LEGISLATIVE COUNCIL

Wednesday 10 June 1981

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

SELECT COMMITTEE ON UNSWORN STATEMENT AND RELATED MATTERS

The Hon. C. J. SUMNER (Leader of the Opposition): I seek leave to present an interim report of the Select Committee on Unsworn Statement and Related Matters, together with relevant minutes of proceedings and evidence.

Leave granted.

Members interjecting:

The PRESIDENT: Order! Does the Leader wish to do anything further?

The Hon. C. J. SUMNER: I certainly do, if members opposite will stop interjecting.

The PRESIDENT: Well, proceed.

The Hon. C. J. SUMNER brought up the interim report of the Select Committee, together with minutes of proceedings and evidence.

Ordered that report be printed.

QUESTIONS

ETHNIC AFFAIRS COMMISSION

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Minister Assisting the Premier in Ethnic Affairs about the appointment of the Chairman of the Ethnic Affairs Commission.

Leave granted.

The Hon. C. J. SUMNER: I have had some concern expressed to me about the appointment of a Mr Krumins to the chairmanship of the Ethnic Affairs Commission. It is true that it took the Government almost six months to get around to making this appointment after the legislation had been carried in this Parliament. The matters I have heard relative to this appointment, I believe, ought to be clarified for the benefit of the Parliament and the public, and I would like to give the Minister the opportunity to do that. The first rumour I have heard is that Mr Krumins is, in fact, a relative of the Hon. Mr Hill.

The Hon. Frank Blevins: Is that right?

The Hon. C. J. SUMNER: Yes. I said it was a rumour and I think that the Hon. Mr Hill, if it is not true, should be given the opportunity to state his position.

The Hon. C. M. Hill: You've been infected with the Cornwall disease.

The Hon. C. J. SUMNER: Not at all. The allegation was that Mr Krumins was related to the Hon. Mr Hill by marriage. The second allegation which I have heard and which I would also like the Hon. Mr Hill to clarify for the benefit of the Council is that he is a member of the Liberal Party.

The Hon. C. M. Hill: Mr Krumins?

The Hon. C. J. SUMNER: Yes. The third allegation—and this is, I think, by far the most serious and does require the attention of the Council—is that Mr Krumins was not the recommendation of the Public Service selection panel who were appointed to carry out the interviews and recommend an appointment to the Government: in fact, the Minister disputed and over-rode the committee's recommendations by insisting upon the appointment of Mr Krumins. Is there any truth in any of those accusations that have been conveyed to me?

The Hon. C. M. HILL: I could just say 'No' and sit down but I am sure that that would not satisfy the Hon. Mr Sumner, so I will have to say 'No' three times instead of once. The question merely shows that the Opposition cannot find anything wrong with the Government at all, and so the Leader resorts to chasing up rumour and spending the Question Time of the Council in substantiating his questions purely upon rumour. Mr Krumins, who has been appointed by the Government as Chairman of the Ethnic Affairs Commission, is not related to me in any way whatsoever. In regard to the second question as to whether Mr Krumins is a member of the Liberal Party, I certainly do not know (and most certainly I did not ask him during the interview) whether he is involved in political activity of any kind. As I have said time and again in this Council, the present Government, contrary to the approach of the former Government, appoints people to boards upon their ability to act in the capacity for which they are sought, and we do not take into account the fact of any political affiliations. It is true that in some appointments naturally some members might belong to one Party or another.

The Hon. Frank Blevins: Never the other.

The Hon. C. M. HILL: That is not a consideration that this Government takes into account, and that is why this Government is being acclaimed for its very wise choice of personnel to the boards and trusts that we have had to accommodate since coming to Government. I strongly suspect that the gentleman involved would not be a member of any political Party, because, from my observation, a great number of people who came out to Australia as immigrants under the displaced persons schemes of the late 1940s and early 1950s simply do not, because of their tragic experiences prior to their arrival here, join political Parties at all. I have never seen Mr Krumins at any of the meetings of my Party, and I have no knowledge at all as to whether or not he is a member, but I strongly suspect that he is not a member of the Liberal Party.

The third point dealt with the information the Leader claims he has that a recommendation of the selection panel was not accepted by me in regard to the choice of the person whose name was put forward as Chairman of the Ethnic Affairs Commission. As I recall the situation, I do not think the interviewing panel came down strongly in recommendation of any one particular person in the group interviewed. Certainly, Mr Krumins was in that group of people who were interviewed, and the information on Mr Krumins that was supplied to me by the panel was most favourable of him.

The Hon. C. J. Sumner: He was not recommended?

The Hon. C. M. HILL: I am trying to make the point that, as I recall, no one person was recommended. A general report was made to me about a number of people interviewed, and Mr Krumins was one of that group. Certainly, I did not pass over any particular person in that group who was strongly recommended and who it was suggested ought to be the person that the Government should consider.

WHYALLA DOCTORS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question regarding Whyalla doctors.

Leave granted.

The Hon. J. R. CORNWALL: I have before me what must surely be the quote of the month. It is as follows:

> It is essential that taxpayers' money is not subjected to any form of abuse.

The person who said that was the Minister of Health, Mrs Adamson. It was reported in very bold type on the front page of the 8 November 1979 issue of the *Advertiser*. Incredible as it must now seem, Mrs Adamson was referring to payment of medical specialists at the Whyalla Hospital.

The item on which Mrs Adamson was commenting said that 15 medical specialists in Whyalla were being paid $50 000 to $90 000 a year each above their private practice incomes to attend public patients at the Whyalla Hospital. Mrs Adamson said in response that she intended to act immediately on the Whyalla Hospital. The only action that we know of to date is the writing off of a debt of $193 000 owed to the South Australian Health Commission by Dr Mestrov.

What an enormous credibility gap this woman is developing. She will no doubt say in response to this, 'It was all the State Labor Government's fault, anyway, and you can quote me on that.' That is as untrue in this case as it has been in all the other cases. First, I remind the Council that the Minister has been driving the train now for almost two years, and that we have been riding in the guard's van.

Secondly, the problem arose in the first place because of alterations made to the original Medibank scheme by the Fraser Government in 1976 and 1978. Under the original Medibank scheme, it was always intended that the visiting specialists be paid on a sessional basis. In other States where this system replaced the honorary system, doctors were only too happy to accept it. However, this was not so in South Australia. Some of the more unscrupulous doctors saw it as an opportunity to exploit the fee-for-service system.

The previous Government was very keen to see this system of sessional payments instituted. Indeed, the Health Commission tried to institute payment on a sessional basis as long ago as 1977. However, when that proposition was put to the specialists in Whyalla, they threatened to strike and boycott the hospital. They were prepared to withdraw their services, especially to public patients. That was industrial blackmail. No blue collar union would have dared to threaten such irresponsible action.

The Hon. L. H. Davis: Oh!

The Hon. J. R. CORNWALL: Indeed, if they had, the Minister and her colleagues, like the lightweight sitting opposite, would have castigated them in the most vehement language. However, the Minister, having been in the job for almost two years, is, unfortunately and sadly, a total captive of the more reactionary and irresponsible minority in the medical profession.

The PRESIDENT: Order! I must draw the honourable member's attention to the fact that he is beginning to debate rather than explain his question. I therefore ask the honourable member to return to his question.

The Hon. J. R. CORNWALL: I believe that you, Sir, are correct, so I will come to the point immediately and ask my questions. Has the Minister of Health rectified the situation regarding visiting specialists to the Whyalla Hospital, as she promised to do almost two years ago? What were the amounts paid to each of the specialists in the 1979-1980 financial year and in the first three quarters of the 1980-1981 financial year? Has the Minister instituted a service charge on all of the specialists for the use of the hospital facilities and staff at Whyalla? Finally, has anything, in fact, changed in the past two years and, if not, why not?

The Hon. J. C. BURDETT: I will refer the honourable member's questions to the Minister of Health and bring back a reply.

JOHNSON GROUP OF COMPANIES

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question about the Johnson Group of Companies.

Leave granted.

The Hon. C. J. SUMNER: Last Thursday I asked the Minister a question in which I indicated the concern that had been expressed to me by certain people, particularly subcontractors, who have been adversely affected by the potential collapse of the Johnson Group of Companies. I reminded the Minister that he had replied to me early in May saying that the Corporate Affairs Commission was investigating the collapse of these companies, and I asked him whether he would as soon as possible obtain a report on this matter from the Corporate Affairs Commission. I have not received a reply to that question in the sense of having received any statement or details from the Minister about what is in the report.

I have received further representations, once again particularly from subcontractors, who may not be paid for work that they did for this group of companies. I have also been contacted by officials of the Building Workers Industrial Union. There is considerable concern amongst those people affected by the collapse of the Johnson Group of Companies about where they stand. I believe that the Minister should make a statement about this matter as a matter of urgency. There is a further allegation of considerable seriousness that has been put to me, and it relates to the work that the Johnson Group of Companies was doing at the Port Adelaide Mall. The architects in charge of that job issued a certificate for $83 000, but somehow by mistake the client paid $110 000 to Johnson's. At that time Johnson's two companies had overdrafts of about $140 000 to $160 000, to which were attached directors' guarantees, which included mortgages over the directors' houses.

Apparently, the over-payment that was made by mistake was used by the directors to clear the overdrafts to which the directors' guarantees were attached. That is a very serious allegation and is in addition to the deep concern that is currently being felt about the Government's inaction in this matter. I believe that this further allegation should be investigated as a matter of urgency and that the Minister should make a statement to try to clarify the position for the benefit of the public. Will the Attorney-General ascertain the position in relation to the Corporate Affairs Commission investigation into the Johnson Group of Companies and, as a matter of urgency, make a statement to Parliament or to the public about the position in which people adversely affected by this collapse are likely to find themselves?

The Hon. K. T. GRIFFIN: I will ascertain the current position with the report. Whether or not I am able to make a statement to the Parliament will depend on the progress that is being made on the report. Whether or not I am able to make a statement outside the Parliament within the next few days will again depend upon the progress of the report.

EYRE PENINSULA CULTURAL CENTRE

The Hon. FRANK BLEVINS: I seek leave to make a statement before asking the Minister of Arts a question about the Eyre Peninsula Regional Cultural Centre.

Leave granted.

The Hon. FRANK BLEVINS: I have previously outlined to the Council the problems involved in establishing the Eyre Peninsula Regional Cultural Centre in Whyalla since this Government has been in office. As I have outlined previously, it has become a saga not dissimilar from the building of the Sydney Opera House: the project is taking as long and is possibly costing as much, and we are still not sure that we will ever see it. Certainly, some recent events in regard to this matter have caused great concern about the eventual outcome of the project in Whyalla. The delays since this Government has been in office have appeared to us to be totally unnecessary and, if not deliberately engineered, they do show a great deal of incompetence on the part of the Minister. In sheer desperation the local newspaper, on behalf of the citizens, wrote in its editorial columns an open letter to the Hon. Mr Hill as the Minister of Arts, and—

The Hon. C. M. Hill: Have you the date of that editorial?

The Hon. FRANK BLEVINS: Be patient. The newspaper published its letter in its editorial column, which is the most powerful fighting part of that newspaper. I intend to quote that letter, which was published in the *Whyalla News* on Monday 4 May, as follows:

> Cultural Centre: Tell us more
>
> Dear Mr Hill, we have waited five and a half years and we are still waiting. It was in December 1975 that the then Premier Mr Dunstan unveiled the concept plan for a community cultural centre for Whyalla at the recreation centre which he had come to visit. The plan, prepared in collaboration by a working party and a firm of architiects involved in the design of the Adelaide Festival Centre, was so ambitious that a year and half later Mr Dunstan appointed a six-member trust to manage the affairs and announed the estimates would have to be scaled down. Hassell and Partners had quoted $12 000 000. The revised suggestion was $8 000 000. A year later a trustee thought $6 500 000 would be reasonable. Now, we do not know. The trust wouldn't tell us because the trust doesn't know. The ball is in your court, we are told.
>
> We appeal to you to give it a bit more thought. You, as the Minister of Arts, must approve the capital outlay on the cultural centre, we are told. So be it. While we await your nod, would you explain why the channels of communication between the trust and the residents of this region tend to run dry? It is nearly a year since the trust announced the site of the centre following a household poll. The announcement also said an architects' competition would be called. A year passed. It was only last week that we were told, on our own inquiry, that six South Australian architects have been chosen to enter designs. It was never made known why a national or even international competition was never called (as would have been logical where excellence is the ultimate aim), or why a Whyalla sculptor and designer was turned away, as he claimed, because he did not possess formal qualifications.
>
> Or take the instance of the name change. There had never been any press announcement about the replacement of the word 'Whyalla' by 'Eyre Peninsula' in the title of the trust. The name suddenly cropped up in an announcement by you early this year. Again neither the trust nor the Department of Arts has kept the residents of this region informed about what has been going on regarding discussions with the South Australian Housing Trust for use of its land or what the final design brief contains in terms of facilities. Why this secrecy? Why this reluctance to share information with the people, for whose benefit all this is supposed to be done? A trust appointed to manage the planning and building of a cultural centre has a mandate from the Cabinet. We accept that. But no mandate can include secrecy. We, the people, are not infants who cannot be trusted to comprehend the various aspects of logistics or economics.
>
> Non-communication which results from disdain of the man on the street—

this really sounds like the Hon. Mr Hill—

> can alienate. In this city there is already considerable debate about the extent to which this community of ours deserves cultural facilities or if alternative, smaller-scale facilities could not be put to better use. The longer the silence and the waiting stretches, the more the doubts will raise their heads and the greater the scope of sectarian divisions. We appeal again, Mr Hill, tell us more.

The PRESIDENT: Has the honourable member very much more of that quote?

The Hon. FRANK BLEVINS: There is plenty more of it but I do not intend to quote all of it. It is sufficient to demonstrate the depth of feeling in the city of Whyalla against what the Minister is doing or, to be more accurate, is not doing. I think that also in his role as Minister Assisting the Premier in Ethnic Affairs he should have concern for the spectre that has been raised of sectarian divisions within the community. I suggest strongly that the Minister is falling down in his duty and obviously, with such a powerful statement by the local newspaper, it is not too happy either. That was written to the Hon. Mr Hill well over a month ago. My questions are: has the editorial been brought to the Minister's attention? If so, would he please tell the Whyalla community what is happening regarding the Eyre Peninsula Regional Cultural Centre Trust? Can the Minister allay the justified fears of the Whyalla community that they will never see a cultural centre built in their city while this Government remains in office?

The Hon. C. M. HILL: If there has been any lack of communication by me or by the Department for the Arts with the people or the community generally on Eyre Peninsula I am quite happy to apologise for that, but it certainly has not been intentional that we have omitted to publicise our various plans for cultural facilities to be established in that very important region of the State. The member, in reading from his local newspaper, indicated that the local community had been held somewhat in abeyance for 5½ years on this question. I must point out that four years of that period of 5½ years was a period of Labor Government.

The Hon. Frank Blevins: That's when all the work was done; now you've stopped.

The Hon. C. M. HILL: I ask the member whether he would explain some time what work was done in those four years. Certainly, at each election time during that period the Premier of the day was on the soapbox at Whyalla promising cultural facilities and cultural centres and giving a local trust the right to borrow money hand over fist but, as far as bricks and mortar were concerned, nothing was done at all.

The Hon. Frank Blevins: When are you going to build the thing?

The Hon. C. M. HILL: I will come to that in a moment. What the present Government did when it came to office 18 months ago was, first, determine just who were to gain benefit from any cultural facilities and public moneys spent in that region, and it appeared to the Government that the whole of the Eyre Peninsula region should be

involved in a cultural centre trust's area of responsibility, not just Whyalla city. We have a great deal of respect for Whyalla city and want to help the people there as far as facilities are concerned. It did seem to the Government, however, that far-flung places such as Ceduna, Port Lincoln and other towns elsewhere on the peninsula ought to be helped in regard to this issue, and so we decided to make the trust a trust to cover the whole of Eyre Peninsula. That is why the name was changed, why the membership of the trust was increased from six to eight, and why we have someone from Ceduna, namely, Mr Dobrzynski, the District Clerk of Murat Bay, and a lady member from the Port Lincoln City Council.

The Hon. Frank Blevins: Mrs Kelsey?

The Hon. C. M. HILL: Mrs Kelsey.

The Hon. Frank Blevins: Was she the nominee of the Port Lincoln council?

The Hon. C. M. HILL: I did not ask the Port Lincoln council, as I recall, for a nominee. It was the Government's prerogative to appoint whomsoever it wished. The four local government representatives are already on the trust and they, of course, come from Whyalla, and it was the Government's right to appoint other persons. The Government and I were impressed with the community work done in the Port Lincoln area by Mrs Kelsey, and I hope the member is not casting any reflection on her.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! The Hon. Mr Blevins will have the opportunity to ask a supplementary question if he wishes. In the meantime, I ask him to desist from interrupting the reply.

The Hon. C. M. HILL: Two people were added to the trust so that we were sure that the whole region was ultimately being helped as a result of this cultural trust being established in that part of the State. As I have said, until May, the time when the article appeared, we had had about 18 months in Government, and we turned our attention to the question of cultural centres in country regions.

We saw the very high expenditure in the South-East, where construction of the cultural centre based at Mount Gambier was being completed. We were very delighted with the progress made there, and we acknowledged that it was absorbing a lot of public money. We saw, too, that in the north of this State, the area generally north of the city and encompassing Yorke Peninsula and right up to Port Augusta, the plans for the trust based at Port Pirie were further advanced than those at Whyalla, and in keeping with the same principle that applied on Eyre Peninsula we widened the responsibility of the Port Pirie trust and called it the northern trust. We added members to its board from outside Port Pirie and approved expenditure of $5 500 000 at Port Pirie for construction of that particular centre. That work has now commenced.

During this period of making decisions in regard to these other cultural centres (and I may add that a new trust was established in the Riverland for the first time, because the former Government apparently had failed to consider the people in the Riverland)—

The Hon. C. J. Sumner: That's ridiculous.

The Hon. C. M. HILL: It may be ridiculous but it is a fact.

The Hon. Anne Levy: Why don't you answer the question?

The Hon. C. M. HILL: I am coming to that. If the honourable member asks questions in many parts he will get a detailed answer. We found during the period of 18 months, unfortunately (and probably this was because of lack of planning by the former Government) they did not know where the centre was to be built, and there was a great furore in Whyalla. A referendum was held as to where the site would be. In fairness, it must be said that the planning was in the preliminary stage and, when the council and others involved themselves in the referendum as to where the site would be and when the dust settled, the next stage was approached as to getting down to the business of the actual building.

Then there was a further delay: unbeknown to those who advocated a site out at Westlands, no-one was certain who owned the land, and that caused the trust to start negotiations with the Housing Trust, which was the owner of the land. Even to this time, the Whyalla trust has not obtained title to the land for the site chosen by the people. I went to Whyalla and looked at the alternative sites, and I supported the one that the people had said, through referendum, that they preferred, and so that matter was settled.

This programme has been proceeding. At the moment the situation is that the trust is very anxious to get on with its plans. The Government has not as yet decided on giving final approval to the expenditure. It recognises that the trust has nearly $2 000 000 of borrowed money from Treasury and that is a start towards its general programme. The Government is faced with some financial difficulties occasioned by the proposal at Port Pirie to which I have referred and occasioned by the completion of funding of capital works at Mount Gambier. We have to bear in mind that at some time in the future capital must be expended in the Riverland. So, the whole proposal at Whyalla is at the stage where the Government is still deliberating on the matter and endeavouring to find every possible means to help the people at Whyalla as well as endeavouring to look quite competently at the expected expenditure which might occur in other places in the Eyre Peninsula region such as Port Lincoln and Ceduna. Those considerations are before the Government at the present time. I assure the honourable member and the press, whose leading article was quoted by the honourable member from Whyalla, that the Government is making every possible endeavour to find the necessary funding for the project at Whyalla. It is my hope that in due course the decision at which the Government finally arrives will be acceptable to people in that part of the State.

The Hon. FRANK BLEVINS: Will the Minister admit, on behalf of the Government, that it has no intention whatever of building a cultural centre at Whyalla? Did the Port Lincoln City Council nominate a person to represent the area on the Eyre Peninsula Regional Cultural Centre Trust? Was Mrs Kelsey the nominee for that trust? Was she appointed, and what was wrong with the nominee suggested by the Port Lincoln City Council?

The Hon. C. M. HILL: The answer to the first question is most definitely 'No'.

The Hon. Frank Blevins: You have no intention?

The Hon. C. M. HILL: The way that the honourable member framed his question does not accord with the way he is interjecting, and he should make sure of his words. The Government has not decided to not proceed with the project at Whyalla. The matter is before the Government at the present time.

The Hon. Frank Blevins: You know that it is gone.

The Hon. C. M. HILL: I do not know that at all.

The Hon. Frank Blevins: Be honest.

The Hon. C. M. HILL: I am honest.

The Hon. J. R. Cornwall interjecting:

The Hon. C. M. HILL: I know that that is hard for the Hon. Dr Cornwall to understand because he does not know the meaning of the word.

The Hon. C. J. SUMNER: I rise on a point of order. I

draw your attention, Mr President, to Standing Orders relating to injurious reflections on members, and I ask the Minister to withdraw and apologise.

The PRESIDENT: I thank the Leader for paying so much attention to the proceedings of the Council. I thought that he was busily exercising. The Minister has been asked to withdraw and apologise.

The Hon. C. M. HILL: I based my comment on the Hon. Dr Cornwall's revelations in this Council yesterday about the doctor at Whyalla. I believe that there was a lot of dishonesty in the Hon. Dr Cornwall's submission yesterday.

The PRESIDENT: Order! I am not asking the Minister to debate the matter. He has been asked to withdraw whatever it was that he said that was supposedly upsetting. The honourable Minister.

The Hon. C. M. HILL: I do not intend to withdraw.

The PRESIDENT: My orders are quite explicit. I am sorry, Mr Minister. I have before me the appropriate Standing Order under which the Minister has been charged by the Leader of the Opposition with having used objectionable words which the Minister has been asked to withdraw. If the Minister can explain satisfactorily that these words were not intended to be objectionable, that will be satisfactory; otherwise, there is only one other course open to me.

The Hon. K. T. GRIFFIN: I rise on a point of order. It is for you, Mr President, to rule whether or not in your view the words which the Minister is alleged to have used are objectionable.

The PRESIDENT: I am aware of the position. I am giving the Minister the opportunity to explain the situation.

The Hon. K. T. GRIFFIN: It is a question of whether or not your ruling is that the words were objectionable.

The PRESIDENT: I am asking the Minister to tell me what the words were and whether he intended them to be objectionable.

The Hon. C. M. HILL: By way of explanation, I said that the Hon. Dr Cornwall does not know the meaning of the word 'honesty' and I base that statement upon the shocking revelations from him yesterday in regard to the doctor at Whyalla.

The PRESIDENT: It appears to me that the Council has embarked on a quite crazy campaign of labelling each other. It does not really matter to me very much; members are losing Question Time. I believe that what the Minister has said is a fair explanation.

The Hon. C. M. HILL: In answer to the second question that the Hon. Mr Blevins asked as to whether or not the nominee sought from Port Lincoln was appointed to the trust at Whyalla, I point out that from recollection (I do not have notes with me) the Port Lincoln council was asked by letter to suggest a nominee for the trust at Whyalla. As I recall, the nominee of the council was the clerk of the council. I am simply taking that off the top of my head and that is how I recall—

The Hon. N. K. Foster: You ought to have something else taken off the top of your head.

The PRESIDENT: Order!

The Hon. C. M. HILL: I was confronted with a situation where I had to expand the trust at Whyalla by two persons, one from Ceduna and one from Port Lincoln, and both the suggested nominees of local government in those areas were the clerks of those two councils. I thought in my wisdom that it would not have been wise to put on to the trust two district clerks from that region and I chose one clerk only, who happened to be the clerk from Ceduna. He had not been in Ceduna for a very long time. He was a young man who was making his mark as a district clerk. I thought that it would be prudent to select a member of the council from the City of Port Lincoln, rather than the clerk there. That did not cast any reflection whatever on the clerk from the Corporation of the City of Port Lincoln.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: I know the clerk from the Corporation of the City of Port Lincoln quite well and I am sure that we here would not have taken it as being any reflection upon him. Also, it provided me with the opportunity of appointing another woman to a board. As you, Mr President, know and as the Hon. Miss Levy knows, the Government by example has shown to a far greater extent than did the previous Government that it wants to appoint women to its boards and trusts.

