not it was a political tactic by the Hon. Mr. Milne to follow the Labor Party in the hope of gaining support for his amendments was the honourable member's decision.

The Hon. N. K. Foster: Cast your venom elsewhere.

The PRESIDENT: Order! I do not intend to let this debate get out of hand.

The Hon. N. K. Foster: Don't let him—

The PRESIDENT: Order! The Hon. Mr. Foster will take note of what I have to say. I ask him to cease interjecting.

The Hon. C. M. HILL: I was making the point that, during the course of the various debates in the Council, the Hon. Mr. Milne might have had in mind that his main task was to try to gain support for his amendment, and that was quite proper. Indeed, his political tactics in voting with the Labor Party, if he had that in mind, were not only proper but also politically shrewd.

The Hon. D. H. Laidlaw: It was a good amendment, too.

The Hon. C. M. HILL: Yes, the amendment had some merit. During the second reading debate the Hon. Mr. Laidlaw gave the Hon. Mr. Milne some praise for that suggested amendment. Of course, however, the Hon. Mr. Milne was not able to gain support, and the Hon. Mr. Blevins, quite frankly and properly, declared his Party's attitude towards the Hon. Mr. Milne's amendment. Indeed, I did the same. Nevertheless, if the Hon. Mr. Milne had in mind that he hoped to gain some political help from A.L.P. members by supporting them, I put it to him now that that issue is finished and that it is impossible for the honourable member to gain that help.

I do not think anyone really wants to see Government measures, especially a measure of this kind, lapse. It is not really in anyone's interest to see a democratically elected Government bring its measures before Parliament and not have them passed by it. We can have active debate and pass the issues through the various stages, as has happened in this democratic process of the conference. However, it appears to me that there is so little difference in the whole argument one way or another that the Hon. Mr. Milne, as a free man in this Chamber, has every right to reconsider his position. Quite frankly, I think that he should seriously consider, at this last moment, changing his vote on the whole matter.

To prove the point that there is very little difference in what we are all arguing about is the plain fact of life that the amendment itself carries on the principle of the Government's Bill for the first year. The Hon. Mr. Blevins's amendment lays down that on 26 December next there shall be a public holiday in lieu of 28 December; so, as I said, there is very little difference in the whole thing. The only point is that after 1980 it would then be a permanent arrangement if the Government's Bill passes, whereas if the amendment is carried after 1980 we would revert to the position where we are out of step with the rest of Australia. It would seem to me, therefore, that the Hon. Mr. Milne, in giving deliberation to the matter at this last moment, should consider the situation that, having gone so far as he has gone in the manner in which he has voted on this Bill so far, he loses nothing by now turning back and voting with the Government. But if he does not, of course, the responsibility for the Bill being lost is on his head, because other members opposite—

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: —are completely hidebound by the policy which they must follow.

The Hon. N. K. Foster: You are talking rubbish.

The Hon. C. M. HILL: You are. Do not be dishonest about this. Members opposite are bound hand and foot. I do not want to get into a deep argument on the principles involved in the matter, because members opposite have been honest and frank about it, and the Hon. Mr. Blevins has said that it is the decision of the T.L.C., and that is it. That is fair enough but, again, I say that the Hon. Mr. Milne is certainly not in that situation, so I ask the honourable gentleman (and that is what he is) to give full consideration to this matter before on this final occasion he casts his vote on this measure.

The Hon. FRANK BLEVINS: I oppose the motion moved with such a flourish by the Hon. Mr. Hill. My assessment of his speech is that he must be worried about the Hon. Mr. Milne sticking to his principles that he has espoused throughout this debate.

The Hon. C. J. Sumner: He always does.

The Hon. FRANK BLEVINS: The Hon. Mr. Hill must know that, and that is why he has behaved in such a hammy, theatrical manner.

The Hon. D. H. Laidlaw: You don't recognise statesmanship.

The Hon. FRANK BLEVINS: If that is statesmanship, as the Hon. Mr. Laidlaw says, it is very well disguised. I, like the Hon. Mr. Hill, do not want to canvass the substance of the whole debate again. Our opposition to what the Government is doing is based on two principles. First, the tradition of Proclamation Day, we believe, is something worth keeping, as does the Hon. Mr. Milne. Secondly, that there is a possibility that a considerable number of workers in this State could lose a day's holiday that they presently enjoy. The Government has been quite adamant that that will not happen, but if it is so sure of that there is nothing to stop the Minister giving us an assurance that, if an employer applies to vary the award to delete that day, the Government will intervene before that tribunal on behalf of employees and say, "We don't want the workers who now enjoy this holiday to lose it."

