## LEGISLATIVE COUNCIL

Thursday 4 December 1980

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

### PETITION: PROSTITUTION

A petition signed by 32 residents of South Australia, praying that the Council would strengthen existing laws on and reject a proposal to legalise prostitution, request the Commonwealth Government to sign the United Nations convention on prostitution, and acknowledge Australia's commitment to keep prostitution illegal, by its signing of the 1980 United Nations Convention on discrimination against women, was presented by the Hon. J. A. Carnie.

Petition received and read.

### REGULATIONS

**The PRESIDENT:** In view of questions that have been asked, I wish to inform honourable members that the Speaker and I have received a reply from the Editor of the *Advertiser* concerning our request for the publication of regulations that are before Parliament. I am now able to advise that a list of regulations will be published weekly, and it is anticipated that this will commence when Parliament resumes in February 1981.

### FIRE DRILL

**The PRESIDENT:** In conjunction with the Speaker, I wish to thank all members, staff and other occupants of the building for their co-operation in carrying out the fire alert and evacuation drill yesterday. It is acknowledged that the unannounced drill may have caused some inconvenience. However, it was considered that this was the most desirable method. The drill has revealed some minor problems for which the appropriate corrective measures will be taken. At the same time, it has confirmed that the system and procedures as corrected will ensure the safety of all occupants of the building in any real emergency. It is likely that similar drills will be undertaken from time to time as considered necessary, and the continued co-operation of all members and staff is requested.

## QUESTIONS

### WOOD CHIPS

**The Hon. B. A. CHATTERTON:** I seek leave to make an explanation before asking a question of the Attorney-General, representing the Premier, on the matter of wood chips.

Leave granted.

**The Hon. B. A. CHATTERTON:** Yesterday the Acting Minister of Forests again claimed that the Government had nothing to hide and was not embarrassed that material strangely held in a locked office safe by the absent Minister of Forests (Mr. Chapman) had been put before the Parliament. I am surprised, to say the least, that the Minister is continuing to become so wrought about the matter if there is nothing to hide. Earlier this week, I read to the Council extracts from a submission made to the Minister of Forests (Mr. Chapman) by the Chairman of Punalur Paper Mills (Mr. L. N. Dalmia) dated 1 March 1980 in which Mr. Dalmia put before the Minister certain grievances he had with the conduct of the South Australian Woods and Forests Department in its handling of the contract he had for the supply of wood chips. Quite frankly, I am surprised that the Acting Minister (in his rush to plead innocence) has not tabled that document. After all, Mr. Dalmia submitted it to the Minister and no doubt the original is available.

Among other things, Mr. Dalmia told the Minister he had reason to believe that the South Australian Government was trying to cancel the legally-binding contract he had with it and he believed that the motive was the soaring price of wood chips on the world market. We have proof that Mr. Dalmia's suspicions were correct in the minute signed by the Director of Woods and Forests on 28 February 1980 in which he informed the Minister of Forests that Tony Cole is to float with Dalmia the cancelling of the agreements so far and seeking offers from selected interested parties, including the Japanese, A.P.M. and Dalmia.

We also have proof that Marubeni made available a letter designed to denigrate Mr. Dalmia to the Minister of Forests. There is reasonable proof that that letter was forged. There is absolute proof that the Minister and senior departmental officers were involved in negotiations with Marubeni over the matter. On 5 March 1980 the original agreement with Dalmia was changed, and we have ample proof of that, including a widely distributed press release from the Minister of Forests.

Mr. Dalmia signed that agreement in good faith, thinking that it would be a new start and that it would also give him a little more security. However, subsequent events showed that contract to be simply a continuation of the dirty tricks campaign that eventually undermined the whole deal. Even more, unilaterally crippling conditions were put upon Punalur. The first requirement of the contract that was signed by the Minister of Forests, Mr. Dalmia, and the Chief Secretary (Mr. Rodda) as witness (and I have a copy of the contract here) was that the Government's shareholding in the wood chip venture should be transferred to Punalur Paper Mills forthwith, and I emphasise "forthwith". Clause 1 of the agreement states:

> The corporation shall sell and transfer to Punalur all the shares it holds in Punwood at their par value forthwith upon the execution of this deed.

The deed was executed, as it said, by the Minister (Mr. Chapman), Mr. L. N. Dalmia, Mr. N. W. Lawson, and Mr. A. H. Cole on 5 March 1980. No wonder the Minister of Forests, when I asked him to table the contract, refused to do so. It is clear that the Minister is in breach of that deed. The shares were not transferred to Punalur "forthwith" as was required in the deed, because the Foreign Investment Review Board refused to sanction the transfer and allow a wholly foreign-owned subsidiary of Punalur Paper Mills to process and export pulpwood.

It was on that point that the whole deal foundered. The F.I.R.B. handed down its decision on 16 July (according to an answer given in another place by the Minister of Forests when questioned on the matter), and that gave Mr. Dalmia just 16 days to try to find an Australian partner and raise guarantees of $50 000 000. But to return to the deed, it is surprising that such a deed could have been drawn up, signed and sealed by all parties without first finding out from the Foreign Investment Review Board whether it would sanction the transfer of the shares to Dalmia. And nor was it.

I have evidence to show that the F.I.R.B. gave

preliminary approval by telephone on 20 February 1980 to the South Australian Government as follows:

1. The F.I.R.B. when considering a detailed submission would wish to know the attitude of the South Australian Government.

2. But if the State Government had no objection, then the F.I.R.B.'s preliminary opinion is that it could see no insoluble problems with respect to Punalur Paper Mills operating a wholly-owned subsidiary to produce pulp for either export or sale on the domestic market.

The South Australian Government conveyed this to Mr. Dalmia, who accepted it in good faith and signed the deed. What Mr. Dalmia was not told was that the decision of the F.I.R.B. was only a recommendation and that what it decided would be influenced strongly by the South Australian Government. The *Financial Review* on 25 November 1980, in an article explaining the processes by which the F.I.R.B. arrived at decisions, stated:

> The final decisions in foreign investment cases are political and the role of the board and the foreign investment policy must be seen in this context.

Having tricked Mr. Dalmia into signing an agreement which purported to give him nearly five months to arrange a guarantee of $50 000 000 on the basis of a telephone call to the F.I.R.B., the Government had indeed set him up, and the dirty tricks that followed were simply to make sure. First, did the Premier know the content of the minute dated 20 February 1980 containing telephone details of F.I.R.B.'s thinking at the time? Secondly, was the Premier aware of any further talks or contacts between officers of the South Australian Government and the F.I.R.B.? Thirdly, did the Premier approve the contract signed on 5 March between the Minister of Forests and Mr. Dalmia and, if so, did he do that in full possession of the facts surrounding the requirement on transfer of Punwood shares?

**The Hon. K. T. GRIFFIN:** The honourable member's questions will be referred to the Premier.

## DRUGS

**The Hon. C. J. SUMNER:** I seek leave to make an explanation before asking the Attorney-General a question about the New South Wales Royal Commission into drugs.

Leave granted.

**The Hon. C. J. SUMNER:** In this morning's *Advertiser* there appears a report of the proceedings for deportation before Mr. Justice Fisher in the Administrative Appeals Tribunal. Allegations of the existence of a Mafia organisation in South Australia were made. The New South Wales Royal Commission into drug trafficking was apparently quoted in support of the existence of a secret criminal organisation called *Societa Onorata* which has links with Calabria and in particular with the town of Plati, and which was responsible for organised drug trafficking in Australia and also for the death of Donald Mackay in Griffith.

Although these allegations have been made by the New South Wales Royal Commission, they have not been universally accepted. Indeed, the Royal Commission's findings have been trenchantly criticised by Mr. Alfred W. McCoy in a recent book *Drug Traffic*. To indicate the thrust of the criticism, I will quote some extracts. At page 299 Mr. McCoy said that at times the Royal Commission took on "overtones of an anti-Italian vendetta". He stated:

> In this sort of atmosphere, the use of the term "Mafia" by Mrs. McKay, the media and the Royal Commission was probably based more on ethnic stereotypes than on hard evidence.

At page 301 he stated:

> Despite an impressive amount of digging and a great mass of detail about the financial transactions of the suspect *cannabis* growers, Mr. Fisher—

that is Mr. Fisher, Q.C., who appeared before the Commission, and not Mr. Justice Fisher—

> failed to corroborate his earlier claims of a powerful, nationwide Italian *Societa Onorata*. Instead, he had come full circle back to Griffith where he found a small network of Calabrian peasant farmers cultivating *cannabis* at the bottom rung of the distribution ladder.

At pages 303-4 he stated:

> Despite the enormous effort expended in probing the small circle of suspect Griffith Calabrians, there is not a word about what happened to those tonnes of marijuana when they reached Sydney. It is improbable that a small group of recently landed Italian peasants living in a remote country town had the social contacts to either predict the sudden boom in *cannabis* use among Sydney's middle-class in the mid-1970's, or to handle the distribution once the demand developed. We are given no information about the identity of those groups handling the Statewide and interstate distribution of Griffith's tonnes of *cannabis*. Until contrary evidence can be produced, there is little reason to doubt that the Griffith Calabrians are the bottom rung of the *cannabis* marketing structure.
>
> There are as well some curious differences in standards of evidence throughout the report. In general, any ethnic Australian who came under the Commission's notice was subjected to rigorous examination. Using hearsay, inference or simple associations, the Commission usually concluded that the ethnics were involved in some kind of organised crime operation characterised by hierarchy, discipline and a wider network of contacts.

At page 304 he states:

> The evidence for the operation of *L'Onorata Societa* at Griffith does not appear terribly strong.

At page 305 he states:

> The Commission's documentation of these links is incredibly detailed and quite convincing. Clearly, there was some kind of criminal organisation in Griffith even if there was no formal *L'Onorata Societa*. When the report turns to analyse the drug dealings of native Anglo-Irish Australians, it suddenly loses its aggressive punch and almost self-consciously strives to avoid terms like "hierarchy", "discipline", "organised criminal group" or "Mafia" which are applied so readily to Italians and Chinese.
>
> In several cases the Royal Commission had clear evidence before it of a criminal hierarchy among native Australians but simply chose to ignore it.

In general, the Australians who were investigated were involved in heroin trafficking, whereas the Italians in Griffith and in the other States were involved in marijuana growing. Further, the Royal Commission has been criticised for making the connection between Italians living in Australia and a Mafia-like organisation in Italy without visiting Italy or discussing the matter with the Italian authorities.

I am concerned that the continuing allegations of the existence of such an organisation have an adverse effect on community relations in Australia and on the Italian community in general and Calabrians in particular. This concern is strengthened when the Royal Commission report has been trenchantly criticised by a leading academic writer on crime in Australia. The Royal Commission report is being used to support the deportation of members of the Italian community, but are the prosecuting authorities making available to judicial

bodies the criticisms of that report?

The drug menace, particularly hard drugs, in Australia is serious. We must take all steps to stamp it out. However, we must ensure that we are getting the real culprits and that certain ethnic groups are not being made scapegoats. As a community we must be satisfied that justice is done for all members of our society irrespective of ethnic origin.

The suggestion by Mr. McCoy that the findings of the New South Wales Royal Commission into Drug Trafficking was racially biased are very disturbing, particularly when the report is used to support a case for deportation. We are involved because some South Australians were named in the Royal Commission report, and we have a large Italian community, including many from Calabria.

Is the Attorney-General aware of the criticisms of the New South Wales Royal Commission into Drug Trafficking made by Mr. Alfred W. McCoy? Also, as the New South Wales Royal Commission into Drug Trafficking is being quoted in deportation proceedings, will the Attorney-General ascertain from the New South Wales Government whether these criticisms have been considered by that Government and, if so, whether any further action is contemplated? In particular, does the New South Wales Government believe that these criticisms warrant a further review of the evidence or reopening the Royal Commission?

**The Hon. K. T. GRIFFIN:** I am aware of the criticisms that have been made by Mr. McCoy of the New South Wales Drugs Royal Commission, but I have not read extensively the work that he has published embodying those criticisms. Certainly, I will undertake to contact the New South Wales Government with respect to the matters that the Leader has raised and to bring back a reply in due course.

It should be said that I, and the Government generally, would be concerned if criticisms were made of any section of the community based solely on their ethnic origin, be they of Greek, Italian or any other ethnic background. Certainly, that sort of criticism is to be deplored, as it introduces an element of prejudice and bias that is not substantiated by logic or reason.

In all the relationships that this Government has with ethnic communities we do not place any significance on the fact that they are from different ethnic backgrounds in terms of making judgments on them, although we place emphasis on those backgrounds for the cultural benefits that they have brought to the wider South Australian community.

We take the view that not only the Italian community, which is strongly represented in South Australia, but all other ethnic communities in this State are very important parts of the wider South Australian community, and that all of them make a substantial contribution to our community life. Many of the persons who have different ethnic backgrounds have made and will continue to make significant contributions to our life in South Australia.

Certainly, the Government appreciates the contributions that these people make, and it would deplore a judgment being made about any issue, be it of a criminal nature or otherwise, that is based solely on prejudice and arising from an attitude towards persons because of their ethnic background.

## ELIZABETH SHOPPING CENTRE

**The Hon. J. R. CORNWALL:** I seek leave to make a short statement before asking the Minister of Housing a question regarding the Elizabeth shopping centre.

Leave granted.

**The Hon. J. R. CORNWALL:** On Tuesday, a question was asked of the Premier in another place regarding the Elizabeth shopping centre. Having been asked whether the Government had decided to sell the centre, the Premier said, "Not to my knowledge." Yesterday, I took up this matter with the Minister of Housing. I will not go into any great detail but, as a supplementary question, following a rather lengthy and evasive reply from the Minister, I said:

> I wish to ask a supplementary question. Did the Premier know of the decision to call for a long-term ground lease at Elizabeth?

**The Hon. C. M. Hill:** I answered that yesterday.

**The Hon. C. J. Sumner:** You didn't.

**The PRESIDENT:** Order!

**The Hon. J. R. CORNWALL:** I believe that the Hon. Mr. Hill's answer to the question, briefly summarised, was "No". I could not believe it. I had to wait for the *Hansard* pull this morning to read that answer. The Minister stated:

> The Premier did not know, to the best of my knowledge, of the proposal by the trust to seek development at Elizabeth in this way.

That is absolutely incredible.

**The Hon. C. M. Hill:** Why?

**The Hon. J. R. CORNWALL:** It is a multi-million dollar decision, and it is well known that this Cabinet has a style of considering almost everything—nothing is too trivial for it. Recently, the Minister of Environment announced that Cabinet had approved the purchase of new air samplers costing $10 000—not many millions of dollars, but $10 000. The Hon. Mr. Hill stood in this Council yesterday and asked us to believe that a question as big as offering a ground lease to the Elizabeth shopping centre by the trust to private enterprise was not considered by Cabinet. That is the effect of the answer. He says that the Premier did not know, to the best of his knowledge, that that was going to happen at all. There are only two conclusions to draw from that: either there has been an incredible bungle or, alternatively, both the Premier and the Hon. Mr. Hill have gravely and grossly misled the Parliament.

*Members interjecting:*

**The Hon. J. R. CORNWALL:** If the Premier did not know about it, it was not considered by Cabinet. The Minister cannot have it both ways.

**The Hon. N. K. Foster:** Why doesn't he resign?

**The Hon. C. M. Hill:** That's even worse than what this idiot is saying.

*Members interjecting:*

**The Hon. ANNE LEVY:** I rise on a point of order. The Minister is casting reflections on a member in this place and should surely be asked to withdraw his remark and apologise.