So, impressed as I had been by observing the woman member from the Corporation of the City of Port Lincoln in her municipal work, I thought that it would be appropriate for her to be nominated to the position, and I therefore acted in that way.

The Hon. C. J. SUMNER: I rise on a point of order. Pursuant to Standing Order 205, I take objection to your ruling, Mr President, that the words as stated by the Hon. Mr Hill about the Hon. Dr Cornwall, namely, that the Hon. Dr Cornwall was dishonest, were not an injurious reflection on that honourable member in accordance with Standing Order 193. Accordingly, I take objection to the ruling and, if you, Sir, will give me a chance, I will write it out, as required under Standing Order 205.

The PRESIDENT: If the Leader reads Standing Order 205, he will see that his objection should have been taken immediately.

The Hon. C. J. SUMNER: I realise that. I raised the matter as soon as the honourable member had finished his question.

The Hon. K. T. Griffin: You did not.

The Hon. C. J. SUMNER: I did so as soon as the honourable member had finished. You, Sir, said that you were afraid that, with the way the Council was going, we would not get anywhere.

The Hon. C. M. Hill: You could have got to your feet immediately.

The Hon. C. J. SUMNER: I was trying to calm down the issue. I then raised the point of order immediately the honourable member had finished his question. Accordingly, I believe that that is within the Standing Orders, and I ask you, Sir, to accept the motion. I point out that yesterday, when the Premier was accused of being a hypocrite, you required Opposition members to withdraw that remark. Now, a much more grave allegation has been made, namely, that an honourable member of this Council is dishonest, and you refuse to say that that is an injurious reflection. I take objection to your ruling and ask for your indulgence to enable me to put it in writing.

The PRESIDENT: I said that the Leader should have taken exception immediately.

The Hon. C. J. SUMNER: I disagree with that ruling, as being not in accordance with Standing Order 205. Can I write down my disagreement?

The PRESIDENT: Yes, I have no disagreement whatsoever to that.

The Hon. FRANK BLEVINS: I rise on a further point of order. Would it be in order for the Hon. Mr Hill to stop all the problems that will arise and withdraw the remark which he made and which he and everyone else knows was unparliamentary? Is it too late for the Hon. Mr Hill to do the honourable thing and stop this?

The PRESIDENT: That is a personal statement and has nothing to with the point of order.

The Hon. C. J. SUMNER: I have written down my

motion, which is as follows:

That this Council disagrees with the President's ruling that the objection taken to remarks made by the Hon. Mr Hill was not taken in accordance with Standing Order 205.

The PRESIDENT: Is the motion seconded?

The Hon. FRANK BLEVINS: Yes.

The Hon. C. J. SUMNER: I take it that the debate on the motion will automatically be put off until tomorrow.

The PRESIDENT: The question is that the President's ruling be disagreed to. Standing Orders provide that debate on the question shall be postponed and be the first Order of the Day for the next day of sitting, unless the Council desires it to be proceeded with forthwith. Is it the Council's desire that it be proceeded with forthwith?

The Hon. C. J. SUMNER: No.

The PRESIDENT: Very well. Debate on the motion is adjourned until the first Order of the Day tomorrow.

STATE TEASPOONS

The Hon. ANNE LEVY: Has the Attorney-General a reply to the question I asked on 5 March regarding State teaspoons?

The Hon. K. T. GRIFFIN: Consideration will be given to the provision of brooches depicting the State Emblem for the use of women. A limited supply of teaspoons is currently in stock. The brooches will be in a form similar to the State cufflinks, and an order will be placed when new supplies for cufflinks are considered necessary.

The Hon. ANNE LEVY: I desire to ask a supplementary question. This matter has been kicking around for eight months. Eight months ago the State Government first produced a State tie which was distributed to all male members of Parliament. There is still no equivalent item of apparel for the female members of Parliament eight months later. It seems to me that my accusation eight months ago that the Government was being sexist is being more than reinforced. The Government is still only considering producing an equivalent item of apparel for the female members of this community. Eight months later it has not produced an equivalent to the tie produced for the men. If that is not discrimination, what is it? When can the female members of Parliament expect to see something equivalent to the State tie given to male members?

The Hon. K. T. GRIFFIN: It is not discrimination. I will refer the honourable member's question to the Premier and bring down a reply.

RAPE CRISIS CENTRE

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 the Rape Crisis Centre.

Leave granted.

The Hon. BARBARA WIESE: I was very concerned to hear recently that the Federal Government plans to transfer the responsibility for funding a number of women's services to the State Government. I am sure that many honourable members will have read in this morning's newspaper a report about a demonstration of dissatisfaction by a number of women which took place yesterday in the Senate when the Government's Bill relating to transferring funding for women's services was being debated.

I am not absolutely certain about what is contained in that Bill or whether it specifically relates to rape crisis centres, but that is my concern today. I am sure that the Minister will agree that the implications for our own Rape Crisis Centre will be very grave indeed if this transfer of responsibility takes place, because the Rape Crisis Centre in this State provides a crucial and excellent service to the South Australian community. Further, it provides that service very cheaply. I have received a letter from the Rape Crisis Centre which describes very well the range of services provided. In part, the letter states:

For the cost of the salaries of our two paid workers, the Rape Crisis Centre provides a service staffed by 30 volunteers. So, for a relatively small investment, the Government is harnessing the energy of a large number of workers, who provide counselling, support, medical and legal advice, practical help for women in visiting police, hospitals and law courts and community welfare organisations; self defence classes and public speakers who visit schools and other community groups on request; and research, statistics collection, and a training ground for social work students (many of whom work at the centre on placement). We are also one of the only agencies in South Australia experienced in dealing with victims of child sexual abuse.

I am sure the Minister will agree that it would be detrimental to the well-being of women in our community if the services of the Rape Crisis Centre had to be curtailed because of a lack of funding. First, is it true that the Federal Government intends to transfer funding responsibility for the Rape Crisis Centre to the State Government? Secondly, if so, will the Minister vigorously resist such a proposal? Thirdly, will the Government affirm its support for the Rape Crisis Centre and guarantee to maintain the current level of funding if the Federal Government refuses to accept its responsibilities in this area?

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

REPLIES TO QUESTIONS

1. **The Hon. ANNE LEVY** (on notice) asked the Attorney-General: When will replies be given to questions asked over three months ago, concerning—

(a) Minister's staff (asked on 4 March 1981);

(b) Blood-lead levels (asked on 5 March 1981);

(c) State teaspoons (asked on 5 March 1981).

The Hon. K. T. GRIFFIN: In relation to *(a)* and *(b)*, replies have not yet been received. I ask the honourable member to put those parts of the question on notice for tomorrow. The reply to *(c)* has already been given today.

The Hon. ANNE LEVY: I will be happy to put parts *(a)* and *(b)* on the Notice Paper for tomorrow. I would also like to put part *(c)* on the Notice Paper for tomorrow in the hope that I will receive a satisfactory reply.

BICYCLE TRACKS

The Hon. J. A. CARNIE: I move:

That the Corporation of the City of Adelaide by-law No. 3 in respect of bicycle track traffic, made on 4 December 1980 and laid on the table of this Council on 10 February 1981, be disallowed.

This motion is mainly concerned with the Government's intention to deregulate. By-law No. 3 will regulate the use of bicycles on tracks set aside for their use. Section 667 (1) of the Local Government Act allows councils to make various by-laws for the construction, control and regulation of special tracks which may be made for such

purposes as bicycle and motor traffic. The Adelaide City Council has power to make that by-law under that section of the Local Government Act.

It has been pointed out to the Joint Committee on Subordinate Legislation that by-law No. 3 duplicates parts of the Road Traffic Act. In addition, it also conflicts with parts of the Act and some of the regulations made under it. For example, the definitions of 'pedal cycle' and 'vehicle' in section 5 of the Road Traffic Act make it clear that that Act applies to bicycles. The definition of 'road' in section 5 of the Road Traffic Act makes it clear that the Act applies to bicycle tracks.

There is already power to regulate bicycles and bicycle tracks under the Road Traffic Act. Some examples of conflict are sections 96 to 99 of the Road Traffic Act which specifically deal with bicycles and the question of riding abreast. Paragraph 3 of proposed by-law No. 3 conflicts with section 97 of the Road Traffic Act. Section 54 of the Road Traffic Act provides for a duty to drive on the left of the carriageway. Subparagraphs 6 (1) and (2) of the proposed by-law are again in conflict with that particular section of the Road Traffic Act, in that, if one followed the strict letter of the law, one would not be able to pass another cyclist. In particular, one would not be able to pass two cyclists if they happened to be lawfully riding abreast, because it is illegal to ride more than two abreast. Therefore, a cyclist on a cycle track would not be able to pass two cyclists.

There are other similar matters. Regulations under the Road Traffic Act were varied on 14 February 1980 to insert regulation 4 (10). Bicycle lanes, and bicycle lanes as defined in that regulation, would include some of the bicycle tracks defined by by-law No. 3. Because of the duplication and the conflict and the consequential inconsistency between the proposed by-law No. 3 and the Road Traffic Act and the road traffic regulations, the by-law is caught by section 675 (1) of the Local Government Act, which provides:

> No by-law under this Act or any repealed Act shall have any force or effect if inconsistent with this or any other Act in force in the State or with any regulations made by the Governor under any Act and for the time being in force.

The Joint Committee on Subordinate Legislation took the view, because of that advice, because of the inconsistencies, that the by-law thus cannot be said to be in accord with the general objects of the Local Government Act and, in fact, it appears to be invalid.

We have had before the committee many examples, of which this is one, and others will be raised this afternoon where the regulations are being brought down in this context but in many cases they are duplicating regulations which already exist under other Acts. For this reason the committee has taken the view that it should disallow regulations of this sort, first, with a view to getting rid of unnecessary regulations and, secondly, to ensure that they are tidied up and gazetted in a proper way. We do not consider that these regulations on bicycle tracks have been brought in properly, and for this reason I have moved this motion.

Motion carried.

STREET CONDUCT

The Hon. J. A. CARNIE: I move:

> That Corporation of the City of Adelaide by-law No. 8 in respect of street conduct, made on 4 December 1980, and laid on the table of this council on 10 February 1981, be disallowed.

I do not intend to speak at any length on this matter. It is sufficient to say that my comments follow the comments I made in regard to my earlier motion, namely, that there is a duplication and conflict with other Acts.

The Hon. L. H. DAVIS: I would like to speak briefly in support of the motion. By-law No. 8 relates to street conduct in the City of Adelaide. The Joint Committee on Subordinate Legislation has moved for disallowance on the grounds established under Order No. 26 of the Joint Standing Orders, that this by-law in part may unduly trespass on the rights previously established by law and in some cases there may be a possible inconsistency with laws which are already in existence. It is sufficient for me to say that there are several examples which should be drawn to the attention of the Council in support of the committee's recommendation. For instance, clause 1 (7) *(b)*, which relates to preaching, provides that no person may preach, harangue or approach any by-stander or passer-by with a view to conveying any advertising, religious or other message to such person. There may be a conflict with section 12 of the Police Offences Act. There are arguments to say that the by-law in so far as it deals with preaching may not be valid.

Clause 1 (13) relates to repairing streets, and again there may be a possible inconsistency with section 317 of the Local Government Act. Clause 4 provides:

> No person shall without permission or without being the holder of a current licence issued by the corporation enabling him so to do.

It deals with selling to persons on streets, selling in streets, setting up stalls in streets, selling from doorways, and selling from windows. This by-law raises definite suggestions of inconsistency with the Local Government Act, through an existing by-law No. 10, which relates to street traders. This by-law enables the Town Clerk to attach such conditions as he thinks fit, whereas section 370a of the Local Government Act provides for such conditions as the council thinks fit in respect of licences for roadside cafes and restaurants. The by-law allows the Town Clerk to revoke the by-law, whereas section 370a of the Local Government Act does not. In those two respects there seems to be established a strong suggestion of inconsistency in relation to licences. Finally, in relation to animals at large, clause 2 (7) provides:

> No person shall suffer or permit any animal belonging to him or under his charge to be at large in any street or public place.

This provision appeared to be invalid because of the lack of an enabling power. Again, a possible inconsistency could exist with the Dog Control Act. These by-laws, relating as they do to the conduct and use of bows and arrows, busking, preaching, attracting persons with sound, repair of vehicles, and so on, are in many respects obviously necessary, but the point has been made by the mover that in establishing regulations the committee seeks to set the same standards for those regulations as would be set if they had come before the scrutiny of Parliament before being passed into law. I support the motion.

Motion carried.

TANKERS

Notice of Motion, Private Business, No. 6: The Hon. J. A. Carnie to move:

> That the regulations made on 22 January 1981 under the Road Traffic Act, 1961-1980, in respect of tankers and laid on the table of this Council on 10 February 1981 be disallowed.

The Hon. J. A. CARNIE: I do not intend to proceed with this notice of motion.

MEAT HYGIENE REGULATIONS

Notice of Motion, Private Business, No. 7: the Hon. J. A. Carnie to move:

That the regulations made on 12 February 1981 under the Meat Hygiene Act, 1980, in respect of Meat Hygiene Regulations 1981, and laid on the table of this Council on 17 February 1981, be disallowed.

The Hon. J. A. CARNIE: I do not intend to proceed with this notice of motion.

SELECT COMMITTEE ON UNSWORN STATEMENTS AND RELATED MATTERS

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

I. That this Council endorses the resolution of the Select Committee on the Unsworn Statement and Related Matters passed on 22 April 1981 namely:

1. That this committee endorse the action of its Chairman (Hon. C. J. Sumner) in asking the Premier (Hon. D. O. Tonkin) to intervene with the Attorney-General (Hon. K. T. Griffin) following the refusal of the Attorney-General and the President of the Legislative Council (Hon. A. M. Whyte) to make funds available to enable the Select Committee to engage research assistance.

2. That this committee believes that:

(a) The failure of the Liberal Party to participate in the committee, the failure of the Attorney-General and the President to assist with research assistance and the failure of the Attorney-General to appear or permit the appearance of legal officers to put the Government's case has severely hampered the committee in its deliberations and makes a mockery of the Liberal Party's often stated belief in the Legislative Council as a House of Review.

(b) The Government's failure to co-operate with the Select Committee raises serious questions about the relationship between Parliament and the Executive and the role that Parliament has in carrying out investigative work through Select Committees.

(c) The fundamental principle of the supremacy of Parliament is under attack when a Select Committee can be set up by the Parliament but be obstructed and hampered by the failure of the Government to provide funds to enable it to carry out its work.

(d) The Government is holding Parliament in contempt by its actions, thereby adversely affecting the role of Parliamentarians and limiting their capacity to carry out their duty of making inquiries in the public interest.

3. That this committee regrets that the Premier has not seen fit to reply to the Chairman's letter, dated 19 January 1981, asking him to intervene with the Attorney-General and calls upon him to reply as a matter of urgency.

II. That this Council calls on the President of the Council to assert the rights of the Parliament over the Government and to take such steps as are necessary to ensure that the Select Committee's work is not hindered.

III. That this Council authorises the Select Committee to expend such funds and engage such research assistance as it shall deem necessary to fulfil its obligations to report in accordance with its terms of reference specified in the resolution of the Council dated 24 September 1980.

It is regrettable that the Select Committee appointed by this Council on unsworn statements and related matters has felt the need to come to this full Council for endorsement of a motion that the committee felt compelled to pass on 22 April. The motion that I have moved was passed unanimously by members of that Select Committee on 22 April, and we are now seeking the support of the Council for it. We are further seeking support for the President to assert the rights of Parliament over the Government, to take such steps as are necessary to ensure that the committee can carry out his work, and we seek to get the Council's endorsement for the expenditure of such funds as are necessary to engage research assistants and carry out whatever actions are necessary to enable the committee to report.

The history of this matter is that the committee was set up by this Council on 24 September last year, and it met for the first time five days after it was set up. That was 29 September. A few days after that, I wrote to the Attorney-General on 3 October 1980 in these terms:

> I am writing to you in connection with the Select Committee of the Legislative Council investigating the proposal to abolish unsworn statements. The Committee has had its first meeting and advertisements calling for submissions are being inserted in the press. In view of your concern about the matter, the Committee is anxious, if possible, to try to complete its deliberations in the earliest possible time.
>
> On some Select Committees recently, both under this Government and the former Government, assistance has been provided with research and the drafting of a report. The Committee believes that such assistance would also be useful in this instance. The procedure in the past has been for the Chairman of the Committee to discuss the matter with the appropriate Minister and for someone acceptable to the Committee to be appointed.
>
> Accordingly, I would be grateful if you could advise whether you are prepared to agree to such assistance and, if so, whether you would be happy to discuss how this can be provided.

I believe that the Select Committee was acting in accordance with previous precedents that have been established. We gave the Government the opportunity to assist the committee by providing someone from its own resources to act as a research officer to the committee. This had been done with respect to committees on debts repayment (set up under the Labor Government) and random breath testing (set up under the present Government). We thought it was a perfectly reasonable request. I emphasise that my letter stated that the committee was anxious to try to complete its deliberations in the earliest possible time because we knew that it was of concern to the Government. On 4 November, about a month later, the Attorney replied and the relevant part of his letter is as follows:

> I have considered your committee's application for research assistance, but am not able to accede to your request. However, when your committee prepares its report I would be prepared to request the Crown Prosecutor to be available for the purpose of commenting on any proposals.

In simple terms, the Government refused the request. On 16 December I wrote to the President in the following terms:

> I am writing to you as Chairman of the Legislative Council Select Committee investigating the abolition of the unsworn statement and related matters. You will appreciate that in recent times it has been the common practice for the Government to provide some assistance to Select Committees in terms of research and assistance in the preparation of

reports. With that in mind, I wrote to the Attorney-General recently, requesting the Government to make available such assistance to the above Select Committee. That request was refused. I should say that this refusal is disappointing but nevertheless consistent with the Government's childish refusal to serve on this committee. It is particularly surprising as the Government has indicated on a number of occasions that it would like this matter determined as soon as possible. We are, naturally, trying to accommodate them in that but are being hampered by the unco-operative attitude displayed by the Government.

I have now been instructed by the committee to write to you to request you, as President of the Legislative Council, to make available funds to enable a research assistant to be employed by the Select Committee. Normally this would not be necessary as the informal arrangement that has usually operated with Select Committees has worked well. However, on this occasion I am constrained to make this request because of the Government's refusal to participate in the committee and co-operate with providing a research assistant.

I am sure that you will appreciate the importance of research assistance to such a committee and believe that if the Government will not make assistance available then the Parliament itself should assure that its committees have all the assistance required. If you agree in principle with this proposal I would be most happy to discuss the details with you.

On 6 January the President replied, and the relevant parts of the reply are as follows:

You have requested that I make funds available for your committee to engage a research assistant, and I write to say that I have no authority to do so. In June the Estimates allowed for an expenditure of $14 000 for committees, and this amount has already been well and truly exceeded.

This has left the Council in the position of having to request payment from the Government for each amount in excess of our estimate. If our estimate had not been exceeded and some of the $14 000 voted to us for committee purposes was still available the situation would be very different.

Since you have already made an approach to the Government and been refused it seems pointless me making another approach on the same matter. However, in telephone conversation with the Attorney he has promised an officer from the Crown Law Department to assist you when your committee commences gathering evidence. I hope this will overcome your problem.

I then spoke to the President and said that the final comment that he made, namely, that the Government was prepared to make someone available, was contrary to my understanding. The President in my presence telephoned the Attorney-General to confirm that, in fact, no research assistance would be made available to the committee and, as I understand, he indicated that no funds would be made available. On 6 January we had a situation where the Government was not co-operating with the Select Committee by providing someone from the Government to assist, and, further, because the allocation for committees had run out, the Government was not prepared to provide additional funds. Mr Acting President, I find that attitude absolutely staggering. Standing Order 413 empowers a committee to engage 'any person whom they may deem necessary to employ in furtherance of the inquiry with which the committee is charged'. So, the Standing Orders of the Council specifically give a committee the power to engage research assistance. Because no funds were available, the President of the Council said that we could not be provided with such.

The Hon. R. J. Ritson: You spent it all on uranium.

The Hon. C. J. SUMNER: What it was spent on is not the point. I would think that the Hon. Dr Ritson is a fair-minded person and would find that behaviour quite reprehensible, as I am sure the Hon. Mr DeGaris does. The fact that research assistance was requested, as was the normal practice, meant that it should have been paid from Government resources. Money was then requested for research assistance to be engaged outside in accordance with Standing Orders. The President said that money was not available and that the Government was not prepared to make funds available. I find that an extraordinary attitude for a Government to take, particularly a Government that talks about Parliamentary review and Select Committees. The Hon. Mr DeGaris continually prattles on about the control of Parliament over the Executive. Almost every week he sees Greg Kelton from the *Advertiser* with another of his silly stories. I hope that the Hon. Mr DeGaris will stand up and be counted on this issue.

I wrote to the Premier, having received a reply from the Hon. Arthur Whyte on 6 January. The letter repeated the allegations I made and was dated 19 January 1981, but no reply was received. The committee was completely ignored. I asked the Premier to intervene with the Attorney-General to see whether the Government would make the funds available. Nothing was heard from the Premier until the committee met on 22 April when, by that time, the committee was a little hot under the collar. We then passed the motion which is incorporated in the motion that we are asking the Council to endorse today. From January to 22 April (three months) the Premier ignored the correspondence. There was not even a reply to the letter that I wrote on 19 January.

After the resolution of 22 April the Premier decided to be a little more co-operative and replied. In effect, he said that he was not going to provide any research assistance and that his Government was in favour of the abolition of the unsworn statement, and he accused the Select Committee of delaying tactics. Along with his Attorney-General, he said that the Government would not provide one House of Parliament with funds for a Select Committee appointed by this Council in order for it to carry out its work. That is the attitude that this Government has taken. I find that quite extraordinary, particularly when one understands the past and the Government's moralising about the Legislative Council being a House of Review and about the importance of Parliamentary control over the Executive. The accusation that these actions were delaying tactics is to be refuted absolutely. I said in my first letter to the Attorney-General:

In view of your concern about the matter the committee is anxious, if possible, to try to complete its deliberations in the earliest possible time.

That letter was dated 3 October—about a week after the committee was set up.

The Hon. J. C. Burdett: You should have passed the clause in the first place.

The Hon. C. J. SUMNER: The majority of the Council decided not to pass the clause but to set up a Select Committee. We wanted to get our work done as quickly as possible, and those are the terms in which I wrote to the Attorney-General on 3 October. We were not trying to delay matters. Our *bona fides* are completely established by that letter. I believe that when members have time to consider the interim report tabled today they will see that it is a responsible report and a carefully considered one.

To say that our action in trying to get research assistance was a delaying tactic will be seen as what it was—absurd: it was an argument advanced merely because of the

Government's embarrassment from not participating in the committee. The report indicates that Sir John Minogue, who was the Law Reform Commissioner in Victoria, will be bringing down a report on the unsworn statement within a few weeks. It would be quite ridiculous for us to report without having the benefit of the findings of Sir John Minogue on this important topic.

The Hon. J. C. Burdett: In that case you do not need research assistance.

The Hon. K. T. Griffin: Is that the thirteenth or fourteenth report available on this topic?

The Hon. C. J. SUMNER: There is no doubt that there have been a number of reports, and that is why research assistance was important, to try to collate the reports and apply the arguments in those reports to the law in South Australia. Even the Attorney-General would know that the law on those points is not the same throughout the common law world.

The Hon. K. T. Griffin: It's almost identical.