Will the Government intervene on behalf of the employees? If it is so sure that workers will not lose that day, the Government should give that assurance now. I challenge any member from the Government side to do that. If they do, then I am sure that members on this side will reconsider their position in regard to that part of the Bill because, contrary to what the Hon. Mr. Hill said (and he said it quite offensively), members on this side are not bound by any decision of the United Trades and Labor Council.

The Hon. Mr. Hill knows that, yet he went on to say it. When a person says something that he knows to be untrue, there is a word for that which is unparliamentary. Everyone knows it, and that is what the Hon. Mr. Hill was doing. I believe that the Government will not give that assurance. In other words, it will not put its money where its mouth is; it will not assist workers who are disadvantaged by this provision.

If this Committee insists on its amendment and opposes the motion of the Hon. Mr. Hill, nothing whatever is lost. Technically, the Bill is lost, but what is the consequence of that? No consequence flows from that whatever, because the Government still has the right to proclaim any day it likes as a public holiday. It has the precedent of the Hon. Mr. DeGaris doing that in 1969 when the holidays fell in the sequence in which they fall this year: he made a simple proclamation, and that was the end of it. There was none of this fuss, which is totally unnecessary.

If the Bill lapses the Government (unless it does something childish—it does get fits of pique) will, I assume, simply proclaim 26 December to be a public holiday in lieu of 28 December. What will that do? It will give the Government 12 months if not 12 years to sit down and negotiate with the employees concerned and convince them that they are not going to be disadvantaged. There is no disruption to the holidays this year, because the Government will simply proclaim the changes and it can sit down and talk with the workers in this State who have these fears. It may be that in discussions the workers will realise, decide or be persuaded that their fears are unjustified and that some consensus is arrived at and a permanent measure can be introduced.

There is plenty of time for that, and there is nothing lost while we are waiting to achieve that, because that is the way I believe that such issues should be decided. They should be decided not in the hamfisted way in which the Hon. Mr. Hill attempted to bludgeon the Hon. Mr. Milne to go back on his principles, because that is what the Hon. Mr. Hill was trying to do. It should be done through a process of negotiation, discussion and conciliation.

The Hon. R. C. DeGaris: Would it not be a good idea to have Christmas Day on Thursday every year?

The Hon. FRANK BLEVINS: I do not want to respond to that interjection. I am not sure that I entirely understand it, but it is one of the Hon. Mr. DeGaris's rather childish interjections that he makes on occasions. There is no doubt that, unless this process of discussion and negotiation is followed, there will be some kind of confrontation. If this Government has not got enough confrontation on its plate already, then I do not know what it wants.

The immediate response to any employer applying for a variation in the award to delete this holiday to the detriment of the number of holidays that workers receive will be to risk industrial confrontation. That is absolutely and totally unnecessary when, by a simple proclamation, the problem can be solved. There is not much point in taking this debate any further; I am sure all honourable members have heard all the arguments several times. I appeal to the Committee to defeat the Hon. Mr. Hill's motion for the reasons I have outlined, and because there will be no detriment to anyone in this State if this Bill is lost. The Government has the power to change the holiday this year, so it can consider the position for 12 months and talk to those people who are worried about the situation. If what the Government has said is correct, it can talk to the people who have these fears and convince them that those fears are not justified. I oppose the motion.

[Midnight]

The Hon. G. L. BRUCE: I oppose this motion on much the same grounds as the Hon. Mr. Blevins. While the Minister has accused the Opposition of being hide bound by Trades and Labor Council decisions, I consider that his Party is just as hide bound by the employers. I believe that the whole thrust of the Government's argument has come from shop assistants, bank employees and employers. Groups apart from shop assistants and bank employees can come to an arrangement with their employers to take a day of their annual leave. Therefore, they receive a day in lieu to enable them to take that break over Christmas. Industries operating during that particular period are not interested in having the legislation changed, because they do a deal with their employees.

The Hon. D. H. Laidlaw: Eighty per cent of workers do not care two hoots about it.

