LEGISLATIVE COUNCIL

Thursday 12 February 1981

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

PETITIONS: RADIOACTIVE MATERIALS

Petitions signed by 159 and 121 residents of South Australia respectively, praying that the Council would use all necessary powers, including the Health Act and its regulations, to bring about the cessation of operations at Australian Mineral Development Laboratories, Thebarton, including cleaning up the site and local adjoining areas and removal of all radioactive materials, and to provide for the necessary health examination and the recording of health data of present, past and future residents in the local area in order to establish compensatable claims now and in the future, were presented by the Hons. J. R. Cornwall and Anne Levy.

Petitions received and read.

MINISTERIAL STATEMENT: HORWOOD BAGSHAW LIMITED

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

Leave granted.

The Hon. K. T. GRIFFIN: Members will be aware that on 3 February this year shares in Horwood Bagshaw Limited were temporarily suspended from trading on the Adelaide Stock Exchange and that the temporary suspension was lifted two days later on 5 February.

One of the reasons behind that action by the Stock Exchange was that doubts had been raised regarding the company's liability for non-payment of pay-roll tax in respect of its Mannum operations since July 1976. The amount of tax unpaid between July 1976 and December 1979 is $396 172·85.

The background to this matter is that in April 1980 the State Taxation Office became aware that Horwood Bagshaw Limited had not been paying pay-roll tax on its Mannum establishment since July 1976. Upon investigation, the company claimed that it had been granted an exemption from pay-roll tax on its Mannum pay-roll by the previous Government.

The Premier promptly asked Treasury to search all available files for evidence of an undertaking for exemption given by the previous Government. No evidence could be found to indicate that the matter had been approved or even considered by Cabinet, for under the criteria then applying to pay-roll tax exemptions it would have been necessary to secure Cabinet endorsement of a special arrangement for Horwood Bagshaw Limited. The Premier then wrote to the former Premier, Mr. D. A. Dunstan, who was the Minister at the time in charge of industrial development. He has stated in his reply that he has no recollection of an undertaking being given.

However, Mr. Bakewell, who at the relevant time was the head of the Premier's Department, has advised that he recalls that a discussion took place during 1976 between the late Mr. D. R. Hill, the then Chief Executive of Horwood Bagshaw Limited, and Mr. Dunstan. Mr. Bakewell did not stay for the discussion but believes he remembers Mr. Dunstan saying that he would submit the matter of pay-roll tax exemption for Cabinet consideration.

Having regard to the uncertainty of any formal exemption arrangement, Horwood Bagshaw Limited recently referred the matter officially to the Ombudsman. Since the Ombudsman was head of the Premier's Department at the time the alleged commitments were given by the previous Government, he chose not to conduct the investigation personally lest any conflict should arise or his impartiality should be impugned. The inquiry and subsequent recommendations were undertaken by the Ombudsman's Senior Investigating Officer, Mr. G. Edwards.

The Ombudsman's report discloses, first, that no legally binding agreement was ever entered into by the previous Government with Horwood Bagshaw Limited. It is also reported, however, that Mr. Dunstan concedes that it may have been possible, from discussions he had with Mr. Hill, for the company's Chief Executive to believe that a moral undertaking for remission of tax had been given by the former Premier. Certainly, on the documentation presented by the company, there is no doubt that Mr. Hill was under this impression, although no letter of confirmation was subsequently sent by either Horwood Bagshaw Limited or the Government.

Additionally, the then Director-General of Trade and Development is of the impression that some form of moral undertaking or obligation was given to Mr. Hill between the months of June and October 1976, and the then board members and Secretary of Horwood Bagshaw Limited have each deposed that Mr. Hill reported to the board the former Premier's approval to a pay-roll tax exemption application for the Mannum plant.

It has also been suggested that the matter of pay-roll tax remission was mentioned by a senior Government officer at a public meeting at Mannum in October 1977. In all the circumstances the Senior Investigating Officer of the Ombudsman's Office has reported that, although there is no legally-binding obligation on the present Government to honour any legal undertaking by the former Government, a moral undertaking was given by the previous Government and acted upon in good faith by Horwood Bagshaw Limited.

I am sure that all members will appreciate the difficulty facing the present Government in resolving this awkward matter justly and equitably. It is a difficulty that stems from the unsatisfactory way in which the previous Government conducted and recorded, or failed to record, its business transactions. For that reason alone, the Government must now rely entirely upon the memories of various participants and others who received information second-hand in an attempt to reconstruct the situation correctly and accurately.

In the light of the Ombudsman's report, Cabinet has today decided to accept that an undertaking was given by the previous Government to exempt Horwood Bagshaw Limited from pay-roll tax on its Mannum operation for the period July 1976 to December 1980. Cabinet has further decided that that undertaking, although of a moral nature, must be honoured by the present Government, and that, therefore, the company's technical liability of almost $400 000 will be waived.

Finally, I wish to make perfectly plain to the public that the Government considers its decision regarding Horwood Bagshaw as exceptional. Owing to the thoroughness with which this claim has been investigated, and the special circumstances of the case, it is not to be construed by other companies as a precedent for obtaining concessions on the basis of an understanding, as distinct from firm evidence, of any agreement with the former Government.

QUESTIONS

WOOD CHIPS

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

Leave granted.

The Hon. B. A. CHATTERTON: Yesterday I quoted to the Council the concern expressed by the Premier about the implications he saw in the alleged sale by Mr. Dalmia of wood chips purchased under an agreement with Punwood purportedly being planned to a third party, possibly in Japan. The Premier called such an intention "two timing", a breach of international law, a breach of Indian law, and a breach of an international situation.

On 18 February, the Acting Director of Forests (Mr. Norm Lewis) advised the Minister of Forests in a minute that he was in receipt of revised forward pulpwood requirements from APCEL, that he had had further inquiries from Japanese buyers of softwood chip, and that revised forecasts of local use possibilities be pursued.

On 20 February, Mr. Lewis advised the Minister that only 250 000 cubic metres of roundwood was available for chip or pulp purposes. At that time, the South Australian Government was under a contractual obligation to supply Punalur Paper Mills with 330 000 cubic metres of green roundwood per year under the terms of a contract signed by the Minister of Forests on 20 December 1979. We are left to wonder whether the Minister informed Mr. Dalmia that his officers had revised the requirements of private companies and that only 250 000 cubic metres would now be available.

Does the Premier consider this acceptance of a revision of requirements of private companies while the Government was under contract to Punalur "two timing", a breach of Australian law, or a breach of an international situation? On 5 March 1980 the Minister of Forests must have found some more green roundwood, because on that day he signed a new agreement with Punalur to supply 330 000 cubic metres of green roundwood per year, this time for a pulp mill.