The Hon. C. J. SUMNER: It is not. One can look at the United Kingdom Criminal Law Code and see that there are differences in practice between here and the United Kingdom. A lot of research has been done and reports have been prepared but research assistance was needed to collate those reports. Sir John Minogue is going to report on this subject within a few weeks. Further, the Australian Law Reform Commission has a report on evidence, and it will be considering the unsworn statement before the end of this year. We should not wait for that but we should wait at least until Sir John Minogue's report comes out.

I believed when a committee was set up that it would have reported within a reasonable time, and that was certainly my intention. My letter to the Attorney-General expressed that intention just a few days after the committee was set up. When talking about when the committee would report during the debate on the motion, I stated:

> If members on this side of the Council are appointed to the Select Committee I can assure the Attorney-General that we will be prepared to co-operate in the expeditious calling together of the committee and to proceed with the consideration of the matter as soon as possible. I would hope that the Attorney-General would agree to appointing legal assistants to the committee to advise and assist the committee in carrying out its research tasks.

I made that request to the Attorney-General in the debate when the committee was set up in September 1980. I further stated:

> We on this side of the Chamber would be prepared to co-operate and would hope the Government would co-operate by making legal advice available to the committee to enable it to do its work reasonably quickly. While there is a chance of a delay, I do not believe that it need delay the Bill unduly.

I made those requests in my speech when we moved to set up the Select Committee. The Government stated that it would not have anything to do with the committee, that it would boycott it and not give it research assistance or any money to carry out its task. I believe that that action is reprehensible and requires a defence by this Council against the Government, and requires a defence by you, Mr President, against the actions of the Government. The fundamental problem that we have is concerned with the rights of the House of Parliament over the Executive. The Government's failure to participate in the committee was childish and made a mockery of all its talk about the Legislative Council being a House of Review.

If Government members wanted to do it for their own political purposes, let that be on their own heads. However, I think that the refusal to provide the means of getting funds for the Select Committee to do this work is in another category. It is a direct attack by the Government on the Parliament and the right of Select Committees of the Parliament. This is absolutely untenable in terms of the relationship between a House of Parliament and the Executive and, indeed, it is reprehensible.

The motion, which was carefully considered by the Select Committee and passed unanimously, sets out the Opposition's objections and calls on you, Sir, to assert the rights of the Parliament over the Government of this State.

The final part of the motion expresses the view that funds should be made available for the Select Committee. I believe that, failing a positive response from the Government on this matter, the committee will have to engage research assistance come what may, and the person engaged will have to send the bills to the Government. We will then see whether the Government chooses to pay them.

I do not wish the matter to get to that point. I believe that the Government should see reason on the issue and that it should agree to the payment for research assistance in the normal way, on the authorisation of the Chairman of the committee and, if funds are not available, you, Sir, should apply for a supplementary warrant. The Government should not continue with its decision not to provide the committee with research assistance or funds to carry out its work.

This is a serious matter, and I should like very much, in view of his comments on these matters in the past, to hear the Hon. Mr DeGaris's comment regarding it. I should certainly like other Government members to comment on the matter, as I am sure that any fair-minded back-bench member would consider the Government's actions to be untenable and certainly to raise grave questions regarding the relationship of Parliament with the Executive. I commend the motion to the Council and urge members, particularly members on the back bench opposite, to give it their serious consideration.

The Hon. K. T. GRIFFIN (Attorney-General): This motion is not about the relationship between Parliament and the Executive: it is about the Labor Party and the Australian Democrats endeavouring to get themselves off the hook which they took in September last year and which they have been wriggling to avoid ever since. It is clear that when the Labor Government was in office a number of Government members supported the abolition of the unsworn statement. It was the Labor Party's policy, and the then Attorney-General (Hon. Peter Duncan) clearly pronounced that it was his desire to abolish the unsworn statement. I should like to refer to at least two quotations in *Hansard*. I refer, first, to what the Hon. Miss Levy said on 20 July 1978. It is a pity that the honourable member is not present in the Chamber to hear this. She said:

> I know that the Mitchell Committee has recommended that the practice of giving unsworn statements from the dock on which cross-examination is not available should be abolished, not just for rape trials but for all trials. I hope that this recommendation can be implemented as soon as possible.

What is the honourable member's attitude now? She voted with the Opposition in order to delay the matter through the appointment of a Select Committee. However, in 1978 the honourable member was very much convinced that the unsworn statement should be abolished. On 7 November 1978, in reply to a question by the Hon. J. C. Burdett to the then Leader of the Council (Hon. D. H. L. Banfield), the Hon. Mr Banfield said:

> I have been informed by the Attorney-General that the

recommendation of the Criminal Law and Penal Methods Reform Committee that 'unsworn statements in criminal trials be abolished' will be included in legislation that is currently being drafted. It is unlikely that a Bill will be ready for introduction this year.

That was the Leader of the Government in the Legislative Council. In November 1978, the then Government gave a clear commitment to the inclusion in legislation to be introduced in Parliament of the abolition of the right of an accused person to make an unsworn statement.

At an earlier period of time, the then Women's Adviser in the Premier's Department, Ms Deborah McCulloch, made a couple of comments to the then Attorney-General. The first, made as long ago as 9 December 1977, was as follows:

As you know one of the recommendations of the Mitchell Report on Rape and Other Sexual Offences was:

We recommend that the right of an accused person to make an unsworn statement to the jury be abolished.

When the other recommendations of the Mitchell Report on Rape and Other Sexual Offences were adopted by the Government, this recommendation was delayed until the report on evidence was received. I understand that it is not consistent legal practice to abolish the unsworn statement in rape cases and not in other cases.

However, I believe that the report on evidence is very nearly ready for publication. I assume that one of its findings will be the abolition of unsworn statements in cases other than rape. If that is so, I would much appreciate it if you could see your way clear to abolishing unsworn statements as quickly as possible. My interest in this matter is largely to do with rape cases, and the unsworn statement does seem to put the alleged offender at a considerable advantage over the victim. Women's groups have approached me on this matter and have asked me to write to you.

The Hon. C. J. SUMNER: On a point of order, I believe that what the Attorney-General is saying has no relevance to the motion, which is about the supply of research assistance and funds to enable the Select Committee to do its work. The Attorney-General is going into diversionary tactics.

The PRESIDENT: I agree with the Leader that the Attorney-General is entering into a different phase of the matter altogether than that which is before the Council.

The Hon. K. T. GRIFFIN: With respect, the Leader of the Opposition has criticised the Government and me personally in respect of my attitude to the Select Committee. I have been seeking to identify the real reason behind this motion, not just what the Leader says it is, and to put clearly and into proper context what my attitude to the Select Committee has been. It was important to indicate clearly where the Opposition was backtracking on it previous clearly given commitment to the abolition of the unsworn statement. This Government, before the last election, was committed publicly to the abolition of the unsworn statement, and has remained so committed, consistent with the pre-election undertaking referring to the post-election period.

The Hon. C. J. SUMNER: I rise on a point of order. The Attorney-General has taken absolutely no notice of your ruling, Mr President.

The PRESIDENT: I believe the Attorney-General has taken notice and has followed it completely. He was explaining why he had done other things.

The Hon. K. T. GRIFFIN: I now turn to the criticism made by the Leader about my decision not to appear before the Select Committee. He has sought to paint that decision as a refusal to appear and to deny the proper processes of this Council. As I have said before, on 5 May 1981 the Premier wrote to the Leader of the Opposition in response to letters from him to the Premier and other public statements about the Government's attitude to the Select Committee. I believe that that letter puts the Government's attitude in proper context, so I will read it again. The letter states:

Dear Mr Sumner, I refer to your letter of 22 April 1981. Your letters and public comments leave the clear impression that you are endeavouring to draw attention away from your Party's retreat from its policy commitment to abolish the unsworn statement and the divisions in your own Party as to whether or not it should be so abolished.

The question of abolition of the unsworn statement has received close attention in a number of States of Australia and in overseas countries. It received attention from the Mitchell Committee in the early 1970s. Even if research assistance were available, it is clear that all of the work has already been done.

The Attorney-General has previously intimated to you that he does not have research assistance which could be available to a Select Committee. He has, however, indicated to you that when your committee prepares its report he is willing to request the Crown Prosecutor to be available for the purpose of giving assistance to the committee at that stage.

The Secretary to the Select Committee wrote to the Attorney-General on 30 September 1980, indicating the scope of the Select Committee. The Secretary to the committee also wrote—

The Select Committee will be taking evidence shortly, and I have been directed by the Chairman of the committee to inquire whether you, or an officer of your department, would care to appear and give evidence before the committee, or forward a written submission.

Note the emphasis: whether I 'would care to appear and give evidence before the committee, or forward a written submission'. The letter continues:

The Attorney-General replied on 6 October 1980, as follows:

Thank you for your letter of 30 September 1980. Neither I nor an officer of my department desire to give evidence before the committee. My views, which are the views of the Government, are already well expressed in *Hansard* relating to the debates on the Bill to amend the Evidence Act. I refer the committee to those views which I have expressed on the days when that Bill was being debated in the Legislative Council. The Government's policy is clear. It is for the abolition of the unsworn statement. Any proposition to abolish it partially will not work. The Government does not see a need for a Select Committee.

It is clear from this point that the Attorney-General has put the Government's point of view, and there is therefore no need for him to appear before the Select Committee.

Far from your assertion that the Government has not permitted any of its legal officers to appear before the committee, it can be seen that the Attorney-General has willingly agreed for the Crown Prosecutor to be involved at an appropriate time. The Crown Prosecutor is the appropriate legal officer of Government.

I reiterate what I and the Attorney-General have stated *ad nauseam*, namely, that the Government is committed to abolishing the right of an accused person to make an unsworn statement in circumstances which provide adequate safeguards for an accused person.

The Women's Adviser in my department has presented a submission and attended before your Select Committee. Your public statements and letters of complaint will be seen for what they are—delaying tactics. I repeat that the abolition of the right of an accused person to give an unsworn statement is a reform long overdue.

The Hon. Frank Blevins: Are you a member of the Law Society?

The Hon. K. T. GRIFFIN: Yes, I am a member of the Law Society, and I am aware of the submission that was made by the Criminal Law Subcommittee. That submission was not endorsed by the Council of the Law Society but was forwarded without comment.

The Hon. C. J. Sumner: That's not true.

The Hon. K. T. GRIFFIN: It is true. I am also aware that the Criminal Law Committee is comprised entirely of defence lawyers. As I understand it, according to the Leader, the Select Committee wants more time to consider that submission. I do not believe that nine months, with or without research assistance, is any indication of expeditiousness in relation to the matter before the Select Committee. In an earlier interjection the Leader said that the committee had met nine times. That works out at one meeting every month for the last nine months. That does not demonstrate any degree of concern to expedite the resolution of this particular matter.

Whether research assistance was available or not, the fact is that a report should have been ready much earlier if, in fact, the Leader was genuine in his comment that he wanted—

The Hon. N. K. FOSTER: Mr President, I draw your attention to the state of the Council; there are four lawyers present and we will be here forever.

The Hon. K. T. GRIFFIN: I do not believe the Leader of the Opposition's statements demonstrate a genuine desire to deal with this matter expeditiously and diligently. The Government's views on the abolition of the right of an accused person to make an unsworn statement are clear. It is a reform that is long overdue. The Government will make a Crown Prosecutor available, when the Select Committee has crystallised its views, to assist with the consideration of any views that it may have tentatively reached. I believe that the Crown Prosecutor is the appropriate officer to be made available. No other research assistance is available.

The Hon. Frank Blevins: What about the rights of Parliament?

The Hon. K. T. GRIFFIN: There is no impingement on the rights of Parliament. It was not long ago that Select Committees did their own work. With at least one lawyer on this committee and with access to other lawyers, either in another place or in association with them, it is not an inappropriate task for the committee to undertake its deliberations and—

The Hon. Frank Blevins: Are you suggesting that no more research assistance will be available for Select Committees?

The Hon. K. T. GRIFFIN: I am not saying that at all. I do not believe that research assistance is necessary, nor has its need been demonstrated. Even if such a need was demonstrated, I do not have research assistance within my department that could be made available to the Select Committee. I cannot support the motion; and I believe that it is totally inappropriate.

The Hon. K. L. MILNE: I am very concerned about this whole matter. I may not be the most experienced member in this Chamber, but I have a great deal of confidence in the Parliamentary system. I am sure that all members will agree that the powers of Parliament are tending to be eroded at both Federal and State levels. The Government has deliberately not co-operated with a decision of this Council, and this is another example of the Executive versus Parliament. The Government cannot have it both ways. Indeed, neither of the traditional Parties, the Labor Party or the Liberal Party, can have it both ways. You must either put up with the situation and use it to your best ability or do away with this Council.

It was a bitter pill for the Government to disapprove of the resolution and face the formation of the committee, but that is not the point. The situation is that a majority of members of this Council—despite which Party they represent (and it does not matter in a case like this, because it is a matter of numbers)—voted to establish a Select Committee. The Government did not like the appointment of a Select Committee to inquire into uranium but, not only did it support it, it appointed the Chairman and it has done its utmost to co-operate with that committee.

Therefore, I cannot understand why the Government has adopted this attitude in this case. In both cases the committees were considering matters which were election promises. If various power groups in Parliament are going to boycott the Select Committee system, we will only go backwards because in my view and in the view of other members we should have a better committee system, particularly in the Legislative Council. It depends where one puts the blame. I am not putting the blame on any one person—neither with you, Mr President, nor the Attorney-General necessarily—but the blame must lie with the Government as a whole. I understand that you, Mr President, asked for more funds, but I am not sure that you asked hard enough.

The Attorney-General said that there were no funds, and he made no attempt to provide them. This is certainly not clever administration, and the people who are in charge of a flexible organisation such as a House of Parliament must be prepared to be flexible in their decisions on administration. When I look at this problem through the eyes of a businessman, which I have been all my working life, I find it extraordinary that the different loads of responsibility in a Council such as this cannot be accommodated.

There are bound to be times when there are many Select Committees, when much money is required. There are also bound to be times when there are few committees or none, and one cannot possibly forecast that when preparing the Budget. I ask the Attorney-General to bring this matter to the notice of the Government and to create a precedent whereby that line in the Budget is made flexible and can be added to or taken from according to the load in Parliament and what will be spent.

The Hon. R. C. DeGaris: That is always done.

The Hon. K. L. MILNE: It was not done in this case. There was a suggestion from you, Mr President, that you could not provide additional staff. Perhaps you thought that you could not do so, but I am saying that we must find a solution. If Parliament is to operate through certain peaks and troughs of responsibility we cannot say that we will allocate three officers and so many dollars irrespective of whether there are 10 committees or one. That is simply inefficient administration.

The Hon. K. T. Griffin: It is not inefficient if one does not know about Select Committees in advance.

The Hon. K. L. MILNE: I am saying that you can never know in advance and, therefore, for that particular line in the Budget the Government of the day should be prepared to be flexible. This new situation has arisen whereby a Select Committee can be appointed without the Government's approval.

The Hon. R. C. DeGaris: That has always been the case in this Council.

The Hon. K. L MILNE: It has. Did the Labor Government boycott Liberal Select Committees?

The Hon. Frank Blevins: We refused one when the Liberals stacked it three to two.

The PRESIDENT: Order! If the Hon. Mr Blevins wants

to speak, he will have his opportunity.

The Hon. K. L. MILNE: The Hon. Mr DeGaris has raised an interesting point: it has always been the position in this Council and I have the view that it may continue to be the position for a long time. If one is going to distort the situation every time, one can do away with this Council, and the public would be the first to approve. The Government supports the system and so do I, and I do not like to see a mockery made of it, and I do not like to see a mockery being made of a decision which I made and which was right, especially when I did nothing wrong. I was not even discourteous about it. I apologised for not realising that it was an election promise and I even took the blame for it.

The Hon. L. H. Davis: You can change your mind!

The Hon. K. L. MILNE: What sort of comment is that? The honourable member is reading some rubbish about the financial situation with which he is involved and has a go at me when he is not even listening. I do not like that. The Attorney has been quoting what people said some time ago and what attitude they adopted some time ago, but that is not the point. The situation regarding the unsworn statement has changed drastically since the decision to have a committee was made. Certain reports have been provided in Australia and elsewhere, and certain decisions have been made for and against its abolition. We are waiting on another report from the Law Society of South Australia—

The Hon. K. T. Griffin: It's a report of a subcommittee.

The Hon. K. L. MILNE: They were unanimous in seeking retention—

The Hon. J. C. Burdett: That's not correct.

The Hon. K. L. MILNE: Whoever it was, it was a group of lawyers who reported unanimously in support of the retention of the unsworn statement without alteration. It is no good to go back into history—we have to look at the situation as it is now and what we have ascertained. When the Attorney refused research staff it looked as if the task of the committee was easy and, when we started, the Chairman said that it would take only a few weeks, which was how it looked. It has taken longer than that, because we kept on needing to take more evidence and we had to wait for the Law Society or its committee or council to make their submission. That has only just been done and to put in a report without waiting would have been utterly discourteous, because it concerns the Law Society more than anyone else. It also concerns the Attorney more than anyone else, and he has not had the courtesy to come and talk to us.

The Hon. K. T. Griffin: I have given reasons for that.

The Hon. K. L. MILNE: I think it is a mistake. It has turned out to be a difficult and much more complicated task than was thought. I do not want to labour this matter, but it turned out to be a mistake not only of courtesy but of procedure. I hope the Government will not do it again. I hope the Government, if it changes to be a Labor Government, will not do it again. If an ordinary business was run like this Council was run, it would surely fail. If the public understood that a committee was prevented from doing its work properly because there was not a little bit of money available, it would not believe it and would be most critical. I am sorry that the Government takes this attitude. I will take my share of the blame again, but I hope that the Government never boycotts again a Select Committee of this Council while I am here.

The Hon. J. C. BURDETT (Minister of Community Welfare): I oppose the motion. I respect what the Hon. Mr Milne has said but I ask him to cast his mind back to just what this is all about, namely, the abolition of the unsworn statement. It was part of the policy of this Party when we went to the election that the unsworn statement should be abolished, and I understand that it was part of Labor policy.

The Hon. Frank Blevins: It was not the policy.

The Hon. J. C. BURDETT: Labor people certainly had said in debate that that was what they wanted to do. It was part of your policy, so I do not know why the Leader is jumping up and down now. Why does he not get on which the job and do it? First, he supported the Select Committee. Secondly, he is trying to drag it out as long as he can. Adequate research has been done by others. First, I refer to the Mitchell Committee Report. That committee was set up by the previous Government and it was a very good report. Secondly, there have been reports in other States. Reference has been made to some of them. If you want to wait for the Victorian report, no-one is criticising that. All that is being criticised is that the committee wants research assistance at Government expense, when all the research has been done over and over again.

The Hon. K. L. Milne: You just said there is a new report.

The Hon. J. C. BURDETT: Yes, but you can read a report. It is written in language that members of the Select Committee can understand. We are not criticising the fact that you want to go on sitting, although you have been sitting for nine months and you have not done any work at all. The point we are criticising and disagreeing with you on is not that you want to wait for still another report (and there have been about 14) but the fact that you are asking for research assistance presumably to evaluate that report. You can do that yourself. There has been so much research already and there is no need for more.

Adverting to the actual facts of the matter about an unsworn statement, I think that in times past there was a need for the protection of the accused person in this way, because he was just that. He was an accused person against whom allegations had been made, and that was all there was to it. Juries in those days were very much less educated than they are now. Over the past 100 years or more, accused persons did not have access to legal assistance as they do now, and so on.

The Hon. K. L. MILNE: Mr President, is the Minister giving evidence to the committee through the Chamber or discussing the point at issue?

The Hon. J. C. BURDETT: I am discussing the point at issue. It would be quite ridiculous to carry on with this debate without referring to what it is all about, namely, the question of the unsworn statement.

The Hon. C. J. Sumner: No. It is about providing money to do the job.

The Hon. J. C. BURDETT: There is no point in considering whether the Government should provide money unless you consider the crux of the issue, which is the unsworn statement, where you have the situation that an accused person at present can elect to make a statement to the jury that is not made on oath and he is not subject—

The Hon. C. J. SUMNER: I rise on a point of order. I raised a similar point of order regarding the Attorney-General and the Hon. Mr Milne has raised it.

The PRESIDENT: I take the point of order. I believe that the Minister is straying a bit further from the matter before us than he should be.

The Hon. J. C. BURDETT: I cannot discuss this issue without discussing the crux of the matter.

The PRESIDENT: I think you should.

Members interjecting:

The PRESIDENT: If the Hon. Mr Blevins interjects once more, I will name him. I point out to the Minister that the matters he is canvassing have been gone over

many times and the motion before us really does not deal with that.

The Hon. J. C. BURDETT: With respect, it does not matter how many times the matter has been gone over but, in deference to your ruling, I will not proceed with what I was saying. At present, women's groups in particular have complained about the rule in respect of the unsworn statement. They have pointed out that in rape cases the alleged victim is cross-examined, very often about her sexual experience.

The Hon. C. J. SUMNER: Again, he is abusing your ruling, Mr President. He is going into the substance of the issue.

The Hon. J. C. BURDETT: A person who is accused—

The Hon. C. J. SUMNER: Can I raise the point of order again?

The PRESIDENT: You can raise it again and I will take the point of order on my own judgment. I am listening to what the Minister says.

The Hon. J. C. BURDETT: On this issue I shall be very brief and just make the point that the accused person can make an unsworn statement. He can say what he likes about the prosecution.

The PRESIDENT: You have gone over these matters in debate and I really think you are not dealing with the matter before the Council.

The Hon. J. C. BURDETT: I do not think it matters how often it has been said. Referring to the question at issue, I accept your ruling. The point is the alleged withholding of funds. Research assistance has not usually been provided in the past. There is ability under Standing Orders for the committee to call for it and the Chairman can give a certificate as I have done on other occasions. I do not know what members opposite are on about. I wish to quote the following passage from *Hansard* of 24 September 1980 (page 1061) specifically on the point of what the Select Committee is all about. The Hon. Mr Blevins was speaking and the report is as follows:

> The Select Committee will take a very few weeks, because everyone wants to get on with the job.
>
> **The Hon. K. T. Griffin:** How can you guarantee that?
>
> **The Hon. FRANK BLEVINS:** The Leader has said quite clearly that members of the Opposition will co-operate to see that the Select Committee does not drag on unnecessarily. This problem has been identified and we want to solve it without creating another.

I agree with the Hon. Mr Blevins. The problem is clearly identifiable and it is competent for the committee to deal with the evidence it has received over nine months, assess the further report that it wants to assess, and make its report. The Hon. Mr Milne referred to the uranium Select Committee and I think he was adverting to the fact that the Government on that occasion provided research assistance.

The Hon. C. J. Sumner: And on the random breath tests and debts repayment committees.

The Hon. J. C. BURDETT: There are different kinds of Select Committees. There are occasions when it is appropriate and occasions when it is not. In the case of the uranium Select Committee, the nature of the matter was so complex and so incomprehensible, I suppose, that it was necessary to have someone to assist.

In regard to unsworn statements, the question as the Hon. Mr Blevins said, is identifiable. Everyone knows what it is all about and everyone knows the policies of the two Parties. We had two Parties, both committed to the abolition of unsworn statements. Many learned researchers had addressed themselves to this very narrow area. I cannot understand why the Labor Party is being so bloody minded. It is trying to procrastinate and put off the evil day instead of getting on with the job that it ought to do. I oppose the motion.

The Hon. FRANK BLEVINS: I support the motion. In so doing I want to stick to the issue that the Government has been desperately trying to avoid. The reason why is obvious. To use a wellknown phrase, they have been 'hoist with their own petard'. I have sat in this place for almost six years and have listened to most members opposite, including you, Mr President, wax eloquent about the necessity for the Legislative Council to act as a House of Review and to put a brake on Government legislation in an attempt to get the best possible legislation for the people of this State and to not involve itself in Party politics. Now, members opposite say that that is no longer the case. The Labor and Democrat members in this council said that this was a very contentious issue and was worthy of a more detailed look than the Council could give it in the normal way that it conducts its business. There was nothing dramatic or revolutionary about that. That is what members opposite have been telling me for six years and I am sure others for many years before me. The Hon. Mr DeGaris sits there in total silence. He has been the greatest advocate—

The Hon. J. C. Burdett: He is going to speak.