The Hon. G. L. BRUCE: I suggest that that is not true. Discussions in relation to this Bill have shown that 50 000 employees could be disadvantaged if this measure becomes permanent legislation, because no holiday would be taken for Proclamation Day in South Australia. As has been said, South Australia is out of line with the rest of Australia and therefore 50 000 employees in South Australia would also be out of line because they would not be receiving the extended break over Christmas.

I do not doubt that in the present industrial climate in this day and age there would be an appeal in the Industrial Court to ensure that Proclamation Day was taken away from employees as a public holiday. There should be no doubt that members on this side would see to it that, if an assurance was given in good faith that those persons presently in receipt of that holiday would not be deprived of it, we would have no hesitation in looking at the situation in a different light. This is industrial confrontation of the first degree. The Government is saying to employees that it will give them no assurance in the future that they will enjoy the holiday they now receive.

I am sure all members would be aware that in an industrial situation, if one attempts to deprive workers of something that they already enjoy it can only lead to industrial confrontation. I am sure that the Hon. Mr. Milne believes he has done the right thing, as he sees it. However, I believe it has been thrust upon him. He has been put in an untenable position in an attempt to force him to back away from his previous statement and his previous action in twice supporting the Opposition's proposal. I can see no possible argument put forward by the Government that should change his point of view on this third occasion. I believe the position should be looked at over a period of time. If no action is taken this year the Government will still have two years to act, because I understand that next year the holiday in question falls during the same period and that workers will receive the break anyway. Therefore, there would be no necessity to do anything next year either. There would be a period of two years in which to negotiate with the Trades and Labor Council, and other persons affected.

I see no valid reason why it should be pushed through in such haste in this year in particular when we have a change, so there is no real urgency for permanent legislation to be on the Statute Book. I oppose the motion.

The Hon. K. L. MILNE: I thank all my friends and admirers for the charming vote of confidence which they have placed in me. One of them has to be wrong. Our decision is quite clear. We want something different from both the Government and the Opposition. It is quite simple, and I hope we will have an opportunity to debate it in the one or two years before the problem arises again. We want Boxing Day a holiday and Proclamation Day a holiday, not because a certain number of people go to Glenelg, but because everyone should have a holiday to remember what our ancestors did for us. We would like to see the Adelaide Cup as a metropolitan holiday only, with country people having a holiday on some other day, or else have it on a Saturday. It is as simple as that.

The Hon. N. K. FOSTER: I support my colleagues and I want to make some reply to the Hon. Mr. Hill about his attitude and his innuendoes that we were hidebound by a Trades Hall decision. Mr. Hill is hidebound by the advice of departmental officers and one of his colleagues, Mr. Brown, so he may rest on that. I make no apologies for being bound by an organisation such as the Trades and Labor Council, because I have been a member of the executive body of that organisation for many years, and I have been its President.

I want to go through a list of matters that have been advanced by Trades Hall and the parent body, the A.C.T.U., over the years. There was a decision by the Trades and Labor Council, through the A.C.T.U., regarding the extension of annual leave, long service leave, annual leave loading, public holidays to casual workers, and workers compensation payments. Many others, of course, emanated from that source. Not one of those measures was an initiative of a Liberal or a Tory Government, nor are they likely to be. One gets sick and tired of your Party, Sir, in Government slinging innuendoes, prepared to do the bidding, as the Minister, Mr. Brown, is prepared to do the bidding, of some small sectors of the business world, while it bleeds white the women folk in the golden mile. It is a disgrace.

The PRESIDENT: Order! The Hon. Mr. Foster is developing an argument. He should confine his remarks to the matter before us.

The Hon. N. K. FOSTER: The matter of annual leave is before us, and a public holiday. We heard the most scathing criticism only two weeks ago from a judge of the Federal Arbitration Court. People on this side of the Committee have a right to protect the interests of the more unfortunate members of the community. I deplore the lip service paid by some members opposite. I encouraged the Hon. Mr. Milne and I will continue to encourage him, because I think he has a sound basis for what he said in relation to the false lip service that Government members have paid to this debate tonight. They do not give a damn for the workers, but think the workers should given their best to the Liberals and their ilk to make a profit.

The Council divided on the motion:

Ayes (7)—The Hons. J. C. Burdett, M. B. Cameron, R. C. DeGaris, K. T. Griffin, C. M. Hill (teller), D. H. Laidlaw, and R. J. Ritson.