On 17 June 1980 the Director of Woods and Forests (Mr. Peter South) advised the Minister that "local industry commitments, present and future" were an important factor in there being an "inadequate supply of roundwood for the viable operation of a TMP plant". Mr. South was advising the Minister that an answer to a Parliamentary question giving the figure of 330 000 cubic metres had been incorrect and that a lower figure was more accurate.

The Premier has gone on record casting suspicion and innuendo about the possibility that the Indian company was "two timing" the South Australian Government. Is he equally concerned by the evidence provided by Woods and Forests Department files that the South Australian Government was "two timing" the Indian company by promising a resource it had already committed to other customers?

The Hon. K. T. GRIFFIN: Is the honourable member suggesting that during the course of the negotiations with Mr. Dalmia the Government's continuing review of the resource available ought to stand still until Mr. Dalmia had complied with all of the terms of the agreement he had negotiated with the previous Government? The fact is that the Government has a continiung obligation to review its assessment of resources available from time to time, and to suggest that the Government should not do that is irresponsible. There is no indication that that sort of activity, which is the normal practice of Government departments, particularly those that have a resource available, is anything other than normal practice. It certainly cannot be construed as two-timing.

The honourable member is prepared to quote figures like 330 000 cubic metres per annum and 250 000 cubic metres per annum. However, the 330 000 cubic metres per annum was available for 10 years. That was the duration of the contract with Mr. Dalmia, and that was the quantity of the resource available for commitment. The other figure of 250 000 cubic metres talked about periodically was an assessment of the available resource over 15 years. I believe the honourable member would do well to recognise that the assessment of the available resource can be either for a short period at much larger quantities or for a longer period with smaller quantities. In this case, as I have already said, and as the Premier and the Minister of Forests have already said, the Government have an obligation to ensure that the terms of the agreement were carried out. The terms of that agreement were freely negotiated by Mr. Dalmia, and he could not deliver the goods.

OVERLAND

The Hon. M. B. DAWKINS: Has the Attorney-General, representing the Minister of Transport, an answer to a question I asked last year about the possible improvement in the standard and running times of the Overland express (so-called) train service between Adelaide and Melbourne?

The Hon. K. T. GRIFFIN: My colleague has informed me that, in regard to the performance of the Overland between Adelaide and Melbourne, the Victorian Railways have advised him as follows:

> Very little can be done (which has not already been done) to improve running times within Victoria, much of the delays within this State [Victoria] being due to the number of large express goods trains which operate on the mainline and the lack of adequate crossing loops on the single line sections to accommodate them.

My colleague also advises:

> The situation at present is that little can be done to improve running times in Victoria but in the longer term, as the programme of upgrading between Melbourne and Serviceton progresses, it is anticipated service times will be maintained on a more regular basis. On 1 March 1980 schedules were amended to more realistic times for arrival at 0935 hours in Adelaide (previously 0850 hours) and 0930 hours in Melbourne (previously 0900 hours).
>
> In relation to the working through State borders of locomotives, this matter was recently discussed at the Railways of Australia Commissioners' Conference in Perth, and negotiations by correspondence are still continuing. However, it is not expected this working will extend to passenger operations between Adelaide and Melbourne, due to A.N. locomotives not being compatible with Victorian operational conditions. The cost benefit factors associated with alteration to locomotives to allow working in Victoria do not warrant action by the A.N.R. Commission.

HORSNELL GULLY FIRE

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation prior to directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, about the Horsnell Gully bushfire.

Leave granted.

The Hon. J. R. CORNWALL: On 13 April last year a burn-back operation was started during a fire in the

Horsnell Gully area. The fire was started at the instigation of the Minister of Agriculture (Mr. Chapman) and the Director of Country Fire Service (Lloyd Johns). The advice and instructions of the Fire and Emergency Operations Officer of the National Parks and Wildlife Service, Mr. John Fitzgerald, were overruled by the Minister and the Director, who were present at the scene of the fire, even though under the Countries Fires Act Mr. Fitzgerald was technically in charge of the fire.

Members interjecting:

The Hon. J. R. CORNWALL: Indeed, it is a further chapter in this disgraceful matter. As a result of the back-burn, the Horsnell Gully conservation park was completely burnt out. At the time, Mr. Fitzgerald was quite rightly very upset about it, so upset, in fact, that he let his feelings be known to quite a number of people. He had convincing evidence that the tactics that he had already begun to use would have controlled the fire without risk to persons or property and would have left the conservation park intact. The story was related to me shortly after the fire from several reliable sources. I was also provided with copies of reports on the fire written by Fitzgerald and the Acting Director of the National Parks and Wildlife Division (Dr. Brian Morley), which further substantiated the story.

I subsequently raised the matter as one of public interest the following week, that is, the week after the fire. The Minister was extremely angry and embarrassed when the story emerged. Fitzgerald was threatened with dismissal under the Public Service Act. Subsequently, I wrote to the Coroner requesting an inquest, in the naive belief that it would provide Fitzgerald with immunity to tell the real version of what had happened on that day. In the meantime, I was informed from a source in the Country Fire Service that John Fitzgerald had been bought off. The price was to be a position as a Regional Superintendent with the Country Fire Service. I was told that more than six months ago.

The Hon. L. H. Davis: Purely a fairy tale.

The Hon. J. R. CORNWALL: We will see. Fairy tales usually have a happy ending. Before and during the inquest there was collusion between Lloyd Johns and Fitzgerald to give an amended version of the events of 13 April.

The Hon. M. B. Cameron: That's disgraceful.

The Hon. J. R. CORNWALL: I have said that in this place before and I stand by it.

Members interjecting:

The PRESIDENT: Order! The Hon. Dr. Cornwall.

The Hon. J. R. CORNWALL: Because of the nature of coronial inquiries, no counsel was present to cross-examine witnesses.

The Hon. L. H. Davis: They are entitled to be.

The Hon. J. R. CORNWALL: I know now that they are entitled to be.

The PRESIDENT: I would suggest that the honourable member is somewhat long in his explanation.

The Hon. J. R. CORNWALL: Yes, Mr. President, but it is an extremely important matter. I have almost finished and I ask the Council to bear with me. The real story of 13 April, the Minister's involvement on that day, and his subsequent disgraceful involvement in the cover-up operation—

The Hon. K. T. GRIFFIN: I take a point of order. The honourable member is not allowed to cast reflections of that nature on a member of this Parliament.

The PRESIDENT: I ask the Hon. Dr. Cornwall to withdraw the remark.

The Hon. J. R. CORNWALL: The remark concerning his disgraceful involvement in the cover-up?