**The PRESIDENT:** I did not hear it, but the honourable member has asked the Minister to withdraw whatever remark he made.

**The Hon. C. M. HILL:** I withdraw whatever remark I made.

**The Hon. Anne Levy:** And apologise.

*Members interjecting:*

**The PRESIDENT:** Order! While we now have some semblance of order, I draw the Hon. Dr. Cornwall's attention to the fact that I believe that this matter was the substance of a question asked yesterday, and I ask him to come back to his question and not debate it.

**The Hon. C. J. SUMNER:** I rise on a point of order. I do not believe that the matter has been resolved. As I understand it, when someone who makes an injurious reflection upon a member is called upon to withdraw, he is

also called upon to apologise. In this case, the Hon. Mr. Hill has not done that.

**The PRESIDENT:** I did not hear the reflection or whatever the Minister was supposed to have said, but he did withdraw the remark, and I accept that. The Hon. Dr. Cornwall.

**The Hon. J. R. CORNWALL:** I have made my point. The fact is that both the Premier and the Hon. Mr. Hill have either gravely and grossly misled the Parliament or, alternatively, they have made an incredible bungle and there has been no consultation on a multi-million dollar project. Therefore, can the Minister explain the consultation process that took place between him and the South Australian Housing Trust and the subsequent events which took place within Cabinet prior to the decision to call for tenders for a long-term ground lease at Elizabeth to private developers.

**The Hon. C. J. SUMNER:** I rise on a point of order. Before the Minister launches on his reply I believe he should be given the opportunity to apologise for the objectionable words he used in regard to the Hon. Dr. Cornwall. Alternatively, Mr. President, the only other course of action is to name the Minister, whereupon presumably the Attorney-General will have to move that the Hon. Mr. Hill be expelled from the Chamber. I refer to Standing Order 208, which provides:

> . . . or if any member, having used objectionable words, refuses either to explain the same to the satisfaction of the President, or to withdraw them and apologise for their use; the President shall name such member and report his offence to the Council.

So, in view of the Hon. Mr. Hill's reluctance—indeed, refusal—to apologise and in view of the fact that he has apparently not explained his use of the words to your satisfaction, Mr. President, you really now should name him, and we will have to deal with the matter in the usual way.

**The PRESIDENT:** I am sure that the Council is pleased to have the Hon. Mr. Sumner's interpretation of Standing Orders, because there is no doubt that he makes a close study of them. I did not hear the words in question, but apparently they were not objectionable to the Hon. Dr. Cornwall, because he is not complaining about them.

**The Hon. J. R. CORNWALL:** That is not right, Mr. President. I asked for a withdrawal immediately, and the Hon. Miss Levy rose to her feet.

**The Hon. C. M. HILL:** There has been so much discussion since the question was asked that I have almost forgotten what the question was. However, I will try to help the Hon. Dr. Cornwall.

**The Hon. C. J. SUMNER:** Mr. President. I have a point of order before the Chair which has not been responded to. The simple fact is that where objectionable words are used, Standing Order 208 is quite clear (and the Hon. Mr. Dawkins has called for this action on previous occasions): if you, Mr. President, deem those words to be objectionable and an honourable member asks for their withdrawal, there must be a withdrawal and an apology under Standing Order 208.

**The Hon. C. M. HILL:** We can establish a precedent, and every time we will do that. Is everyone happy?

*Members interjecting:*

**The Hon. C. M. HILL:** Mr. President, I apologise, and on every future occasion we will insist on this.

*Members interjecting:*

**The PRESIDENT:** Order! The fun part of the session has gone as far as I am prepared to tolerate.

*Members interjecting:*

**The PRESIDENT:** I do not need any assistance in this matter. I hope that what the Hon. Mr. Hill has said will be accepted. As I pointed out before, if honourable members want to work to rule and comply strictly with Standing Orders, we will carry on from there. Has the Minister apologised?

**The Hon. C. M. HILL:** Yes, I have done all that I am going to do. Standing Orders will be applied from this point on.

**The Hon. N. K. Foster:** That's a reflection on the Chair. Standing Orders are always complied with.

**The Hon. C. M. HILL:** The Hon. Mr. Foster will be in the gun from now on. In regard to the questions that the Hon. Dr. Cornwall has asked, I hope he has not lost too much sleep over the matter. The situation is that the Housing Trust enjoys a certain degree of autonomy, because it is a statutory body in its own right.

It deals with millions of dollars. From memory, the programme stretches to about $89 000 000 in the current year on rental houses and homes, and within that general expenditure the trust makes decisions. For example, last week it announced a project for 70 units of accommodation in Frome Street, in the city of Adelaide. I know that the Hon. Dr. Cornwall was not in Cabinet for very long and probably did not gain a great deal of experience in Cabinet procedure. That may well be for the good of the State.

Nevertheless, it is a fact of life that decisions of that kind do not all go to Cabinet as far as the Housing Trust is concerned. What happened in this matter, as I tried to explain yesterday, was that for a considerable time the trust had been concerned that its shopping centres at Elizabeth were not up to date in the very modern sense, and we appreciate that the people of Elizabeth, for whom we have great consideration, needed and were entitled to shopping facilities.

**The Hon. N. K. Foster:** Haven't they got them?

**The Hon. C. M. HILL:** No, they have not.

**The Hon. N. K. Foster:** Who are "we"?

**The Hon. C. M. HILL:** We, the Government, are concerned about people. We do not just talk about representing the working people of this State: we act, and we wanted to provide these working people at Elizabeth with the best shopping facilities. We have been looking for some time at how the Elizabeth regional shopping centre may be updated. Because of the great need for Housing Trust funds to help those requiring trust welfare accommodation, we have not the resources to pour millions and millions of dollars into shopping centre redevelopment. We want to pour that money into accommodation to suit the 18 000 people on our lists who require accommodation.

Of those people, 3 000 are single-parent families and thousands comprise elderly people. The vast majority of those 18 000 are welfare people who are on very low incomes, and we were concerned with the needs of those people. The numbers are coming on to the list to the extent of 10 000 a year, so we have a duty to those people and we intend to carry it out and to channel every possible cent of money into welfare housing. We cannot do that if we pour millions and millions of dollars into shopping centres.

The sensible thing to do (and it was suggested to the trust by professional consultants who were retained) was to go into the open market and see whether a developer could be found who would put up a satisfactory proposition whereby that developer would provide that facility and, therefore, conserve Housing Trust funds. The Housing Trust representative came to me and said, "This is the proposition." I had read it in the trust's minutes before the trust representative came, and I thought it was a tremendous idea. In a nearby office, the Chairman said

to me, "What do you think of this?" I said, "I am very happy with it." He said, "I thought you would be," and he got on with the action of calling for tenders, and so forth.

I simply do not know what the Hon. Dr. Cornwall is jumping up and down about. There was nothing underhand or conniving. It is true that the Premier did not know about the proposition but, in due course, in the general reporting to him, he would have been informed. There is nothing to worry about. It is normal procedure and in keeping with the Government's policy of getting on with the job of conserving funds and at the same time providing tenants with shopping facilities of a very modern kind. The Hon. Dr. Cornwall went so far in his silly explanation as to imply that I ought to disclose to this Council some Cabinet decision regarding this matter. Let me tell the member, as he knows only too well or as he should know, that Cabinet discussions are not disclosed publicly, and it finishes at that.

**The Hon. Anne Levy:** You finish at that and give other people a go.

**The Hon. C. M. HILL:** I will give other people a go, provided that sensible questions are asked. I hope that I have satisfactorily answered the Hon. Dr. Cornwall. I assure him that replies given in this Council and in the other place have been truthful and to the point.

**The Hon. J. R. CORNWALL:** I wish to ask a supplementary question. Why was the Premier, as disclosed in his reply in the House of Assembly, unaware on Tuesday of the multi-million dollar proposal for the Elizabeth shopping centre?

**The Hon. C. M. HILL:** Because he had not been informed about it. At that stage he did not know of the plan. It was not the multi-million dollar expenditure. Incidentally, in the rather stupidly cunning way one often sees in questions put by members of the Opposition, it was not about the sale of the shopping centre at Elizabeth at all. The freehold at Elizabeth owned by the Housing Trust is not up for sale. Tenders are being called for the leasehold, so let us be basically truthful in the matter. There is no question of sale at all, which was implied in the question raised in the other place. It is a question of calling for a tender for the leasehold, not sale.

## Mr. McLAUGHLAN

**The Hon. N. K. FOSTER:** Has the Minister of Local Government a reply to my question about Mr. McLaughlan?

**The Hon. C. M. HILL:** The General Manager, South Australian Housing Trust, advises me that the investigating officers are now finalising the text of a report to be submitted to him by 5 p.m. on Friday 5 December. Their advice to the General Manager is that the report will indicate no evidence has been found of any misuse of trust plant and equipment in relation to the driving centre contract. Also, no evidence has been found of any involvement of trust employees other than Mr. McLaughlan in this contract and that Mr. McLaughlan's input was made in his own private time.

**The Hon. N. K. FOSTER:** I wish to ask a supplementary question on that. Is the Minister aware that Finlayson and Company, one of the solicitors involved in some of the inquiries, has written to me in respect of the matter? I consider that the company's letter borders on privilege in this place and I consider it to be in shockingly bad taste. Is the Minister aware whether Finlayson and Company are the solicitors on behalf of the trust, and is he aware of the correspondence?

**The Hon. C. M. HILL:** When I received the report from Mr. Edwards, General Manager of the Housing Trust, this morning, that report included the relevant information that I have just supplied to the Hon. Mr. Foster as it applies to this matter. The only other information in the report from the General Manager of the trust to me involved this question to which the Hon. Mr. Foster has referred in his supplementary question. In the general interest of everyone, frankly, I thought it prudent not to include that in my reply. Nevertheless, if the Hon. Mr. Foster wishes to pursue the matter in that way, I will simply read to him that latter paragraph to which I have just referred. It is as follows:

> Acting on behalf of the trust, Finlayson and Company, the trust's solicitors, wrote to the Hon. Mr. Foster on 2 December inviting him to make available information which may be in his possession which could then be investigated

**The Hon. N. K. Foster:** I only got the letter this morning.

**The Hon. C. M. HILL:** Just a moment, and I will come to that. The letter goes on:

> A copy of Finlayson's letter is attached. It is, of course, possible that in view of the timing this letter may not yet have reached the Hon. Mr. Foster.

## CORRECTIONAL INSTITUTIONS ROYAL COMMISSION

**The Hon. N. K. FOSTER:** Has the Minister of Local Government, representing the Chief Secretary, a reply to a question I asked about the Correctional Institutions Royal Commission?

**The Hon. C. M. HILL:** My colleague has advised that funds totalling $50 000 have been allocated for the Royal Commission on a new line under Premier—Miscellaneous. In reply to the second part of the Hon. Mr. Foster's question, it is my colleague's view that questions relating to matters which are the subject of consideration by the Royal Commission would be *sub judice*.

## PRISON SECURITY

**The Hon. N. K. FOSTER:** Has the Minister of Local Government, representing the Chief Secretary, a reply to a question I asked about proposed expenditure on security measures?

**The Hon. C. M. HILL:** My colleague has found it difficult to understand the question posed by the Hon. Mr. Foster, but has provided the following information in relation to the estimated cost of recent security measures which may be of assistance. First, Departmental communications system, $261 000; secondly, Yatala Labour Prison—Integrated security system State 1, $280 000; thirdly, Adelaide Gaol security system, $285 000; fourthly, 18 additional Chief Correctional Officers Grade 1 to man security system, $262 000 per annum; fifthly, 12 additional Correctional Officers to enable 24-hour manning of towers, $150 000 per annum; and lastly, establishment of a Dog Squad. It is expected that funds in the vicinity of $81 000 this financial year and an on-going commitment in the order of $69 000 will be required for recurrent costs associated with this project. If the Hon. Mr. Foster requires any further details, and can be more specific in his question, my colleague will endeavour to provide the information.

## MARUBENI CORPORATION

**The Hon. G. L. BRUCE:** My question is directed to the Attorney-General, representing the Premier. On 17

November this year the Premier announced on the A.B.C. programme *Nationwide* that the Japanese firm Marubeni had expressed interest in purchasing l.p.g. from South Australia. What discussions have taken place between the Premier and the Marubeni Corporation in relation to this matter, and when did such discussions take place?

**The Hon. K. T. GRIFFIN:** I will refer the honourable member's question to the Premier.

## FILES

**The Hon. J. E. DUNFORD:** My question is directed to the Minister of Community Welfare, representing the Acting Minister of Agriculture. First, what files does the Minister of Agriculture keep in his safe? Secondly, what are the guidelines that determine what documents should be kept in Ministers' safes? Thirdly, why are not combinations on Ministers' safes changed regularly?

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

## PUNALUR PAPER MILLS

**The Hon. BARBARA WIESE:** I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Acting Minister of Agriculture, a question about Punalur paper mills.

Leave granted.

**The Hon. BARBARA WIESE:** Yesterday, the Acting Minister of Agriculture supplied details in another place of the Government's progress in attempts to put a smoke-screen over the revelations concerning negotiations that led to the cancellation of the Punalur paper mills contract with the Government. How many persons in the Minister's office have been interviewed in connection with this inquiry? How many persons have been interviewed in the Woods and Forests Department, and will the inquiry also look into people who may have had contact with the file when the Minister of Agriculture, Mr. Chapman, had it in his possession?

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

## WOOD CHIPS

**The Hon. FRANK BLEVINS:** I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question about wood chips.

Leave granted.

**The Hon. FRANK BLEVINS:** In view of the fact that the announcement of the cancellation of the Punalur Wood Chip and Pulp Mill contract took place in the Minister of Forests' name on 28 August 1980, will the Premier explain a report in the *News* on 1 September 1980 in which Mr. M. Tiddy is quoted as saying that he had returned "one week ago from Japan" where he talked with the Japanese paper company Sumitomo? Will the Premier say what Mr. Tiddy was empowered to speak to Sumitomo about? Will the Premier explain what Mr. Tiddy meant when he "assured Sumitomo of the Government's interest"? Will the Premier say whether Sumitomo has put in a proposal for South Australian pulp wood now on the market following the cancellation of the Punalur contract?

**The Hon. K. T. GRIFFIN:** I will refer the honourable member's question to the Premier.

## ADELAIDE FESTIVAL CENTRE TRUST

**The Hon. ANNE LEVY:** I seek leave to make a brief explanation before asking the Minister of Arts a question about appointments to the Adelaide Festival Centre Trust.

Leave granted.

**The Hon. ANNE LEVY:** Two days ago, on Tuesday, I raised with the Minister the matter of the appointment of Stephen John Mann as trust Chairman. I pointed out what I saw as this gentleman's political involvement in several recent election campaigns. The Minister, in reply, could neither confirm nor deny this involvement, although he did admit that he knew of Mr. Mann's connection with the South Australian branch of the Taxpayers Association.

Following the publication of this material, I have received further disturbing information which brings me to question the Minister further about one other appointment to the trust, gazetted last week. One of the other members newly appointed to the trust, which will shortly be considering a most important report on the direction that the Festival Centre should be taking in the future, was Patrick Charles Bourke (replacing his Honour Mr. Justice Roder), who is the Academic Secretary of the Adelaide College of Arts and Education. Mr. Bourke is therefore an administrator, and I stress that I am not questioning in any way his qualifications for membership of this body.