Noes (8)—The Hons. Frank Blevins (teller), G. L. Bruce, B. A. Chatterton, C. W. Creedon, N. K. Foster, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. J. A. Carnie, L. H. Davis, and M. B. Dawkins. Noes—The Hons. J. R. Cornwall, J. E. Dunford, and Anne Levy.

Majority of 1 for the Noes.

Motion thus negatived.

Bill laid aside.

ROYAL COMMISSIONS ACT AMENDMENT BILL

The following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist upon its disagreement thereto.

As to Amendment No. 2:

That the House of Assembly do not further insist upon this amendment.

Consideration in Committee.

The Hon. K. T. GRIFFIN: I move:

That the recommendations of the conference be agreed to.

This conference was a particularly long one in all the circumstances. The managers for the Legislative Council strove to ensure that the line held firm, but the strength of the arguments of the House of Assembly managers was very persuasive and, as a result, the managers from the Legislative Council agreed not to insist further on their disagreement to the House of Assembly's amendment, which was to remove that provisions in the Bill moved in the Council originally that sought to tie to the proclamation of the Bill a condition that the Government should amend the terms of reference of the Royal Commission.

In respect of that particular proposal, arguments have already been presented in this place and in the House of Assembly both for and against the proposition of widening the terms of reference. The Government has consistently maintained the view that the vehicle that the Opposition sought to use to ensure the widening of the terms of reference was most inappropriate, when one considered that the object of the principal amendment to the Royal Commissions Act was to ensure that the Royal Commission had the opportunity to prevent the names of witnesses and persons alluded to during the proceedings of the Royal Commission from being published.

We took the view that seeking to require the Government to amend the terms of reference was quite inappropriate. The Government has consistently maintained that the Royal Commission is the proper place for counsel to make submissions on widening the terms of reference. If the Royal Commissioner believes that it is appropriate for them to be widened, he has an open door to the Government, and we will most carefully consider the recommendations that he presents, but it is premature for us to speculate on the breadth of the terms of reference even before opening addresses have been made by counsel assisting the Royal Commission, counsel for the Director-General of Correctional Services, and counsel for other interested parties seeking to make submissions to the Royal Commission.

It is also premature for any decision to be taken on widening the terms of reference before any evidence is called. The proper forum for considering those questions is the forum in which submissions are made not only on the terms of reference but also on the substantive material to be considered by the Royal Commission. That, not the Parliament, is the proper forum for making decisions about the terms of reference. Accordingly, the decisiveness of that point of view prevailed and the managers for the Legislative Council agreed not to persist in that view.

Regarding the second amendment, we were persuaded that there was good reason for ensuring that the power for the Royal Commission to suppress names should be limited to the current Royal Commission into Prisons, but if there is a need in the future for a permanent power, we can move amendments on another occasion. If there are other Royal Commissions for which this power is needed, it is important that we consider the matter in those circumstances and not in the circumstances surrounding the Royal Commission into Prisons. Accordingly, we accepted the proposition of the managers for the House of Assembly that the Bill, in so far as it relates to the power to suppress, should be limited to the currency of the Royal Commission into Prisons.

The Hon. C. J. SUMNER: It is the object of a conference, when the legislative process reaches a certain stage, to try to see whether a compromise can be arrived at so that something can be brought back to the various Houses that has a reasonable chance of acceptance by each House and so that there is some chance that the agreement reached will be acceptable and voted on in the affirmative. The Attorney has said that this is the recommendation of the conference of managers; however, I cannot agree to the recommendations, and I oppose the motion that we accept the recommendations of the conference. I believe that the Government has been quite irresponsible about this whole matter; it has refused steadfastly to consider the legitimate representations of almost all the people who will appear before the Royal Commission, such as the A.G.W.A., the P.S.A., the prisoners and the Aboriginal Legal Rights Movement.

There is no doubt that we have not heard the last of the terms of reference issue. Surely to goodness, with all of those parties represented before the commission being dissatisfied, the matter will come up again in some way or other—it is bound to. I cannot see how this Royal Commission can be of any use unless the Government tries to come to grips with this matter. Most of the parties will remain dissatisfied. All I can do tonight is make a last appeal to the Government to be reasonable.