The PRESIDENT: Yes.

The Hon. J. R. CORNWALL: I withdraw and apologise. On 9 February 1981, three days ago, Mr. Fitzgerald commenced duties as a Regional Superintendent with the Country Fire Service. The pay-off has been made. Will the Minister say what was Mr. Fitzgerald's salary as Fire and Emergency Operations Officer in the National Parks and Wildlife Division; what is Mr. Fitzgerald's salary as a Regional Superintendent with the Country Fire Service; on whose recommendations was his appointment as a Regional Superintendent of the Country Fire Service made; and was the Minister of Agriculture consulted at any time or did any discussion take place between the Minister and Mr. Lloyd Johns concerning Mr. Fitzgerald's appointment?

The Hon. J. C. BURDETT: I will refer this matter yet again to my colleague in another place and bring back yet another reply.

WOOD CHIPS

The Hon. FRANK BLEVINS: I believe that the Attorney-General has a reply to a question I asked some time last year about wood chips.

The Hon. K. T. GRIFFIN: On 4 December the Hon. Mr. Blevins asked a question of me, representing the Premier, which concerned discussions Mr. Tiddy had in Japan with the Sumitomo Corporation in relation to their interests in chemicals, minerals, manufacturing and agriculture. Anticipating that Sumitomo would seek to know details of the pulpwood project, Mr. Tiddy was explicitly instructed prior to the visit not to enter into any negotiations on the matter. To date Sumitomo has not put in a proposal. The company has expressed continued interest in the resources, but under F.I.R.B. guidelines it could only expect to hold a minority interest in an Australian-based proposal.

COMMISSIONER FOR EQUAL OPPORTUNITY

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Minister of Community Welfare a question about the Office of the Commissioner for Equal Opportunity.

Leave granted.

The Hon. ANNE LEVY: On 30 September last year the Commissioner for Equal Opportunity presented her report to the Minister of Consumer Affairs, which I understand has not yet been printed, or is not yet available to members of Parliament other than in photostat form. In her report she makes very clear that lack of staff is preventing her office from carrying out its proper functions. The Act under which the Commissioner was established gave her four functions, namely, to investigate and conciliate complaints; to promote equality of opportunity; to research related areas; and to review the Statutes of the State with a view to discovering any cases of discrimination which should be removed by legislative amendment. The Commissioner states several times in her report that the staff level is insufficient for those four functions to be carried out. On page 3 of the report she states:

> . . . the lack of staff in the South Australian office has effectively meant that the Sex Discrimination Act is not being administered in the manner which was intended. An adequate number of staff in the Office of the Commissioner would mean that the four functions of the Act were being

carried out and these would generate the levels of activities required, for a range of influences to be identified, which interstate experience suggests would affect the number of complaints received. At this present time, with a staff allocation of three, the only function which is being carried out fully is the investigation and conciliation of complaints.

The Minister has been in possession of this report for nearly five months, and I am sure that in that time he must have given consideration to supplying the extra staff required for the office to carry out its duties. Has consideration been given to increasing the staff so that the office can properly carry out its functions (and by that I mean a permanent allocation of staff, not a temporary three-month appointment to catch up with the backlog of complaints alone)? Has any decision been made to adequately staff the office so that it can carry out its functions as intended by all parties when the Act was passed?

The Hon. J. C. BURDETT: The report will be printed as soon as possible. Of course, the Act has been in force for some time, and the level of staffing at present is precisely the same as it was under the previous Government, so there has been no change because of the change in Government—with two important exceptions, namely, that this Government has given the Commissioner access to the Policy Research Division of the department, and that did not apply previously. That has been a most important addition to the effective ability of the Commissioner to research and carry out her tasks. Also, this Government has allocated a substantial sum for contract research, so no suggestion can be made that there is any different approach by this Government as compared with the previous Government, except that the present Government has extended the facilities available to the Commissioner.

The Hon. ANNE LEVY: I desire to ask a supplementary question. I do not think the Minister has answered my question whether he will increase the staff as requested by the Commissioner for Equal Opportunity in her report 4½ months ago.

The Hon. J. C. BURDETT: I have stated that effective additional facilities have been made available to the Commissioner.

PETROL PRICING

The Hon. G. L. BRUCE: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about petrol pricing.

Leave granted.

The Hon. G. L. BRUCE: The other day I asked a supplementary question about petrol pricing and asked how many self-service stations were operating in South Australia. It has come to my attention that there are 103 self-service outlets in the metropolitan area, made up as follows: 21 Shell; 25 Mobil; 21 B.P.; 12 Caltex; 11 Ampol; seven Amoco; four Esso; and two Golden Fleece. In the *Advertiser* of Friday 6 February it was stated:

> The Minister of Consumer Affairs, Mr. Burdett, said the Government action had given great assistance to small businessmen who had faced going out of existence because of unfair selective discounting by oil companies. "I am sure they (South Australian motorists) would agree that the jobs of many service station attendants and others are worth the price of a few cents a litre more on their petrol bill," Mr. Burdett said.

I agree completely with the sentiments of the Minister but, in view of the number of self-service stations and the huge sums of money involved, could the Minister explain how the few cents a litre will save the jobs of service station attendants when such a large number of self-service outlets exist in the metropolitan area? Could the Minister inform this Council how many staff are involved in dispensing petrol in the metropolitan area through self-service outlets and how many are employed in dispensing petrol through serviced outlets?

The Hon. J. C. BURDETT: Obviously, it would take considerable research to find out the number of staff involved in serviced and self-service outlets. I am not even sure that such information would be readily available to my department, but I will check to see whether it is, and if so I will provide that information for the honourable member. I adhere very strongly to my previous statement that, if the Government had not acted in the way that it did, many petrol outlets would have gone to the wall because of cut-throat selective discounting and price support by oil companies.

Members interjecting:

The Hon. J. C. BURDETT: I am talking about the number of resellers who have been saved from bankruptcy and, of course, the jobs of their employees have been preserved. As I said before, the profit margin for resellers in November was too low to be viable; it was 1·87c a litre. During a period of prices orders, it went up to around 4·2c a litre, and it is now about 3·5c a litre or double what it was before. Therefore, the Government's action has given viability to the many full service outlets, because self-service outlets, after all, are in the minority. As I said before, I will obtain a reply to the honourable member's previous question. That reply is in the process of being prepared, but the answer is exactly as I have already stated: the viability of resellers has been retained. Of course, not all self-service outlets are company operated; some are, and some are not.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. The Minister's reply suggests that those self-service stations are going to compete for the public's business. I suggest that the 103 self-service outlets have already done the damage to petrol retailing in the metropolitan area, and that it is these outlets that have put people out of work. Those self-service outlets are still in existence but the price has not come down. One could get served and pay the same price for a litre of petrol or one could go to a self-service outlet and still pay the same petrol price. People were initially told that the advent of self-service outlets would result in cheaper petrol. People were told to serve themselves and save money. Is the Minister now suggesting that self-service outlets will convert to service outlets?