The Hon. FRANK BLEVINS: Well, that is fine. I will be interested to hear his argument as he has been the greatest advocate in this place and outside for maintaining the independence of Parliament and particularly of this Council. I do not know whether he cares about the House of Assembly very much anyway. He believes that the Council should have some role in checking Government legislation. That is all that we on this side wanted to do. So eloquently the Hon. Mr DeGaris converted us with his logic that this Council, since it is here, should have some role in looking at legislation. The Council is elected under the proportional representation system and the A.L.P. and Democrats represent the majority of people in this State. The Opposition realised that we had a problem that was not as simple as it first appeared and we wanted to have a second look at it. What objection do members opposite have to that? Not one member opposite can justify his objection after speaking for many decades in this place. Government members should be ashamed for prostituting themselves as they have done this afternoon. It is contrary to everything that they have said and everything that they believe and yet they stand up and say it. Not one member opposite knows the meaning of the word 'honesty'.

The Hon. M. B. Dawkins: That is disgraceful.

The Hon. FRANK BLEVINS: The Hon. Mr Dawkins and the Hon. Mr DeGaris as well as the Minister do not know the meaning of the word 'honesty'.

Members interjecting:

The Hon. FRANK BLEVINS: I will say that on every occasion, as you, Mr President, have ruled that it is not unparliamentary. Whether or not it is unparliamentary, members opposite do not like it. Members of the Labor Party said in the past that they supported the abolition of the unsworn statement. The Hon. Miss Levy was quoted as saying that, as was the Hon. Mr Duncan, but they are also big enough to say that they have some doubts. When the legislation came before the Council submissions were made to the Opposition and the Hon. Mr Milne which gave us some doubts. As Legislative Councillors we had a duty to have another look at the legislation. The Government has a duty to co-operate with the committee. If Government members chose not to sit on that committee, that was their decision. The Labor Party made

a similar decision in 1970 to not sit on a Select Committee. The reason was that the Liberal Party in this Council when in Opposition insisted on having a majority on that committee and would not do as we have always done—have three from each side. At no time have we attempted to have a majority on a Select Committee.

The Hon. R. C. DeGaris: That is not true.

The Hon. FRANK BLEVINS: It is true. The Hon. Mr DeGaris can speak in this debate and I defy him to tell me when the Hon. Mr Milne or Labor members have attempted to set up a Select Committee with a majority of Opposition members on it. That is what members opposite did and we objected to it and refused to sit on that Select Committee on those terms. I justified totally that decision. Had members opposite, with their weight of numbers, made the Select Committee even, the result might have been different. However, they were greedy and wanted a majority. We have never done that. There are two main reasons why this Select Committee has had some delay; the first, is the lack of assistance from the Government, and I think that that is holding Parliament in contempt. If this resolution passes, the Government will compound the offence against Parliament if it continues to refuse assistance. The second reason is that one of the main bodies concerned with law in this State (the Law Society) took until last week to get a submission to us. What was the Select Committee supposed to do? Were we supposed to go down and write it out for them? It would have been a farce to have brought down a report without a submission from the Law Society on such an important issue as this. The Hon. Mr Griffin is trying to undermine that submission and I will be interested to see how he goes with the Law Society.

Does the Parliament have any rights over the Government at all? I have some real doubts about that. It is a question that has exercised people's minds for very many years and will do so in the future. I believe that the issue is sharpening and people are getting frightened. I am not sure that we are correct. I would like to hear more argument about the power of the Executive without any check whatever, as there is no real check. The Government only has to have a majority in the Party room and it can do what it likes. Parliament therefore becomes irrelevant. If we are going down that road we have to look at what we can do to replace the system.

Perhaps there is a better system: perhaps the American system is an improvement. That must be the subject of debate. There is no doubt that at the moment we are supposed to live under a system where Parliament is supreme and, if Parliament does not have the power to set up a Select Committee and say that it wants assistance on a relatively trivial thing like this, what power does Parliament have?

This is all being done under a Liberal Government. It is not being done by the Labor Party or by a Party of the extreme left that would be criticised as being undemocratic. When I say that the Government is prostituting Parliament, I say so advisedly, because that may well be what it is doing. It is setting the standard and the rules, and I think that it is very short sighted indeed.

I have made my position perfectly clear. I regret that it has come to the stage where the Opposition must move a motion in this Council to try to give Parliament the authority to employ persons. Parliament appears not to have the authority in relation to such a trivial matter, and that is a long, long step backwards. The things of which people have spoken over the years are now being completely eroded. I am not sure what is being put in their place, and it is a little rich to have this coming from the people opposite, who have for six years been preaching to me about the supremacy of Parliament.

Although members opposite would not know the meaning of 'honesty', I cannot say that they are hypocrites. It is a pity that in Parliament one cannot speak the truth. I strongly support this important motion, which is worthy of greater discussion. I look forward to witnessing the mental gymnastics of the Hon. Mr DeGaris, who, while he expresses all the fears that I have expressed, will vote for the Government.

The Hon. R. C. DeGARIS: I am about to do my giant swing. I have listened to the arguments put forward by the Hon. Mr Blevins. I did not know that I had such persuasive powers to get the honourable member this far along the line of accepting this role of the Council. After all these years, I am pleased that gradually I am making an impact on his thinking in relation to the role of this place.

The motion, moved by the Leader of the Opposition and supported by members of the Labor Party and the Hon. Lance Milne, raises a number of interesting and important questions. The first resolution of the Select Committee on the Unsworn Statement and Related Matters, referred to in the Leader's motion, is as follows:

> That this committee endorse the action of its Chairman (Hon. C. J. Sumner) in asking the Premier (Hon. D. O. Tonkin) to intervene with the Attorney-General (Hon. K. T. Griffin) following the refusal of the Attorney-General and the President of the Legislative Council (Hon. A. M. Whyte) to make funds available to enable the Select Committee to engage research assistance.

The Council, by resolution, set up the Select Committee and asked it to investigate and report on the question related to the unsworn statement and other related matters. The Council, having taken that view and having decided that the Select Committee should be set up and report on this matter, should see to it that the Select Committee is sufficiently staffed to enable it to carry out the task that the Council has set forth. The Council has done exactly that. In the setting up of this committee, no attempt was made to provide that all Standing Orders should not apply to the committee. In the interim report, the Leader of the Opposition referred to Standing Order 413, which provides:

> Every committee shall, unless otherwise ordered—

In other words, the Council could order that that Standing Order not apply. Standing Order 413 continues:

> have power to award reasonable payment to any professional or other witnesses, or to any person whom they may deem it necessary to employ in furtherance of the inquiry with which the committee is charged; and the Chairman's certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the Council.

I submit that the Council, in setting up the Select Committee, did not take any action to stop that Standing Order from applying to this committee. I am interested to know why the Chairman of the Select Committee did not employ someone if he considered that it was necessary to do so, and why he did not sign his certificate and give it to the Clerk of the Council, as provided under the Standing Order. Why was not that course of action taken?

What has happened here is that the Leader of the Opposition has taken the action (as he says in his motion) of writing to the Premier, the Attorney-General or the President seeking funds for this project, when he had, under the Standing Orders of this Council, the right to do exactly what he is complaining about in this motion.

The Hon. C. J. Sumner: That's quite wrong.

The Hon. R. C. DeGARIS: This places a completely different connotation on everything that has happened in this Council today regarding this matter. I have been

accused of wanting to do mental gymnastics. However, I do not intend to use the language that has been used by other honourable members. The Hon. Mr Blevins has made statements about what has happened in the past. I will refer to what has happened in the past. The Council's Standing Orders provide that Select Committees shall consist of five members. In other words, Standing Orders must be suspended if a Select Committee is to comprise six members.

Regarding this matter, when the numbers became close in the Council, it was the Liberal Party, even though it had the numbers in the Council, which said that in this circumstance it was reasonable that there should be on the Select Committee equal representation from the Liberal Party and the Labor Party. That had been going on since 1975.

The Hon. Frank Blevins: No. What about the Forestry Bill?

The Hon. R. C. DeGARIS: That was one Select Committee on which the Labor Party refused to serve.

The Hon. Frank Blevins: You set it up with five members.

The PRESIDENT: Order!

The Hon. R. C. DeGARIS: The whole thing about that is that the Labor Party refused to serve on that committee.

The Hon. Frank Blevins: You set it up with five members on it.

The Hon. R. C. DeGARIS: What the Hon. Mr Blevins has said about this is not the actual history. Standing Orders provide that Select Committees shall comprise five members and, if we want that figure changed, Standing Orders must be suspended.

The Hon. Frank Blevins interjecting:

The PRESIDENT: Order! Interjections are out of order, and repetitious interjections are way out of order. I ask the Hon. Mr Blevins not to persist with his interjections.

The Hon. R. C. DeGARIS: This raises an interesting question in this debate. I should like to ask why the motion should be so framed as to criticise the alleged action of the Attorney-General, the Premier and the President in not making funds available to enable the committee to engage research assistance. Standing Order 413 was not suspended, so that option is available to the Chairman of the Select Committee. This raises the question of the relationship between Parliament and the Executive, and the question of accountability. The Uranium Resources Select Committee, which has been furnished with research assistance—

The Hon. J. R. Cornwall: And has not met for four months.

The Hon. R. C. DeGARIS: That is a very good thing. I am sure that most members will agree that it serves very little purpose. I believe that the Council would be well advised to terminate the activities of that Select Committee, and I am sure that members would be very grateful if such a motion was put before the Council. However, I believe that it would be improper for the Government to refuse to meet the costs of that committee because this Council charged that committee with the responsibility of producing a report.

I do not believe that the Select Committee on unsworn statements deserves expenditure on research assistance. I support entirely what has been said by the Hon. Mr Burdett, who said that there was any amount of research material available and all the committee had to do was read it. I did not serve on this committee, for the reasons I gave at that time. However, the Council decided to set up a Select Committee and did not suspend the operation of Standing Order 413. What has been said in this debate so far, not only by myself but also by others, does not solve the real problem. A Select Committee could expend public funds without being accountable to Parliament, and that is a problem we must all face. On the other hand, no Parliament can ask for a certain inquiry and have the Government of the day saying that it will not proceed because it will not fund it. That is also a ridiculous position.

The Hon. C. J. Sumner: Vote for the motion.

The Hon. R. C. DeGARIS: No, I will not vote for the motion, and I have explained my reasons. There are two competing factors: the question of Government control, and the question of a free rein for a Select Committee to expend what funds it likes in relation to an inquiry. I agree with the Hon. Mr Milne, who said that there should be a great deal of flexibility in these matters. I point out that, once there is a line on the Estimates, that line can be exceeded in relation to that expenditure. I believe that the Committee structure of this Council should be expanded and that we should follow the examples set in America and in the Australian Senate where a series of standing committees with various responsibilities undertake inquiries into legislation before the House and also inquire into other matters coming under the umbrella of such committees. For example, we have heard much about statutory authorities in this State, Victoria, Great Britain and all around the world. There have been many ways to handle this problem.

Parliamentary committees have been established to look into the operation of statutory authorities. In America, they use what is termed 'sunset legislation'. The Senate is undertaking an inquiry into statutory authorities under the umbrella of the Standing Committee on Public Finance. If there were standing committees in this Council that had a responsibility to investigate things such as necessary law reform, it could be referred to that committee for report when a Bill such as this is introduced. The real question before the Council is not really the present motion, because I believe all members should be considering restructuring much of the work of this Council to enable such committees to be set up.

I have only dealt with the first paragraph of the Hon. Mr Sumner's motion, and I have said why I will not support that motion. I believe it has been organised for purely political purposes. The Hon. Mr Sumner only had to certify that the committee required assistance. If that request had then come before the Council and the Council withdrew that power, the Hon. Mr Sumner would have something to complain about. The committee has the power—

The Hon. C. J. Sumner: It has the power but no money.

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Hon. Mr Sumner was heard in silence.

The Hon. R. C. DeGARIS: Standing Order 413 states:

> Every committee shall, until otherwise ordered, have power to award reasonable payment to any professional or other witnesses, or to any person whom they may deem it necessary to employ in furtherance of the inquiry with which the committee is charged; and the Chairman's certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the Council.

That authority was given to the Select Committee by Parliament. I raised the second question in the second part of my speech when I said that this opens up the question of accountability in relation to Select Committees. That is a question that must be dealt with in the future. The second part of the Hon. Mr Sumner's motion refers to the Liberal Party's failure to participate in the committee. I point out that I could have participated in the committee if I wanted to, but I decided not to and gave my reasons at the time. For these reasons I ask the Council not to carry the motion

before the Chair. In fact, I believe the motion should be adjourned and dispensed with in that way. If the committee genuinely needed assistance I believe that it should have either used the power it has under Standing Order 413, or come back to the Council and asked for approval to seek such assistance.

The Hon. C. J. Sumner: That's what we're doing.

The Hon. R. C. DeGARIS: No, you are not, and you should not make political capital out of the situation when part of the blame lies with the committee itself.

The Hon. G. L. BRUCE: I cannot constrain myself any longer. As a reasonably new member of this Council, I have had the privilege of serving on three Select Committees. The first two were concerned with local government and were chaired by the Minister of Local Government. There seemed to be no shortage of assistance from the department or councils in regard to those committees. They were worth while and the assistance provided was warranted and necessary. Certainly, the deliberations of those committees resulted in good legislation, and that is our prime concern as a Parliament, that we provide the people of South Australia with the best possible legislation.

I also served on the committee inquiring into random breath tests. I understood that we had all the assistance that we required from the Government, although it was opposed by the Government in the first stage. I was in the gallery in an other place the other night and heard the Minister say that, while the Bill originally proposed was good, the Bill that resulted from the Select Committee was much better and the work of the committee was warranted.

The Hon. C. J. Sumner: Who said that?

The Hon. G. L. BRUCE: The Minister of Transport in another place. He said the work was well worth the wait. True, he objected to the time involved but he recognised that the time spent and the recommendations made by the committee had resulted in better legislation. I agree with what the Hon. Mr Milne has said, that the powers of this Parliament are being by-passed. We are here to obtain a consensus opinion. There was a difference of opinion, and I will not now canvass whether unsworn statements should be retained or not.

Surely, if there is a difference of opinion, a Select Committee is the right way to examine the matter and, if it is the right way, surely the Government should make facilities available so that eventually the Council has the best possible information before it. Whether one agrees or not with what the committee recommends is another matter, but at least members know that the subject has been thoroughly researched and has not been denied funds, and that the rights of Parliament and this Council have not been denied by such cheap techniques as the claim that the Government cannot afford to provide assistance. If that is what Parliament is for, then I agree with the Hon. Mr Milne that we should scrub it. Indeed, the Upper House is only a rubber stamp for legislation, and we should scrub it anyway. If the Government is unwilling to finance committees, it should be honest and say what it wants. I support the motion.

The Hon. ANNE LEVY: I do not wish to take up much time in this debate but, as my name has been mentioned, I feel I should indicate to the Council that I heartily endorse the remarks that have been recently made by the Hon. Mr Bruce about the value of Select Committees. It has been said frequently in this Council that committees provide valuable work in the review of legislation. I certainly had an opinion in regard to unsworn statements and whether they should be retained or not prior to taking part on the committee. As a result of the evidence received, my mind is by no means as fixed as it was in the past.

We have further work to do, and at this stage I cannot say what my final opinion will be, but certainly the experience of being on such a committee and receiving such evidence indicates the value of the committee system and the work done. It is all very well for the Minister to say that all the research work has been done and that it is just a question of reading it. The work that we have done has involved much reading and certainly indicates no unanimity of opinion. Indeed, the more one reads the more different opinion one finds, and it is extremely important that the Select Committee should take this job seriously in the light of all the material and conflicting opinions that exist.

To complete this work adequately is difficult for someone like myself who is not legally trained. Research assistance could help with collating and listing reports, and the summarising of reports would be extremely useful. I am sure this is so for all members of the committee. Work of this nature is detailed and is not something that can be readily done without assistance. The lack of research assistance is undoubtedly hampering the work of the committee. As a member of the committee I can definitely say that my serious consideration of this serious matter has been hampered by not having available research assistance.

I endorse the motion, which condemns the Government for not having made this research available. It makes a mockery of the Parliamentary system and the Select Committee system. It certainly does not matter what the Standing Orders provide—if no money is available, it cannot be spent. It is a complete mockery of the whole system of having committees, and the careful consideration which committees give to serious matters like this, when assistance is not made available by the Government. Surely we have no greater demonstration of the fact that the Government is in complete contempt of the Parliamentary system as we know it. This makes a mockery of the system, and the Government should be condemned in the strongest possible terms by this Council, which is being by-passed and ignored by the Government in this matter.

This is an important issue in regard to not only the matter being considered by the committee but also the supremacy of Parliament. Other speakers have dealt with this aspect, and I will not further elaborate on it, but I felt I should indicate that this Select Committee, as with so many others, is extremely valuable and will no doubt result in much better legislation than would have occurred if it had not been established. The ultimate value of the legislation will certainly be enhanced if adequate and proper research assistance is available. I support the motion.

The Hon. C. J. SUMNER (Leader of the Opposition): I thank members for their contributions to the debate. Some have been of significance and worth, because I believe the debate is an important one. Unfortunately, the Attorney did not do justice to the motion and engaged in drawing as many red herrings as he could across the central thrust of the motion. He accused the Labor Party and the Australian Democrat member of using this motion as some kind of diversionary tactic because we had changed our mind in regard to the unsworn statement. I can say now, and the report indicates this, that we have come to no firm conclusion on the abolition or retention of the unsworn statement. We may well recommend abolition in the final analysis; I do not know. In the report, we have put up a number of considerations for reform if

the unsworn statement were to be retained. We have made no final decision about abolition or retention.

As you, Mr President, acknowledged, the Attorney-General's excursion into the merits of the unsworn statement versus sworn evidence was completely irrelevant. The Hon. Miss Levy said that there have been people including herself in the Labor Party who supported the abolition of the unsworn statement. The fact is that the Council established a committee to consider the issue and, having done that, it surely behoves us to properly inquire into the matter.

At least the Hon. Mr DeGaris recognised that, even though the Hon. Mr Griffin and the Hon. Mr Burdett went on with this diversionary tactic. The Hon. Mr Griffin commented on the reference in the motion to the fact that the Government refused to appear before the committee. I have said that that is a matter for the Government. I believe it is childish and irresponsible but, if the Government wants to wear the political consequences of that, let that be on the Government's head. That was a small issue in the major complaint in the motion. The Attorney-General tried to say that the Law Society had not put a submission to the Select Committee. I have a letter dated 2 June on a Law Society of South Australia Incorporated letterhead addressed to Mr B. Serjeant, Select Committee on Unsworn Statement and Related Matters. The letter states:

> I refer to previous correspondence and enclose the society's submission on this matter.

It was not the criminal law section of the society submission but the Law Society submission. The next paragraph talks about the attitude of the society and states that some 25 to 30 members of the society were present at a meeting and came up with this unanimous submission. The submission concludes:

> 8.1 The society, for the above reasons, submits the following:
>
> > The right of an accused person to make an unsworn statement should be retained in its present form.

The last line of the submission states:

> Submitted on behalf of the Law Society of South Australia Incorporated.

That appears very much to me to be the submission of the Law Society, not of only the criminal law section of the society as the Attorney said. The Attorney also attacked us for delay. I repeat that on 3 October, a few days after the committee was set up, I wrote to the Attorney setting out our desire to get on with the inquiry and requesting assistance. That assistance was refused. By asking for it, we established our *bona fides* and we did so early. The Attorney ended by stating that he was not going to provide assistance or funds for—

The Hon. K. T. Griffin: The letter says nothing about funds for research assistance.

The Hon. C. J. SUMNER: That does not, but the letter that I wrote to the President does, and you know that. The President had a discussion with you and you said that no funds would be provided. The Hon. Mr Burdett and other front-benchers failed to direct their attention to the central point at issue. I regret that the committee has not been able to complete its final report but an interim report; it is a good report, which has been prepared and which should provide the basis of further discussion. The reason for not submitting a final report is the lack of assistance and co-operation from the Government.

I will deal now with the allegations made by the Hon. Mr DeGaris. I find his position extraordinary. In the *Advertiser* of 11 April there is an article by Greg Kelton, the Hon. Mr DeGaris's unofficial press secretary, under the heading 'Power to the Parliament'. The article records a speech that the Hon. Mr DeGaris made in this Council in the debate on the changes made regarding voting for Legislative Council elections. The report states:

> Over the next few years there will be a campaign—especially by elements of the Liberal Party—for further reforms to the Upper Chamber.

Referring to the Hon. Mr DeGaris, the article states:

> He refers to concern about the gathering dominance of the Executive (Cabinet) over the Parliament.
>
> 'This fact, and the fact of a certainty of a democratically elected but dead-locked House forces the Parliament to consider reforms with some urgency', he says.
>
> His reforms on procedures and structures of the Legislative Council include: more committee work on Bills.

We set up a Select Committee on a Bill but he refused to participate in it and to support our request for assistance.

The Hon. R. C. DeGaris: I thought I answered that well.

The Hon. C. J. SUMNER: You have not answered it at all. You did not come to grips with the issue. I expected more from you in view of your past history in the matter. The report also states:

> But probably the most pressing reform is the need for more committee work by the Council which is essentially meant to be a House of Review discussing legislation in an impartial manner.

That was the view of the Hon. Mr DeGaris and the tenor of his speech earlier this year. That honourable member has attempted to defend his action and that of the Government but he has not done it satisfactorily. He has based his argument on Standing Order 413. I do not want to say that he has quoted incorrectly or that he has misinterpreted it, but that Standing Order states:

> . . . and the Chairman's certificate on the face of an account shall be sufficient authority for its payment by the Clerk of the Council.

It is not 'by the Government', and that is the important difference. If the Standing Order had said 'payment by the Government', there would not have been any argument but, after the request for an officer to assist, I wrote to the President of the Council. It seems I will have to repeat what I read from his letter in reply. It states:

> You have requested that I make funds available for your committee to engage a research assistant, and I write to say that I have no authority to do so.

The Hon. R. C. DeGaris: He hasn't, unless you signed the certificate.

The Hon. C. J. SUMNER: Of course I would sign the certificate if he said funds would be available. What would be the point in signing the certificate when I was told that no funds were available?

The Hon. R. C. DeGaris: The Government would have had to uphold it.

The Hon. C. J. SUMNER: That is not what the Hon. Mr Griffin told the President about the matter. The President also stated in his letter:

> In June the Estimates allowed for an expenditure of $14 000 for committees and this amount has already been well and truly exceeded.

I am told by the President that there are no funds. How can a Standing Order force the Government to pay? It can force the Council to pay if the Council has funds. That is why the motion has become necessary.

The Hon. R. C. DeGaris: Your right approach was to sign the certificate first and argue afterwards.

The Hon. C. J. SUMNER: That would have been lovely for the person employed. I could have employed that person for three, four or five weeks, and then be told that there were no funds. That is what I was saying on 6 January 1981. I do not know how members can dispute

what the President said. He stated:

> In June the Estimates allowed for an expenditure of $14 000 for committees, and this amount has already been well and truly exceeded.

The Hon. L. H. Davis: You got that letter in January. Why didn't you raise the matter then?

The Hon. C. J. SUMNER: I did raise the matter. I wrote to the Premier a few days later.

The Hon. J. C. Burdett: You didn't raise it in Parliament.

The Hon. C. J. SUMNER: The House was not sitting at the time. I was waiting for a reply from the Premier which I did not receive for three months. The letter from the President to the Chairman of the Select Committee continued:

> This has left the Council in the position of having to request payment from the Government for each amount in excess of our estimate. If our estimate had not been exceeded and some of the $14 000 voted to us for Committee purposes was still available the situation would be very different. Since you have already made an approach to the Government and been refused it seems pointless me making another approach on the same matter.