Parliament sits again next Tuesday, and the Royal Commission would not hear a lot of evidence over the next two working days (Friday and Monday), so this Committee could report progress and consider the matter on Tuesday, which would enable the parties before the Royal Commission at least to try to contact the Government, and it would enable the Government to discuss the matter with those parties. Until those discussions occur, dissatisfaction will continue. I know that the Australian Democrats representative, Mr. Milne, believes that the terms of reference issue must be resolved, and I suggest to him that there is still a chance tonight to give the Government the opportunity to resolve the dispute over the next two working days before we return on Tuesday.

I suggest to the Hon. Mr. Milne, who was a manager at the conference, that he might like to consider following that course of action if the Government refuses to accede to this request. It is not too late, and no great harm at all will be done if the Royal Commission cannot sit tomorrow or Monday. At least the parties will be given that opportunity to put their submissions to the Government. I suggested this solution to the Premier in a letter that I read to the Council earlier, and at that stage the Premier rejected it. However, it is not too late for the Council to consider that course of action now.

I know the attitude that the Hon. Mr. Milne, the Australian Democrats representative in this Council, has taken on this matter, and I remind the honourable member that it is possible for the matter to be examined again. If progress was reported, it would enable further discussions to proceed. To date, the Government has given no undertaking to the parties that it will even consider anything put to it by them. The Government has merely said, "It is not our business. It is all a matter for the Royal Commissioner. Let the parties go to the Royal Commission. We do not want to know them." That is an unreasonable attitude.

The Government has, in effect, said, "If you insist on the proposition regarding the terms of reference, we will force you into losing the Bill." The Government is using

that sort of tactic, which is straight-out blackmail, to try to force a back-off by Opposition members, including the Hon. Mr. Milne, on this proposition that the terms of reference should be extended.

However, I put it to the Council and to the Hon. Mr. Milne that it is not too late in the day. We have a further opportunity, and the Government should take advantage of it by reporting progress and bringing the matter back to the Council on Tuesday. In those 2½ working days, something can be done in terms of negotiations. If the Government does not accede to that request, I put to the Hon. Mr. Milne that he may like to consider this possibility in order to get some sense back into this issue.

The Government has been completely insensitive about this matter and is refusing to take seriously the representations of the various parties. Surely, the Government would like the issue resolved. If on Tuesday no agreement has been reached, at least the Government can say, "We tried to reach an agreement with the parties on the terms of reference. We made a genuine attempt to do so." However, until now, the Government cannot say that.

It would be irresponsible of the Council to carry this motion while there is still a chance of negotiations continuing. I put to the Government and the Hon. Mr. Milne that that course should be followed.

The Hon. N. K. FOSTER: I support the remarks made by my colleague. I cast no reflection whatsoever on the Minister of Transport (Hon. M. M. Wilson), although I was struck by the fact when I went into the conference that the Minister of Transport, who is, I understand, responsible for the Bill in another place, was not one of the managers for that House. I thought that that was rather odd.

The Hon. K. T. Griffin: They can appoint whoever they like.

The Hon. N. K. FOSTER: That is true. I understand also, with all due respect to the Hon. Mr. Wilson, that, although he may have been questioned on the matter, he did not participate in the debate.

Again, that is Mr. Wilson's right and the right of any other member of this Parliament. I make no criticism of that, but I think it bears notation.

The Hon. C. M. Hill: What goes on in a conference should not be disclosed here.

The Hon. N. K. FOSTER: Why should I not disclose that here? You have no valid reason for saying that. It is public property, by way of *Hansard*, as to who is involved in that conference.

Members interjecting:

The Hon. C. M. Hill: You said one member didn't involve himself in the debate.

The Hon. N. K. FOSTER: I did not. I said that a manager, who was a Minister from the House of Assembly had not, as I understand it, participated in the debate. I also said that I made no criticism of that. I was going on to say that I was surprised that the Minister responsible for the carriage of the Bill in the House of Assembly was not one of the managers. That is not a reflection on Mr. Wilson in any way. I respected his views during the course of the conference, as he respected the views of others, no doubt. So, I am not having a hard hit at the Minister whatsoever, nor is it my intention to do so. I do not think that I or any other manager at the conference should be bound by what we did at that conference, and I would hope that the Hon. Mr. Milne will consider the question raised by the previous speaker and, in doing so, acquaint this Chamber, having represented it at the conference, with the details of what he had to say during its progress.