What disturbs people who have been talking to me since Tuesday is what they see as evidence of the very definite commitment of Mr. Bourke to the Liberal Party cause. I must say this has not yet been proven to my complete satisfaction, but I ask the Minister to investigate. The same remarks that I made about Mr. Mann, of course, apply to Mr. Bourke. Both are free to electioneer as they please. There can be no reflection on either except perhaps to disagree with their political philosophy. If they have been appointed to such an eminent body as the Festival Centre Trust, and there are accusations of political favouritism, of paying off political debts, or of "jobs for the boys", then it is the Cabinet that is blameworthy.

Was Patrick Charles Bourke, newly appointed to the trust under the control of the Minister, ever the campaign manager or campaign director or active in the Liberal Party campaign organisation of the Premier in the electorate of Bragg. If the Minister is not personally aware of any involvement of Mr. Bourke in Liberal campaigning in the Premier's electorate, will he ask the Premier whether this was the case or not?

**The Hon. C. M. HILL:** I understand that Mr. Bourke lives in Toorak Gardens, which is in the district of the Premier. If Mr. Bourke is involved in any way as a member of a political Party, I fail to see what that has to do with his ability to act as a senior administrator in the affairs of the Adelaide Festival Centre Trust. The honourable member, by her own admission, did not question his ability, and I was very pleased with her for that.

I suppose that, if one wished to go back into all the appointments that were made by the previous Government of officers in the past, one could well find one or two who were supporters of the Labor Government. I assume that the Premier of the day did his best to keep to a policy of choosing the best people for the job.

The present Government is carrying on the same policy. As I said yesterday, and I will continue to emphasise it for as long as the honourable member pursues the question, I am not concerned as to any appointee's political affiliations—I am concerned with getting the best people for the job to serve statutory bodies in the 1980's, because we are now in a new world, the world of the 1980's.

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr. Dunford and the Hon. Mr. Davis are not contributing anything, and the noise they are creating is making it difficult to hear the Minister. The Minister of Local Government.

**The Hon. C. M. HILL:** We are in a new era—the administrative bodies in charge of the arts have an exciting and challenging period in which they can direct their expertise, and the present Government has laid down certain criteria. Wherever possible, we are looking for younger people because we want to see young people take over these responsibilities; we are looking for a fair balance between women (and this will be of special interest to the honourable member) and men on these boards. We are the first Government to appoint a second woman to the very trust to which the honourable member is referring. Soon after coming into office we appointed a lady, Lesley Hammond, a professional arts administrator—

*Members interjecting:*

**The PRESIDENT:** Order! I believe that the Minister ought to get somewhere near to answering the question.

**The Hon. C. M. HILL:** I am in the course of answering the question. After all, the question does cast some aspersions upon someone outside who is not in a position to reply.

**The Hon. Anne Levy:** I did not cast aspersions: I made that very clear.

**The Hon. C. M. HILL:** The honourable member placed the appointee's name on the record here and put his name on the record in a form of criticism. Therefore, some reflection falls upon the appointee. I do not care whether an appointee is a member of the Liberal Party, the Labor Party or the Communist Party—

*Members interjecting:*

**The Hon. C. M. HILL:** I am sorry, I should have got my priorities right and lifted members of the Hon. Mr. Milne's Party up to a higher rung. I do not care what the appointee's political affiliations are, but I do know that I have an opportunity to make some observations of the gentleman in question. He is a graduate of the University of Dublin; he is an extremely intelligent man who is able to devote time, and I know that he referred the invitation to the Principal of his college, the Adelaide College of the Arts and Education. I understand and stress that the principal said that it would be a compliment to the college and the whole movement within C.A.E.'s if a senior member of the institution, and a senior member from a tertiary level of C.A.E.'s, was appointed to such high office.

All these considerations were borne in mind by the Government, which gave much consideration to these appointments because we wanted to be sure that we chose the right people. We believe that Mr. Bourke is an ideal person to give this form of community service; the board and the centre will benefit from his experience and the contribution that he will make. I urge the Hon. Miss Levy not to get all bound up inside by questions of political affiliation of appointees and be broader in her outlook and put politics aside in these matters.

**The PRESIDENT:** Order! I do not know whether the honourable Minister has completed his answer. I was going to allow him to complete it if he had not done so, but I point out that Question Time has expired.

**The Hon. C. M. HILL:** I am sorry I have taken so long, but I think I have explained my reply.

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

That Standing Orders be so far suspended as to enable the Minister of Community Welfare to provide answers to questions to be asked by the Hon. Anne Levy.

I know that the honourable member is keen to obtain these replies.

Motion carried.

## ABORTIONS

**The Hon. ANNE LEVY:** Has the Minister of Community Welfare a reply to my question of 22 October about abortion statistics?

**The Hon. J. C. BURDETT:** A copy of the statistical report on termination of pregnancies performed in South Australia during the years 1970-77 is now available for the honourable member, and I have handed her a copy.

## DEPARTMENTAL TELEPHONE DIRECTORY

**The Hon. ANNE LEVY:** Has the Minister of Community Welfare a reply from the Minister of Public Works to the question I asked yesterday about the departmental telephone directory?

**The Hon. J. C. BURDETT:** I understand that sufficient copies of the updated departmental delephone directory were distributed to all members some time ago. However, following the honourable member's request yesterday, I have arranged for further copies to be sent to Parliament House today sufficient for all Legislative Council members.

## INVESTMENT PROJECTS

**The Hon. C. J. SUMNER** (on notice) asked the Attorney-General:

1. Does the Premier agree that there has been a 6 800 per cent boost in proposed foreign and joint venture investment in the State in the past year as attributed to him in the *News* editorial of 7 November 1980?

2. What are the projects and the amounts of investment proposed in each project which constitute this boost to investment?

**The Hon. K. T. GRIFFIN:** I refer the honourable member to the answers given by the Premier in the House of Assembly to questions from Mr. Ashenden on 5 November 1980 (*Hansard* page 1800), the Leader of the Opposition, Mr. Bannon, on 26 November 1980 (*Hansard* pages 2255 and 2256) and the Deputy Leader of the Opposition, the Hon. J. D. Wright, on 27 November 1980 (*Hansard* pages 2336 and 2337).

## SURGICAL OPERATIONS

**The Hon. FRANK BLEVINS** (on notice) asked the Minister of Community Welfare:

1. During the period 1 August 1980 to 1 September 1980 how many persons aged 70 years or older were subjected to operations requiring a general anaesthetic in the following hospitals—

*(a)* Royal Adelaide;
*(b)* Queen Elizabeth;
*(c)* Flinders Medical Centre;
*(d)* Whyalla;
*(e)* Port Augusta;
*(f)* Modbury?

2. *(a)* How many of the persons mentioned in question No. 1 did not sign a consent form for the procedure to which they were subjected?

*(b)* How many of the consent forms mentioned in question No. 2 *(a)* were signed by—

(i) a relative or friend;

(ii) the Medical Superintendent of the hospital;

(iii) a guardian appointed under the provisions of the Aged and Infirm Persons Act or the Mental Health Act or other appropriate Act;

(iv) some other person?

**The Hon. J. C. BURDETT:** I regret that I have not yet been provided with this information. I ask the honourable member to place the question on notice for Tuesday 10 February 1981, and in the meantime I will see that a copy of the reply is sent to him.

## SELECT COMMITTEE INTO THE BOUNDARIES OF THE CITY OF PORT LINCOLN

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

That a Select Committee be appointed to inquire into the boundaries of the City of Port Lincoln. The Select Committee should examine whether the present boundaries of the City of Port Lincoln adequately encompass the present and potential residential, commercial and industrial development of the Port Lincoln urban area, and assess their effect on the planning, management and the provision of works and services and community facilities for the urban area. In carrying out this examination the Select Committee should take into account any operational, financial, and management issues it considers appropriate as well as community of interest in its determination of the question.

If the Select Committee considers any adjustment to the present boundary between the City of Port Lincoln and the district council is deemed necessary, it shall prepare a Joint Address to His Excellency the Governor, pursuant to section 23 of the Local Government Act, 1936-1980, as amended, identifying the area, or areas, to be annexed to and severed from either council, the necessary adjustment between the city and district council of liabilities and assets, the disposition of staff affected by any change, and all other matters pursuant to the Local Government Act, 1936-1980.

The Select Committee to consist of the Hons. G. L. Bruce, C. W. Creedon, L. H. Davis, M. B. Dawkins, J. E. Dunford, and C. M. Hill; that the quorum of members necessary to be present at all meetings of the Select Committee be fixed at four members; that Standing Order 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 4 March 1981.

Motion carried.

## EXECUTORS COMPANY'S ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 2513.)

**The Hon. C. J. SUMNER (Leader of the Opposition):** The Opposition supports this Bill. However, it is a source of considerable amusement to Opposition members to see the present Government unloading its free enterprise principles. It has a complete disregard for what it said at the last election in relation to this and many other issues. It is blase about ignoring, dishonouring or distorting promises that it made at the last election. Before the last election, the Premier himself said he admired Mrs. Thatcher and her policies. We all know what is happening in the United Kingdom at present under the rigours of that lady's policies.

The other famous quotation from the Premier at the last election was how his Government was committed to getting out of the way of business. This Government will do anything to ignore, dishonour or distort promises, and the commitment to get out of the way of business is one of them. The Liberal Party supported the original 1978 amendment to the Act to try to restrict attempts by Mr. Brierley to get control of the company. The method which was used at that time and which was agreed to by the Council was to restrict to 1·67 per cent the voting rights of any one shareholder or group of shareholders.

The scheme under the present Bill is, however, different. It is ironic that a pillar of the Adelaide establishment, the Executor Trustee Company, had to resort to a socialist Labor Government to protect its interests. No doubt, it and the Liberals joined in the vilification of the Labor Party at the last election. The establishment companies and the Liberals are straight-out hypocrites in their commitment to free enterprise. They say, "We believe in it, as long as the winds of competition do not affect us, and as long as we are not being taken over." As soon as the unfettered free enterprise system shows its rapacious face in South Australia, they squeal and ask the Government for help. Free enterprise is all right until the oil companies, the flag ships of the system, look like putting the Liberals in electoral trouble. So, price control is imposed. Free enterprise is all right until a take-over of the Gas Company is envisaged.

When in Opposition, the Liberal hypocrites opposed the controls that Labor wanted to introduce over shareholdings in Santos. Now, they want to do precisely the same thing to the Executor Trustee Company. I indicated that when the 1978 amendments, which the Council and indeed the whole Parliament supported, were moved, they restricted voting rights only.

**The Hon. M. B. Cameron:** They were a waste of time.

**The Hon. C. J. SUMNER:** The honourable member will get a mention in a minute. However, this Bill goes considerably further. The Minister said in his second reading explanation that new section 31 empowers the Minister to require a shareholder or a member of a group of associated shareholders that holds more than the maximum permissible number of shares to dispose of the shareholding.

Those honourable members who were in the Council in May 1979 will find that provision very familiar, because it was a provision of that kind that the former Labor Government introduced in the Santos legislation at that time. That was done in an attempt to stop a Mr. Bond getting control of the Santos corporation, and thereby having a controlling interest in the Cooper Basin natural gas fields.

So, the device that was adopted on that occasion was to restrict to 15 per cent the number of shares that any one shareholder or group of shareholders could have in the company. It further required that, if any shareholder had shares in excess of 15 per cent, he was required to divest himself of those shares. That is more or less what we have in this situation.

We have a Bill to limit the percentage of shares that any shareholder or group of shareholders can hold, and it contains a power to order divestment of shares held in excess of that number. This legislation, introduced by a Liberal Government, is in the same terms in this respect as was the legislation that the former Labor Government introduced in May 1979 to deal with the Santos legislation. It contains a limit on the number of shares that can be held by any one shareholder or group of shareholders, and a

power to order divestment of those shares if that percentage is exceeded.

What do we know about the Liberal Party's attitude to the Santos legislation in May 1979? Fortunately for him, the Hon. Mr. DeGaris was away at the time on a study tour. So, we had the Hon. Mr. Hill leading the charge for the Liberal Party and so-called free enterprise interests in this State. Let us have a look at some of the things that the Hon. Mr. Hill said about that legislation. He is reported (page 98 of *Hansard* of 30 May 1979) as having said:

> If it becomes law in its present form the State will suffer further. The Government's action brings to the surface once again the socialist ideology and goals of the Labor Party and, in particular, of the Minister who is the architect of this Bill. I mention these criticisms in some detail. First, the democratic processes of Parliament—

The honourable member went on in that vein. Dealing more specifically with Mr. Bond, he said (page 99 of *Hansard*):

> The penalty for Mr. Bond is not simply to limit his voting power in the company, but by retrospective legislation he is to be divested, by the State, of the majority of his shareholding. Such an injustice of divesting a citizen of his property should not be tolerated in our society, no matter who that person is, no matter from which State he comes, no matter how annoying he might be to a Minister of the Crown, or to a Government, no matter what his politics might be, or no matter whether that property was originally purchased for cash or on terms. Further, this particular wielding of socialist power and might is yet another nail in the coffin of the run-down economic backwater which successive Labor Administrations have caused this once great State to become.

They were the Hon. Mr. Hill's comments on the legislation dealing with restrictions on shareholdings, divestiture and retrospectivity. This legislation on that point is exactly the same. It is retrospective and requires divestiture by a shareholder of shares he has acquired. Let us look at what the Hon. Mr. Hill had to say. He has been a complete fool and he has now demonstrated to this Council that he is a complete fool by the actions he adopted in 1979 and now as a member of the Government supporting an identical provision.

**The Hon. M. B. CAMERON:** I rise on a point of order. The Minister to whom the Hon. Mr. Sumner is referring is absent from the Chamber. However, I believe that the expression he has just used is unparliamentary and that he should be asked to withdraw it in the absence of the Minister.

**The ACTING PRESIDENT (Hon. G. L. Bruce):** I am not aware of the words used. I did not hear them.

**The Hon. C. J. Sumner:** I used the word "fool".

**The Hon. M. B. CAMERON:** "Complete fool" was the term the Leader used.

**The ACTING PRESIDENT:** At this stage I do not see that there is a point of order.

**The Hon. C. J. SUMNER:** Thank you. As members will realise, my description of the Minister is fully justified from the statements I have just quoted. Further, on page 99, the Hon. Mr. Hill stated:

> Secondly, in wielding its power and might, the worst action the Government is taking is the actual penalty imposed upon the individual most concerned. He is being stripped of property under the force of a new law.

In that case Mr. Bond was referred to and now we have precisely the same thing happening to Mr. Brierley under Liberal Government legislation. At page 100, the Hon. Mr. Hill said:

> I make clear that I have not a brief for Mr. Bond in any shape or form, but, whether it be Mr. Bond or anyone else, Parliament must consider the rights of the individual. Character assassination and defamation in debate under the privilege of Parliament is the poorest form of Parliamentary practice, and the Minister resorted to such tactics in his unsuccessful search for facts and evidence with which to attack Mr. Bond. A further criticism is that the Minister, a dedicated socialist, has vented his demands for Government control and interference in this private enterprise company. The Minister's actions are the thin end of the wedge to nationalise the company and eventually place it under State control.

I would like to ask the Government whether this legislation, which does the same thing in terms of restricting the number of shares that can be held divestiture, is an indication that this Government intends to nationalise the executor and trustee companies, because that was Mr. Hill's interpretation of similar legislation introduced by the Labor Government. At page 101 he said:

> It is quite evident to me that the ultimate scheme is to nationalise this particular company, and the present measure is a step towards that goal.

At page 102 he stated:

> In summary, I have endeavoured to be frank in this submission. Members on this side are disappointed that the Minister has so far shown no compromise prior to the Bill reaching this Chamber. I criticise the Government for its undemocratic haste, for its intention to divest an individual of his shares . . .