What is the committee supposed to assume? It certainly has a Standing Order which says that it can engage research assistance and the Chairman can authorise an account for that. What is the point of that when the President of the Legislative Council says that there are no more funds available and the Government, through the Attorney-General, agrees with that? That is why I am disappointed. I say seriously to the Hon. Mr DeGaris that that is the whole crux of the debate that he has missed. I agree with what he said about Standing Order 413 but that Standing Order cannot operate if the Government says to the Legislative Council and the President, 'Sorry, there are no funds available.' The Hon. Mr DeGaris must agree with that.

The Hon. R. C. DeGaris: I do not agree with that at all.

The Hon. C. J. SUMNER: Is the Hon. Mr DeGaris saying that Standing Order 413 gives authority to the Government?

The Hon. R. C. DeGaris: Yes.

The Hon. C. J. SUMNER: Then he is quite wrong.

The Hon. R. C. DeGaris: Did the committee carry out the provisions of the Standing Orders?

The Hon. C. J. SUMNER: We approached the President, who said that his funds had been exceeded and that no funds were available for the committee.

The Hon. J. C. Burdett: No Government could knock back a certificate.

The Hon. C. J. SUMNER: The Attorney-General did knock back the funds. He told the President of the Council that no funds were available. Furthermore, when I approached the Premier on the matter he did not reply for three months and when he did reply there was no offer in his letter of the Government making funds available.

The Hon. R. C. DeGaris: You have set off on a political exercise, and it has exploded in your face.

The Hon. N. K. FOSTER: Mr Acting President, I know you have a great knowledge of Standing Orders—

The ACTING PRESIDENT (Hon. M. B. Dawkins): The Hon. Mr Foster will resume his seat. The Hon. Mr Sumner.

The Hon. C. J. SUMNER: When we finally got a reply from the Premier on 5 May after I had raised the matter in the middle of January, he said that no research assistance was available. He made no attempt to countermand the Government's decision that no funds would be made available. That is the crux of the issue. I am disappointed that the Hon. Mr DeGaris has attempted to evade his previous committment to Select Committees and his general attitude to this Council by reference to the Standing Order which has little relevance if there are no funds.

I believe the motion should be carried by the Council. I believe that it is important that the Council make its position clear, namely, that whether or not the Estimates available to the Parliament and to the Legislative Council have been exceeded the money still ought to be made available by the Government for the proper operation of the Select Committee. Over a period of several months the Government refused to make that money available and certainly since January of this year when the President of the Council replied that the estimates had been exceeded. It is an important issue, and I ask the Council to assert the rights of Parliament over the Government in this matter.

The Council divided on the motion:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton and J. E. Dunford. Noes—The Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Ayes.

Motion thus carried.

TICKET SALES

Notice of Motion, Private Business No. 9: the Hon. N. K. Foster to move:

> That the regulations made on 30 April 1981, under the Lottery and Gaming Act, 1936-1980, in respect of sale of tickets, and laid on the table of this Council on 2 June 1981, be disallowed.

The Hon. N. K. FOSTER: Having had a reply from the Attorney-General, I am satisfied with the matter.

MURRAY RIVER

The Hon. K. L. MILNE: I move:

> That in view of the serious threat to the quality of water in the River Murray/River Darling systems reaching South Australia, and in view of the continuing lack of co-operation from the other interested States—New South Wales and Victoria—the Government be requested to initiate the following as a matter of urgency:
>
> 1. Proceedings in the High Court of Australia for an injunction restraining the States of New South Wales and Victoria from issuing more irrigation licences until the River Murray/River Darling water situation has been fully investigated.
> 2. Proceedings in the High Court of Australia against the States of New South Wales and Victoria for a declaration that this State is entitled to water from the River Murray/River Darling systems of sufficiently high quality for use for human consumption and by primary and secondary industry.
> 3. A declaration against the States of New South Wales and Victoria and the Commonwealth Government that the entitlement of South Australia to water from the River Murray is insufficient to maintain the necessary quality of the water coming into South Australia without periodical flushing by additional water in good catchment seasons.

4. A publicity campaign immediately in New South Wales, particularly directed at the New South Wales Parliament, Public Service and the people living on the River Darling and its tributaries and on the Lachlan and Murrumbidgee Rivers.
5. A publicity campaign immediately in Victoria particularly directed at the Victorian Parliament, Public Service and the people living on the southern side of the River Murray and the southern tributaries of the River Murray.
6. Such action with the Commonwealth Government as will persuade them to take the necessary steps to allow the holding of a referendum of the States of New South Wales, Victoria and South Australia to amend the Constitution so as to allow the Commonwealth Government to control the River Murray/River Darling water systems.

The PRESIDENT: Is the motion seconded?

The Hon. N. K. FOSTER: Yes, Sir.

The Hon. K. L. MILNE: I want to draw honourable members' attention to the fact that it was impossible for me to have this motion ready before yesterday and that I had no alternative than to move it today, as this is the last day on which a private member's motion can be moved and voted upon. I realise that, unless I receive considerable courtesy from the Government in another place, the motion will not even be considered in that place. However, I ask the forbearance of the Government and the Opposition in both places to ensure that the matter is dealt with according to the wishes of the Council and the people in order that there is no delay of a further six weeks or so until the next session, as I hope that the Government will take positive action before then and during the recess. I might also say that, if this motion is carried, I intend to move that a message be communicated to the House of Assembly seeking its concurrence therein.

The problems of the Murray River and Darling River waters is a case of Federation gone mad. In fact, the States concerned are treating each other as though they are foreign countries rather than fellow Australians. The people of Australia have been arguing since 1881 without reaching agreement; that is to say, Governments of three sophisticated, democratic States have been unable to solve a problem between them in over 100 years of negotiation.

One of the tragedies of our history is that the designers of Federation were unable to solve the difficulty in 1901 when they brought in Federation. It is not that I blame them particularly, because they could not possibly have foreseen the enormity of the problem with which we are confronted today. Negotiations to renew and revise the River Murray Waters Agreement started in 1973. It is now 1981, and after eight years there is still no agreement. Surely, this is immaturity, selfishness and, indeed, childishness at its worst. It is obvious that it is not a priority for any of the Governments concerned. I repeat that: obviously, it is not a real priority of any of the Governments concerned, when, according to the people, it is really a priority.

People have pinned their faith on the River Murray Commission, but it has been obvious for a considerable time that its restricted powers have rendered the commission quite inadequate for the size of the problem today. The States are unable to agree on increased powers for the River Murray Commission. It is obvious that they should have jurisdiction over all pollution and not just have their powers restricted to monitoring salinity and quantity.

People have formed organisations of various kinds for over 30 years. For example, the Murray Valley League (which was once the River Murray Development League) has been in operation for 36 years; based in Albury, it is quite ineffective for solving the present problem. An association known as SARCOS, which is the Sunraysia and Riverland Committee on Salinity, has been working for some years. This voluntary teamwork between South Australia and parts of Victoria and New South Wales near the border has done some very good work on publicity, but is also quite unable to influence Governments to the extent that is required. Now the South Australian Government has supported the formation of the Save the River Murray Council, which obviously will be just as ineffective with Government pressure, although it will probably be better than nothing as far as publicity goes. I will support it, but I wish that the Government and people would spend the same amount of money on real action, not just another group talking.

Many South Australians will be interested to know that we in South Australia are not the only ones who are worried. The people of Wentworth, at the junction of the Darling and Murray Rivers, the people of Mildura, who are just across the border, and the people of Broken Hill, who draw their water from the Menindie Lakes, are just as concerned as we are. However, while Mildura is big enough to have some effect on the Victorian Government, Wentworth and Broken Hill are not big enough, even combined, to carry a great deal of weight with the New South Wales Government. And, as for us in South Australia, New South Wales looks upon us as in the junior school and, therefore, not to be taken seriously.

I stress this attitude because the Government persists in trying to deal with the New South Wales Government and Public Service as if they were speaking the same language as we do, but they do not and never have done so; nor are they likely to do so. That is why I say that some drastic action is needed, because we have not been listened to seriously in 100 years. Whether the salt comes from New South Wales, Victoria, or South Australia is immaterial. It is in the river when it gets to us, and it is made worse after it gets to us. The salinity pretty well doubles between the border and Waikerie. Between us all, we have to cope with the problem and solve it. That is why I urge immediate action. It is no good accusing each other. We must take strong, positive action now. I therefore urge the Government to stop talking and do something.

In the months of March and April, according to minutes of a SARCOS meeting, New South Wales issued licences up the Darling, or tributaries of the Darling, to the extent of 50 000 hectares. This does not sound very much when one says it quickly, but it is very significant when one realises that the Murray irrigation area for the whole of South Australia is approximately 43 000 hectares, of which the Riverland, which we look upon as an enormous irrigation area, is approximately 31 000 hectares. In other words, in two months the New South Wales Government has issued licences for more area than the whole irrigation area is South Australia. Mr Keneally, the member for Stuart in another place, was reported in the *Sunday Mail* as saying that New South Wales is not issuing licences at the rate that we think they are. At what level does the honourable member think that licences are being issued in New South Wales? We are trying to say that they should be stopped.

As members will see from my resolution, I am again recommending High Court action similar to that recommended by Mr Millhouse in another place in October last year, that is, nearly eight months ago. His reasons for doing so were similar to mine, and the attitude of the New South Wales Government was exactly the same as it is today. In other words, we are virtually in the same

position as we have always been for the past 100 years. In recent months, the South Australian Government has taken legal action to intervene in the issuing of licences in New South Wales. Under New South Wales water legislation, the lodgment of an objection against a licence application necessitates the holding of an inquiry at which the appellant and applicant must put their case before a local Land Board Chairman and two other board members for a decision as to whether the licence should be granted. Actually, I think that the licences are granted, and those involved must prove whether or not they are worth it. The local Land Board conducts inquiries, at which the South Australian Government has objected to the granting of licences. I will refer to the outcome of those objections.

They are contained in an Engineering and Water Supply report entitled 'Status Report on the River Murray: A South Australian Viewpoint'. It is a very good report and I hope that all members have read it. Councils along the River Murray have not seen this report, so the Government must be keeping it a secret. However, I hope the Government makes it available as part of the programme I suggested in my resolution. The local Land Board inquiries, at which the South Australian Government has objected to the granting of licences, and their outcomes are as follows:

(1) Bourke Local Land Board—10 October 1979—Objections overruled.

(2) Wentworth Local Land Board—4 December 1979—Objections upheld—New South Wales appealing.

(3) Walgett Local Land Board—16 September 1980—Chairman disallowed South Australian Government the right to be heard on the grounds that this State could not be regarded as a 'person affected' by the granting of the licences by virtue of its remoteness from the area to be irrigated.

(4) Broken Hill Local Land Board—12 November 1980—Objections to applications for diversions required to make existing properties viable were overruled; objections to large new application were upheld.

(5) Moree Local Land Board—9 February 1981—Chairman disallowed South Australian Government the right to be heard on the grounds that in his interpretation of the New South Wales Waters Act, he did not consider South Australia to be a 'person affected' by the granting of the irrigation applications being considered.

As a result of South Australian intervention, which was an attempt to prevent more licences being issued, the New South Wales Government is enacting legislation to prevent South Australia appearing in these cases. That legislation will allow the New South Wales Government to take local action to prevent South Australia from intervening at all. I agree with this Government's action, and if I had thought of it I would have applauded it at the time. However, the New South Wales Government is taking evasive action, which is the sort of action that I would expect from that Government.

The Government's attitude is that these appearances, or attempts to appear, have been of considerable help by delaying, or reducing, some licences, and this may be true. In fact, South Australia's efforts have now moved New South Wales to legislate to prevent South Australia intervening at all. Surely this is encouraging enough for us to risk going to the High Court for the injunction and the declaration which I have mentioned in my resolution. Mr Millhouse said in October that, while the matter is far from clear, the opinion of the experts in this type of legislation was encouraging enough for South Australia to take the chance. The Government, however, says that we would have little chance of success and, if unsuccessful, we would be further behind than ever. They are both, incidentally, quoting the same authority, so that needs careful checking. In my view, we could not be further behind than we are now. The Australian Democrats believe that we should go to the High Court win, lose or draw because, even if we lose, we could not be worse off, and it would be good publicity.

The Hon J. R. Cornwall: Not if we got rolled.

The Hon. K. L. MILNE: That would not matter. The cost of such a case would be mere peanuts compared with the cost of the disaster which is facing South Australia and most of its people at some time in the not too distant future. In a smaller way, this is the problem which faced the Government of Mexico when it won its case against the United States of America for compensation when the Colorado River ceased to run altogether. We have not yet reached that stage but it may not be far off.

It might be interesting for us to study the Legal Interpretations Act brought down recently by the Federal Treasurer, Mr Howard. Under this Act the High Court must interpret the Act and rule on its intention, not necessarily what the actual words say. Although it really concerns income tax avoidance, it may help us if that principle were extended—in other words, it may be much more worthwhile going before the High Court now than it was a month ago, before this Act was brought down.

The Hon. K. T. Griffin: That only relates to Statutes, and not common law.

The Hon. K. L. MILNE: I appreciate that, but that attitude may flow on to the interpretation of resolutions and requests. In fact, I am sure that there will be a flow-on, and hopefully it will change the High Court's attitude. As a matter of fact, the whole question of the Murray River/Darling River catchment and the rationing of water could be referred to a Standing Committee of both Houses of this Parliament. That committee would have considerable standing both here and interstate, and certainly more strength than SARCOS or the Save the River Murray Council. I am sure that committee would receive a great deal of support interstate.

People simply do not understand—or do not want to understand—the effects of what is going on now. This must be frustrating to the Minister, the Hon. Peter Arnold, whose family fortunes are tied up in the success or failure of the Murray River, so let us be quite fair about that. But how would you feel if you were one of the Murray River irrigation trusts, for example, which had borrowed considerable sums of money on a calculated cash flow from lending money to a certain number of growers on an estimated acreage on estimated volume and quality of water, with a consequent estimated value of annual crops, when you would have no hope of meeting your obligations if circumstances deteriorate as they threaten to do now? People living on the Murray River in South Australia have entered into contracts on the strength of certain forecasts and budgets which have no hope of being maintained if the quantity and quality of water continues to deteriorate.

People either do not know, or do not want to know, or are just not going to be told how bad our quality of water is in South Australia because of the volume that is pumped into the reservoirs from the Murray River. Opinions vary from very bad to dangerous, and I understand that there is not much that can be done about it, other than the cleansing of the Murray River content of our water. That can only be done at a time of high intake further up the Darling and Murray Rivers and their tributaries. Unless we receive high rainfalls and a lot of water from the

Darling, the Murray will not be flushed out and there will be a continuing build-up of salt year after year. The issuing of licences and the behaviour of New South Wales, and to some extent Victoria (although I know that Victoria has stopped issuing licences), mean that we will never have this end of the Murray River flushed out and cleaned.

That will be the case from Wentworth and Mildura downward. I will not say more about the condition of our water now, but I warn those who criticise what I am doing to be very sure that they are not exposing us all to additional dangers. What this means, of course, is that my request for a declaration through the High Court that we are entitled to water of a quality fit for human consumption is by no means an idle one. It is a serious one. Much of what I have said is the result of what I learnt on a recent visit to the Riverland, where I spoke to leading citizens from Waikerie, Barmera, Berri, Paringa, Renmark and Loxton.

From what I read of what Mr Keneally (the Shadow Minister of Water Resources) had to say as quoted in the *Sunday Mail* on 31 May this year, he does not seem to be worried at all. He thinks that this is a situation that occurs from time to time, and I hope that he does not persist in that attitude, because there are serious and obvious differences, many of which I have already described.

When I was talking to the leading citizens in river towns, they were unanimous that the Murray River must be controlled nationally and I would want to think that this Parliament was unanimous as well. They were unanimous in wanting the Government to take positive action as well as talking, but they were not unanimous about the approach to the High Court—I must be fair about that.

However, I reiterate that the Australian Democrats are prepared to give it a go, to chance our arm, because we believe it is a very serious situation indeed and is quite unlike the situations that have developed in the Murray River over some of the big droughts in our history.

I realise that it is easy enough for me to make these bold statements when I do not have to take the same responsibility as the Government, but what I am hoping is that the Government will realise that I speak for a large body of people in South Australia, and elsewhere for that matter, and that it will give them courage to go the next mile and do something more positive that people can see is having effect. I am not saying that the Government is not trying—it is—but what I am saying is that it is not trying hard enough and that it will not be successful by treating New South Wales and Victoria so gently.

I am not saying that it has not got a plan—it probably has—but what we are saying is, 'Will it please get on with it and make it a priority, because the situation grows worse day by day'. I think it is being diverted into worrying itself sick about things that are of lesser importance, things that will not get worse day by day like the Murray River problem. I am asking the Government to make this matter a priority.

I realise, too, that all the blame must not be levelled at either New South Wales or Victoria. We must take a great deal of it ourselves, and I think that we do. However, the fact remains that New South Wales, while contributing comparatively little salt to the Lower Murray through the Darling River, is still issuing licences. The fact also remains that Victoria, while contributing a great deal of salt to the Murray River, has stopped issuing licences. Neither has done both. Both have gone half way but neither has really agreed to stop and take a hard look at what will happen 25 years from now.

A wasteful method of irrigation in South Australia (and elsewhere for that matter) has been tackled by the South Australian Government, particularly in the Renmark area, at considerable expense. The salt water which soaks down into the soil during and after irrigation is drained and pumped into salt pans and there is a new tremendous pumping scheme already started in the Renmark area, so we are doing at least something to rectify the situation, but of course it is not enough, and it is certainly not enough without the co-operation of the other States and umpiring from the Commonwealth Government. I commend this motion to the Council as it deals with most serious problem facing South Australia now and for the foreseeable future.

[Sitting suspended from 5.56 to 7.45 p.m.]

The Hon. N. K. FOSTER: I second the motion on the basis that it enables this Council and, one hopes, the whole Parliament of this State to debate a matter that has been the subject of much discussion. The motion has brought out an earnest debate in the interests of the multitudinous factors which surround this problem. They have not changed in about 100 years. I will speak at some length because of the wide area that the motion encompasses in regard to the meaning of the six points in the motion and in the hope that, by raising the matter today, there will be an expression of views from this side consistent with those expressed by the Hon. Mr Milne, in both the printed word and the form that the debate has taken.

On 14 April I received a letter from the Corporation of the City of Prospect. My speech tonight will be somewhat unusual in that it is in printed form and a copy has been made available to *Hansard*, whose task otherwise would have been tedious. Some other papers will be available in the normal way. The letter from the Prospect council was sent to a number of members of this Council and was headed 'Murray River water supply'. The letter states:

> I am directed by council to bring to your attention the concern of His Worship the Mayor, the aldermen, and councillors of the city, regarding the issue of additional River Murray water licences within New South Wales. Council believes that any increase in the number of licences will seriously reduce the quality and quantity of River Murray water available to South Australia, and on which this State is so dependent.
>
> This council supports the Murray Valley League's proposal for a moratorium on the issue of any further water licences until a resources management study on the future of the River Murray as a source of water for irrigation, industrial, and domestic use has been carried out. We seek your support and assistance in bringing about this proposed moratorium.

My reply was delayed because Easter intervened, and my letter to the council of 30 April states:

> Thank you for your letter of 11 April 1981, regarding council's concern of the River Murray water. I would support the council's moratorium and the Murray League's proposal if it went that extremely vital step further and sought proper and meaningful consultation with the five Governments that would be concerned in a proposal which had the purpose of redirection of water from the Peel River flowing eastward from the Great Dividing Range into the Darling River/ Murray River system, so as to ensure that the quality and quantity of the water was safeguarded by the flow into the streams, such a volume of inflow of clean water would dilute the present high salinity of the system.
>
> It has got to be recognised that without any increases in licences the river is doomed with the present extensive irrigation in all of the States on the river system. It seems to me that having a shot at your neighbours across the river that they are the cause in percentage terms of portion of the salinity absolutely disregards the long-term effects of what this type of criticism will have. Criticism of neighbouring

States in respect of the River Murray pre-dates the Federal Constitution, and it seems to me that we now have local government in South Australia jumping on the band waggon and criticising New South Wales when, in effect, agreement of this State with regard to State water supply will only be upgraded if such agreement is reached.

I ask members of your council as to whether the State of South Australia has not in fact (under Governments of all political persuasions) sown the seeds of our own destruction by excessive irrigation. The Murray League's proposal for a moratorium is at the best a very short-term proposal. The lesson learnt from the Murray irrigation system is that it should not have been dammed, locked and strangled, to impede the flow of a natural water resource for the purpose of irrigation in dry land country, and whilst it has taken perhaps two, if not three, generations to settle the River Murray as far as irrigation settlement population is concerned, it would probably be wise, particularly in South Australia and lower Victoria, to commence drastically reducing the irrigation areas for the next generation.

So many mistakes have been made by all of the States that we have reached the stage where for the benefit of those states a Federal Government must accept its full responsibility and create within the power conferred upon it, an organisation similar to the Snowy Mountains Authority which brought into being a scheme to increase the water supply, and at the same time provide electricity for that scheme and a percentage of that electricity to be fed into the Sydney and Melbourne grids.

I merely bring this to your council's attention in the hope that council does not regard my letter as being one of criticism but one with the hope that council will inform itself of the powers of the Commonwealth in respect to this matter. In the Murray Valley League's proposal it will only take one of the State Governments to fail to attend one important meeting after the proposal being adopted, and that will bring about an abortion of any work undertaken on a moratorium proposal. State agreements are strewn with all sorts of reports which have been aborted when the final meeting has not been attended by one or more of the States. This occurred in Commonwealth-State conferences, etc., in respect of housing, railways, Attorneys-General, to name but a few. Remember the off-shore legislation of not so long ago?

I look forward to hearing from you in respect to the matters I have raised, and once again thank you sincerely for your concern and your letter.

On 29 May I received the following letter from Mr Dimond, the Town Clerk of the council:

Thank you for your reply to council's letter seeking support for a moratorium on the issue of further irrigation licences in New South Wales. Council has noted with interest your comments regarding the need for an Authority to be established for full responsibility of the Darling/Murray River system and supports any practical means of bringing about better quality water supplies from the River Murray for South Australia.

That indicates that I was writing to councils on the matter many weeks before the question was raised. I will not weary the Council by referring to the many questions I have asked or by giving references to *Hansard* of the 27th Parliament regarding my activities with Ralph Jacobi in Canberra at that time. I had replied not in dissimilar vein to the councils in Whyalla and other areas. Although it may appear to be a tedious exercise and just as tedious to go through, I ask the Council to bear with me while I trace the history of the Murray River. One founder of the federation was Patrick McMahon Glynn, an active member of Parliament in this State. I will now refer to the tedious matter of the Murray River and the points of the motion. A document on Glynn's work is as follows:

Before resuming the story of Glynn's parliamentary life from the defeat of the Fusion government in 1910, we trace his part in an interstate quarrel which federation did not immediately settle—the control and use of Australia's inland rivers. This question formed an important sub-plot in Glynn's life. He had been a member of the South Australian royal commission on the Murray waters appointed in 1887 and dissolved in 1891. It was on his initiative that the House of Assembly in 1889 carried a motion advocating an interstate conference to decide on a joint system of locking and conservation. However, consequent efforts to secure concerted action proved useless. 'The obstacle', Glynn complained, was New South Wales or rather Sir Henry Parkes whose 'share in the controversy has been made up of promises without performances and performances without promises'. Agreement was hoped for at the Federal Convention. There Glynn had taken a leading part in the spirited debates on the rivers, only to see the 'founding fathers' postpone any settlement of the question.