I was informed at the confernece by those who seemed to accept more responsibility for the Government's actions than I could possible do that the Government had nothing to hide. I agree with what the Hon. Mr. Sumner has said on this matter: the Government has not heard the last of it. Much was made of the suggestion to leave the matter to stand over until Tuesday, as though that was forever. If the conference had agreed that the matter be left until Tuesday, it would have meant very little time in respect of the sittings of this Council. Parliament does not sit on Friday, Saturday, Sunday or Monday and, under that proposal, it would have been necessary for the conference to meet before both Chambers sat on Tuesday. The Hon. Mr. Sumner said that there was very little court time tomorrow or Monday. What will now happen, however, is that counsel will be continually questioning the Commissioner as to procedures and the terms of reference.

Parliament, because of the Government's stand on this matter, has in fact shirked its responsibility towards some of the most disadvantaged people in the community, those who are in prison and members of the Aboriginal Advancement League, and to a somewhat lesser extent the union organisations, namely, the Public Service Association and the A.G.W.A., whose attitude has been implacable that the Commission's value will be reduced, because the Government has restricted and inhibited it, as the Commissioner has already recognised. If it were not for the fact that the Government had overlooked the matter concerning the right of suppression in this matter, we would not be debating this matter tonight.

We are debating this matter at this stage because the Government was forced to acknowledge the Royal Commissioner's desire for some powers regarding suppression. If Government members think that this is an ordinary type of inquiry, similar to the Royal Commission which considered Football Park lighting, they want their heads read, because we are dealing with a particular area of disadvantaged people who are completely and absolutely cut off from the outside world, even though they may have an internal means of communication from gaol to gaol. I have been in the boob in my time, for those who want to laugh, and I can tell them that that means of communication from gaol to gaol is very efficient. I was only in army prisons and have not been in a civilian prison so, even though I am perhaps as guilty as many other people in here who have not been in prison (and many people are in prison who are not guilty of the matters for which they have been sentenced), the fact is this: if Government members expect that the Royal Commission will conduct a full and proper inquiry within the Government's terms of reference, they are remiss in their thinking. It is just not good enough.

Government managers said that the situation would be constantly reviewed, on the basis that the Commissioner would have an open door to Cabinet, but it could be that Cabinet is not constant in that regard. I know that during the debate on this matter in another place a member of the Government had the audacity to say that Parliament would direct the Government in this matter. That person must be juvenile (and a juvenile delinquent at that). I say that it is not fair, proper or reasonable to expect the Commissioner to bear this added responsibility to be questioned by counsel about the terms of reference and how they will be applied, having to refer this matter and the seeking of additional powers to his contact man in the Cabinet. That would mean that Cabinet would by-pass the Parliament.

Also, if this happened during the long recess, I suggest that the number of Cabinet members available may be small and in the end he will perhaps be seeing the Attorney-General, a solitary person, to obtain a direction.

That in itself is dangerous. There is a need to widen the powers of the Royal Commissioner at the behest of the organisations concerned which are *bona fide* organisations within the community. If the Government does not hold them in high esteem, it should indeed do so.

Government members know that industrial action is threatened from two sections of the industrial movement in connection with this matter, yet the Government has done nothing since resuming after last week's adjournment to allay the fears expressed by those two organisations, which are contemplating strike action. If there is a strike during the currency of this Royal Commission it is on the Government's own head, because the Government could have at least conferred with those bodies, heard their points of view, listened to their arguments, and allayed their fears. It should not have just brushed them off, completely ignoring them and using them as a scapegoat in an attempt to defend its indefensible position.

I hope that the Hon. Mr. Milne, who I think is not the happiest of men in this Chamber tonight, will, in fact, comment on this matter. I hold no threat out to him because it is a matter for him to decide. I can see nothing wrong with suggesting that this matter be adjourned, as it can be through the procedures available to this Council, so that we may be able to ensure that justice is done. However, the Government is not prepared to accept that suggestion, as its actions have revealed tonight.

The Hon. K. L. MILNE: I tried and tried to get the Government to compromise, but it had no intention of giving an inch and I felt that I had to take into account the request by the Royal Commissioner for the anonymity of witnesses, the importance of the success of the Royal Commission now that it has already started, and the safety of witnesses themselves. If that safety was not assured then I and others fear that the Royal Commission could fail or be much restricted.