Again, that was strong, trenchant criticism from the now Minister of Local Government in relation to the Santos Bill of May 1979. We can go further with some of the members opposite who will have to wear the tag "foolish", along with the Minister. The laughable Mr. Cameron, with his commitment to so-called free enterprise, said in the debate on the Santos Bill, referring to the then Minister:

> He has said that he is not intending to nationalise Santos, but I do not believe that. I believe that his real intention is to nationalise it eventually (I am not talking about tomorrow or the next day, but about his final intentions). What the Minister is doing by the Bill is to reduce everyone to a common denominator of 15 per cent. He is dividing them and will then conquer them, and he is making certain of this by not binding the Crown.

On that occasion the Labor Minister, Mr. Hudson, was apparently dividing the shares of Santos so that he could nationalise the company. It that the Attorney-General's view on this occasion? Is that what this Government intends to do? Government members made those allegations.

**The Hon. M. B. Cameron:** It got too expensive for you.

**The Hon. C. J. SUMNER:** The Hon. Mr. Cameron made those allegations knowing that they were untrue and rubbish, and he is now going to parade before this Parliament and support the Government, which is doing exactly what the Labor Government did in 1979 in relation to Santos. I will be very interested in his justification. He also said, on page 110:

> The implication is that an investor is not acceptable if he is from another State. As far as I am concerned, we are all Australians: we are not separate States. We are one country, and the sooner we wake up to that the better. If people from another State wish to come here and invest, we should welcome them. This community certainly needs a lift.

Here we have an investor wanting to invest in an establishment company, and I bet there will not be any crossing the floor to oppose the Government on this occasion. He was prepared to have a go at the Labor Government, because it suited him at that time. If he does have any commitment to those principles that he espoused in May 1979, he will cross the floor. I see that the Hon.

Mr. Hill has returned, and it is a pity that he was not present to hear what a fool he is now making of himself by supporting the Government in connection with the Executor Trustee Company. I have quoted the Hon. Mr. Hill's foolish remarks in regard to Santos and his rantings and ravings about that legislation as opposed to his present support for the retrospective legislation which will divest people of shares that they have legitimately acquired.

Let us now turn to the Hon. Mr. Griffin and see what has happened to his principles. He is not quite as flamboyant or as laughable as the Hon. Mr. Cameron. He is a more serious fellow.

**The Hon. D. H. Laidlaw:** We're flexible thinkers.

**The Hon. C. J. SUMNER:** I am pleased that the Hon. Mr. Laidlaw has finally justified the Liberal Party's stance. As I said yesterday, there is a quotation, "Consistency is the last refuge of the unimaginative." The Hon. Mr. Griffin, in somewhat more restrained language, had this to say:

> The Bill departs from what I regard as basic principle in three major respects: first its retrospective application;

I ask the Attorney-General whether this Bill has retrospective application and how he justifies that change from basic principle? No doubt he will have some slick answer, but it means that he is chucking his principles out of the window, as the Liberal Party is prone to do. Secondly, according to the Hon. Mr. Griffin, the previous Bill departed from basic principle in its requirement that shareholders divest themselves of excess shareholdings.

This Bill does precisely that. I know that the Attorney is not as flambuoyant or as loudmouthed as the Hon. Mr. Cameron, but the Hon. Mr. Griffin was caught in the same net as the rest of them, and they included the Hon. Mr. Carnie, another great pillar of the free enterprise forces in South Australia. Will he vote against his Government? He has not the gumption.

**The Hon. J. A. Carnie:** I have crossed before, and you know it.

**The PRESIDENT:** Order!

**The Hon. C. J. SUMNER:** On 30 May 1979, as reported at page 118 of *Hansard*, the courageous Mr. Carnie said:

> I found it difficult to find words to express the revulsion that I felt concerning it.

**The Hon. J. A. Carnie:** You're speaking about two different Bills.

**The Hon. C. J. SUMNER:** I thought the member might say that. He has not got much choice. The point that may have escaped him is that on this point the Bills are precisely the same. When the Hon. Mr. Carnie was preparing his notes in 1979, he had a dreadful feeling of revulsion. He probably could not have dinner after contributing to the debate. The honourable member also said:

> This Government has been in office for 12 years of the past 14 years, and in that time it has introduced some shocking legislation.

This is interesting:

> However, this is the most despicable piece of legislation that has ever come before this Parliament. This Bill is not aimed at promoting an A.L.P. principle or protecting South Australia's resources from outside interests, although they were the reasons for the Bill advanced by members opposite and by the Minister in his second reading explanation. If one analyses the Minister's second reading explanation, one sees that it was a personal and vicious attack on one man. What is worse, what was said in the second reading explanation was said under Parliamentary privilege.

We know that this is a "Get Mr. Brierley" Bill. We all know that we do not like him. The Hon. Mr. Griffin goes quietly and in his second reading explanation does not say that that is the reason. He is not as frank as was the former Minister of Mines and Energy. The revulsion that the Hon. Mr. Carnie felt in 1979 is not being felt now. The only reason is that he is now sitting on the Government side of the Council. As reported at page 118 of *Hansard*, this member, who pays lip service to his principles and who obviously will not be prepared to stand up for them now, also said:

> I am sure my colleagues will bear me out when I say that I made clear that that was the last time that I would support the Government in interfering with what I considered to be the true private sector in this State.

He was talking about amendments to the Gas Company's Act introduced before the Santos legislation was debated in 1979. He is saying that, when he voted for the Government on the Gas Company's Act Amendment Bill, that was the last time that he would support the Government in interfering with what he believed to be the true private sector. To him, the Executor Trustee Company is not part of private enterprise in this State.

**The Hon. J. A. Carnie:** It has a special Act of Parliament.

**The Hon. C. J. SUMNER:** The member will not get out of it that way. His commitment in 1979 was the last time that that great man of courage would support Government interference in free enterprise. I will bet that, sheeplike, he will trot behind the Attorney-General and vote for the second reading, as will the Hon. Dr. Ritson. Although he was fortunate enough not to be in the Chamber in 1979, I am sure that he would have had something just as stupid to say if he had been here. As reported at page 121 of *Hansard*, the Hon. Mr. Carnie compounded his sin and said:

> I am a firm believer in free trade on the Stock Exchange, and I am opposed to any interference. The Hon. Mr. Laidlaw listed other companies which have voting restrictions or restrictions on shares, but to me that does not make things right. Amendments have been foreshadowed by other members on this side. I am not happy with the Bill, even with those amendments, because to me they still constitute a restriction on free trade on the Stock Exchange.

Perhaps the Hon. Mr. Carnie will explain what this Bill does. I will bet that he does not enter the debate, because he has no answers. He, the Hon. Mr. Hill, the Hon. Mr. Cameron, and the Hon. Mr. Griffin have made complete fools of themselves. The only one who has adopted a semblance of consistency is the Hon. Mr. Laidlaw, and perhaps the Hon. Mrs. Cooper and the Hon. Mr. Geddes might have done that, but the Hon. Mrs. Cooper was forced to retire and the Hon. Mr. Geddes was sacked for supporting the Labor Government on the Santos legislation.

**The Hon. D. H. Laidlaw:** What about me?

**The Hon. C. J. SUMNER:** You are the only survivor and I can only suggest that you have more influence than the Hon. Mr. Geddes had, although you did not come up for preselection in 1979, whereas he had that misfortune. I indicate to the Council and the public generally how stupid and hypocritical members are. I repeat that this Bill, on the point of restricting the amount of shareholding, and divestment, is the same as the Santos legislation in 1979, about which all people whom I have quoted made such stupid remarks.

At least the Labor Party is honest. We make no bones about the efficacy of the Government's acting on behalf of the community to protect the community's interest, while realising the important part that the private sector plays in it. The Liberals, when it suits them electorally and when it suits their electoral campaign coffers, mouth the platitudes of free enterprise and then cave in to the pressure of their

backers who cannot stand the heat of free enterprise. Action to protect Santos and the Gas Company as public utilities is obvious to me. The justification of actions to help the Executor Company is less obvious. Nevertheless, a previous Labor Government was prepared to do it, and this Bill tightens up the provisions of the Act to prevent it from being circumvented. The Labor Government took action, with the support of the Liberals. Why did the Hon. Mr. Cameron not vote against the legislation in 1979?

**The Hon. M. B. Cameron:** On the very basis of haste.

**The Hon. C. J. SUMNER:** Will you vote against this measure?

**The Hon. M. B. Cameron:** No.

**The Hon. C. J. SUMNER:** What did you say about Santos?

**The Hon. M. B. Cameron:** I will have my turn.

**The Hon. D. H. Laidlaw:** You might have to wait a long time to get your turn.

**The Hon. C. J. SUMNER:** No. I have pointed out that the Hon. Mr. Laidlaw is the only honest member remaining on the Government benches.

**The Hon. R. J. Ritson:** You don't think that statement is objectionable?

**The Hon. C. J. SUMNER:** No, I can pick an honest man. The Hon. Mr. Laidlaw is consistent. The rest of the members opposite said many things about supporting free enterprise in 1979, but no doubt they will now be mealy mouthed and squib on this issue; they will support the Government on a Bill that does exactly the same as the 1979 Santos Bill did. Nevertheless, in relation to the Executor Company's Act Amendment Bill, the previous Labor Government was prepared to act, and the Bill now before us strengthens the provisions of that Act to avoid circumvention.

Having committed itself to that action, Parliament must ensure that its original intention is fulfilled. I am prepared to support the Government on this issue, and I will be careful to watch the Hon. Mr. Cameron, the Hon. Mr. Carnie, the Hon. Dr. Ritson and other members opposite who I am sure will call for a division on the second reading of this Bill so that some semblance of their principles remain intact.

**The Hon. M. B. CAMERON:** That is the most appalling performance I have ever heard by the Leader of the Opposition in this Chamber. It was only in the last two minutes that he bothered to come back to the Bill that he was supposed to be speaking on. He attempted in some way to suggest that members on this side had done and said terrible things about other legislation. I do not intend to go through the Santos debate again, as the Hon. Mr. Sumner did, but I believe that I should refer to it briefly.

The Santos legislation arose because of lack of action by the previous Labor Government in relation to the retention of gas reserves in this State by the Government. Burmah Oil shares had been on the market for some time, and the Government could have purchased them at a reasonable price at any time during the period they were listed. The then Minister of Mines and Energy (Mr. Hudson), stepped in and said that the Government was going to force shareholders to sell a certain percentage of their shares. However, Mr. Hudson did not realise that the end effect of that action would result in absolutely no change in the eventual ownership of the shares, because the shares would still be retained by persons who would not necessarily have the interests of the State at heart that the South Australian Government would have.

At that time, Mr. Hudson said the most incredible things about one man—Mr. Bond. In fact, in my view, Mr. Hudson reached a stage where he deliberately tried to force the value of that company down to zero, and I made that comment at the time. Mr. Hudson suggested that the Bond Corporation was on the edge of bankruptcy and that it would not be able to pay for its shares. That is the most appalling performance from a Minister of the Crown against a company that I have seen in my whole life and he had no evidence to support his remarks.

**The Hon. J. A. Carnie:** He has since been proved wrong.

**The Hon. M. B. CAMERON:** Slightly wrong. Mr. Hudson even started a corporate affairs investigation because Mr. Bond dared to say that he believed his company's shares would, in the very near future, be worth between $8 and $10. The performance that went on about that had to be seen to be believed.

**The Hon. J. A. Carnie:** The Bond Corporation is regularly listed in the top 100 companies of Australia.

**The Hon. M. B. CAMERON:** Yes, and I believe that Santos shares are now listed at $18.40. I do not know what happened to the corporate affairs investigation, but I am sure that the Opposition would like to forget all about it, because that action proved to be abysmally wrong. That action highlighted the previous Government's whole attitude and its ability to sum up the future. The then Government could not even assess what a company might be worth or the value of the gas fields to South Australia and to the people investing in them.

**The Hon. C. J. Sumner:** Is the Hon. Mr. Laidlaw in that same category?

**The Hon. M. B. CAMERON:** The Hon. Mr. Laidlaw certainly did not take his action on the same basis as Mr. Hudson made his remarks about Mr. Bond. The Hon. Mr. Laidlaw made his decision for other reasons and I am sure that he is perfectly capable of stating those reasons again although, like me, he probably feels the same way about this matter—totally bored by the performance of the Leader of the Opposition.

In relation to the Executor Trustee Company, I am sure the Hon. Mr. Sumner would not wish to be reminded of what happened there. The Council was suddenly presented with a Bill one day which had to be passed that night. I did not support that Bill at that time because I believe the actions being taken through that Bill were too precipitous. The Council did not have sufficient time to assess the effect of that Bill on other shareholders, nor whether the legislation would work. The result is that that legislation has not worked, because it has not stopped the shareholdings of individual shareholders being built up to levels that are, in the view of both the previous Government and the present Government, unacceptable.

**The Hon. D. H. Laidlaw:** It contains no penalties.

**The Hon. M. B. CAMERON:** It has absolutely no controls whatsoever. It was bad legislation which was conceived and passed in haste in this Council and which is now being amended to give it sufficient power to ensure that it works. I do not object to that measure, but once legislation is passed by this Council surely it should work. The problem is that the previous Government did not have the necessary expertise to know whether or not its Bills would work.

**The Hon. C. J. Sumner:** You would have agreed to it.

**The Hon. M. B. CAMERON:** I never received an opportunity to work out whether I would agree to it or not because, as I have said, the Bill was presented one day and it had to be passed that night. On that basis, I was not prepared to support it, particularly when it affected individual shareholders. I believe that that measure was improper at that time and I have been proved right. This Council had insufficient time to assess that Bill, but it passed, and as the Hon. Mr. Laidlaw has said it contained

no penalties. What is the point in introducing a Bill to do certain things which cannot be enforced and which is ignored, because it contains no penalties?

It is common knowledge that one individual has ignored the provisions of the Bill because he knows that no action can be taken against him whatsoever. I am sure that that individual knows in the back of his mind that eventually action could, should and would be taken to ensure that the Bill would work. I am certain that the previous Government, just as this Government is doing, would have taken the same action to ensure that this legislation worked. I support the Bill.

**The Hon. K. T. GRIFFIN (Attorney-General):** I wish to refer to the distinctions that can be made between this Bill and the Santos legislation. The Santos legislation does not follow the pattern of the Bill which is now before us. If one looks closely at the Santos Bill one can see that its powers were to be exercised by the Minister generally without any rights of review at all, whereas the Executors Company's Act Amendment Bill contains certain rights of review by a judge of the Supreme Court.

I believe that one should put the Santos legislation in its proper context. That legislation was passed at a time when Mr. Bond, in particular, lawfully obtained a shareholding which was larger than the shareholdings which the Government of the day believed should be held, and ultimately Parliament believed that that was inappropriate for a company which was so heavily involved in energy research and development and upon which, indirectly, South Australians relied so much. The objections taken by a number of then Opposition members to the Santos Bill really related to the fact that Mr. Bond, who had legitimately acquired his shares in accordance with the law in existence at the time, was subsequently required to divest himself of those shares. It was that aspect which gained the legislation the label of retrospective legislation and was regarded by a number of members of this Council and the Parliament as being objectionable. It required divestment of property lawfully obtained.

With respect to the Executor Trustee Company, there is a different context. In 1978 the amending legislation, as the Hon. Mr. Cameron has said, was introduced and passed in haste, and it put a limit on rates of 1·67 per cent of the total class A and class B shares which may be exercised by any shareholder. Soon after that, the company itself placed a restriction on the number of shares that a shareholder could hold by amending its articles of association. The proportion of shares that may be held as a result of that amendment was fixed at 1·67 per cent of the total number of class A and class B shares in the company.