In May 1902 an interstate royal commission was appointed to examine the use of the Murray and its tributaries for irrigation, navigation and water supply. It was authorised by the Prime Minister and the Premiers of New South Wales, South Australia and Victoria. When the commission took evidence in Adelaide Glynn helped to put the case for South Australia. With all the facts and arguments still fresh in his mind, Glynn addressed the Adelaide Australian Natives' Association on 28 July. He attacked the current irrigation schemes of Victoria and New South Wales as 'unreasonable and wasteful diversions' which 'must mean non-navigability of the interstate rivers' and 'an insufficient supply for riparian settlement in South Australia'. 'No riparian owner', he declared, 'can become possessed of a right to divert the water of a navigable river to the injury of navigation'. What was called for was 'a comprehensive scheme for improved navigability and conservation'. The Royal Commission's report was ready in December 1902. At the Premiers' Conference in Sydney the following April an agreement was drawn up on the use of the Murray waters, but it had no force until ratified by the State Parliaments, and the matter was not pushed.

Hence my initial remarks in respect of the Murray Valley League's so-called moratorium in respect of the river. It will be a futile exercise. The article continues:

In May 1903, during the debate on the Address in Reply, Glynn brought the rivers question before the House of Representatives. He admitted that 'the relative rights of the riparian states in the rivers and the best use and just apportionment of the waters' was 'one of the biggest questions that Australian statesmanship can face'. It was a matter of 'difficulty and complication':

The trouble arises from the mutual misunderstanding and suspicions of the States concerned, from the relative extravagance of their respective demands, from the idea which has been formed on an imperfect knowledge of the details that it is impossible to reconcile the interests of navigation and irrigation, and that all concessions to one interest or method of utilisation must be altogether at the expense of the other.

The 'very great' South Australian 'navigation interest' was 'imperilled by an extravagant view of the possibilities of irrigation'. That State had 'something like 90 vessels, representing an invested capital of £250 000 engaged in navigation'. He strongly supported the recommendation of the interstate commission that existing navigation interests should be respected and work commenced on a Federal system of locking.

A year slipped by and the question was again raised in the House of Representatives on 23 March 1904. James McColl, the member for Echuca, moved a motion calling for 'a

scheme of conserving and locking the waters of the River Murray, in the interest of irrigation and navigation', to be 'formulated and carried out by joint action on the part of the Commonwealth and the States of New South Wales, South Australia and Victoria'. The subsequent debate was several times adjourned, and dragged on into June and July.

On 30 June Glynn began a studious and persuasive speech. He argued that the Constitution gave the Commonwealth power to 'prevent unreasonable diversions by the States and it would not be a reasonable use of the waters of rivers, for the purposes of conservation or irrigation, to altogether destroy the interests of States which depend on those streams chiefly for navigability'.

The Hon. R. C. DeGaris: Is that the Murray River or the Murray and Darling Rivers?

The Hon. N. K. FOSTER: Glynn talks about the system. I do not think it would be wise to refer only to one river or stream, but I will clear that up for the Hon. Mr DeGaris. The article further states:

A number of English and American cases were then cited to prove that 'the use of water, to the detriment of the reasonable use of that water by a State lower down, was illegal'. He hoped for an 'amicable settlement'. Otherwise, 'we may have to test the matter before the Federal Judiciary'.

Glynn resumed the debate on 28 July. He admitted that up to the present New South Wales had been 'collecting data rather than acting'. But Victoria seemed 'to have acted upon the Russian method of gradually advancing into a disputed territory, trusting to the logic of the *fait accompli*, and that possession may ultimately ripen into right'. He protested against the latest Victorian diversions from the Murray, one into Kow Swamp and the other into Deep Creek. 'My objection to these schemes is that they are all haphazard and disconnected, and conceived without any regard to inter-state co-relation or riparian interests, or to the Federal sphere'. 'The Federal Parliament', Glynn declared, 'should pass an Act to protect the waterway against unreasonable diversions'. When 'the reasonable limits of irrigation' had been 'ascertained on the basis of the water capable of being conserved for the joint purposes of navigation and of irrigation . . . a fair scheme of apportionment between the States could be arrived at'. However, the Federal parties and members were reluctant to become involved in the interstate quarrel over water. The debate was adjourned. There were far more pressing issues, such as the Conciliation and Arbitration Bill which brought down the first Labor Government early in August.

In South Australia some of the State Parliamentarians were anxious to initiate proceedings against Victoria. Glynn was asked by Robert Homburg, the Attorney-General, to prepare a brief on the rights of the States to the water of the Murray and its tributaries. Unlike Homburg, Glynn was 'of the opinion that interstate rights did exist'. Yet he felt that 'at present the actual diversions upstream, when the sparseness of our riparian settlement was considered, were scarcely sufficient to safely commence proceedings'.

By February 1905 Glynn had prepared two volumes giving the case for opinion on the Murray riparian rights; it was a work of nearly 150 000 words. Two K.C.s Isaac (later Sir Isaac) Isaacs and Sir Josiah Henry Symon, had been retained by the South Australian Government. There were repeated delays before they were able to confer with Glynn late in 1905. By that time New South Wales was undertaking irrigation schemes on the Murrumbidgee.

Today the argument by South Australians that they are increasing their areas of irrigation is not dissimilar. The article continues:

Glynn drew up a telegram and letter which Price, the Premier of South Australia, sent to the New South Wales Premier, Joseph (later Sir Joseph) Carruthers, on 3 and 4 November respectively. The letter protested against 'the authorisation and construction by the State of New South Wales of any works for the purpose of obstructing or diverting the waters of the Murray or its tributaries in violation of the rights and interests of the State of South Australia and its residents'. 'A friendly settlement' was needed to 'recognise the reasonable requirements, and co-ordinate the desirable development schemes, of all the States, and reconcile, to the greatest extent possible, the interests of navigation and irrigation'. Eventually, in March 1906, Isaacs and Symon submitted their opinions on the Murray question. Isaacs acknowledged 'the splendid assistance' given by Glynn's two volumes in which 'no phase of the question has been left untouched'. In all but one or two marginal points Isaacs and Symon supported Glynn's case for South Australia's riparian rights.

At the Premiers' Conference in Sydney on 12 April 1906, Price could open negotiations with confidence:

We are in possession of an opinion by the highest legal authority in Australia that our right, as far as the Murray is concerned, is that we should get that which we have always had, and that it should not be restricted—that if you restrict it you infringe upon our rights. I do not say this is any way as a matter of threat—

so, Mr Tonkin can climb off his band waggon when he makes his threat about gas—

I only want to intimate that South Australia approaches the question conscious of her own strength, as far as her legal rights are concerned.

He moved a series of resolutions which had been prepared by Glynn. On their basis agreement was reached. For some periods South Australia's share of the water was to be cut down to much less than the natural flow of the Murray. The State was to be compensated by the construction at joint expense of works at Lake Victoria to control the delivery of water at the South Australian boundary. Further locks were to be constructed when the commission to be appointed thought that navigation was sensibly interfered with by diversion upstream.

A committee was appointed to draft a Bill and agreement which would give effect to the resolutions adopted at the Premiers' Conference. Glynn became South Australia's representative and was elected Chairman when the committee met in June for the first of its 20 meetings. By November Glynn was able to send the Premiers a draft of the Murray River Waters Bill and agreement together with a report on tolls.

The New South Wales and Victorian Cabinets challenged several points, principally the low maximum toll on cargo and the provision for a permanent navigable channel of not less than 6ft. In February and March 1907 Glynn repeatedly discussed the disputed points with George Swinburne, the Victorian Minister for Water Supply. Glynn was reluctant to concede anything that might harm South Australian shipping interests. He was set against any lowering of the minimum depth for the channel or such tolls as might 'contract or prevent the expansion of river traffic'. Glynn's persistence began to wear down the Victorian representatives. With Swinburne he had been discussing the rivers question off and on since October 1904. However, negotiations with Carruthers, the New South Wales Premier, had to be carried on by letter and telegram, and he remained insistent on higher tolls.

Final agreement was hoped for at the 1907 Premiers' Conference. With Price and Archibald Peake, now the South Australian Attorney-General, Glynn left Adelaide for Brisbane on 22 May. This was his first visit to Brisbane, 'the third city in size and population, the second in my opinion in picturesqueness of situation and the finish of its buildings, of the capitals of the States'. The climate he found 'perfect . . .

from the point of view of those who relish a life of passive enjoyment'. For 'an alert and vigorous race' the air was 'too soft and balmy'. At the conference Carruthers was 'the lion in the path' to the settlement of the rivers question. 'In view of the coming elections in New South Wales' he was 'anxious not to appear too yielding', and Glynn found him 'hard to meet'. He eventually caught up with him at a meeting of the Queensland Turf Club. 'At the races yesterday in the course of a conversation with Carruthers, the river question was mentioned. He said his Government intend to construct the Cobar line which, by tapping the rivers, would knock South Australia's interest [in] navigation out; but in that case, I said, there could be no objection to the maximum of 4d. for tolls'.

Before leaving Brisbane, Swinburne, Price, Peake and Glynn discussed the controversial provisions with Carruthers. The South Australians stood out for a minimum depth of 6ft. which Carruthers had already accepted in his letter of 18 March 1907. Glynn proposed a compromise over the maximum toll rates. After the meeting Carruthers 'called Price aside and said he hoped we would stick to our suggestions, as he only wanted a pretext for dropping the agreement'. Glynn assured Price that 'this was probably bluff'.

On their way home Price, Peake and Glynn stopped in Sydney for a further conference. Carruthers continued to object to provision for navigation, as 'a concession to South Australia'. Glynn pointed out that it was a 'compensation for the surrender of her rights to contest the claim of the [upper] States to all waters in excess of the very low discharges to be allotted to South Australia'. After four hours discussion a compromise solution was found on the two main points of disagreement. The depth was expressed as sufficient for boats drawing not more than 5ft. of water. There were to be two maximum rates of tolls, 6d. for every 100 miles of the first 200 miles, and 4d. thereafter. Other minor amendments were made and the final form of the draft Bill and agreement was ready. Back in Adelaide Glynn prepared a speech for Price explaining the controversy over the rivers and the settlement that had been reached. 'One must be tactful', Glynn remarked, 'to avoid such advocacy as may cause opposition in New South Wales, while not damning the agreement with faint praise'. There had been 'limitations' and 'defects' in the resolutions passed at the 1906 Premiers' Conference. He felt satisfied that in the subsequent negotiations he 'had secured modifications in favour of the State'.

It may be thought that one is advancing an argument in relation to navigation. Members will recall that I said that in those days it involved navigation. However, there was more than a touch of navigation in it. Later, the theme of this will establish itself hard on the side of irrigation and water rights. The history continues:

On 12 July, the agreement was signed by the Premiers of New South Wales, South Australia and Victoria. All that was now needed was ratification by their State Parliaments. In the South Australian House of Assembly, Price moved the second reading of the Murray River Water Bill on 25 July. For much of his long speech he simply read what Glynn had prepared for him. He praised Glynn as 'a watchdog, who had well looked after the interests of South Australia'. 'An Irish terrier', interjected Vaiben Solomon. 'Yes' commented Price, 'and with a keen scent for any rat in front of him.' Price concluded his speech with the 'inspiring words' of Isaiah 'in that grand old book':

> In the wilderness shall waters break out,
> And streams in the desert.
> And the parched ground shall become a pool,
> And the thirsty land springs of water! . . .
> There shall be grass, with reeds and rushes,
> And a highway shall be there, and a way.

However, as with so many predictions, the fulfilment took longer than was generally expected. In the Victorian Parliament the Murray Waters Bill was introduced in July 1907 and again in July 1908, but was ultimately withdrawn—

I draw the Hon. Mr Milne's attention to that—

Swinburne's speech in the Victorian Legislative Assembly on 14 July 1908 showed that he had become 'a tepid advocate of the Bill'. He now argued that so long as the use made of the water was reasonable in the sense of not being wasteful, the upper States were entitled to dam the Murray and its tributaries in complete disregard of the claims of South Australia. This opinion had been expressed by William (later Sir William) Irvine when Premier and Attorney-General of Victoria. Swinburne considered that Irvine's view was definitely established by a 1907 judgment of the American Supreme Court—

I draw that to the attention of those who want to go rushing to the court—

in the case of *Kansas v. Colorado,* a dispute involving the Arkansas River, which flowed through those two States.

The Hon. Mr Milne referred briefly to that today. The history continues:

> Hence, although he still supported the Bill, he asked that the volume of water allotted to South Australia by the Premiers' agreement should be reduced.

That is exactly what happened in New South Wales in relation to the navigation of the river. New South Wales did not care much about South Australia's position, although the wool produced in that State in those days was shipped upriver from Wilcannia and Bourke to be finally shipped overseas through Goolwa and Victor Harbor in this State. The history continues:

> Swinburne was now under fire from his fellow Victorians for being too liberal with South Australia. The Melbourne *Age* took him severely to task:
>
> > He frankly confesses that South Australia has not the remotest shadow of a right at law to a single drop of Victorian water. The latest American decisions have put her entirely out of court, and Mr Swinburne is fully convinced that they have left her without a legal leg to stand upon. But when all this is said and done, the Minister remains obdurately true to the absurd agreement made at a time when South Australia's alleged navigation rights were supposed to be inviolable . . . It is impossible to acquit Mr Swinburne in the whole of this business of a wiful disregard of Victoria's interests . . . It would be better, he think, to bind ourselves for all time the servants and bondmen of South Australia than incur the penalty of her displeasure; better to spend hundreds of thousands of pounds in assisting South Australia to despoil us than risk the action at law with which she threatens us, but which Mr Swinburne assures us she is certain to lose.

This very motion more than begs the question of taking this matter to the High Court. That would be quite wrong and most certainly not in the interests of this State. The document continues:

> Less critical but more colourful comment came from a Councillor O'Donnell on 16 August. Addressing the Premier, Thomas (later Sir Thomas) Bent, at Kerang in Victoria, he said:
>
> > Mr Swinburne had taken part in a conference with an able lawyer representing South Australia and representatives of New South Wales; Mr Swinburne was an able engineer...but there was a fear that he was a bit of an innocent among those men. Mr Swinburne was so blooming honest himself...that he did not know with whom he had to deal.
>
> Glynn was disappointed by his latest attack on South Australia's legal position. He felt that he had adequately

controverted Irvine's contention in his 1905 work on the Murray riparian rights. In it he had considered the Kansas *v.* Colorado case which had been pending since 1902. In a statement for the Adelaide papers on 24 July 1908 he explained how the American Supreme Court decision by no means affected South Australia's rights. Navigability, for example, was not involved; the Arkansas was not even alleged to be navigable.

I point out that the Murray River is no longer navigable for the purposes of river trade either. The document continues:

When Bent called for another conference, Glynn drafted Price's long reply. He also prepared a memorandum giving the facts and the law and criticizing the legal position taken by Swinburne. Price travelled to Sydney for the visit of the American fleet—a stirring occasion when sixteen battleships and their attendant vessels gave a spectacular display in Port Jackson. On his way home he conferred with the Victorian cabinet and handed Bent Glynn's memorandum. In the South Australian House of Assembly on 30 September Price explained the negotiations over the Murray Waters Bill during the previous year. He still 'had faith that they would carry the agreement without any great sacrifice...and would still be a believing Thomas rather than a doubting Tom; at any rate, for a little while longer'. During his long speech he quoted in full the opinion of Isaacs and the joint opinion of Glynn and Symon given on South Australia's riparian rights in 1906. In referring to Glynn's work for the State as 'something beyond anybody's calculation', Price declared that 'he wished he could call Mr Glynn something else than plain barrister—that could clothe him in a different name for the services he had rendered to the State in this great question'.

On 17 and 19 October Bent, Price and Wade (who had succeeded Carruthers as New South Wales Premier) held a conference in Melbourne to discuss the readjustment of the Murray agreement. Glynn attended and helped to settle the points under dispute. An important change was that the final volume of water to be delivered to South Australia's boundary each year was reduced from seventy-five to sixty million feet. The result of the conference was the agreement dated 11 November 1908, which was to be submitted to the various Parliaments for approval.

Glynn prepared the statement Price delivered to the House of Assembly on 12 November. The South Australian River Murray League was pressing the State Government to commence proceedings before the High Court if the other States would not pass the bill. But even after so many delays Price still believed that 'the three States interested in the Murray could come to some agreement without throwing the question over to the Commonwealth or bringing the process of the law courts into action'.

When the Victorian Government shelved the Murray Waters Bill for the session, a deputation from the River Murray League met Price on 7 December. They demanded that as Victoria seemed to be trifling with the question legal action should be taken. Encouraged by Glynn, Price remained a 'believing Thomas' and still looked for solution through interstate negotiation. But, when Bent resigned and Jack Murray took office in January 1909, the chances of settlement seemed more remote than ever. The new Victorian Government intended to appoint a royal commission to enquire into the agreement before going on with the Bill. In February Glynn prepared for Peake (the South Australian Treasurer and Attorney-General) a letter to the Victorian Premier. As instructed, Glynn made it a declaration that if the commission were appointed South Australia would appeal to the judiciary. The letter was signed by the acting Premier A. A. Kirkpatrick, and sent on 22 February. The following day Peake altered it to make it an unconditional statement that legal proceedings would be taken, withdrew by telegram the letter already sent and posted the second. Murray, however, received both letters, 'the declaration of war' being 'mixed up with the ultimatum'. Murray explained that the commission was to be appointed to gather information and not 'in a spirit of opposition'. He was not opposed to 'an amicable solution' which was shown to be 'not unfair to Victoria'. South Australia took no legal action and the Victorian Government went ahead with their commission. Peake's aim, Glynn commented, was 'to please or soothe the local politicians and members of the Murray League'.

At this point Glynn dropped out of the negotiations. From June 1909 to April, 1910 he was the federal Attorney-General. But on the defeat of the Deakin-Cook Government he became once more South Australia's 'watch-dog' in the tedious conflict over the Murray waters. In June 1910 he joined the South Australian group that toured the principal storage and diversion works of Victoria and New South Wales. His diary pictures the Murray valley near the Cohuna irrigation works:

The river bush is attractive; old gums by the river and grey box away from it; here and there an old tree with the mark of a blackfellow's canoe making; the bark where the thickness and shape served having been hacked off to shape; stocks of fire wood by the banks for passing steamers, and the trunks of felled trees from which timber for sleepers had been cut or sawn. There was no evidence of settlement on the New South Wales bank; the forest seemed still virgin, and more alive with the screeching, cackling, cawing and calling of cockatoos, galahs and magpies.

The scene on the Murrumbidgee he found enthralling.

The valley of the Barren Jack is very beautiful. The bold granite hills, the confluence of the rivers, the winding of the blended waters, the rich sunshine of an ideal winter's day, the little stretch of cultivation for the needs of the town built for the works, and the little trains, one skirting the side of the hills from Goondah, the other below taking sand from across the river to the works; the majestic calm of nature broken by the untiring energy of man—made a picture of a life-time . . . We descended to the bed of the river and the foundations of the dam at the Barren Jack by the flying fish; the cable and car, about the size of the body of a small railway truck, or about five feet square, a lift from the side into the air, then along the cable suspended from the fish, then a drop of 350 feet through the air—a taste of aviation or ballooning.

The trip took nine days and the party covered over two thousand miles by train and about two hundred and forty by trap. Glynn was impressed 'with the sites of the storage and the soil to be watered in New South Wales, and with the comparative wastefulness of the Warranga Basin scheme and inferiority of the soil to be watered'. In an exhaustive report to the State Government he outlined his findings. He pointed out that what was 'lacking and should be supplied' was 'a report by engineers representing the three States, as to the possibility of the requirements of both irrigation and navigation being permanently met . . . by storage'.

John Verran, the new Premier, decided to press on with the South Australian projects. His Murray Works Act (1910) authorised construction of locks and weirs on the Murray, and enabled the Commissioner of Public Works to enter into agreement with the upper States to use for storage Lake Victoria, which was just over the New South Wales border. By this time the old conflict of South Australian navigation versus Victorian and New South Wales irrigation was steadily solving itself. In 1902—an extraordinarily dry year—the Murray had almost ceased running. Even when the level of the rivers rose in 1904, river trade did not fully revive. As

irrigation grew in South Australia, navigation declined and the railways were finally taking over from the steamers.

In January 1911 Glynn was in Melbourne to advise the South Australian Ministers at the Premiers' Conference. Resolutions were adopted permitting South Australia to construct the Lake Victoria works, but no overall settlement of the rivers question was reached.

I remind the Council of the virtual war that took place in regard to Chowilla. The description continues:

Glynn felt that it was 'futile to attempt to come to a reasonable agreement with the upper States, owing to the opposition of Victoria . . . to any appointment that might limit the diversion of that State in the critical months January to March or April inclusive'. The eternal difficulty' of settling the conflict he attributed to 'the little knowledge worse than ignorance, that Ministers possess'. In Victoria the Government was 'dominated' by Elwood Mead, the American irrigation expert engaged by that State.

If members examine what is happening in New South Wales today they will be aware of the intrusion of multinational capital in that area. This is nothing new when one compares the situation today with the situation that applied 50 or 80 years ago.

The Hon. R. C. DeGaris: The American expert does not necessarily represent multi-national capital.

The Hon. N. K. FOSTER: I am saying that members should look at what is happening today. The history continues:

'A very competent authority on irrigation', he had 'no Australian point of view'. Glynn suspected that he knew that the rivers were 'inadequate for the schemes, authorised and contemplated . . . and would, if permitted, postpone settlement until strengthened by the logic of possession'.

Ultimately the Premiers of the three States involved agreed to appoint their chief engineers to collect further data and prepare a report. Glynn had the satisfaction that this decision was on the 'lines practically suggested in my memorandum of last year . . . Victoria was desirous of getting two years time for the report; I suggested 6 months; the Premiers, on the recommendation of the engineers and myself, fixed the 1 December 1911'.

But by the end of 1911 the report was far from ready. difficulties had now arisen over framing the agreement to implement the resolutions on the Lake Victoria works. L. A. B. Wade, the engineer-in-chief for New South Wales water supply, wanted the upper States to have the right to veto South Australia's plans if they affected the maximum flood levels of the main channel of the Murray. To satisfy this demand Glynn drafted a clause which provided that, unless the plans were approved by New South Wales and Victoria, the weirs were not be be such as to divert the main volume of the Murray into a new course. After repeated conferences with Wade and W. A. Holman, the New South Wales Attorney-General, Glynn won their acceptance of this new clause. On 5 January 1912, the New South Wales Premier, James McGowen, signed and sealed the agreement. It was not until 14 February that Glynn secured the signature of Jack Murray, the Victorian Premier. Four days earlier Verran's Ministry had been defeated in the South Australian elections. Glynn now pressed the Victorian Government to send across the agreement at once. As the agreement was in Verran's name, if he failed to sign it before leaving office, the agreement would need to be re-executed by the Premiers of New South Wales and Victoria. On 17 February the agreement reached Glynn at 11.15 a.m. by the Melbourne express. At 11.30 Verran signed and at noon the new Liberal Ministry under Peake took office.

The Premiers' agreement authorising the construction of the Lake Victoria works needed ratification by their Parliaments, but matters were not pushed. In November 1912 Glynn was in Sydney for an Arbitration Court case. He took advantage of his visit to settle with the Parliamentary Draftsman the New South Wales Bill ratifying the agreement. It was, however, only when Glynn took office in June 1913 as Minister for External Affairs that he was able to work effectively for a final solution of the rivers question. He advised Graham Stewart, the South Australian representative, on the drafting of the interstate engineers' report which was eventually presented in July 1913. In October he discussed the whole question with Cook, the Prime Minister and dictated a memorandum for him summarizing the essential facts and the possible solution. As an inducement for a final settlement he asked Cook to grant about £1 000 000 towards the cost of constructing locks and weirs on the Murray.

There was an intervention by the States and representation to the Commonwealth. The matter of economics arose. Some understanding was reached and that matter will be of significance later. The history continues:

Over Easter 1914 Glynn attended the decisive conference held in Melbourne between the Prime Minister and the State Premiers. For the South Australian Government, Peake (the Premier) and Sir Richard Butler (the Commissioner of Public Works) accepted the engineers' recommendation that their State should be allotted a flow sufficient for two million acres. Resolutions were signed providing for locking from Blanchetown to Echuca and in the Murrumbidgee (or, at the option of New South Wales, the Darling) and for the construction of storages at Lake Victoria and on the upper Murray. The Commonwealth was to pay £1 000 000, and the three States concerned were to pay equal shares towards the balance of the cost. A River Murray Commission was to be set up with wide powers of control; each of the States was to provide one member and the Commonwealth representative was to be president. The success of this conference was a personal triumph for Glynn. At the suggestion of William Watt, the Victorian Premier, he was given the pen with which the Prime Minister and the Premiers signed the resolutions. In a statement to the press on his return to Adelaide, Sir Richard Butler described Glynn as 'a tower of strength to every Government' and 'his influence in the Commonwealth Cabinet' as 'invaluable in securing an agreement on national lines'.