I believed it was my duty not to allow the Bill to fail. I do not intend to ask that progress be reported in order to allow the Government an opportunity to hold a conference, because I do not believe that it would do that. I am not conversant with the complicated Parliamentary procedures but I had the feeling at the start that the method of bringing this matter to the fore was not the best way, by tacking it on to a Bill that was dealing with something quite specific and urgent. I still believe that.

The Hon. C. J. Sumner: Why did you vote for it?

The Hon. K. L. MILNE: Because I had no idea of an alternative that I have thought of since, and because the Australian Democrats—

The Hon. C. J. Sumner: Robin Millhouse suggested it.

The Hon. K. L. MILNE: It does not matter whose suggestion it was—I felt uneasy about the way it was done, and that this was not the best method of doing it. The Leader asked why I supported it: I supported it because in principle, that is what I wanted to happen, that the terms of reference could be extended. What I believe would have been the correct procedure would be to move a resolution setting out the extension of the terms of reference that are required. I am going to consider that option over the weekend, and I may give notice of such a resolution.

The Government has persevered with a situation that will cause trouble for the Royal Commissioner, for the inquiry and all those involved in the inquiry, as well as for the Government itself. I have already said this. If and when trouble results from this decision, although I hope it does not and that we may avoid it by the method that I have just suggested, I hope that the Government will take responsibility and not try to put in on me.

The Hon. C. J. SUMNER: I formally ask the Government whether it is willing to report progress on this matter. I am disappointed that the Hon. Mr. Milne is not apparently willing to give the Government the opportunity to negotiate with the parties. Further, I would like to correct one thing that the Hon. Mr. Milne said, namely, that he did not think that this was the best method of dealing with the question of the terms of reference of the Royal Commission.

That may be his view, but his Leader, Mr. Millhouse, suggested this course of action when I first discussed the matter with him. It was on that basis that the Hon. Mr. Milne supported the earlier motion. A resolution passed by this Council would be of no effect because the Government would not take a scrap of notice of it. It would be sent to another place and, because of restrictions on private private members' time, it would not even be debated. The only way to ensure a debate on this issue in both Houses is through the course of action adopted by the Opposition.

It was precisely that course of action that I discussed with Mr. Millhouse, and it was decided that that course of action would be adopted. It is a bit much for the Hon. Mr. Milne, after having specifically adopted this course of action following discussions with his Leader, to say that he does not now agree with it. That approach is quite obnoxious. The simple fact is that, if the course of action suggested by the Hon. Mr. Milne had been adopted, we would still be debating the terms of reference in this Chamber, the Government would have moved an adjournment, and the issue would not have even been aired publicly. The only way the Government will act on this matter is if some encouragement is given to it through an amendment to a Bill—a Bill relating to a specific Royal Commission into Prisons. I make that clear for the record. If the Australian Democrats representative in this Chamber is trying to get out from under, I would like him to confer with his Leader tomorrow about the agreement reached with the Opposition. It is quite unsatisfactory that this situation has occurred. Is the Government prepared to adopt a sensible course of action and report progress on this matter to enable it to be reconsidered on Tuesday?

The Hon. K. T. GRIFFIN: The Government is not prepared to follow that course of action, because it has made quite clear that the appropriate forum for discussions of the terms of reference, where submissions can be made and evidence tendered, is a Royal Commission. The Government has consistently maintained that course. Some parties wrote to the Government some time ago suggesting variations to the terms of reference. On those occasions the Government followed the course that I have just referred to and indicated that the appropriate forum is the Royal Commission.

I will repeat myself to ensure that all members understand: if during the course of hearing submissions and taking evidence the Royal Commissioner is of the view that the terms of reference need to be widened, he can make recommendations to the Government. The Royal Commissioner has an open door to the Government for that purpose and for any other purpose that may affect the conduct of the Royal Commission. The proposal to delay this matter until next week is simply a delaying tactic by the Opposition, because it will not achieve anything.

The Committee divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, M. B. Cameron, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Noes (7)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, C. W. Creedon, N. K. Foster, C. J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons. J. A. Carnie, L. H. Davis, and M. B. Dawkins. Noes—The Hons. J. R. Cornwall, J. E. Dunford, and Anne Levy.

Majority of 1 for the Ayes.

Motion thus carried.

The House of Assembly intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 1 a.m. the Council adjourned until Tuesday 25 November at 2.15 p.m.