Since that time, involving a period of about 2½ years, obviously some persons have not been complying with either the articles of the company or the legislation enacted in 1978, because the information that the Government has is that a shareholder—perhaps more than one shareholder—has acquired the beneficial interest in more than 1·67 per cent of the total number of class A and class B shares in direct contravention of the Act, and has deliberately avoided answering the requisitions that lawfully the Directors have made under section 21a of the Executor Company's Act, also avoiding other consequences by refusing to register the transfers of shares.

That is a completely different context from that of the Santos legislation. In the Executors Company's Act Amendment Bill any divestment is intended to be required by the board of the company only after it has been established by application to the courts that a shareholder or a group of shareholders holds more than the prescribed percentage or number of shares.

**The Hon. C. J. Sumner:** Is Brierley acting illegally?

**The Hon. K. T. GRIFFIN:** I have indicated that he is. He is circumventing the Act.

**The Hon. C. J. Sumner:** Is that illegal?

**The Hon. K. T. GRIFFIN:** It is unlawful, but there is no sanction attached to it other than according to the Executor Company's Act, 1978. He is limited in the way in which the voting rights can be exercised. Any person who has acquired shares in contravention of the 1978 amendment to the Executor Company's Act must then be prepared to face any consequences that may follow as a result of strengthening the provisions of that Act and not altering the principle which has been obvious since 1978. The context is quite a different one from the fact which the Leader of the Opposition has sought to refer to and about which he has sought to criticise the Government on this Bill.

There are several other matters that need attention. The first is that the Leader of the Opposition sought to place a great deal of emphasis upon this Government's proclaimed commitment to private enterprise, yet he has sought to criticise us for introducing this legislation. One has to recognise that free enterprise or private enterprise embodies a spirit of competition and also implies that for anyone who wants to participate in that system which recognises initiative and incentive, it also brings corresponding responsibilities and obligations.

I need really only allude to one particular aspect which some people would regard as free enterprise but in which that very concept is denied; that is, in a monopoly situation. A monopoly situation does not promote fair competition; it does not reflect the free enterprise or private enterprise principle of the Government unless that monopoly accepts that, because it is a monopoly, its responsibilities, and also its obligations, in the community are heavy.

Free enterprise and private enterprise are a very important pillar of the policy of this Government, and will be constantly maintained. The Executor Company is in a position of competition with two other trustee companies, but of those three trustee companies two are owned by the one holding company. Farmers' Co-operative Executors and Trustees Limited is owned by Southern Farmers, as is Bagot's Executors and Trustees Company Limited.

As we know, Industrial Equity Limited or its associated shareholders hold a controlling interest in Southern Farmers. In fact, they are one company in the area of free trade and competition. It is important to recognise that, if Mr. Brierley were to control a controlling interest through being able to circumvent the Executor Company's Act of 1978, it would reduce even more the competition in the trustee field. The other point that needs to be made about the Executor Company is that it has substantial trust funds which have been entrusted to it by many South Australians, and I think it is important that those South Australians can be assured that those trust funds will always be administered in the interests of the beneficiaries and not for the interest of shareholders of that company.

The Executor Company is in a unique position because of the trust funds it holds, and the best way that its position can be preserved is to ensure that there is a wide spread of shareholders with limited voting powers and limited shareholdings, a principle consistent with the listing requirements of the Stock Exchange, which requires that companies that are publicly listed must demonstrate a broad spectrum of shareholdings, a principle which is, of course, consistent with Liberal Party philosophy, that is, that there ought to be adequate competition in the market place. The decisions that are being taken are consistent with our stand on previous occasions and with private

enterprise principles. I thank the Opposition for its indication of support for this Bill.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Repeal of ss. 21a, 22 and 23 and substitution of new sections and heading."

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

Page 6, line 23—After "served" insert "personally or by post".

This amendment is designed to ensure that, where a notice is to be given to a transferee, it may be given either personally or by post.

Amendment carried.

**The Hon. D. H. LAIDLAW:** I refer to new section 26 (1). I said during the second reading debate that a limit of 1·67 per cent of shareholdings was unduly restrictive. However, I note that the Minister has power in the Bill to prescribe a greater percentage. I said that I hoped that, after discussions with the Directors of the company, the Minister might feel inclined to increase this to a limit of 5 per cent in order to be consistent with the Gas Company legislation and with the Western Australian Trustee and Executor Agency Company Act.

**The Hon. K. T. GRIFFIN:** I will certainly draw this matter to the attention of the Directors of the company. I have not felt that I should move to amend the percentage without the board of the company, and, for that matter, the shareholders, having an opportunity to consider it. However, I will certainly take up the matter with them. Turning to another aspect of this clause, I move:

Page 7, after line 5—Insert subsections as follows:

(3) A refusal under subsection (2) to register a transfer shall remain in effect—

*(a)* where the decision to refuse to register the transfer was made under subsection (2) *(a)*—until the transferee remedies his default;

*(b)* where the decision to refuse to register the transfer was made under subsection (2) *(b)*—until the transferee satisfies the directors of the veracity of the declaration, or until the expiration of six months from the day on which the declaration was received by the company, whichever first occurs;

*(c)* where the decision to refuse to register the transfer was made under subsection (2) *(c)*—until the directors are satisfied that neither the transferee nor a group of associated shareholders of which he is or would become a member holds, or would in consequence of the transfer hold, more than the maximum permissible number of shares in the company.

(4) While a refusal under subsection (2) to register a transfer remains in effect no voting rights attached to the shares subject to the transfer, or any other shares held by the transferee, are capable of being exercised.

Proposed new section 27 provides for a transferee to be requested to make a statutory declaration that will establish whether that person is a member of a group of associated shareholders and certain other information to determine whether or not a breach of the Act is occurring.

Subsection (2) of that proposed new section outlines the consequences of inadequate information or refusal to return a statutory declaration, and proposed new subsection (3) provides that voting rights shall be suspended if there is not compliance with the request for information. Proposed new subsection (4) is related to the same question of the suspension of voting rights.

Amendment carried.

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

Page 7, line 7—After "served" insert "personally or by post".

This amendment ensures that service may be effected in either of these two ways.

Amendment carried.

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

Page 7, after line 24—Insert subsection as follows:

(3) If the directors are not satisfied of the veracity of a declaration furnished by a shareholder under this section, no voting rights attached to shares of that shareholder shall be capable of being exercised until the shareholder satisfies the directors of the veracity of the declaration, or until the expiration of six months from the day on which the declaration was received by the company, whichever first occurs.

Proposed new section 28 deals with the capacity of the Director or Secretary of a company to require information from any shareholder. The previous amendment related to the occasion where a Director or Secretary required information from a transferee before the shares were registered. It also deals with the status of a shareholder. New subsection (3) provides for the suspension of voting rights for six months if the notice requiring the information is not complied with.

Amendment carried.

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

Page 8, line 24—Leave out "Minister" and insert "Company, acting in pursuance of a resolution of the board of directors".

Proposed new section 31 deals with the requirement that a shareholder in breach of the Act must dispose of shares. In the Bill, the power is given to the Minister. The amendment returns that power to that company acting in pursuance of a resolution of the board of directors. It properly ought to be the responsibility of the board, and the Minister ought not to be involved in that decision.

**The Hon. D. H. LAIDLAW:** This is terribly important, and I support the amendment. I am aware that in the Gas Company legislation and the Santos legislation power to divest is left with the Minister. It is appropriate, if a Government must take such action to protect these companies, that the onus to take such action of divestment should be placed firmly upon the directors.

Amendment carried.

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

Page 8, line 25—After "served" insert "personally or by post".

This amendment is moved for the same reason that the two similar amendments were moved earlier.

Amendment carried.

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

Page 8, line 32—Leave out "six" and insert "three".

This amendment relates to the minimum time within which a person may be required to dispose of shares. A period of six months is provided for in the Santos legislation. However, that was for a particular reason. A substantial body of shares had been acquired lawfully. I understand that a period of six months was deemed to be appropriate. However, I think that a period of six months is too long for the purposes of the Executors Company's Act, and that a minimum period of three months is adequate.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

## PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 2515.)

**The Hon. ANNE LEVY:** I support this legislation and, in

doing so, I will first indicate that it is a money Bill. I am sure that there would be no argument regarding that point. In consequence, it is not a Bill which can be amended in this Council, but that does not mean that we cannot comment on it and give opinions regarding its contents.

**The PRESIDENT:** The honourable member can move a suggested amendment. However, I am pleased that she does not intend to debate the question of money clauses.

**The Hon. ANNE LEVY:** The Bill before us is basically for indexing the pay-roll tax system in this State against wage and salary increases—such indexation to apply as from 1 January 1981. The maximum exemption level is now to be raised to $84 000. On page 4 of his Budget speech on 28 August this year, the Premier claimed that the new increase in the general exemption, which this Bill before us now implements, would bring South Australia into line with the exemption levels operating in Victoria, which has been the yardstick for the South Australian pay-roll structure in recent years because that State has been our principal competitor for industrial development.

Until the election of the Tonkin Government, pay-roll tax schedules in the two States were absolutely identical. Unfortunately for Mr. Tonkin, Victoria has moved away from the system used for comparison in the South Australian Budget. They did that in the Victorian Budget on 17 September this year—only three weeks after the announcement by the Premier of the changes. I would like to quote from the speech made by the Hon. Lindsay Thompson in presenting the Victorian Budget on 17 September this year as follows:

> This year it is proposed to increase the exemption from pay-roll tax once again. The increase will be 15 per cent—again well ahead of the rate of inflation. The new exemption level to apply from 1 January 1981 will be $96 600, reducing by $2 for each $3 increase in total payroll above that figure to a flat exemption of $37 800 at payrolls of $184 800 and above.

It is indeed most unfortunate that the Government's stated aim of bringing South Australian pay-roll tax exemption levels into line with those of Victoria will not succeed. To summarise briefly, at present the maximum exemption for South Australian pay-roll tax is $72 000, and this Bill will make it $84 000. In Victoria, the maximum exemption is currently $84 000 but as from 1 January it will become $96 600. The minimum exemption currently in South Australia is $32 400, and as from 1 January it will be $37 800. In Victoria, the minimum exemption is currently $37 800, and this will be unchanged from 1 January. We can see that there is quite a large difference between the two States in the maximum exemption rate as from 1 January next year. We will only be catching up to what Victoria is at present, while they will be moving ahead as from 1 January.

This difference in the maximum exemption level is particularly important to small business. The minimum exemption level is mainly of interest to large employers with a large number of people on their pay roll. The minimum exemption level will be the same in the two States as from 1 January. This is certainly not true for small business which, we must remember, employs one in five people in the private sector in this State. As a result of this we can see that small business in this State will be severely disadvantaged compared with small business in Victoria in the matter of pay-roll tax. This is from a Government which claims to help small business. It had the opportunity to bring South Australia's pay-roll tax for small business into line with that of Victoria, but Victoria has stolen a march on them and has improved the situation for their own small businesses. This Government refused yesterday to come into line with what Victoria is doing and rejected amendments which would have made South Australia's pay-roll tax maximum exemption level the same as that of Victoria as from 1 January 1981. I will give some examples.

Under the new system of pay-roll tax, an employer with an annual pay-roll of $100 000 (which is not a large company) currently pays $2 333 in pay-roll tax. As from 1 January, with our new exemption system, the employer will pay $1 333. However, the Victorian employer with the small annual pay-roll of $100 000 will be paying only $283 in pay-roll tax as from 1 January—a difference between South Australian and Victorian small business employers of more than $1 000.

Another way of expressing it is to say that, as from 1 January next, this employer in South Australia who has an annual pay-roll of $100 000 will be paying 271 per cent more than his Victorian counterpart. The employer in South Australia with an annual pay-roll of $125 000 will pay $3 417 in pay-roll tax, while his counterpart in Victoria will pay only $2 367. The South Australian employer will be paying 44 per cent more than his Victorian counterpart. The South Australian employer with an annual pay-roll of $150 000 will pay $5 500 in pay-roll tax next year, while his Victorian counterpart will pay only $4 450. The South Australian employer will be paying 23·6 per cent more than the one in Victoria. So much for the Premier's promise to help small business and put South Australian pay-roll tax on a par with the tax in Victoria.

**The Hon. L. H. Davis:** What did you promise about pay-roll tax in your policy speech last year?

**The Hon. ANNE LEVY:** We did not make promises that we did not keep. The Premier has made a promise that South Australian pay-roll tax will be brought into line with that applying in Victoria. He may have intended this when he made his Budget speech on 28 August but he has not made an adjustment since the Victorian Budget of 17 September altered the situation there. South Australian small business will be at a disadvantage.

The Liberals have often told us that small business is the lifeblood of our State economy. The difference between South Australia and Victoria that will apply after 1 January will weaken the State's cost advantage, which is so important to our export-orientated and import-competing manufacturing industries. Perhaps it would not be foolish to predict that before long we will have further legislation to amend the Pay-roll Tax Act so that the tax will be brought into line with Victoria, to eliminate the competitive advantage that the Tonkin Government apparently is handing to Victoria.

Another aspect of the Bill before us refers to the organisations that are exempt from paying pay-roll tax. I understand that part of the change is due to pay-roll tax avoidance schemes in the Eastern States, where legislation has been enacted to close this loophole. We applaud the Government for doing it here so that people who should be paying the tax cannot exploit the loophole.

Furthermore, the Bill extends exemption from pay-roll tax to child care centres that are eligible organisations under the Commonwealth Child Care Act of 1972. At present, of the 41 subsidised chair care centres in this State, 32 are exempt from pay-roll tax, as they come under exempt categories already in the Act, but the nine others are not exempt and it seems unfair that similar organisations providing similar services to the community should differ regarding whether they are obliged to pay pay-roll tax.

The 41 centres that I have mentioned receive Commonwealth subsidy through either the Childhood Services Council of South Australia or the Office of Child Care in the Department of Social Security, and it seems

logical and fair that either all or none should pay pay-roll tax. I applaud the Government again for amending the legislation so that all child care centres qualify for Commonwealth subsidy will be exempt from the tax.

It seems to me that there are still other anomalies regarding organisations that have to pay pay-roll tax, and I refer specifically to the Family Planning Association in South Australia. This association is not granted exemption from payment of the tax and is not classed as a benevolent institution by the Treasurer of this State, despite several requests to be so classed. It is a non-profit organisation. Its aims are related entirely to social and community benefit, and I would have thought it was very comparable to child care centres in terms of the services it offers in a non-profit capacity to the community.

The association is not a hospital and so cannot claim exemption under that category, although it certainly conducts clinics on birth control that are identical to those provided in clinics in the public hospitals. Furthermore, the association is entirely Government-funded. It receives substantial Federal Government funds through the health programme grants of the Department of Health in Canberra and also receives smaller, but nevertheless generous, grants from the State Government. I say "generous" because the Dunstan Government introduced grants to the association that were far larger than those given by any other State Government to its Family Planning Association, and I was pleased that last year the present Government continued to fund the association at the same level.

However, although the association is entirely Government-funded, it is not exempt from payment of pay-roll tax and last year it had to pay $25 000 to the Treasurer. We have the ludicrous situation where our Treasury is giving money to the association with one hand and taking it away with the other. I feel that this is absurd and unfair and should be remedied.