There still remained the drafting of the agreement on the Murray waters. As Commonwealth representative Glynn was chairman of the committee which settled the draft by July 1915. In the coming Federal elections Glynn anticipated the defeat of the Cook Government, and kept badgering the Victorian draftsman to print the agreement. Eventually Glynn had signed and sealed by Cook on 9 September, only eight days before the Labor Government took office.

The Commonwealth River Murray Waters Act of 1915 ratified the agreement, and that same year the Parliaments of New South Wales, South Australia and Victoria also gave their ratification. In the House of Representatives on 4 November 1915, Glynn may have been putting matters a little too strongly when he described the interstate rivers question as 'the most vexed' that had 'arisen in the course of our Australian history.' It is certainly a tale of tedious negotiation. South Australia kept demanding some guarantee to a regular water supply. New South Wales and Victoria could afford to spin out conferences endlessly with their poorer neighbour down the Murray. Until the Commonwealth intervened the upper States had no compelling reason to bind themselves by some joint agreement.

I suggest that the mover of the motion take that paragraph on board. I welcome the motion but there seems to be some relationship between that damning paragraph and the position in South Australia.

The Hon. K. L. Milne: And the attitude of Victoria.

The Hon. N. K. FOSTER: Yes, of the up-river States. The position has not changed. I expect that the Council would be wearied by this very long document but I think members who are interested would concede now that it is worth reading and I hope that the Hon. Mr Burdett's laughter will cease.

The Hon. C. M. HILL: Are you making a speech, or reading all that?

The Hon. N. K. FOSTER: I am quoting from a very copious document. This is the first time anyone can accuse me of reading a speech in either of the two Parliaments with which I have been associated. If the Minister in this Council representing the Minister of Water Resources has to carry on in such a churlish and childish way to get his after-dinner laugh, he is to be condemned. He must take this document on board if he is to convey to his colleague the character of politicians in both the Federal and States sphere. I continue to quote, as follows:

> For Glynn the settlement was the goal of over 25 years work. Speaking at Blanchetown at the laying of the foundation stone for the first Murray lock, Holman, now the New South Wales Premier, paid tribute to 'the great work Mr Glynn had done'.

What a feeling Glynn must have had at that, with his enemies from across the border coming 50 or 60 miles to participate in the ceremony of what they consider to be a great stride and a great public works undertaking. The document continues by quoting a report from the *Advertiser* of 7 June 1915, as follows:

> South Australia, without doubt, owed much to the eminent engineers who had overcome the material difficulties, but she owed, perhaps, more to the political engineering that had got rid of the diplomatic difficulties that had barred the progress of the scheme. He had had many interviews with Mr Glynn and found not only he had had to yield to him where the interests of South Australia were concerned, but that Mr Glynn was very difficult to get around in any way. He had two guiding principles—one the federal spirit and the other State rights. Whenever he wanted anything from the other States he thought they should all show a federal spirit, which they did. But when they wanted anything from South Australia Mr Glynn wished them to remember that South Australia had state rights, which they did, too, and under his persuasive Hibernian eloquence the opposition to him gradually yielded and the agreement finally arrived at contained all those provisions, from the South Australian standpoint that had been excluded from earlier drafts before Mr Glynn came upon the scene. They all owed Mr Glynn much for paving the way for a friendly settlement of the outstanding difficulties.

They are the words not of a South Australian but of a New South Welshman. The last paragraph of the documents states:

> For his services to the State, particularly in the negotiations over the Murray waters, the South Australian Government had made Glynn a K.C. in July 1913. It was some recognition although one might have expected more. But of course throughout his public life Glynn never bothered to hunt for honours.

The quotation that I have read was from a document on Patrick McMahon Glynn and on the history and constitution regarding the Murray River. It was prepared by Gerald O'Collins, and I commend him for his research. He has prepared a document for all to see and heed. I commend those who have not acquainted themselves with the whole story to read *Hansard*.

I will now quote from a document entitled 'The Legal case for an Institute of Freshwater Studies'. That arises from a private member's Bill and it took Mr Jacobi 15 minutes to read it all. I do not intend to take up that time but I also commend what Mr Jacobi said. The mover of the motion before us discussed this matter at length with Mr Jacobi, despite the fact that they are of not the same political ideology. The document states:

> Unlike many proposals for Federal control over water resources, it is my view that the Commonwealth, acting with or without the co-operation of the States, has sufficient and adequate constitutional power to establish such an institute. The powers to make grants of financial assistance to the States under section 96 of the Constitution would prove more than adequate for the Commonwealth to develop a national and co-ordinated approach to problems which face our inland waterways.
>
> It is fitting that the financial resources of the Commonwealth should be marshalled and directed towards this urgent problem. The inconclusive deliberations at the Constitutional Convention debates, and the experience over the last 80 years have proved that the interest of the affected States are too conflicting to allow or permit a rational solution to our present problems of the River Murray and its tributaries. The Commonwealth in these circumstances has an obligation in the national interest to co-ordinate the proper use and management of our inland water resources.
>
> Although there is ample scope for the Commonwealth to proceed with the co-operation of the States, even if this co-operation is not forthcoming the so-called 'National Implied Powers' of the Commonwealth seem to provide it with the power to establish a body which would undertake research into the problem which bedevil our River Murray system. This power has been described by a number of Justices, in particular in recent Australian Assistance Plan Case.
>
> Although the scope of this inherent power has yet to be exhaustively defined it would seem that the remarks made by a number of Justices indicate that the power would be sufficient to support the involvement of the Commonwealth in research activity, particularly when it is appropriate that there should be planning and research at a national level. The creation of such a national body by no means pre-empts the opportunity to make use of any expertise which the States undoubtedly have. The needs were best summed up by Justice Mason:
>
> > The functions appropriate and adapted to a national Government will vary from time to time. As time unfolds, as circumstances and conditions alter, it will transpire that particular enterprises and activities will be undertaken, if they are to be undertaken at all by the national Government.
>
> These are particularly applicable to the River Murray and its tributaries and the time for Commonwealth action is now.

We have laid before us this evening a set of circumstances of past years which are in the real and absolute sense practical today. I believe that the setting up of a committee by the State Government with representatives on that committee is to be commended. As good as the intention may be, there is inherent in that seeds of misunderstanding, sectional interests and the inability to arrive at a singular persuasive point which one must condense to a point of power, a point of understanding, a point of intrusion, a point of persuasion, and, more importantly, a point of negotiation. It indeed becomes an extremely vexed problem. It seems that, if we have a problem in family life, sooner or later someone has to accept some responsibility of gathering the forces of dissention into some form of understanding. The dissension will then no longer exist and they will be put on to a path of meaningful discussions to solve the problem. Taking it from the area of the family we can go right up to local government and State and Federal Governments.

There are calls in some sections of the motion to initiate proceedings in the High Court. Before proceeding, I

supplied the Hon. Mr Milne with a copy of the document that I read. I discussed with him the fact that I was going to refer to that document and I am quite certain that he will consider the application of Glynn's efforts to steer completely away from any form of court action and away from the muddle and meddle of States even back at the turn of the century. That would be more simply put than it is today.

The Hon. R. C. DeGaris: Are you saying that you would like to steer clear of all legal action?

The Hon. N. K. FOSTER: Not necessarily. What I said before was more important. We have to understand the situation in which we find ourselves and apply the same form of principle as did Glynn and his comrades for 25 years.

Paragraph II of the resolution deals with the proceedings of the High Court. Paragraph III deals with a declaration against the States of New South Wales and Victoria. I remind the Council that this was dealt with by Glynn. A number of Premiers of all political persuasions in New South Wales, Victoria and South Australia in those days took office not expecting to be in office the following week, month or year. We are political animals, and in New South Wales they are no different. I see no great value in a publicity campaign as referred to in Paragraph IV of the resolution because it is only going to be enjoined and will mean a great a fat cheque for the public relations machines on both sides of the political fence. Paragraph V refers to a publicity campaign in Victoria. With the electronic media these days, we would need a lot of money to put up a show. Paragraph VI refers to the action of the Commonwealth Government in taking such steps to allow the holding of a referendum. I do not know whether there ought to be a referendum but, if so, the Federal Constitution provides that it will have to be a Federal referendum. If we are going to get down to the problem of South Australia's water supply, the Queensland Government will also get into the argument. If we are going to have a referendum in one central and three eastern States—

The Hon. C. M. Hill: You would have to have it in all the States if you want to change it.

The Hon. N. K. FOSTER: Of course we would. Be patient, Mr. Hill.

Members interjecting:

The ACTING PRESIDENT (Hon. Frank Blevins): Order!

The Hon. N. K. FOSTER: It will mean that the great centres of population in Sydney and Melbourne will steamroll.

The Hon. C. M. Hill: And you want that to happen?

The Hon. N. K. FOSTER: No, I do not. With this resolution there will be an amendment to it. I am not casting aspersions on the Hon. Mr Milne. He has forced the matter to debate when the Government has steadfastly refused to do it.

We have been begging the question for months, but the Government has given off-the-cuff, throw-away press releases to this country's popular press in respect of the water problem, set up a committee that could do nothing, and then, at the end of the scale, said, 'We will not bring up the matter for debate.' How can we expect such a committee, involving people from Winnie Pelz to Clyde Cameron, to have any effect on this vexed problem as it affects the New South Wales, Victorian and South Australian Governments? It is not on. As responsible Parliamentarians, we must grasp the nettle.

The Hon. Lance Milne has opened the door to enable that to happen, and he should be given credit for that. I am not ripping into the Hon. Lance Milne. That has never been my role in this place. At any time that I have had criticisms regarding another matter, it has laid at the Premier's door. I have pointed out the inadequacies in relation to the Hon. Mr Milne's argument regarding a referendum of the States of New South Wales, Victoria and South Australia in order to amend the Constitution. The Constitutional Review Committee spent years on this matter and made all sorts of recommendations regarding it. However, the matter was not even debated by the Federal Parliament. Almost 10 years ago, the then Prime Minister (Hon. E. G. Whitlam) set up a Constitutional Review Committee, which spread itself into a number of committees. The Hon. Mr DeGaris, the Hon. Mr Summer, and the Hon. Mr Banfield, who has since retired from this Council, represented us on one or more of those committees. This was one of Mr Fraser's great ploys when he snatched office in 1975, but he has done nothing about the matter.

If we are going to wait for anything positive to come from a Constitutional Review Committee, we will wait forever. After all, the Constitution has changed very little from what it was at the beginning of the century. One of the changes that has been made relates to Aborigines, but one could hardly say that they have been accorded their rights in this country. That is, therefore, impractical and will achieve nothing in respect of our rights to the watershed from the Great Dividing Range. That range is only one of two great ranges in this country that shed a great volume of water for this State, the other being related to the Ord River scheme in Western Australia.

It is a political truth to say the Ord River scheme has been of little value in terms of irrigation and of supplying the water needs of people in Western Australia. That State experienced a dreadful drought a couple of years ago, and could not get any water from that vast holding, which was born out of a political whim to gain an additional Senate seat in Western Australia in an election in that State. That, whether one believes it or not, started the Ord River scheme. If politics can be played to that extent, it is indeed a tragedy that in 1981 we in South Australia are on a head-on collision course with two neighbouring States. I remind the Council that South Australia is a unique State, as it has a common border with every mainland State and Territory of Australia. I ask the Hon. Mr Milne to dwell at length on this matter.

I do not want to canvass the amendment, as other honourable members will do that. Rather, I will now wind up. However, I should like to refer to a tattered document which I have had since 1969 and which was given to me by an elderly gentleman by the name of Joseph E. Vance, who was an engineer and a great colleague and friend of Mr Hudson of the Snowy Mountains Hydro-Electric Authority. Indeed, Mr Vance was with Mr Hudson for many of the explorations and studies on the Great Dividing Range. When Mr Vance was in Adelaide in 1969, he came to see me. He was the first person that I saw after Mr Ian Wilson gave the Federal seat of Sturt to the Labor Party.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: If the bludger had done his work properly I would not have had to do this. Mr Wilson is a lazy politician, a lazy electorate worker and a hopeless Minister, who should, as a Minister, be arguing the case of this State in the Federal Parliament.

The Hon. J. C. Burdett: I thought you said that you were winding up.

The Hon. N. K. FOSTER: I am winding up. I am glad that the Minister reminded me of that.

The Hon. J. C. Burdett: Well, why don't you do it?

The ACTING PRESIDENT (Hon. Frank Blevins):

Order! I ask the Minister to refrain from interjecting, as the Hon. Mr Foster has said that he is winding up.

The Hon. N. K. FOSTER: People on the Government side of this Council have more influence over Mr Wilson than I do. I suggest that they get to Mr Wilson fairly quickly; otherwise, he might run the gauntlet of being pushed out of office again.

The Hon. J. C. Burdett: Are you going to have another go?

The Hon. N. K. FOSTER: Yes, I am. Mr Wilson deserves to go if he does not pull up his pants. I now refer to the document written by Mr Vance headed 'Approach to discussion—a broad outline'. As a Queenslander, this elderly gentleman, who was concerned about the rights of this State, wrote:

> Weirs in the Darling River do not add to the sum total of water available to the Darling—Murray system. In the hinterland north and south of Coffs Harbour more than 20 000 cusecs are available from areas having an altitude in excess of 1 200 ft. On an economic basis, more than 10 000 cusecs can be aggregated in the Aspley Gorge, approx. 30 miles distant from the Peel River, upstream from Tamworth.
>
> The future of New South Wales and of South Australia demands a heavy continuous flow in the Darling River. This water available in the Aspley Gorge, at a height approaching 1 200 ft. would provide with ancillary works for a permanent flow exceeding 21 ft. in depth.
>
> Note: Such a permanent flow is, in itself, a storage equivalent to three major dams.

No-one would quarrel with that. The document continues:

> Aspley Gorge is in the Upper Macleay River. By comparison, the Snowy scheme will provide a maximum of 4 000 cusecs down the Tumut to New South Wales and 4 000 cusecs to Victoria. Accumulating this volume (+ 10 000 cusecs) in Aspley Gorge, as set out, and the tunnel to the Peel River is not nearly so difficult as the engineering carried out on the Snowy, under the direction of William Hudson.
>
> The Peel River bank in the vicinity of Tamworth is approximately 1 200 ft altitude and the bed of Peel River must be taken down nearly 100 ft., a difficult and costly work were it not for the fact that a massive and almost undisturbed section of the Moonbi Range sheds in just under the bed of the river. In addition to New South Wales and South Australia, Queensland would receive considerable benefit.

Papers in relation to that particular system have been delivered to at least one university in Australia. I have asked the Minister whether he would make them available to either the Adelaide or Flinders University, but he said that there is virtually no authority within either of those universities to do that. That is absolute rubbish! The Minister finally admitted in a further reply that in years to come we may have to look at turning one of those rivers, and I think it was the Clarence, into the Darling River.

The Minister has lived on the river all his life, but I doubt whether he has discovered it. If he has discovered it he has only done so in the old lackadaisical approach that has been evident in this State over many years. I have built up a couple of thousand dollars worth of air travel concessions, and over the next few weeks I will be trying to track down some of the people that this gentleman has referred to, in an attempt to unearth the original undertaking that was investigated and costed. This State would greatly benefit if the Minister undertook that responsibility through his department.

The Hon. J. R. CORNWALL: My contribution to this debate will be short, but it will be statesmanlike. I give this resolution qualified support. I certainly support the spirit in which it has been moved and the aim which the Hon. Mr Milne would like to achieve. Unfortunately, I believe there is a tendency in the wording of the motion, and in the debates that have occurred previously, for the Murray River to be seen merely as a vehicle for the petty posturing of politicians or, perhaps more accurately, the posturing of petty politicians.

The fact is that the river is dying: all available evidence proves that quite conclusively. We have ravaged the river to such an extent that it is literally dying and we have now reached a crisis point. It is well past the point where we should do something dramatic about it. Unfortunately, in this country we are hung up on the so-called great issue of State rights, and that is stopping us from doing anything about this matter.

The Hon. C. J. Sumner: It is that mob opposite which supports that stupid parochialism.

The PRESIDENT: Order!

The Hon. J. R. CORNWALL: The Hon. Mr Sumner is absolutely right. Conservative politicians in this country have supported this crazy insupportable notion of State rights ever since and even before Federation. That is precisely why we are in this enormous bind at the moment. There is no doubt about that at all; that is where the responsibility for this dreadful mess must lie. It lies squarely on the heads of all conservative politicians in this country who, for the last 90 years, have talked about State rights as though they were something sacred. That is a lot of nonsense. No other civilised country in the world would put up with that nonsense.

It is not just important to South Australia; it is our life's blood. However, all we have had up to date is this continuous haggling and time wasting, trying to draft complementary legislation. Every so often the State Ministers attend a conference, eventually reach agreement, return to their respective State Cabinets and, in many instances, are rolled. That is precisely what happened in Victoria, for example.

The Hon. R. C. DeGaris: And in New South Wales.

The Hon. J. R. CORNWALL: Yes, and in New South Wales. However, it is not a question of which State is doing this, that or the other. When Mr Corcoran was the Minister in charge of water resources in this State (and the latest negotiations have been in progress since 1973), he would attend a Ministerial conference and get an agreement from the Victorian Minister. The Victorian Minister would then go back to his State Cabinet, but Mr Borthwick, who was the then Minister of Environment, used to consistently get that Minister rolled. The Minister of Water Resources in Victoria did not have sufficient weight to have his views carried. Mr Borthwick consistently rolled him on political grounds. It is a similar story in New South Wales. For many years it has been a State political issue. I am pleased to see that the Minister is supporting my original contention that the whole problem concerns this ridiculous States rights nonsense.

The Hon. J. C. Burdett: It would be worse if it were Federal.

The Hon. J. R. CORNWALL: That is possibly one of the silliest remarks I have ever heard in my life.

The Hon. J. C. Burdett: The voting power is in the Eastern States.

The Hon. J. R. CORNWALL: If you support the notion of Federal control, do something about it.

The Hon. C. J. Sumner: What's your policy?

The Hon. J. C. Burdett: I want New South Wales to behave itself.

The PRESIDENT: Order! If the Hon. Mr Sumner continues in that vein I will have no option but to name him, and I will also deal with the Minister in the same way.

The Hon. J. R. CORNWALL: The Minister, by interjection, is trying to perpetuate this petty political posturing by saying that it is entirely the fault of New

South Wales. Governments come and go in New South Wales but the problems in relation to the Murray River have been mounting for 70 or 80 years.

What a disgraceful thing it is to take this petty and short-term view that we will declare war on New South Wales because Neville Wran happens to be a Labor Premier, although one lady said he looked like a Liberal. Short-term political kudos—that is what the Government is about. South Australia has to lift its game above that. As I said, that river is dying while petty politicians stand around juggling and carrying on with all the nonsense about the place.

Cut off the gas supplies indeed! Constitutionally that is impossible and from a business viewpoint it is entirely impractical. The Premier said he meant it and then he did not mean it, but by that time he was getting a run in the press, and the next day he meant it again. That is a prime example of the sort of thing I am criticising. Surely in regard to the Murray we can have a bipartisan approach.

We agree that the Murray is dying and that for the survival of South Australia it is essential that we do something immediately and dramatically to ensure its survival. Do not let members sit in this Council or in any other Parliament in Australia and carry on with all this nonsense in regard to whose fault it is. The truth is that it is everyone's fault. Our view of the problem of the Murray is far too narrow. Whenever the question of the Murray is duscussed the only matter raised is salinity. True, that is a measure of the degree of the problem, but it is not the only measure. The fact is, and you can make out a good argument for it, that we may have been better off in Australia if there had never been any irrigation settlement along the river in any State.

Various academics have done cost-benefit analyses and have come close to proving conclusively that if we had never had any irrigation we may have been better off. Certainly, that could be the case in regard to South Australia. However at this point, having gone so far down the track with our irrigation schemes, it is too late to start thinking about that. We have to rehabilitate the existing areas and the Murray River itself. It is most important that we do that, because the salinity problem of South Australia is a relatively minor problem versus the problem of environmental health.

The Murray River is one of the classic polluted rivers of the world. We are only repeating in the Murray what has happened in many of the great rivers in America, notably, the Mississippi and the Ohio. It is for that reason, as the Hon. Mr Foster pointed out, that our local Federal Minister, Mr Ian Wilson, should be far more vital in these matters. He has a grab-bag portfolio federally which includes the environment, yet we have hardly heard a word from him on the problems of the Murray. He should be talking about it more than anyone else, because it is a classic pollution problem.

The Hon. R. C. DeGaris: Do you agree with the view put that the Murray is beyond rehabilitation?

The Hon. J. R. CORNWALL: I do not think so, but I make the point that we have to do something immediately, and we have to do something dramatic. We will certainly not resolve this problem by haggling or waiting for State Ministers to get together with the Federal Minister to make some half-baked arrangement. When I say that we must do something dramatic, I think we will have to give teeth to the River Murray Commission. We will have to set up some sort of authority in addition which looks at the quality of the water delivered as well as the quantity because, when one talks about the salinity problem, that has been tied over the years to the whole problem of quantity. We are guaranteed some sort of allocation which will flush out the river and reduce the salinity from time to time.

The Hon. K. L. Milne: We are not.

The Hon. J. R. CORNWALL: Whether we are or not, that is really what the debate is centred on.

The Hon. K. L. Milne: We are guaranteed our ration but not the flushing.

The Hon. J. R. CORNWALL: We are guaranteed a quantity, but there is no guarantee whatever about the quality. We have the classic pullution story. We have enormous pollution from both organic and inorganic chemicals and amoebae and enteric bacteria, which is one of the reasons why we have to cholorinate our water. We have enteroviruses, which produce gastroenteritis in various forms, as well as all the herbicides and pesticides resulting from agricultural practices along the river. We have amoebae, as everyone knows, and we have the recurrent worry every summer, particularly every abnormally hot summer, that we have a potential amoebic meningitis problem.

We have chemical problems of which salt is only one, although it is easily the most spectacular. We have levels of heavy metals, including cadmium, and there is a high level of organic compounds. The truth is that we have made such a mess of the Murray that the water is now unfit for human consumption at the time it leaves the river. It is unfit for the human or domestic situation from the time it leaves the river, and it deteriorates progressively from there to the water treatment plants, where it must be chlorinated in the interests of immediate public health.

This is particularly so during the summer, when the amoeboe have to be controlled. Additionally, the water has to be chlorinated to some degree all the year round because of the high bacterial levels. Arising from this organic pollution problem in the first instance—and exacerbated at the water treatment works—we have the problem of halogenated hydrocarbons of which triholamethanes are one group. They are the cancer-causing chemicals that are occurring in increasing amounts in more than 80 per cent of South Australia's domestic water supply. All the water drawn from the Murray which is used in our domestic supplies has now got a problem in greater or lesser degree from these chemicals which cause genetic damage and cancer. This is really a matter of major importance, because in this sort of—

The Hon. K. L. Milne: Do we know where they are coming from?

The Hon. J. R. CORNWALL: I can comment in round terms, but I should not be held to this explanation scientifically. There are hydrocarbons in the river because of the organic pollution. There is also the chemical pollution along the river from the three States, and we are significant offenders in that respect. With all that, we have the precursors for the formation of these particular chemicals, the hydrocarbons. The inorganic chemicals, the halogens, are a group—chlorine, bromine, fluorine and iodine. The halogens combine with other substances in the water supply to some extent before it reaches the water treatment works. That is made much worse when you chlorinate. The hydrocarbons combine with the chlorine at the water treatment works and you get relatively high amounts.