The Hon. J. C. BURDETT: No, I do not think I said anything that could have led to that conclusion. Self-service sites grew up during the time of the previous Government, which did not act to prevent them. Indeed, it is hard to see how any Government could properly act to prevent such sites. Generally speaking, self-service sites have charged less. This is not always the case, but it is up to the motorist to judge whether he wants self-service petrol with fewer services or whether he will go to a full service station. However, to try to blame this Government for the rise of self-service outlets is ridiculous. Almost all of them arose during the time of the former Government.

The Hon. N. K. FOSTER: I desire to ask a supplementary question of the Minister because, during his reply, the Minister said that the policy of the Government was designed to ensure that resellers did not go to the wall or become bankrupt because of what the Government did. What did the Minister expect, if he had correctly apportioned the profit of the oil companies back to petrol resellers, or did he not do this because he was

concerned that Shell, Esso, B.P., Caltex, Golden Fleece and other big oil companies were likely to go bankrupt if they had been forced to pay the resellers an additional 2.7c a litre, which was their proper share?

The Hon. J. C. BURDETT: I was not afraid that the oil companies were going to go bankrupt.

The Hon. Anne Levy: You gave them $91 000 000.

The Hon. J. C. BURDETT: There is a bit of a record going on opposite. I was concerned to see that resellers did not lose their viability.

WOOD CHIPS

The Hon. B. A. CHATTERTON: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about Punalur Paper Mills.

Leave granted.

The Hon. B. A. CHATTERTON: An account of income and expenditure of the joint South Australian Government/Punalur Papers Mills dated 6 June 1980 shows that Mr. Dalmia contributed $191 479·45 to that company prior to the 5 March agreement and that expenditure debited to that account by S.A.T.C.O. and Punwood reduced that to $1 479. The account contains information to the effect that Mr. Dalmia agreed to the validity of $132 975·91 only. There was some dispute over the other charges. On 27 August, following the receipt by Mr. Dalmia of a letter dated 18 August 1980 from the Minister of Forests cancelling the 5 March contract, Mr. Dalmia made a public statement to the effect that he had no grievance against the Minister. The Leader of the Opposition in the other House said that he has witnesses who can attest to the effect that Mr. Dalmia was stood over by the Minister to make that statement.

I can attest to the fact that Mr. Dalmia was upset on the morning of 27 August because he feared that he would not recover from the South Australian Government over $200 000 that he claimed was owing him from the 5 March agreement and subsequent expenses. I have a letter from Mr. Dalmia dated 10 October 1980 which reads in part:

> I was not prepared to support whatever you said on radio and which was correct. That way I would have lost very much and my stay would have been prolonged. If you kindly remember that morning I talked to you and expressed my apprehensions.

I understand that the Minister of Forests has in his possession a receipt dated 28 August 1980 which validates Mr. Dalmia's claim that he had over $200 000 awaiting recovery from the South Australian Government on 27 August 1980, and that he would have lost much if he had not agreed to make the public statement requested by the Minister. Will the Minister produce that receipt dated 28 August 1980 together with an explanation of the moneys that were owing?

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

ETHNIC AFFAIRS COMMISSION

The Hon. J. E. DUNFORD: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about the new Ethnic Affairs Commission.

Leave granted.

The Hon. J. E. DUNFORD: On Monday 9 February the Minister Assisting the Premier in Ethnic Affairs (Hon. C. M. Hill) was referred to in an *Advertiser* press report, as follows:

> The Minister Assisting the Premier in Ethnic Affairs, Mr. Hill, said last night that neither his office nor the Ethnic Affairs Branch had received any complaints from South Australia's ethnic communities.

However, that report is boldly headed "State ethnic branch 'total failure' ". The report refers to Mr. G. Geracitano, who claims that the State Government Ethnic Affairs Branch was a total failure. The report indicates that Mr. Geracitano is the retiring President of the Co-ordinating Italian Committee. He said the "State Government was 'slightly floundering' on ethnic affairs in general". The report states:

> He said most politically active members of the Italian community were unhappy with the Government's approach. "They are critical of the lack of progress in education and welfare services and of the lack of consultation generally," Mr. Geracitano said.

The Minister says that he has received no complaints whatever that he or his department can recall, yet in this report Mr. Geracitano claims that there is no consultation. Obviously there is a complete breakdown by the Government in this area. Yesterday a man told me that he was watching an "It's our State, Mate" advertisement, but that this has been a mess of a State since the Liberals came into office. No wonder! Parliament is sitting for only 35 days a year and, had it sat earlier, we could have voiced concern on behalf of the electorate about the dreadful deal petrol stations received as a result of the activities of the Hon. Mr. Burdett.

Similarly, the ethnic people have been left out in the cold. I hope politically active ethnic people will exercise their right in a couple of years to put this Government where it ought to be. I am concerned about this matter and, on behalf of such people, I ask the Minister the following questions: first, can the Premier inform Parliament when the proposed Ethnic Affairs Commission will be formed and, secondly, what new initiatives does the Government intend to ensure that the same criticism that I have just referred to is not levelled at the new commission as has been made in regard to the existing structure?

The Hon. K. T. GRIFFIN: I will refer the honourable member's question to my colleague and bring down a reply.

CIGARETTE LEVY

The Hon. BARBARA WIESE: I seek leave to make a brief statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about a proposed levy on cigarettes.

Leave granted.

The Hon. BARBARA WIESE: In this morning's *Advertiser* an article on page 11 states that the Australian Council on Smoking and Health plans to ask Federal and State Governments to impose a 2c a packet levy on cigarettes to finance a $25 000 000 anti-smoking campaign. This campaign would be aimed mainly at women and teenagers, two groups in the community amongst whom smoking has risen considerably during the past few years. What is the Minister's attitude to this proposed action and will she propose to the Government that it should comply with the council's request when it is made?

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

AGENT ORANGE

The Hon. N. K. FOSTER: I seek leave to make a brief statement before directing to the Attorney-General, in the absence of the Minister of Local Government, a question relating to Agent Orange.

Leave granted.