I ask the Minister whether he can indicate whether consideration was given to widening the categories of organisations that should be exempt from payment of pay-roll tax to consider not only child care centres but also organisations like the Family Planning Association. If this was not considered on this occasion, could consideration be given to doing so next time the legislation is amended for reasons of indexing or when the Premier decides to keep his promise of having South Australian pay-roll tax exemption levels the same as those in Victoria? I support the Bill.

**The Hon. K. T. GRIFFIN (Attorney-General):** I thank the honourable member for indicating that the Opposition will support this Bill. In relation to the Family Planning Association, I am not aware of any consideration being given to the matters raised by the honourable member. I will certainly ensure that those matters are referred to the Treasurer for his consideration. However, I am not sure whether or not the request she has made can be granted, but it will certainly receive the Treasurer's consideration.

The Hon. Miss Levy referred to the levels of exemption in South Australia compared with those in Victoria. As I indicated in my second reading explanation, when the exemption covered by this Bill comes into effect, only Queensland and Victoria will have higher general exemptions. The following exemptions will apply in Australia from 1 January 1981: in New South Wales, the maximum exemption will be $80 400, tapering back to nil at a pay-roll tax level of $201 000; in Victoria, the maximum exemption will be $96 600 with a minimum exemption of $37 800, tapering back to a pay-roll level of $184 800; in Queensland, the maximum exemption is far in excess of anything else in Australia because the maximum exemption there is $180 000, with a minimum exemption of $36 000, tapering back to a pay-roll level of $237 600; in South Australia, the maximum exemption will be $84 000 with a minimum exemption of $37 800 (which as from 1 January 1981 will be the same as Victoria), tapering back to a pay-roll level of $153 300; in Western Australia, the maximum exemption will be $72 000 with a minimum exemption of $32 400, tapering back to a pay-roll level of $131 400; and in Tasmania, the maximum exemption will be $78 000 with a nil minimum exemption, tapering back to a pay-roll level of $195 000.

As at 1 January 1981 South Australia will have the third highest maximum exemption in Australia. The Government does not believe that the difference between South Australia and Victoria from that date will prejudice South Australian industry. South Australian industry will continue to compete effectively with industry and business in Victoria, and small business in this State will also be able to compete effectively. While the Government believes that it should carefully watch what occurs in Victoria, it should also take into account that there are other exemptions not only for small business but also for new and expanding industries in this State in relation to pay-roll tax. They are incentives and concessions that are not applicable in Victoria. Bearing that in mind, the Government believes that by increasing the maximum exemption to $84 000 we will be assisting business in this State. The fact that it is not equivalent to what will occur in Victoria from 1 January 1981 will not adversely reflect upon South Australian businesses. I thank honourable members for their support for this Bill.

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

## STATE BANK (RIVERLAND FRUIT PRODUCTS CO-OPERATIVE ASSISTANCE) BILL

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

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

*That this Bill be now read a second time.*

Riverland Fruit Products Co-operative Limited was placed in receivership by the State Bank on 12 September 1980. Messrs. John Pridham and John Murray of Deloitte, Haskins and Sells were appointed joint receivers and managers. The receivers and managers have now submitted a report in connection with their receivership. It shows *inter alia* that to operate the cannery for the 1980-81 season (that is, to 30 April 1981) involves a projected cash loss of about $1 000 000. That projected cash loss takes into account—

*(a)* all costs associated with operating the co-operative during the period to 30 April 1981, including payments to growers in accordance with their contract for the supply of fruit valued at about $4 200 000;

*(b)* all the proceeds to be obtained for the sale of products to the Australian Canned Fruits Board and other parties;

*(c)* interest costs for the period on all borrowings by the co-operative.

That loss would diminish the security of the co-operative's creditors. Accordingly, the receivers and managers could not continue the operation of the cannery without some assurance that the loss will be recovered.

The purpose of this Bill is to guarantee the State Bank against operating losses in respect of the current season up

to a maximum of $2 000 000. I might point out that current projections indicate a net cash loss of approximately $1 000 000. However, the higher maximum is set by the Bill in order to provide for any unforeseen contingencies.

Clause 1 is formal. Clause 2 contains definitions required for the purposes of the new Act. The "current season" is defined as meaning the period from 12 September 1980 to 30 April 1981. Clause 3 provides that where audited accounts are produced and the Treasurer is satisfied that reasonable endeavours have been made to recover debts owed to the co-operative the Treasurer may pay an amount sufficient to cover the cash loss incurred in relation to operations during the current season. Subclause (2) places a limit of $2 000 000 upon the amount that may be paid out in pursuance of the new provision.

**The Hon. B. A. CHATTERTON:** I support the Bill, which is necessary to keep the cannery operating for the 1981 harvest. This has already been promised by the Government. Growers in the Riverland will be looking for a decision on the long-term future of the cannery as soon as possible. They are concerned about what they will do with their fruit for canning if the cannery should close after the 1981 harvest. The structural adjustment problems in the Riverland will be great if the cannery does close and is unable to take that fruit. The sooner that the Government can inform growers on the final decision about the cannery's future the better.

In an interview on the A.B.C.'s *Country Hour* the Minister of Water Resources said that the trading results of the cannery had greatly improved in recent months. Everyone was pleased to hear that, and a few days later in this Council I asked the Attorney-General whether he could provide any details of those trading results, but he was unable to do so. Perhaps he can provide me with further details now, because he has probably had an opportunity to examine the matter more deeply.

The other matter I would like to raise with the Attorney-General in regard to this Bill relates to grower contracts. A number of growers have come to me in some confusion about where they stand in regard to the contracts that they have signed for the delivery of their fruit. They put the case that in 1979 they signed a contract to supply fruit to the Riverland cannery, and evidently that contract was a guarantee that they would be paid in full for the fruit. For the 1980 harvest they signed apparently the same contracts, and that did not result in a guaranteed payment for fruit delivered in that year. The cannery was put into receivership and fruitgrowers were paid 50c in the dollar on amounts outstanding. Now they have signed further contracts for 1981 that seem to be similar or almost identical to the contracts they signed before, and they are confused about whether that really entitles them to full payment for their fruit in 1981. I would appreciate it if the Attorney could explain the situation and give them a reassurance that they will receive full payment in 1981. I support the Bill.

**The Hon. M. B. DAWKINS:** I, too, support the Bill. I am well aware of the difficulty that the cannery and the industry face in the Riverland area. There are big fluctuations in the Riverland over the years, both seasonally and financially, and it is certainly most necessary to keep that cannery operative and to keep growers in some state of financial stability. As the Hon. Mr. Chatterton has just said, there are some great difficulties in the Riverland and, having had some contact with that area for a long time, I indicate that people have generally been most resourceful and have with some success weathered both financial and seasonal storms from time to time. This situation is not their fault, certainly not in total, and the cannery has got into difficulties which it will find hard to overcome. I support the Bill, because I believe it is necessary to enable the industry to continue to function and to maintan the canning industry at the present time.

**The Hon. K. T. GRIFFIN (Attorney-General):** I appreciate that honourable members have indicated that they intend to support the Bill. The Hon. Mr. Chatterton raised two questions, one of which I can answer and the second concerning which I will have to have inquiries made. I will have that done and let him have the up-to-date figures that he seeks. I do know that the board of the co-operative was required to prepare a statement of affairs by the middle of November and that it has filed it, I think, with the Corporate Affairs Commission. I know, too, that the receivers and managers were in the process of putting together some more up-to-date information. I do not have that information readily available, but I will have some inquiries made and try to give the Hon. Mr. Chatterton an answer to that particular question.

The Government has made clear on several occasions that the contracts which the growers entered into in relation to the 1981 crop are backed by Government guarantees. I am not aware that the contracts which the Hon. Mr. Chatterton has referred to and which were signed by growers in 1980 were backed by any formal or informal guarantee. On this occasion, as I understand it, the documents have been signed by growers and clearly indicate the nature of the Government's guarantee. This Bill is one more of the steps required to ensure that that guarantee is not only given but also honoured. I can give every assurance to growers who have signed contracts in regard to the 1981 crop that, in accordance with the statements that the Government has been making in the latter part of 1980, the Government's guarantee is good and that the guarantee will be met in accordance with the documents which have been circulated to growers with the contracts which they have been requested to sign in order to supply fruit to the co-operative for the 1981 season.

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

## STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 2528.)

**The Hon. C. J. SUMNER (Leader of the Opposition):** I must confess to having some misgivings about the consideration that the Council is being asked to give this Bill. It is an extremely complex piece of legislation, which was introduced into the Council only late last night. Bearing in mind the other matters with which the Council has had to deal today, I feel unhappy about having to consider this Bill today, in view of its considerable complexity. However, if Parliament is not to be sitting next Tuesday (and I am not sure whether that has been determined yet), and the Government insists that the Bill proceed, I have no option but to support the Bill in its present form.

One of the most complicated, if not controversial, clauses is clause 10, which amends section 71 of the Act and which attempts to close loopholes that exist in relation to the transfer of land and marketable securities, and the avoidance of duties that should be paid on those transfers. Opposition members would wish to take every possible action to try to tighten up the legislation that is being used

by tax avoiders. Clause 10, which amends section 71 of the Act, purports to do that.

My difficulty is that I have not had time personally to consider all the aspects of the Bill, including that aspect relating to tax avoidance. However, the Attorney-General permitted me access to the briefing by Treasury officers and the Parliamentary Counsel. Also, the matter was canvassed at considerable length in another place yesterday. The thrust of the Opposition's comments there on this tax avoidance clause was that, even with the restrictions that this Bill contains, there would still be a capacity for people to avoid tax.

So, it was thought in another place that the clause should be tightened up even further. However, I am mindful of the fact that, when one wishes to amend a Bill of this kind, it is important to ensure that the amendments are fully discussed and debated not only with the people in Parliament but also with those outside who have an interest in this area. Certainly, I have had no opportunity of doing that in relation to any amendments, including those moved in another place.

I am mindful of the fact that, while tightening the provisions to cope with tax avoidance, one can get into the problem of catching legitimate transfers that ought to be exempted from the Act. So, I would not want to move any amendments without thoroughly considering the matter and discussing it with people outside the Parliament.

If it appears that this amending Bill does not plug the loopholes, obviously further consideration will have to be given to another amendment. I do not think that I can take the matter much further than that. Certainly, I am not in a position fully to discuss the Bill or to move any amendments. I accept, first, that the Bill was debated fully in another place and, secondly, that I have had a briefing with officers and am in general agreement with the principles of the Bill. Thirdly, I understand (and the Attorney-General might be prepared to give me his assurance on this) that members of the Law Society who practise in this field, the Taxation Institute, the accounting profession, and some senior legal people have been consulted about the Bill and are satisfied with its provisions.

I should like to know whom the Attorney-General consulted in the legal profession. On that basis, given that I am not in a position to move amendments or to embark on a detailed consideration of the clauses, and as the Government wants the Bill passed today, I am prepared to accommodate the Government in facilitating its passage. However, if Parliament was to sit next Tuesday, I would ask the Attorney-General to indicate accordingly so that I might seek leave to conclude my remarks. If, however, Parliament is not to sit next Tuesday, I am prepared to accommodate the Government in allowing the passage of the Bill today, although I would do so with some misgivings, because I do not believe that I have had sufficient time to come to grips with all the difficulties involved in the legislation.

**The Hon. K. T. Griffin:** I don't know what is happening in another place.

**The Hon. C. J. SUMNER:** I think the Attorney-General believes that Parliament will not be sitting on Tuesday and, on that basis, I can only say that the Opposition supports the Bill and agrees with its general principles. I am fortified by the fact that I understand that the Bill has been discussed outside the Parliament; that interested groups have been consulted; that people are generally happy with the legislation; and that, if other avoidance schemes bob up and this legislation does not plug the loopholes, further amendments can be considered.

**The Hon. R. C. DeGARIS:** I support the views expressed by the Hon. Mr. Sumner. This is a very complex matter, and it is difficult for anyone, in the period that the Bill has been before us, to assess what it does. I understand the difficulty that the Attorney-General has regarding this matter. Members know that certain schemes have been undertaken to avoid or evade (I am not sure which term is correct) tax.

**The Hon. K. T. Griffin:** Avoidance is legal, and evasion is not.

**The Hon. R. C. DeGARIS:** I do not care whether it is illegal or not—I believe that it is dishonest to deliberately evade taxation and go into these schemes. Therefore, it is necessary that we go into this complex legislation, albeit late in the session, to prevent people from not meeting their correct obligation under the principal Act. I have tried to follow this Bill but have found that it has had seven pages of amendments moved to it in the House of Assembly. How can we give consideration to a Bill that is complex to start with and try to build that Bill into a complex Act when it has seven pages of amendments attached? That is an impossible situation. I understand the difficulties faced by the Attorney-General in getting this Bill through this session.

**The Hon. C. J. Sumner:** You would have gone bananas if we had done that.

**The Hon. R. C. DeGARIS:** I have complained about a number of these things for a long time, but I have not gone bananas.

**The Hon. Anne Levy:** That's what you say.

**The Hon. R. C. DeGARIS:** If I have gone bananas, at least I am straight. The Bill is retrospective in its application, or at least certain sections of the Bill are retrospective.

**The Hon. C. J. Sumner:** You don't like them.

**The Hon. R. C. DeGARIS:** That is quite true but, as I have always said in relation to retrospectivity, sometimes for justice to apply retrospectivity is necessary. I have always complained deeply about the question of retrospectivity where a Bill makes something illegal that a person did quite legitimately. That sort of retrospectivity must be avoided at all costs.

**The Hon. C. J. Sumner:** This was legitimate under the law.

**The Hon. R. C. DeGARIS:** It might be the other way around. In other words, if a person does something quite legal, they should not be caught retrospectively. This goes back to the time that the Bill is introduced into Parliament. That is quite legitimate in taxation matters.

**The Hon. J. C. Burdett:** It is commonly done that way.

**The Hon. R. C. DeGARIS:** Yes. However, I want to take the question of retrospectivity a shade further in my contribution to this debate. One of the problems we face is when we know that there is avoidance or evasion and we bring in complex legislation to block up a loophole. So, very often we catch people in the net that we do not intend to catch. One of the reasons why all these amendments suddenly appeared in the House of Assembly is that a whole range of people who would have been caught by the amendments complained, and the Government said, "Yes, we understand that—we have to find a way out for you." Most of the amendments moved in the House of Assembly were amendments along this line.

If, in passing this Bill quickly, we impose a penalty on some operation that should not be caught, I believe that retrospectivity should apply. I know that in the Bill there is discretion given to the commission in that regard. Nevertheless, in the short time that this Bill is before the Council there may be some people that we have not thought of who could be seriously disadvantaged by an action they have taken which was quite legal. I believe that

in that case, if it occurs and if there is no remedy, somehow we should pass retrospective legislation to cater for that position.

I will touch briefly on one or two other matters. I believe that no stamp duty will be payable now in relation to company liquidation. I would like the Attorney-General's assurance on that, as I have only read the Bill quickly. This is one area where people who were caught by the amendments should not have been caught. It is people in that category whom we may not think of at this stage and who will still be caught and should not be. Are the discretionary powers in the Bill sufficient, in the Attorney-General's mind, to cover that situation? What will he say if someone is caught wrongly in the future? Will retrospective legislation cover their position in the future? The question also covered by the House of Assembly amendments is that of superannuation trustees and trustees' discretion, where I believe a certain number of people were caught in the original Bill whom the Government did not intend to catch. The Bill is a complex one, and I have done the best that I can with it.

I agree with what the Government is trying to do in closing the loopholes, but at this stage it is a difficult job for any honourable member to fully comprehend this Bill and make a correct judgment on it. Even if I had the time, there are areas that one could overlook in the complexity of the legislation. At this stage I support the second reading. I know it has been looked at by a number of lawyers outside the Parliament who at this stage do not raise any objection. Therefore, I support the second reading.

**The Hon. L. H. DAVIS:** In discussing amendments to the Stamp Duties Act, it is important for us to remember the role that stamp duty plays in State taxation. It has assumed a more important role, as in 1979-80 stamp duties collected were $87 400 000, while the total taxation in the State was $324 000 000. Therefore, the stamp duty figure represents approximately 27 per cent of the total State taxation. In 1980-81 the State Government is budgeting for $95 000 000 in receipts from stamp duties, and the total State taxation is estimated at $332 000 000. In other words, 29 per cent is to be collected from stamp duties. That figure has steadily increased in recent years. It will become especially important to take steps such as this Bill contains to ensure that there is no avoidance of taxes legally payable.

This Government, at the beginning of the year, took positive steps to fulfil an election promise to abolish both gift duty and death duties, which will mean a shortfall in State taxation in those areas in future. As both the Hon. Mr. Sumner and the Hon. Mr. DeGaris have rightly observed, there has been a growing tendency to seek means and devices to avoid stamp duty. I believe that many members know that schemes are put forward by various people to avoid stamp duty on large property transactions. It is an unfortunate tendency which the Federal Government has moved recently to correct in respect of income tax, and it is a measure which I think quite properly this State Government is also taking steps to correct through the amendments to the Stamp Duties Act.

Both previous speakers have correctly observed that clause 10, which refers to amendments to section 71, is very complex, running into some four pages, and I, like previous speakers, do not really intend to address myself to that clause. I hope, though, that in applying stamp duties legislation, common sense is always to the fore. Unfortunately, I have heard of instances where from time to time the enthusiasm of people to apply the strict letter of the law has got the better of their common sense, and one would hope that always, in the application of matters such as this, common sense prevails.

I want to refer to two matters on which I commend the Government. The first is the reduction in stamp duty pertaining to the sale of fixed interest securities from a present maximum rate of ·6 per cent to a flat rate of ·1 per cent on the consideration of the sale. Perhaps this point is not understood by many people but for many years the sale in secondary market fixed interest securities, such as Electricity Trust and Gas Company bonds, has been minimal in this State. The very restricted nature of the secondary market, because of onerous stamp duty measures here more than in other States, has often discouraged potential investors from investing in these securities, and on many occasions those investors have preferred to buy interstate rather than South Australian securities.

The correction of this anomaly will assist local and semi-government authorities to raise funds more easily and will provide a better and more equitable secondary market for the securities. I am also pleased that there has been some acknowledgement of the special one-off situation that existed with Western Mining's farming out of their interest in Roxby Downs and the Stuart shelf area. A stamp duty concession has been granted in that case. If it had not been granted, a substantial sum would have been involved.

It is also pleasing that the Bill acknowledges that there are anomalies, and exemption from stamp duty on life insurance is provided, in fulfilling the pre-election promise that the Liberal Government made to reduce stamp duty on life insurance to the rates applying in other States. I support the second reading and concur with the Hon. Mr. DeGaris in saying that this is an area that must be reviewed constantly, given the ingenuity of people who seek to thwart the laws of this State.

**The Hon. K. T. GRIFFIN (Attorney-General):** I recognise that there has been only a limited time for members to come to grips with the complexities of this legislation. It was introduced in the House of Assembly on 6 November and since then copies of the Bill were widely circulated, particularly to members of the legal and accountancy professions for the purpose of their reviewing the Bill and giving advice to the Government. It was mainly directed to persons who practise in the area of stamp duties, because that is a very specialised area of the law. Whilst it was circulated to accountants and lawyers in particular, it was also made available to the Law Society (the appropriate committees of which have reviewed the measure), to the accountancy bodies, and to some business interests.

As a result of circulating the Bill to a wide cross-section of the community that would be regarded as having some expertise or other interest in the matter, a number of amendments were proposed, and they were made in the House of Assembly yesterday. Several lawyers and accountants have met the Commissioner of Taxation and Parliamentary Counsel, and they have drafted amendments that we believe take into account all those matters that concern the persons to whom the Bill has been circulated.

The Government did not intend to create any new taxes, nor did it intend to deal with transactions that were *bona fide* and comply with the spirit of the Stamp Duties Act. The Bill was directed to schemes that had perhaps a certain artificiality about them, schemes devised to find loopholes in the Stamp Duties Act, and some of them were rather ingenious. Both the Government and the Opposition would be of one mind on the objective of

closing those loopholes and ensuring that tax avoidance was kept to a minimum. I think it is wishful thinking to believe that tax avoidance can ever be eliminated, but life can be made difficult for practitioners in their attempts to get around legislation. There were a number of schemes in operation in this State that were costing the State substantial revenue, and they are the avoidance schemes that the Government is seeking to catch within this amending legislation.

If the amendments have an impact that was not intended by the Government, we would intend to act to remedy the defect if there is that defect. In clause 10 there is a provision about a transfer of a prescribed class, so, if a transfer is caught by the legislation and was not intended to be caught, a regulation can be made that will exempt that sort of transfer from the operation of the avoidance provisions. That is one means by which we will ensure that any unintended effect of the legislation is properly dealt with. If there are other inintended effects, the stamp duties authorities will inform the Government, which will give serious consideration to ensuring that those effects are not continued.

The Government takes the general view that it will closely monitor the operation of this legislation. If unintended and unreasonable effects flow from the legislation, the Government will certainly take remedial action. I think that deals with the point raised by the Hon. Mr. DeGaris in relation to retrospectivity. The operation of the Act, in so far as it may have an unintended effect, will be carefully monitored. The other aspect of retrospectivity with which I do not think any member has quarrelled is that this Bill will come into effect from 6 November, which was the date it was introduced into Parliament.

The Government could have taken two other courses of action. The Act could have been made effective from the time a public announcement was made that the Government intended to attach certain schemes. That course of action has been adopted by the Federal Government, but I believe it is inappropriate at State level for many reasons. The principal objection to that course of action is that such statements do not have the degree of certainty which a draft Bill has. The other alternative would have been to make the Act apply from the date it was assented to. The consequence of that course of action could have been quite significant because it would enable persons who wished to take advantage of the schemes to which the Bill was directed to rush their documentation through the Stamp Duties Office, thereby avoiding the duty that would apply under this Bill. The Government has opted for the scheme where the Act will become operational from the date it was introduced into the House of Assembly.

The Hon. Mr. DeGaris said that he understood that, where there is distribution of assets by a company liquidator to company shareholders, distribution is not caught by the provisions directed towards duty avoidance schemes. That was an unintended effect of the earlier drafting of the Bill, but one which the Government was quick to correct when it was drawn to its attention. The Government has appreciated the assistance it has received from its advisers and from persons in the community who have made submissions. The Government also appreciates the assistance it has received in consultation with some persons when considering the amendments. I understand that the final amendments generally meet with the approval of those persons who raised objections when they made submissions to the Government. As I have said, if there is any unintentional impact in relation to this Bill, the Government will certainly move to rectify it.

**The Hon. C. J. Sumner:** What about the Opposition's assistance?

**The Hon. K. T. GRIFFIN:** I also appreciate the assistance of honourable members. On the whole, one mostly finds that helpful, and on this occasion, notwithstanding the short period of time in which members have had an opportunity to consider it, I have appreciated their comments. I look forward to further comments in Committee.

Bill read a second time.

In Committee.

Clauses 1 to 10 passed.

Clause 11—"Instruments chargeable as conveyances operating as voluntary dispositions *inter vivos*."

**The Hon. R. C. DeGARIS:** When this Bill is passed, it will be retrospective to 6 November. What procedures will apply in situations where documents have already been stamped under the existing law?

**The Hon. K. T. GRIFFIN:** Where documents have already been stamped in accordance with the law which was in operation prior to the assent of this Bill, those documents will not be recalled. There is a view that the Commissioner is estopped from stamping documents once they have been adjudged and stamped under the existing law. Rather than creating difficulties about the matter, the Government will not recall those documents. I do not believe many documents have been stamped during this intervening period, because I think most people would have been aware of the Government's announcement when the Bill was first introduced. I am sure most persons would have acted in accordance with the Bill's intention and probably would have been in fear that, if documents were presented for stamping and had been stamped, some action may have been taken at a subsequent time to recall and reassess them.

Clause passed.

Remaining clauses (12 to 15) and title passed.

Bill read a third time and passed.

## LICENSING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## ART GALLERY ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

## SITTINGS AND BUSINESS

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

That the sittings of the Council be suspended until the ringing of the bells.

The Council divided on the motion:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

Motion thus negatived.

## PRISONS ACT: REGULATIONS

The Hon. C. J. SUMNER (Leader of the Opposition): I move:

> That the regulations made on 27 November 1980 under the Prisons Act, 1936-1976, in respect of prisoners' conditions and laid on the table of this Council on 3 December 1980 be disallowed.

I do not wish to take a great deal of time on this matter because I believe that the Council should vote on this matter today. However, I do wish to comment on the action of the Government and the Opposition with regard to the previous motion.

**The Hon. K. T. GRIFFIN:** On a point of order, Mr. President, that is clearly out of order.

**The PRESIDENT:** The Hon. Mr. Sumner must confine his remarks to the motion.

**The Hon. C. J. SUMNER:** It is important that this motion be moved and debated today because, as I understand it, Parliament will rise today and there will be no other chance for a vote on this motion until 10 February, which is over two months away. If Parliament is to have any control over Executive Government, surely we ought to be given the opportunity to vote on the matter. In regard to the Government and the action taken in voting against the suspension of the sitting—

**The Hon. K. T. GRIFFIN:** On a point of order, Mr. President, that is irrelevant to the debate.

**The PRESIDENT:** I uphold the point of order.

**The Hon. C. J. SUMNER:** With respect, Mr. President, it is not irrelevant. Surely—

**The PRESIDENT:** You should and will be confined to discussing the regulations that you wish to move to disallow.

**The Hon. C. J. SUMNER:** I am discussing the reason why I believe the regulations should be considered and voted upon today.

**The Hon. K. T. Griffin:** That is not relevant.

**The Hon. C. J. SUMNER:** It is absolutely germane to the motion. It is important that this matter not be delayed until the middle of February, which is clearly what the Government is trying to do.

**The Hon. K. T. Griffin:** We are following normal practice. The Subordinate Legislation Committee should consider it first.

**The Hon. C. J. SUMNER:** I have never heard a more puny excuse from the Attorney-General. The Attorney and I (indeed the Council) know the facts about this matter. The Council ought to be able to vote on these regulations today.

**The Hon. J. C. Burdett:** Have you read the regulations?

**The Hon. C. J. SUMNER:** Yes, I have them here. Because a vote on the regulations is necessary today, the Opposition has opposed the suspension. The Government has tried to avoid a debate and vote on this motion this week. The regulations were made in Executive Council last Thursday, and they should have been tabled on Tuesday so that the Opposition could give notice of its motion to disallow them and so that that motion could have been debated yesterday, when private members' motions take precedence. However, the Government did not do so for the deliberate reason that it did not want this matter debated.

**The Hon. K. T. GRIFFIN:** I rise on a point of order. This is irrelevant to the motion, which is for the disallowance of the regulations.

**The PRESIDENT:** I think that the Hon. Mr. Sumner has a point that he can raise, although he should not dwell on it too much.

**The Hon. C. J. SUMNER:** I certainly will not do so, Sir. This has been the Government's attitude to the whole question of the Royal Commission into prisons and in relation to the regulations relating to prisons. The history of the matter is that, after considerable criticism, the Royal Commission was set up in October. Since then, nearly two months ago, there has been continuous criticism by parties represented before that Royal Commission of the terms of reference of that Royal Commission.

**The Hon. C. M. Hill:** By whom?

**The Hon. C. J. SUMNER:** By nearly all the parties appearing before the Commission.

**The Hon. M. B. Cameron:** You mean yourselves?

**The Hon. C. J. SUMNER:** The Opposition supported those calls only after they had been made for a considerable time. I will not deal with the same ground that was covered in the debate on the Royal Commissions Act Amendment Bill on 19 November. However, I believe that the continuing controversy is undermining public faith in the commission. The Government refuses to contemplate enlarging the commission's terms of reference or to negotiate with the parties in that respect, despite the fact that I have moved—

**The PRESIDENT:** Order! The motion does not deal with the terms of reference.

**The Hon. C. J. SUMNER:** I realise that, Sir, but it is necessary to explain the history of the matter, despite a letter that was sent to the Premier suggesting those negotiations. The Australian Government Workers Association and the Public Service Association resorted to industrial action, and decided to work according to the prison regulations.

**The Hon. K. T. Griffin:** Why haven't they been doing it for the last 10 years?

**The Hon. C. J. SUMNER:** The Attorney can tell the Council that when he gets a chance to speak later.

**The Hon. M. B. Cameron:** Will you let the Attorney-General adjourn the debate?

**The Hon. C. J. SUMNER:** No. The regulation which is in dispute and to which the prison officers and members of the A.G.W.A. and the Public Service Association decided to adhere is old regulation 70, which provides:

> Prisoners before trial shall be kept apart from convicted prisoners; juveniles shall be kept apart from adults, and, as far as practicable, adult male felons from misdemeanants.

They also decided to adhere to regulation 67, which provides:

> Every prisoner shall occupy a cell by himself by night, unless for medical or other special reasons it is necessary for prisoners to be associated. In such case no fewer than three prisoners may be located in one cell, and each shall be supplied with a separate bed.

**The Hon. Frank Blevins:** I would hope so. That's not unreasonable.

**The Hon. C. J. SUMNER:** That is so, but that is the regulation that they have now changed. The prison officers decided to work in accordance with those regulations, that is, in accordance with the law. Obviously, the Government did not want the prison officers to work in accordance with the law.

**The Hon. M. B. Cameron:** You're just frightened of the end result of this whole thing.

**The Hon. C. J. SUMNER:** No, that is not so. We want the terms of reference expanded.

*Members interjecting:*

**The PRESIDENT:** Order! There has been enough discussion across the Chamber.

**The Hon. C. J. SUMNER:** To thwart those who were working in accordance with the law, the Chief Secretary used clause 7 of the prison regulations and purported to cancel them. That was extraordinary.

**The Hon. K. T. Griffin:** He didn't purport to do that.

**The Hon. C. J. SUMNER:** He purported to cancel regulations 67 and 70. Naturally, the A.G.W.A. and the P.S.A. were hardly going to take that lying down, so they took out an injunction in the Supreme Court to challenge the Chief Secretary's variation of those regulations. The day before that case was due to be heard in the Supreme Court, the Government, realising that the Chief Secretary's actions were not valid and that he had acted illegally, acted to promulgate new regulations and to vary the same. They are the regulations that the Council is now considering. Regulation 70 has been completely revoked, and new regulation 67 has been made. It provides:

> Wherever practicable every prisoner occupying any cell shall occupy it by himself at night unless there are, in the opinion of the officer in charge of the prison, medical or other special reasons for more than one prisoner to occupy one cell at night which reasons may include the rehabilitation of a prisoner, the comfort of a prisoner, the limited extent of a prison and the available facilities in a prison.

The important point for the Council to note is that, the day before the Chief Secretary's action was to be challenged in the courts, the Government changed the regulations, and the day before the Chief Secretary was to appear before the Estimates Committee the Government appointed a Royal Commission into prisons.