The Hon. N. K. FOSTER: Yesterday, I asked the Minister of Local Government, representing this State's Minister of Repatriation (Hon. P. B. Arnold), a question regarding Agent Orange. I suggested therein that the State Government should enact legislation to ensure that any person or the family of any person who has served in Vietnam had an automatic right, first, to treatment and, secondly, if it was possible, to compensation for injuries and diseases sustained as a result of serving in areas of Vietnam where Agent Orange was used, so that such persons did not have to rely on the outcome of a court case in a foreign country. In this respect, I refer to the case between the Vietnam Veterans Association in America and large chemical companies in that country that produced this diabolical chemical, thereby allowing Generals to use it during the course of that unfortunate conflict.

I said yesterday that I had had contact with a person who has since died as a result of Agent Orange. I understand that little or no compensation has been awarded to that man's widow or family. The Minister of Local Government said yesterday that what happened in this State would depend largely on the Federal Government, and that is why I am now raising the matter again. I say bluntly, and almost with an air of arrogance, that this State has a right to protect its citizens.

The Hon. M. B. Cameron: That's not difficult for you.

The Hon. N. K. FOSTER: I thank the honourable member. Is it any wonder that people get arrogant with persons such as the honourable member, who are responsible for the unfortunate situation in which these people find themselves today? I thank the Hon. Mr. Cameron for his interjection.

I also referred yesterday to tuberculosis, which was a matter of some medical controversy within the Repatriation Department for many years. This matter had to be put before a medical tribubal before it was recognised as attracting repatriation compensation rights. The R.S.L. and other organisations had to undergo many years of struggle before tuberculosis was accepted automatically as involving compensation or repatriation benefits.

I consider that the same thing should apply in respect of those people in relation to whom a single medical doctor, not a tribunal or board, considers there is a suspicion of the disease having been contracted as a result of service in Vietnam. This State should have on its Statute Book legislation giving these people that right and protection.

Will the Attorney-General take up this matter with the Federal Minister (Senator Messner), who is the most junior Minister in the Federal Cabinet? I am sure that the Attorney will find Senator Messner a more reasonable man with whom to deal than former repatriation Ministers in recent Governments.

Also, will the Attorney demand that the Premier introduce legislation containing provisions urgently requesting the Federal Government to pass complementary legislation? Finally, is it not unconstitutional in Australian law to expect a precedent to be set in a foreign court before any of our citizens have the right to appear before a court in this country?

The Hon. K. T. GRIFFIN: That is not correct. If persons who allege injury believe that they have a cause of action, they are entitled to take action in the jurisdiction in which the action occurred. However, if those persons choose to go to court in a foreign jurisdiction, that is their choice.

The fact is that this is a matter essentially for the Commonwealth Government, and, although I am not obliged to do so, I shall be pleased to refer the matter to the Federal Minister for Veterans Affairs, just as the Minister of Local Government indicated yesterday that he would do. Undoubtedly, the Federal Minister will give the matter his attention.

The Hon. N. K. FOSTER: Can the Attorney-General say whether the Vietnam Veterans Association has enjoined itself in the court action in America on the advice of the former Minister for Veterans Affairs or on the advice of departmental officers? Also, can the Attorney tell the Council whether, if the action in relation to Agent Orange taken by the Veterans Association in the United States is successful, a class action will be possible in Australian Federal or State courts?

The Hon. K T. GRIFFIN: So much of that question is speculative that I do not think I can answer it at this stage. Regarding the Vietnam Veterans Association joining in the United States litigation, I am not aware of the details.

The Hon. N. K. FOSTER: As the Minister used the word "speculative", may I ask him to speculate and say whether class actions can be taken by South Australian citizens before our South Australian courts in an endeavour to achieve their rights following the decision in the American court case?

The Hon. K. T. GRIFFIN: It is common knowledge that, just because one person might proceed in a foreign jurisdiction, it does not necessarily mean that that course of action is available in a local jurisdiction or, indeed, that any action that is taken will be successful. One must remember that the United States system is quite different from ours.

The Hon. N. K. Foster: Where's my question gone?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The laws of the United Sates are different from those that apply in each of the States and Territories of Australia. Also, no court in Australia is bound by the decision of a United States court. Regarding class actions, they are not available in any of the jurisdictions of Australia, although representative actions in various forms may be taken by groups of persons who allege that they have a common cause of action. A representative action is allowed under our Supreme Court rules and, as far as I am aware, it is allowed by the Supreme Court rules of every other State.

ADELAIDE FESTIVAL CENTRE TRUST

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, in the absence of the Minister of Arts, a question regarding the Adelaide Festival Centre Trust inquiry.

Leave granted.

The Hon. ANNE LEVY: Two days ago, the Minister of Arts tabled in this Council a report on the Adelaide Festival Centre Trust inquiry and made a Ministerial statement on that report. No honourable member has seen a copy of that report, other than the Minister and perhaps his Cabinet colleagues. Of course, I cannot speak for them.

I understand that the Government Printer advises that it will be at least another 10 days before he is able to print copies of that report, which will then be available for members of Parliament to read. However, copies of the report have obviously been provided to the press and to various other interested people, as comments from those

people have been appearing in the press. I have no quarrel whatsoever with copies of such an important report being given to the press to enable interested people to read it and make comments. I am sure that I was not the only person who read Shirley Despoja's long article on the report in this morning's paper. However, it seems to me presumptuous on the part of the Minister to assume that no member of Parliament is equally interested or would not wish to read the report at the same time as the press has it available. We also may wish to make comments on it at the earliest possible opportunity, which obviously is not available to us as a procedure until we have read the report, if we are to make any intelligent comments.

I have not read the report, so I cannot comment on what is in it. But, as a result of reading the comments made by Shirley Despoja this morning, I imagine that copies of the report would have been of great interest to all members of Parliament if, as mentioned by Shirley Despoja, one of its recommendations is that free parking for members of Parliament in the Festival Centre car park be abolished. Even members of Parliament who have no interest whatsoever in the arts, or in what happens in the Festival Centre, will be interested in that recommendation. In the light of this, I would like to ask the Minister representing the Minister of Arts whether, when reports as important as this are tabled in Parliament, copies could be made available at the time of their tabling for interested members of Parliament (if necessary, in photostat form) so that we can also participate in reading and commenting on such an important report.

The Hon. K. T. GRIFFIN: With respect to the report on the Festival Centre, I will take that matter up with the Minister of Local Government's office immediately. So far as the broader question is concerned, I will have a look at the matter and see whether something can be done to assist.

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST BILL

Adjourned debate on second reading.
(Continued from 11 February. Page 2720.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill. It is necessary, as was explained in the Attorney's second reading explanation, to put in some kind of order some of the charitable activities of the Roman Catholic Archdiocese of Adelaide. Some problems have arisen in certain areas of the charitable activities of the Archdiocese. In his explanation the Attorney gave a couple of good examples of the problems that have arisen. For example, the St. Vincent de Paul orphanage, which was conducted by the Sisters of Mercy at Goodwood, and the St. Joseph's orphanage, which was conducted by the Sisters of St. Joseph at Largs Bay, have ceased to exist. The orphans are being cared for by the Sisters in situations which approximate more closely to those in normal family homes. I think we would all agree that that is the appropriate way to deal with that particular problem.

There are various documents in existence (wills, etc.), which have given property specifically to, for example, the Goodwood Orphanage. As that orphanage no longer exists, it would be a great pity if such a gift was unable to be used by the Archdiocese in that particular area. The Opposition agrees completely with the necessity for this Bill. Whether there should be a necessity in 1981 for charities at all is something I certainly question. In fact, I say quite unequivocally that in 1981 in a society such as ours, one as wealthy as ours, there should be no necessity whatever to have charities.

However, charities are quite clearly necessary because of the system under which we live; people who cannot be exploited to the degree the system requires will be cast out in one way or another and someone (certainly not this particular Government, or the Federal Government) will have to pick up the pieces. I congratulate the charities, including the Catholic Church, which go to much trouble to pick up the pieces and attempt to mend some of the broken lives created by the system. I think that not only will charities continue to exist under this system, but it is likely that their activities will increase, because we heard it announced today that this State has the highest unemployment rate in the Commonwealth (8·8 per cent). One can see that there will be a lot of people who will not be able to cope or lead a normal life without some assistance. They will not get much assistance from the various Governments. This matter has been to a Select Committee, which brought down a unanimous recommendation that the Bill proceed without any alteration. The Opposition is happy to accede to the request of that Select Committee.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PUBLIC FINANCE ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 11 February. Page 2723.)

The Hon. ANNE LEVY: This Bill cannot be classed in the category of rats and mice legislation, which epithet the press has given to much of the legislation to be put before us in the next few weeks. It is a major Bill concerning public finance in this State and deserves very careful consideration. The Opposition supports the measure after having given it the careful consideration which is its due. As stated in the Minister's second reading explanation, the main proposition is to create a consolidated account for State finances, as opposed to the current situation of separate Loan and Revenue Accounts.

The Bill also amends the procedures for presentation of warrants and replaces provisions relating to deposit and suspense accounts so that the authorisation and use of those accounts will become clearer. It also implements a number of procedures which were suggested by the Auditor-General in 1978 and which were put into train by the previous Government. Another important matter is that it changes the provisions which relate to the Treasurer's Advance Account where, if honourable members have checked, the current situation is that up to 1 per cent of State revenue can be used or appropriated by the Government without the necessary appropriation from Parliament in any one year, subject to certain conditions. The Bill before us changes this to a maximum of 3 per cent and removes the constrictions which had applied previously to this expenditure of money without authorisation of Parliament. However, at the same time, the 3 per cent will cover both Loan and Revenue Accounts, unlike the current situation of only Revenue Accounts being limited to this 1 per cent by legislation, and there is no statutory limitation on Loan Account funds which can be expended prior to their authorisation by Parliament.

On the question of swings and roundabouts, while the total amount which can be so appropriated has been increased considerably, the restriction being placed on Loan Account means that the total sums which can be appropriated without Parliamentary authorisation would

probably not be extended very much beyond what they have been in the past. All moneys must be approved by Parliament at a later date. I do not think that this change in any way diminishes the rights of Parliament in connection with the control of moneys of the State. It seems to the Opposition that this is a very reasonable provision. I support the second reading.

The Hon. R. C. DeGARIS: The Bill before us makes a number of amendments to the Public Finance Act. Some of the amendments are related to new procedures adopted by Parliament for the presentation of the Appropriation and Public Purposes Loan Bills. The new procedures require amendments to the Public Finance Act. In passing, I must say that I have had a quick look in the Parliamentary Library to ascertain what happens in the other States. However, I found that there was no Public Finance Act in the other States. That may not be quite right, but, for the States I looked at, there was no Public Finance Act so called. If the information does not come to me, maybe the Attorney-General could supply it and state what the position is in the other States as to appropriation accounts.

I do not wish to comment on all the amendments except to make some comments in relation to those made by the Hon. Anne Levy when referring to the 3 per cent limit as opposed to the 1 per cent limit at the present time. In the Government's view, because of the amalgamation of the two accounts, there is a need to change the percentage of money in the Governor's Appropriation Fund. There are ways in which expenditure may be authorised which is not specifically appropriated earlier.

Under the Revenue Account there is a Governor's Appropriation Fund for expenditure not exceeding 1 per cent of the amounts appropriated by Parliament. I understand that one-third of that may be expended for purposes not previously authorised. On the Loan Account there are no such limits, provided that an Act of Parliament exists for the authorisation of a particular public work. Therefore, in combining the presentation of the two accounts there is a need to review the amount of money that can be used through the Governor's Appropriation Fund. The Government in this Bill is seeking to increase that 1 per cent limit existing for the Revenue Account to 3 per cent, but it is offering the 3 per cent restriction on Loan funds as well.

There will be a limit of 3 per cent on all moneys in the combined account. I must admit that I am not entirely happy with the figure of 3 per cent, and have expressed this opinion previously in this Council. It is an extremely large increase when one considers that, in a combined Budget exceeding $1 000 000 000, the Governor's Appropriation Fund able to be commanded by the Government will amount to from $30 000 000 to $50 000 000, which is a large sum indeed. As the Hon. Miss Levy has said, the expenditure must finally be approved by Parliament in some other way, but there have been, to this stage, no real problems that I know of arising from the 1 per cent restriction, although I will touch on another matter soon involving that question.

Until 1970, the Governor's Appropriation Fund was restricted to a stated lump sum of the Appropriation Account, and that is a procedure that I have always approved of. In 1949, the figure was $800 000, which on a percentage basis was 1¾ per cent of the Appropriation Account at that time. The $800 000 limit remained until 1964, when an amending Bill lifted the figure to $1 200 000. By 1964, the percentage figure had fallen to ½ per cent.

In 1970 another amendment changed the lump sum to a percentage of the Loan Account, and it was decided that that figure should be 1 per cent. As I have pointed out, the lift to 3 per cent is a significant lift in the percentage available to the Government in this matter, although, almost as a *quid pro quo*, the Government is offering a retriction on Loan Fund as well. Because of the changed procedure, there is a need for some change in this matter, although I reiterate that I would prefer, as in 1970, to see the figure a lump sum figure that could be brought back to Parliament for change at various times.