**The Hon. C. M. Hill:** Like the way that you changed the zoning at Queenstown in 24 hours.

**The PRESIDENT:** Order!

**The Hon. C. J. SUMNER:** The Government is not prepared to allow the Chief Secretary's actions to be challenged in any way. It avoided a challenge in Parliament by setting up the Royal Commission and, when the Supreme Court matter was set down for hearing, the Government thwarted the proper action that had been taken by the union concerned. The Government, knowing that the Chief Secretary will be found wanting, has done anything it can to protect the Chief Secretary's neck. The Government deserves to be completely condemned for its action in not tabling the regulations on Tuesday and for its attempts to filibuster and avoid a debate on the matter. This issue has been on the Notice Paper since yesterday, and the Government should be prepared to debate and vote on the issue. I gave notice in the press on Tuesday that the Opposition intended to move to disallow the regulations.

So, the Government cannot claim that it is being caught by surprise. It cannot claim that there ought not to be a vote on it. If there is not a vote on it today, the matter is put off for two months. Any Parliamentary review of this action by the Government is non-existent for that period. I emphasise that it is an action done purely and simply to thwart the proper court proceedings that the union has taken. That is the only reason, and the reason on this occasion that the matter needs to be debated today. The Government needs to respond today and a vote should be taken. If that does not happen, it means that Parliament, in terms of its control over the executive on this issue, is worth nothing. I believe that these regulations ought to be disallowed. The court case could then proceed before the Supreme Court, which could decide whether the actions of the Chief Secretary are justifiable or not.

**The Hon. K. T. GRIFFIN (Attorney-General):** I am prepared to respond to the Leader of the Opposition now as I have responded on other occasions when he has raised the question of Royal Commissions and prison regulations.

**The Hon. Frank Blevins:** Speak about the regulations.

**The PRESIDENT:** Order! The Hon. Mr. Blevins will have his chance to speak if he wishes. If he wants to raise a point of order, he can do so.

**The Hon. K. T. GRIFFIN:** Let me point out to the Council that the normal practice when regulations are made is for them to be promulgated in Executive Council on a Thursday, gazetted, and then either on the following Tuesday or Wednesday to be tabled in both Houses of Parliament. There is nothing imperative for them to be tabled in Parliament on the Tuesday. There are many instances where regulations have been tabled on a Wednesday. Once they have been tabled, they are subject to a resolution for disallowance. I point out to honourable members that the Subordinate Legislation Act requires that the regulations be tabled in the Parliament if it is sitting within 14 days of the regulations having been promulgated. So, the regulations were tabled in the ordinary course of events and tabled in accordance with law. The normal practice when considering regulations that have been tabled is for them to be considered by the Subordinate Legislation Committee and for that committee to hear evidence on whether or not the regulations should be disallowed, and then for the committee to make a report to the Parliament.

When the Subordinate Legislation Committee has made a recommendation to the Parliament, this is the time to debate whether or not the regulations should be disallowed. The course of action which the Leader of the Opposition is now following is one which is most unusual in considering regulations. It is unusual for the reason that he wants to make a political point, or at least try to make one. The fact is that, notwithstanding his eagerness to pursue the matter, I am ready to debate it. I still believe that further consideration, when I have completed my comments, should be adjourned until the normal practices of the Subordinate Legislation Committee review process have been followed. Regulations 67 and 70 were the subject of the new regulations promulgated last Thursday. There were, it is correct, variations acquiesced in by previous Governments, prisoners and prison officers, at least for the last 10 years, and no complaints have been made before the last couple of weeks about doubling up, or any other practice.

There has been no complaint made about conditions at the prisons until the Australian Government Workers Association and the Public Service Association decided that they wanted to make some political noise about it. As early as 1977 the question of longer time being spent by prisoners out of their cells was raised by the previous Government. I have said, in recent times, that the previous Government did not act on it because the Australian Government Workers Association passed a resolution which was that the Australian Government Workers Association was willing to negotiate night activity and/or hours out of cells as and when they received a 37½-hour week and six weeks annual leave. The Australian Government Workers Association was holding the then Government to ransom and the then Government was not prepared to grasp the nettle and take any action. So, variations in regulations 67 and 70 were acquiesced in by the previous Government for at least the last 10 years and, although it endeavoured to do something in 1977, it was thwarted by the Australian Government Workers Association. What the Chief Secretary did just over a week ago was, at the request of the Superintendents of the prisons, to make a direction under regulation 7 which would formalise the variations to regulations 67 and 70 which had been acquiesced in by all parties at least over the last 10 years. There is nothing wrong or sinister in that. It is a formalisation of variations which have been in effect and in practice for at least the last 10 years.

**The Hon. C. J. Sumner:** Why did you do it now?

**The Hon. K. T. GRIFFIN:** We are doing it now because the Australian Government Workers Association, the Public Service Association and others appearing before the Prisons Royal Commission were seeking to make a mischief and were not directing their attention to the real questions before the Royal Commission. They were allegations about the way in which the prisons were being operated.

They were seeking to create a diversionary tactic. The Government was not prepared to be diverted by that but wanted to stick with the real issue, and that was the allegations made by the Opposition and Mr. Duncan in particular about activities in prisons. When it became obvious that this diversionary tactic was being continued by others for their own public and political purposes, the Government took the view that regulations 67 and 70 ought to be amended to do nothing more than formalise what had previously been the practice for many years.

Again, there is nothing sinister in that. It was a formalisation of what has occurred over many years. It was obvious that there were people who were prepared to continue their diversionary tactics, who were prepared to waste the time of the courts, and who were prepared to waste public money on legal fees and other costs in pursuing a red herring. The Government was not prepared to be diverted by that tactic. I believe that the regulation ought to stand, as it was a good regulation that was made. It formalised practice which has occurred over many years. The normal practices of the Subordinate Legislation Committee review process ought to be followed, rather than moving to this unusual course of proceeding to vote today on the question of disallowance of this regulation.

**The Hon. M. B. CAMERON:** I move:

That the debate be now adjourned.

The Council divided on the Hon. M. B. Cameron's motion:

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

Noes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Majority of 1 for the Noes.

The Hon. M. B. Cameron's motion thus negatived.

**The Hon. R. C. DeGARIS:** I do not want to say much, except that, as the Attorney-General has said, when a regulation is tabled, the Subordinate Legislation Committee can report on that, but there is a right for the Council to disallow a regulation before the committee looks at it, and that has been done.

**The Hon. C. J. Sumner:** In fairly special circumstances.

**The Hon. R. C. DeGARIS:** Yes, but not always has the Council observed the procedure of allowing the committee to look at a regulation and report to the Council before a motion of disallowance has been moved. That has happened in the past and, if the Council desired that that course be undertaken, it could be.

**The PRESIDENT:** I do not know whether the Hon. Mr. Dawkins wants to say something now, but I will suspend, if that is what he wants.

**The Hon. R. C. DeGARIS:** It is the right of the Council to express its wish about what should happen to regulations but it is also the right of the Government to make a regulation again, after it has been defeated. I stress that to members who have voted to reach a conclusion tonight.

**The Hon. L. H. Davis:** That was done several times previously, too.

**The Hon. R. C. DeGARIS:** Yes. If this regulation is voted on and defeated today, there is nothing to prevent the Government from remaking it tomorrow. That has been done previously when a regulation has been defeated. I agree with the Hon. Mr. Sumner that this regulation is in a special category of repealing a regulation already made, but I stress that it is the right of the Government to remake it.

**The Hon. C. J. SUMNER:** The Opposition would not normally have taken this action of wanting a continuation of the debate and a vote on the motion today but, as I pointed out in moving the motion, this is an exceptional circumstance. The regulation was made specifically for the purpose of avoiding a court decision about actions of the Chief Secretary (Mr. Rodda). Normally the rules relating to adjournments and general co-operation in the Council apply, and we have applied them this afternoon in relation to the stamp duties legislation, for instance, which was a complicated measure.

We co-operate with the Government in the running of the Council, but in exceptional circumstances this action is necessary, and this is an exceptional circumstance. The regulation was promulgated to avoid the action of the Chief Secretary coming under scrutiny. We were deprived of a chance to debate the matter yesterday and, therefore, we have voted for a continuation of the debate.

**The Hon. R. C. DeGaris:** I think that is unfair, when the Government has 14 days to table the regulation.

**The Hon. C. J. SUMNER:** Yes, but surely it behoves the Government to table a regulation at the earliest opportunity. Knowing that Parliament is about to adjourn, we have been deprived of the opportunity to debate this matter. If the Attorney's motion had been carried, we could not have discussed it. The regulation could have been tabled so that we could debate it in private members' time.

The Attorney-General said that this matter should be referred to the Subordinate Legislation Committee. I believe the Hon. Mr. DeGaris answered that point quite adequately when he said that there is no need for these matters to go to that committee. Certainly, the Council is adopting an unusual course, because most regulations are referred to the Subordinate Legislation Committee before the Council makes it determination, and most regulations should follow that procedure. This is a very exceptional case because of the action that was taken at the height of the controversy about the Prisons Royal Commission and about the Chief Secretary cancelling regulations to thwart actions by the unions concerned to get a widening of the terms of reference. I concede that it is unusual not to refer these regulations to the Subordinate Legislation Committee, and I consider that in this case it is perfectly justified to proceed with the debate today. I ask the Council to agree to my motion.

Although the Government can regazette these regulations tomorrow, it should not do that until such time as the actions of the Chief Secretary have been adjudicated upon by the court. If the Council votes for the disallowance of these regulations it will be telling the Executive that it was wrong to pre-empt a decision of a Supreme Court judge in relation to actions taken by the Chief Secretary. In those circumstances I think that it would be quite wrong for the Government to regazette these regulations until such time as the matter has been—

**The Hon. J. C. Burdett:** Your Government did it several times.

**The Hon. C. J. SUMNER:** Maybe we did, but I am not arguing with that. I am saying that in these circumstances, given the nature of this matter and the fact that a court case has been commenced and that the matter was about to be decided upon by a Supreme Court judge, that judicial proceeding should be permitted to continue, just as the questioning of the Chief Secretary should have been allowed to continue in the Estimates Committee. Perhaps the Government does not have any confidence in the Chief Secretary, because for some reason it seems to protect him from any judicial or Parliamentary scrutiny. I ask honourable members to support my motion, and I hope that the Government will then allow the normal judicial process to take its course.

The Council divided on the Hon. C. J. Sumner's motion:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

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

Majority of 1 for the Ayes.

The Hon. C. J. Sumner's motion thus carried.

**The Hon. K. T. Griffin (Attorney-General):** 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.

## EXECUTOR COMPANY'S ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

## ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday 10 February 1981 at 2.15 p.m.

As this is the last sitting day for 1980 it is appropriate to extend to honourable members, officers and the staff of Parliament House the best of good wishes for Christmas and the new year. On behalf of the Government, and I think all members of the Council who would want to be associated with those best wishes, I wish to thank those officers, the staff, *Hansard,* Parliamentary Counsel, the catering staff, and the press all of whom make up the team that makes the South Australian Parliament run so effectively. Many people who work behind the scenes are often not recognised for the contribution they make to the smooth running of Parliament. It is often only at Christmas time that we make some mention of their work. We all appreciate the work performed by those people. The contributions they make would certainly be recognised much more readily if they suddenly decided to leave Parliament House, because we would be lost without them.

I want to express our best wishes to all the people concerned, I want also to record our appreciation of their efforts. This last part of the session has been particularly heavy going for all of us, with early morning sittings which tax the energy and the goodwill of not only members but also the staff and others who work in Parliament House.

We have been fortunate that, although there have been altercations across the Chamber, which partly have been the result of those long hours of sitting and partly for other reasons, outside the Chamber we still speak to each other in cordial terms and enjoy good relationships. That is an important feature of South Australia's Parliament. Although in the public political arena, in the Chamber and in the media, we will criticise the policies of both Government and Opposition, depending upon the stand we take, very rarely, fortunately, do we lower ourselves to go for the person, and I think that is an important thing that needs to be recognised, particularly if we are all to keep our sanity.

I appreciate the support that has been given to me by members of my own Party in this Chamber and in Parliament, and particularly the support that has been given to me and to the Parliament by all those officers, members of staff and others, including the media, who make Parliament an effective working unit.

**The Hon. C. J. SUMNER (Leader of the Opposition):** I would like very much to endorse the Attorney-General's remarks in thanking those people who he said help to make the Parliament work so effectively. I am sure that the public feels that, if Parliament does not work effectively on occasions, the blame for that can be fairly and squarley placed with politicians rather than the staff who work in and around Parliament House, because they do a splendid job. I certainly wish to endorse the remarks of the Attorney and wish these people an enjoyable adjournment, a merry Christmas and a happy new year. It was nice to go out on the final day's Parliamentary sitting with a bit of a bang, or on a winning note, because these days winning is somewhat unpredictable.

I expressed on the last occasion some concern about the fact that on the last day of sitting we seemed to be missing out on the traditional press party, and I had put that down to the austerity of the new Liberal Government and the fact that people were too gloomy to even have a party. I do not know whether there has been a party on today but, if there has been one, I certainly have not been able to discover it. Perhaps if the Government could organise its programme, so that we knew on which day we were finishing the party could in some way or another be revived.

I also endorse the remarks of the Attorney in relation to the general conduct of the Council. The Opposition has on most occasions co-operated fully with the Government in facilitating the business of the Council and, while we may be critical of each other's policies in the Council, certainly I think all of us are probably on reasonably good speaking terms, for most of the time at least.

**The Hon. D. H. Laidlaw:** I'm not speaking to Cameron.

**The Hon. C. J. SUMNER:** The Hon. Mr. Laidlaw is not talking to the Hon. Mr. Cameron, but that is a problem for the Liberal Party and is something it will have to take up in the Party room. Like the Attorney, I would like to thank members on this side of the Council for the support that they have given me over the past 12 months, and I certainly look forward to their continuing support next Sunday. I would like to wish everyone in this Chamber and, indeed, everyone in Parliament House a merry Christmas and a happy adjournment and new year, and I trust that everyone will return completely revived in February.

**The Hon. K. L. MILNE:** I endorse what both speakers have said in thanking the officers, members of staff, the *Hansard* staff, the press and all those who have made our lives here possible. When members are under pressure those people are also under pressure, and I feel for them deeply when we are going on into the late hours of the night or the early hours of the morning. They have been marvellous and have been particularly kind to me, giving me much help and advice, as have my colleagues in this Chamber. I extend to you all a happy Christmas and all the best for the new year.

**The PRESIDENT:** I would also like to express my appreciation for the co-operation of members and staff generally. I believe that the Council has fulfilled its role extremely well. The contribution made by everyone has, in my opinion, been excellent. We did finish up with some sort of a boundary rider's flourish today. Nevertheless, the time has come when all tempers are cooled and when it is appropriate to show our appreciation for the excellent service that is provided for us by the table staff, by the messengers, by our caterers, and by *Hansard*, whose members seem to be able to interpret (and I say that literally) what a member intends to say regardless of whatever noise is going on in the Chamber at the time. The catering staff seem to always show that amount of patience and willingness to oblige. Our messengers never lets us down, and I believe our table staff have served every member with great ability.

I would like to mention that Jan Davis was not only able to show such excellence as an officer at the table but was able to pass two university subjects, the results of which she received today, one in Political Development and the other in History, gaining a credit and a distinction, respectively. We have indeed a very smart lass assisting our Clerk. I thank you once again for the amount of co-operation I have received and wish everyone of you and your families a happy Christmas and success in the new year.

Motion carried.

At 6.40 p.m. the Council adjourned until Tuesday 10 February 1981 at 2.15 p.m.