I believe that there is a need to place a limit on the excess expenditure on Loan Account, although I do not think it is as important to impose that restriction as it is to place the restriction on Loan Account, because, if one looks at the matter, one will see that extra expenditure on Loan Account must come from Revenue Account in any case. Really, the increase we must look at is the increase from 1 per cent to 3 per cent on the Revenue Account. In 1949, as I have pointed out, on a percentage basis it was 1¾ per cent and it fell to ½ per cent in 1964.

With those remarks, I support the Bill. I think that in Queensland at present the Governor's Appropriation Fund runs at 3 per cent of the Appropriation Account. I am not sure whether my memory is correct but I would like, if it is possible, to have the figures placed before the Council regarding the percentage of the Governor's Appropriation Fund that the other States use.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the attention that members have given to this important piece of legislation. As the Hon. Miss Levy has indicated, it is not a rats and mice measure. It is a significant change in the accounting procedures of the State Government. The Bill ought not to be regarded as a mere piece of tidying-up legislation: it is significant.

The Hon. Mr. DeGaris has raised a number of questions about the 3 per cent limit, and I undertake to have available for the Committee stage some further information on those matters to answer his questions. I think it fair to say, as he has pointed out, that there is at present no limit on the expenditure from the Loan Fund, and the Government is seeking to bring that within a limited percentage consistent with that on the Appropriation Account. That seems to be reasonable, because expenditure out of Loan Fund is just as important for the purposes of Parliamentary scrutiny as is other expenditure.

I am informed that larger fluctuations occur in relation to capital expenditure from Loan Fund than occur in expenditure from the Appropriation Fund, and that, to a certain extent, accounts for the increase in the percentage limit from 1 per cent to 3 per cent. As I have indicated, I undertake to obtain detailed information so that members will have the answers during the Committee stage.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

AUDIT ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 2724.)

The Hon. ANNE LEVY: I support the second reading. It is largely consequential upon the Public Finance Act Amendment Bill, which we have just considered. The Bill also removes a number of archaic provisions that have been in the Audit Act for many years and are no longer

required in modern circumstances, with modern methods of running departments and modern accounting methods, such as using computers as opposed to the old cash book, which dates from the nineteenth century. I think that all those provisions could be summed up in those two categories that I have mentioned.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

PUBLIC SUPPLY AND TENDER ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 February. Page 2724.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill, which simply clarifies a legal position reported by the Crown Solicitor. It appears that an interpretation of the Act could apply to the operation of the Public Supply and Tender Board in relation to all statutory authorities. For example, the Housing Trust would have all kinds of problems complying if that interpretation was correct, and we must assume that it is. It is quite unnecessary that it should have that difficulty. The Opposition supports this Bill, which makes that alteration saving statutory authorities from getting into unnecessary difficulty when calling for tenders.

I believe this whole area is being investigated by a committee, and the Minister advised the Council of that in his second reading explanation. The Opposition looks forward to hearing the deliberations of that committee, because we understand that the Minister in charge will then consider the recommendations and we may see some more substantive changes to the Act, certainly to the method in which statutory authorities and the Government call for tenders. The Bill tidies things up; the Opposition agrees that that is necessary, and we see no point in delaying the matter any further.

Bill read a second time and taken through Committee without amendment. Committee's report adopted.

POLICE REGULATION ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

It proposes various amendments to the principal Act, the Police Regulation Act, 1952-1978, that are of a disparate nature. The amendments proposed result from a review of the operation of the principal Act. Although the principal Act has been amended from time to time, the review referred to is the first comprehensive review of the principal Act undertaken by the Police Force since the Act was enacted in 1952. This review has also led to the preparation of a new set of police regulations which deal in detail with administrative procedures within the Police Department, including a revised promotional structure. A number of the amendments proposed are designed to reflect and authorise procedures proposed in those new regulations.

The Bill proposes amendments to the principal Act designed to more clearly distinguish between commissioned officers and other members of the Police Force. New provisions giving statutory recognition to the processes of appointment and regulation of police cadets are included in the Bill. Provision is made for the Senior Assistant Commissioner of Police to act as Deputy Commissioner during any absence of the Deputy Commissioner. The provision would also cater for situations where the Commissioner and the Deputy Commissioner of Police are both absent.

The Bill proposes a new provision dealing with probationary service on first appointment to the Police Force. The new provision is designed to enable probationary service to be terminated before the end of the probationary period. This is not possible under the present provision but is clearly desirable since it sometimes becomes apparent at an early stage that a probationer is not suitable for permanent appointment.

The principal Act does not at present make any provision for termination of the services of a member of the Police Force on the grounds of physical or mental incapacity to perform his duties. The power is, however, impliedly conferred under the provisions of the Police Pensions Act. This is clearly unsatisfactory and, accordingly, the Bill proposes the insertion of a new provision expressly providing for this matter and at the same time extends the right of appeal on termination to any termination on these grounds.

The Bill proposes a new provision designed to make it clear that a member of the Police Force ceases to have the powers of a member of the Police Force or a constable on termination or suspension of his services as a member of the Police Force. The Bill proposes amendments to the regulation-making power to authorise regulations enlarging the Commissioner's disciplinary powers to include suspension without pay and a formal reprimand and to authorise regulations dealing with police cadets.

The Bill proposes various amendments designed to rationalise and extend rights of appeal by members of the Police Force against decisions affecting their employment. The right of appeal to the Police Appeal Board is, under these provisions, extended to all the various forms of discipline that may be imposed by the Commissioner and to termination for physical or mental incapacity. The Police Appeal Board, under the present provisions, is empowered only to recommend to the Chief Secretary a course of action with respect to a matter subject to appeal. The Commissioner is at the same time authorised to append to the recommendation any observations he may wish to make on the Appeal Board's recommendation. The Chief Secretary then, under the present scheme, determines the appeal. This scheme is now thought to be inappropriate since it means that the decisions of the Appeal Board which result from proper judicial hearings may be overridden by administrative decision. Accordingly, the Bill proposes that the decision of the Chief Secretary, after receiving the recommendation of the Appeal Board, should not be less favourable to the appellant than that recommended by the Appeal Board. The Bill, at the same time, proposes the repeal of section 54 of the principal Act which appears to be designed to preserve the prerogative of the Crown to dismiss at pleasure. This provision, if it does have that effect at law, is clearly inconsistent with any scheme providing for a right of appeal against dismissal. Finally, the Bill revises penalties for offences against the Act and removes certain obsolete provisions. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 provides for definitions of the

terms "commissioned officer", "member of the Police Force", "Police Force" and "police cadet".

Clause 4 provides for the insertion of a new section 9c providing that the Senior Assistant Commissioner of Police shall have all the powers and duties of the Deputy Commissioner during any period during which the Deputy Commissioner is absent from duty or during which there is any vacancy in the office of Deputy Commissioner. These powers would include the power of the Deputy Commissioner to act in the place of the Commissioner pursuant to section 9 of the principal Act. Clause 5 provides for the insertion of a new section 11a providing for the appointment of police cadets.

Clause 6 provides for the substitution of a new section 13 dealing with probationary service. Under the proposed new section 13, any first appointment to the Police Force is to be probationary for a period, not exceeding two years, determined by the Commissioner. The period of probation may be extended by the Commissioner, subject to the maximum period of two years. The Commissioner is empowered to confirm or terminate the appointment at any time during the period of probation. An appointment is deemed to be confirmed at the end of the probationary period if not previously confirmed or terminated. Any period during which a probationer is absent without pay is to be ignored in determining the period of probation, unless the Commissioner determines otherwise.

Clause 7 amends section 15 of the principal Act which provides that it shall be an offence to make a false statement in any application for admission to the Police Force. The clause amends this section by extending the application of the provisions to applications for appointment as a police cadet and by increasing the penalty from $200 to $400. Clause 8 amends section 19 of the principal Act which provides that it shall be an offence for a member of the Police Force to resign or relinquish his duties except with the Commissioner's authorisation or by giving one month's notice. The clause amends this provision by extending its application to police cadets, by reducing the period of notice to 14 days and by increasing, the penalty from $100 to $200.

Clause 9 provides for the insertion of new sections 19a and 19b. New section 19a provides for termination, after due inquiry, of the services of a member of the Police Force on the grounds of physical or mental incapacity to perform the duties of the office. New section 19b provides that a member of the Police Force shall cease to have the powers of a member of the Police Force or a constable if he ceases to be a member of the Police Force or during any period during which he is suspended from duty. Clause 10 amends section 20 of the principal Act which provides that it shall be an offence for a member of the Police Force to fail to deliver up all property of the Crown upon termination of his employment. The clause amends the section by extending its application to police cadets. Clause 11 amends section 22 of the principal Act which provides that the Governor may make regulations with respect to certain matters. The clause amends the section by removing the power to make regulations with respect to the division of the Police Force and the creation of police districts, matters which are to be left to the Commissioner's administrative powers. Provision is made for regulations empowering the Commissioner to suspend a member pending determination of any charge against him and to punish by dismissal, suspension without pay, reduction in rank or seniority, temporary reduction in pay, or reprimand any member guilty of an offence against the principal Act or any other Act or any breach of the regulations under the principal Act. The clause also empowers regulations dealing with police cadets.

Clause 12 amends section 23 of the principal Act which empowers the Commissioner to issue administrative orders. The clause extends the application of these orders to matters relating to police cadets. Clause 13 amends section 26 which provides for the payment of allowances to members of the Police Force. The clause amends this section by extending its application to police cadets. Clause 14 amends section 27 of the principal Act which provides that it shall be an offence to impersonate a member of any Police Force or to have any official property of a member of any Police Force without lawful excuse. The clause amends this section so that it applies in relation to police cadets and by increasing the penalties.

Clause 15 provides for the repeal of section 28 of the principal Act which provides that it shall be an offence to encourage a member of the Police Force to remain in any premises while he should be on duty. This offence is now considered to be antiquated. Clause 16 amends section 29 of the principal Act which provides that it is an offence for a member of the Police Force to take bribes. The clause amends this section so that it also applies in relation to police cadets. Clause 17 substitutes a new section 44 providing for rights of appeal to the Police Appeal Board. The new section provides for a right of appeal with respect to promotions, termination of a probationer's services, termination for physical or mental incapacity and any form of punishment inflicted by the Commissioner. Clause 18 amends section 47 of the principal Act and is consequential to amendments made by clause 17.

Clause 19 amends section 48 of the principal Act so that the Chief Secretary, when acting upon a recommendation made by the Police Appeal Board on any matter upon which it has heard an appeal, may not make any decision less favourable to the appellant than that recommended by the Police Appeal Board. Clause 20 provides for the repeal of sections 53 and 54 of the principal Act. Section 53 which provides for special procedural requirements with respect to any action against any member of the Police Force is inconsistent with current legal policies as reflected in the Crown Proceedings Act. Section 54, which preserves any power of the Crown to dispense with the services of a member of the Police Force, is inconsistent with the provisions of the principal Act providing a right of appeal against dismissal.

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

STATUTES AMENDMENT (WATER AND SEWERAGE RATING) BILL

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

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

That this Bill be now read a second time.

The Waterworks and Sewerage Acts contain provisions exempting from water and sewerage rates lands used exclusively for charitable purposes, for the purposes of public worship or for various other stipulated purposes. In addition, there are various other special Acts (for example, the Country Fires Act) which specifically exempt certain lands from water and sewerage rates. The Engineering and Water Supply Department has always acted on the basis that the exemption from rates does not prevent the levying of charges, at concessional rates, for water actually supplied or for sewerage services actually provided. In some cases a minimum charge has been imposed. Recently, a number of organisations that enjoy

the benefit of the exemption from rating have questioned the validity of certain of these charges, among them, a Country Fire Service organisation.

As the matter is not entirely free from doubt (a minimum charge, for example, might arguably be said to be a rate), the Government has decided to introduce amendments to establish a clear statutory basis for making charges of the kind that have traditionally been made in relation to the supply of water and sewerage services to land exempt from rating.

It is emphasised that this legislation is aimed at land exempt from rating, and in no way impacts on the right of Country Fire Service organisations to continue to obtain water for fire fighting purposes free of charge, apart from a nominal rental for fire hydrants.

The Bill also amends the West Beach Recreation Reserve Act. That Act exempts the West Beach Trust from rates and charges under the Waterworks and Sewerage Acts. While the Government believes that the exemption for rates should stand, it can see no justification from exempting the trust from charges. The amendment therefore modifies the exemption by removing reference to charges. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amendments shall come into operation on 1 July 1980, that is to say, the commencement of the 1980-81 rating year. Clause 3 amends the Waterworks Act. It provides that, notwithstanding an exemption from rating, the Minister may recover charges from the owner or occupier of exempt land for supplying water or providing other related services to the land. The charges must not exceed the rates and charges that would be payable if the land was not exempt, and methods for determining the charges are provided.

Clause 4 makes corresponding amendments to the Sewerage Act. Section 13 (1) (vi) is made redundant by the amendments and is struck out. Clause 5 modifies the exemption presently enjoyed by the West Beach Trust by removing the reference to "charges".

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

ADJOURNMENT

At 4.5 p.m. the Council adjourned until Tuesday 17 February at 2.15 p.m.