At this stage I should give the Council some figures. I have a paper presented to the ANZAAS conference on 16 May 1980, by Mr D. G. Lane, Chief Chemist, Engineering and Water Supply Department. The paper reproduces levels of trihalomethanes which have been taken during a monitoring programme in recent years. The data in this paper is taken over a two-year period from April 1978 to April 1980.

The figures show that in the Tea Tree Gully area, which gets Murray River water from the Mannum pipeline, the average levels of trihalomethanes in that period were 243 micrograms per litre, with a maximum of 400. At Port Pirie, the average was 294 and the maximum 688. In Port Augusta, the average was 325 and the maximum 680. It is interesting to look at the figures before and after chlorination. At Happy Valley, before chlorination, the maximum levels recorded were 32. After chlorination they were 367. Chlorination adds very significantly to the problem. At Noarlunga the maximum levels were 482.

The Hon. K. L. Milne: What's the safety level?

The Hon. J. R. CORNWALL: The safety level is a matter for some debate. The tolerable level set by the United States Environment Protection Agency is 100, so the sorts of figures we are getting are somewhere between four and seven times that amount. The matter of what is a safe or tolerable level can be debated but these things are mutagenic and carcinogenic in the same way as—

The Hon. R. J. Ritson: In man?

The Hon. J. R. CORNWALL: That does not become you, Dr Ritson. What do you think man is composed of? Is he not composed of cells? You define the substances that are mutagenic by laboratory tests on cells. They are then proved to be carcinogenic in laboratory animals. Yet you follow this ridiculous line like the Minister of Health and say that they have no effect on human beings. I can forgive the Minister, because she has no training, but how can I forgive you, with a medical degree?

What you are saying is that we have not got proof from human studies,or epidemiological data, which would have to be taken from a population consuming the water 30 or 40 years ago when the levels were very much lower. That is the evidence we have at present. We do not know what the trihalomethane intake of the population was 30 or 40 years ago but we do know what it is now. You propose that we ought to wait 25 or 30 years so that we can do our human post mortems then and say, 'My goodness, we did have a problem.' That is absurd and is not accepted by any authorities in the world, with the exception of a couple of lame ducks in the Health Commission and the Minister.

The Hon. C. J. Sumner: And Dr Ritson.

The Hon. J. R. CORNWALL: And Dr Ritson.

The Hon. R. J. Ritson: You don't think there could be any differential between species as to response?

The Hon. J. R. CORNWALL: Of course there can be. What I am putting to you is that, if something is mutagenic and carcinogenic in animals, there is a strong presumption that it goes right across the board, and if they are proved to be—

The PRESIDENT: I think the honourable member has given a clear explanation in reply to the question asked by the Hon. Dr Ritson, and I ask him to tell us about the Murray River.

The Hon. J. R. CORNWALL: For goodness sake, I am sorry you were not able to follow my explanation. It is pertinent to the Murray because of high levels of trihalomethanes.

The PRESIDENT: I thought you were raising your voice because of the question asked by the Hon. Dr Ritson.

The Hon. J. R. CORNWALL: My heart is in this, and I get somewhat heated when I think that the great majority of South Australians may be sitting on a time bomb. If we allow the genetic changes in the community, they will go on in perpetuity. Also, in 20 or 30 years time, unless we look to reducing these cancer-causing agents in our water, we may be looking at an increased incidence of cancer in the human population.

It is interesting to look at longevity, or life spans, in the population. In the past 100 years, the statistical increase in the life span in the human population in this country has increased by 50 per cent but the great bulk of that increase has occurred because we have managed to control the major infectious diseases and have managed to cut down spectacularly on infant and child mortality. In the past 50 years, despite major technological advances in medicine, the life span did not increase much. There has been a major effort in the technological field but life spans have not increased much. There has been a major increase in two major diseases, namely, coronary heart disease (which has nothing to do with Murray River water) and cancer. That brings us back to environmental health and the Murray River, because, if we are going to look at life spans in the next 50 or 100 years, matters such as pollution in our water will be extremely important.

As I have said, no other country in the world would tolerate the ridiculous and now tragic situation that we have allowed to develop and to persist along the Murray River. In the United States, they are far too sensible to tumble into traps with anything as important as water supply and rivers that cross State boundaries. Federal agencies like the E.P.A. in America would have been doing something about a situation like the one involving the Murray River more than 20 years ago.

Turning specifically to the motion, the reference to proceedings in the High Court of Australia brings us back to the sort of nonsense that I was talking about earlier. It is virtually a declaration of war. Perhaps worse, it is an all or nothing principle. Although I am not learned in the law, my advisers have told me that, if we were to lose these challenges in the High Court, we would be placed in a very invidious position, and I could not support that part of the motion. Once we lost a case or cases in the High Court, we would be in a difficult position.

It would be far better, as the Hon. Mr Milne would normally want us to do, to sit down at the negotiating table with the other States and the Commonwealth and arrive at a sensible solution. The publicity campaigns to which he refers are important, and I support them with enthusiasm. The other States ought to be told what they are doing to us. This is not just an agricultural or horticultural issue: it is a matter of the survival of South Australia. I would certainly support that part of the motion.

I know that we have to make the River Murray Commission work. Additionally, we certainly need some national authority on water quality. We have to get away from the notion of simply supplying a given quantity. We have to move towards a position where we have a national authority which monitors and controls water quality and which devises a grants scheme that will rehabilitate the River Murray which is one of the great natural and national resources of this country. It can be done and must be done. The alternative to the State of South Australia is too dreadful to contemplate. With those remarks I give some support to the spirit of the motion.

The Hon. K. T. GRIFFIN (Attorney-General): I have the impression from what the Hon. Dr Cornwall was saying earlier that this debate related not so much to saving the Murray River as to saving New South Wales. As he concluded, I saw that perhaps he did understand what the motion was all about and what some of the inherent difficulties in that motion would be. The Hon. Dr Cornwall did, in the early part of the debate—

The Hon. J. R. Cornwall: I referred to petty political posturing.

The Hon. K. T. GRIFFIN: The Hon. Dr Cornwall was engaging in petty political posturing. Perhaps the earlier part of his speech was more akin to saving New South Wales, as was Mr Keneally's speech on 31 May, rather

than saving the Murray. The Hon. Mr Milne has raised a number of issues. Whilst I agree with some, I must disagree with others. Let me put this whole debate into some context. I think everyone would recognise that some 120 000 hectares of additional allocation along the Darling and its tributaries is presently under contemplation by the New South Wales Government. That is nearly three times the area which is irrigated from the Murray River in South Australia.

Honourable members, both today and on other occasions, along with the Minister of Water Resources, have drawn attention to the likely consequences of that development, if it continues, upon the quality of South Australia's water supply and on the quality of irrigation development which can occur along the Murray River in South Australia. That is one of the reasons why the Government, since last year, has been adopting a positive approach to the applications being made in New South Wales for irrigation licences and authorities and has been endeavouring to oppose all of those which would either directly or indirectly have an impact on South Australia's water quality.

The real problem is that South Australia has a concern that the decisions which have been taken by New South Wales really appear to have been made by that State without adequate investigation of their adverse effects in spite of conclusions by the consultants, Maunsell and Partners, that further allocations should not be made without further investigation. It is pre-empting investigations by the River Murray Commission to establish a water quality model of the river to enable decisions like this to be made in the light of a full knowledge of their effects. South Australia has been taking action to draw attention to its concern in hearings by Land Boards in respect of applications for authorities and licences.

The Minister of Water Resources, in October last year at a meeting of State and Federal Ministers representing Governments affected by the Murray River, took the matter up in an attempt to have the amendments to the River Murray Waters Agreement agreed to. He raised very specifically with New South Wales the problems that we would face in South Australia if New South Wales, development continued. The Premier subsequently wrote to the New South Wales Premier calling attention to the problem once again and seeking a moratorium on new applications until their effects had been fully evaluated. The New South Wales Premier, Mr Wran, replied:

> New South Wales is not convinced that the circumstances are such at this stage as to warrant a moratorium being placed on the issue of further allocations.

As it was apparent that decisions allocating additional water for irrigation were being made in New South Wales—

The Hon. C. J. Sumner: Do you know what the restrictive contributions are in terms of the salinity of Murray River water, by the time it reaches Adelaide, between New South Wales and Victoria?

The Hon. K. T. GRIFFIN: If the Leader would let me finish what I am saying—

The Hon. C. J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: As it was apparent that decisions allocating additional water for irrigation were being made, the Minister of Water Resources in South Australia authorised challenges, to which I have already referred, within the New South Wales legal system. As the Hon. Mr Milne has indicated, the initiative has met with mixed success. We as a Government were successful in obtaining decisions against two groups of applications. An appeal by New South Wales against the first of those (the first decision being made at Wentworth) is currently in the New South Wales Land and Environment Court, and a decision has yet to be given. The hearing of New South Wales appeals against the second success of South Australia is still on the waiting list before the matter goes to trial.

The Leader of the Opposition has raised the question of relative contributions of salinity to South Australia's water system. I would suggest that it is not just a matter of salinity; it is also a matter of water flow. The New South Wales development on the Darling and its tributaries will reduce the volume of water that will flow into the Murray River system and hence increase salinity in the river as it flows from both New South Wales and Victoria. At least Victoria has stopped new development and is in the process of undertaking some salinity control measures as is South Australia. South Australia has the Noora saline water drainage system under construction. It is also involved through the River Murray Commission with the Rufus River ground-water scheme which, again, is designed to assist in the control of salinity.

The Hon. M. B. Dawkins: It's made a significant contribution.

The Hon. K. T. GRIFFIN: Yes. In South Australia we also have the introduction of improved irrigation measures which will further reduce salinity and the ultimate consequences to the Murray River. I believe that members ought to recognise that it is estiamted that at least 1 000 000 tonnes of salt in the river crosses the border into South Australia each year from both New South Wales and Victoria.

The Hon. C. J. Sumner: What are the relative contributions—

The Hon. K. T. GRIFFIN: The relative contributions are irrelevant.

The Hon. C. J. Sumner: How much do we, New South Wales and Victoria put in?

The Hon. K. T. GRIFFIN: That is not the question.

The Hon. C. J. Sumner: You're saying that the salinity that South Australia adds to the river is irrelevant?

The Hon. K. T. GRIFFIN: It is irrelevant to the consideration of the protection of South Australia's water entitlement. South Australia is taking positive steps to control salinity that is introduced into the river in this State. It wants New South Wales to do the same and to halt the development of irrigation properties until a proper study is undertaken by Maunsell and Partners, as recommended by the River Murray Waters Commission.

The Hon. C. J. Sumner: But you still haven't said what the relative contributions to the salinity of the river are.

The Hon. K. T. GRIFFIN: The Leader of the Opposition does not seem to understand the problem.

The Hon. C. J. Sumner: One of the problems is salinity. Right?

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Leader will have his chance to debate this if he wants to. The fact is that, being at the end of the river system, South Australia is prejudiced by developments that occur upstream in other States. Those developments add not only salinity—

Members interjecting:

The PRESIDENT: Order! I do not intend to let the debate get into a further shambles than it is in at present. The Attorney-General has the call and will be listened to.

The Hon. K. T. GRIFFIN: The Hon. Mr Milne's motion seeks to deal with the problems upstream. He wants to ensure that New South Wales is brought to heel and co-operates in a short-term project that will have long-term

consequences.

The Hon. C. J. Sumner: He talks about Victoria.

The Hon. K. T. GRIFFIN: I am not debating that. Victoria has at least recognised the problem and has not continued with developments.

The Hon. L. H. Davis interjecting:

The PRESIDENT: Order! I warn the Hon. Mr Davis that I do not intend to let the argument flow in about three different directions at one time. The Attorney-General is speaking, and he will be heard.

The Hon. K. T. GRIFFIN: In reply to a letter from the South Australian Premier, the New South Wales Premier said that New South Wales is not convinced that the circumstances are such at this stage as to warrant a moratorium being placed on the issue of further allocations. That is really at the crux of the problem at present. South Australia does not want New South Wales to defer forever developments in the Murray River system and the Darling River system: it wants to call a halt so that irretrievable damage is not done by damage that is irreversible. That is not too much too ask. However, New South Wales will not accept that.

New South Wales is proceeding to list applications for irrigation authorities and licences before Land Boards in the State, and it has even legislated to prevent South Australia from appearing at hearings to exercise its right as a down-stream user of Murray River water, in such a way that New South Wales itself is denying the rights of the end user.

Surely, that is obvious to even the Leader of the Opposition. I have some sympathy with the Hon. Mr Milne in relation to the way in which he is seeking to draw attention to the problem. In many respects, as this State's Minister of Water Resources has said, not only has the South Australian Government sought to intervene in Land Board hearings but also it has undertaken publicity campaigns both here and interstate in order to draw the attention of Governments and the public, including public servants in other States, to the very real dilemma in which South Australia is placed. I should like to turn for a few moments to some of the detail of the Hon. Mr Milne's motion.

The Hon. C. J. Sumner: Are you opposing it or supporting it?

The Hon. K. T. GRIFFIN: I want to talk about some aspects of it. The Leader will get the drift if he listens carefully enough. The first aspect of the motion is for the South Australian Government to institute High Court proceedings. Mr Millhouse has been making noises publicly for a long time about the Governnment initiating proceedings in the High Court. In fact, the Hon. Mr Milne has said 'Give it a go. What have you got to lose?' Let me say that it is not simply a matter of pulling up to the High Court like one pulls up at a parking meter. A lot more work must be done before one can take proceedings in the highest court in the land, and before one takes proceedings in which one has any chance of success.

The Hon. C. J. Sumner: You've got a lot of law officers there who are unemployed. Why don't you use them?

The Hon. K. T. GRIFFIN: The Government has been reluctant to become embroiled in a public debate with Mr Millhouse about the quality of the advice that he has been tendering gratuitously, because the Government does not want to declare its hand to New South Wales on what its options may be in terms of litigation and what South Australia thinks of its likelihood of success. Unfortunately, I am now in a position where I must answer Mr Millhouse's proposal, which advice has been given on a number of occasions.

I believe that being locked into a course of action that requires High Court action to be taken really leaves no options open to the Government in the longer term. I am not convinced, and nor are my advisers convinced, that an action in the High Court would be successful.

Although the Hon. Mr Milne has drawn attention to the recent legislation in the Commonwealth Parliament that would give courts an opportunity to interpret Statutes in the context of the broad purpose that they are designed to serve, I do not believe (and nor do my advisers believe) that there is a real and significant prospect of success in the High Court at this time, or that the Commonwealth legislation, because it relates to the interpretation of Statutes, will have any application to the interpretation of the common law. That is really what we are down to when talking about injunctions to protect the river system.

I might say that, although I do not criticise Mr Millhouse for offering that advice publicly, the fact is that he is not accountable for that advice, and it is easy for him to give advice gratuitously; nor is Mr Millhouse accountable for whether or not his advice is likely to lead to success.

The Government does not want to embark upon a High Court action in circumstances which it believes are likely to be unsuccessful and then find that we are tossed out of the High Court, having burnt our bridges for all time. In my view, that is no option.

If Mr Millhouse has some advice and research on which he bases that opinion and which he would care to make available to the Government, we would certainly be prepared to examine it. However, on the very flimsy statement that he has made so far, and on the basis of our own research, the Government is not convinced that it has any reasonable prospect of success in the High Court. As I have said, we have not wanted to join issue with the honourable member publicly, because we felt that that would have telegraphed our punches to New South Wales, and that is not really a situation into which we wanted to lock ourselves.

The Government has examined other forms of litigation that might be open to it and has taken the view that, instead of constant appearances before the Land Board hearings, where more often than not our submission is tossed out, it will give instructions for proceedings to be instituted in the New South Wales Land and Environment Court under the Environmental Planning and Assessment Act.

The Hon. J. R. Cornwall: Is that public knowledge?

The Hon. K. T. GRIFFIN: It is now. Instructions were given recently and counsel has been retained in New South Wales to institute an action on a broad ranging basis in the Land and Environment Court. We believe that Part V of the New South Wales Environmental Planning and Assessment Act applies to irrigation licence and authority applications in that State. It overrides the provisions of the Water Resources Act in New South Wales in so far as it is inconsistent—

The Hon. K. L. Milne: That is in a lesser court.

The Hon. K. T. GRIFFIN: It is the Land and Environment Court.

The Hon. K. L. Milne: Is that the main one in Sydney?

The Hon. K. T. GRIFFIN: That is correct. The Land and Environment Court has jurisdiction under this legislation to take into account a wide range of environmental factors which are likely to affect any development. Part V of the Act requires a determining authority, including the New South Wales Water Resources Commission, when considering a proposed activity (including irrigation diversions), to examine and take into account to the fullest extent possible all matters affecting or likely to affect the environment by reason of

that activity. When an activity is likely to significantly affect the environment, the determining authority is required to obtain, examine and consider an environmental impact statement in respect of that activity and provide for public inspection of that statement. Failure of the Water Resources Commission to comply with the provisions of the Act would give South Australia the right to enforce the Act in the Land and Environment Court.

As a consequence, the Government would have the option to raise questions of environmental consequence on all irrigation diversions in New South Wales whether they be in the Darling Basin or the Murray Basin. Therefore, the consequences of extensive development are able to be examined before the Land and Environment Court. That is a significant step which is more likely to bear fruit than an action in the High Court. It is a course of action which does not result in the Government's burning its bridges, and that is fairly important. The Government believes that this is a significant development which should be taken into consideration when determining one's attitude on this particular resolution. The Government certainly believes that High Court proceedings are inappropriate.

The Hon. K. L. Milne: What are you doing in relation to the Land and Environment Court?

The Hon. K. T. GRIFFIN: The Land and Environment Court is established under the Environmental Planning and Assessment Act in New South Wales.

The Hon. J. R. Cornwall: There is a very good senior judge in that jurisdiction.

The Hon. K. T. GRIFFIN: You are not suggesting bias?

The Hon. K. L. Milne: I heard what you said about the court; what are you doing in that jurisdiction?

The Hon. K. T. GRIFFIN: The Government will commence an action in the New South Wales Land and Environment Court alleging a breach of the Environmental Planning and Assessment Act by the New South Wales Water Resources Commission. An application in that action will require compliance with the Act. That compliance will include the preparation of an environmental impact statement which will be available to the public. That statement will necessarily relate to the whole development and not simply to each irrigation authority or licence application.

The Hon. J. R. Cornwall: Are similar avenues available to you in Victoria?

The Hon. K. T. GRIFFIN: We do not have the same problem in Victoria because that State has stopped development.

The Hon. J. R. Cornwall: But they are major polluters of the river.

The Hon. K. T. GRIFFIN: The New South Wales Act relates to developments.

The Hon. C. J. Sumner: How much of that water would reach South Australia, irrespective of whether there was irrigation or not?

The Hon. K. T. GRIFFIN: Advice received by the Government suggests that a significant quantity of water—

The Hon. C. J. Sumner: How much?

The Hon. K. T. GRIFFIN: I do not have the exact figure at my fingertips, but it is a significant quantity. The Leader seems to be suggesting that we should not take any action in respect to developments in New South Wales.

The Hon. C. J. Sumner: I am not suggesting that at all. You have not answered the question about relative contributions to the salinity of the Murray or about how much water from the Darling system gets into the Murray.

The PRESIDENT: Order! The Leader is determined to challenge everything I have asked of him.

The Hon. C. J. Sumner: Why is it always me: what about Davis?

The PRESIDENT: Order! If the honourable member wishes to challenge everything that I ask of him I will have no option but to name him.

The Hon. K. T. GRIFFIN: The principal and immediate difficulty, and the Leader of the Opposition does not seem to understand this, is the New South Wales Government's determination to proceed with development of new irrigation diversions to the extent of some 120 000 hectares. That is three times the area of the whole irrigation development in South Australia on the Murray River.

What the Government is concerned about is the fact that there has been no investigation, as Maunsell and Partners recommended, to determine the long-term consequences of that development on South Australia and other users of Murray River water. What the South Australian Government is concerned about is that the diversion of that water in New South Wales will prejudice the volume of water that is available to South Australia to dilute the Murray River system and improve water quality in South Australia, and that the increased diversion in New South Wales may well increase the salinity which flows into South Australia. That is the principal and immediate difficulty which the South Australian Government presently faces.

All we are saying is that there ought to be a proper investigation of the impact of that development on South Australia. That has been recommended by the consultants (Maunsell and Partners) to the River Murray Waters Commission. The action taken before the Land and Environment Court in New South Wales seeks to have that broad assessment made which should have been made a long time ago. We do not want to get into a position where it is irretrievable and irreversible, and I believe the Government's decision to take action in that court in New South Wales is a positive step which is much to be preferred above the proposal of the Hon. Mr Milne.

I would now like to deal with the question of the referendum. One difficulty with a referendum is that the majority of referenda held in Australia have not been carried. The last thing that we want to do is to encourage the Commonwealth to go to a referendum and find that it is lost and for all options to be closed off. The principal emphasis ought to be on the Land and Environment Court and on publicity directed towards changing community attitudes aimed at getting New South Wales to agree to a moratorium, not indefintely but for a fixed period, so that there can be a proper assessment made of the difficulties that may arise from the New South Wales development.

Broadly, that is the Government's position. I believe that the Government is taking positive action and that it has been doing so since last year. It will continue to do that and, in consequence, the motion of the Hon. Mr Milne should not be proceeded with but should be held in abeyance until we know at some time later this year what are the consequences of the Government's initiative.

The Hon. G. L. BRUCE: I have listened with great interest to the debate and, while I have not been able to absorb all the points made, I believe I should contribute one matter dealing with the Murray River that I have been following. This is a matter that is close to my heart and concerns the history of the Murray. I am concerned about the attitude taken by the various States to the Murray. It is not just a problem for the States, although it does involve statesmanship. This matter should be resolved quickly, and idealism should prevail to allow the States to hand over their power because it is in the interest of all that the Murray River is preserved.

I have followed a series of articles dealing with the Murray River in the *Australian* written by Philip Cornford. I will skip much of the detail in these reports, although they begin with the history of the Murray from the beginning, and the first article in this series states:

> An entire State—South Australia—depends for its very existence on the Murray. There are bigger rivers in the world, but few carry the burdens of the Murray. It is demonstrably this nation's most important single resource and while grateful people have given it the title Mighty Murray, it is, in fact, fragile, given to great contradictions and variations.

The report goes on with the reference 'Old man with nothing but salt'. The series is continued over several days and a subsequent report refers to the situation in Victoria. It is this whole situation that concerns me. One can hear about what is going on and one can live along, swim in and drive over the Murray and think that it is all right, but when one finally reads an article about the true situation, the full force of the position finally comes home. I will now refer to another report in this series because I would like it to be included in *Hansard* because I would like to hear comment by the Government. Honourable members must be aware that, although much is the responsibility of South Australia, the whole river system belongs to Australians and it is a responsibility for all. The report to which I refer is dated Tuesday 12 May and under the heading 'South Australia takes action—to save the land, not the river, driest State helps poison its water', the report gives hair-raising facts and figures and states:

> South Australia is poisoning itself. The driest State on the driest continent provides within its own boundaries one third of the salt load which is polluting its most vital source of water, the Murray River.
>
> An average annual load of 1 100 000 tonnes of salt flows across into South Austrlia, collected during the 1893 km the Murray flows through N.S.W. and Victoria.
>
> But in the 637 km the Murray flows in South Australia it collects an other 470 000 tonnes of salt in a year of average flow. It is inside South Australia that the salinity of the Murray really starts to rise—and regrettably and as is the case all along the Murray, the bulk of this salt is man-made.
>
> South Australia irrigates only 43 000 ha of Murray Valley land—but bad irrigation practices and run off wash 200 000 tonnes of salt into the river.
>
> The Murray experiences its heaviest regulation within South Australia—there are six weirs above the pipeline which extracts water for Adelaide—and the reverse hydraulic effect these man-made lakes exert on highly saline underground water pushes another 120 000 tonnes of salt into the river a year. Another 150 000 tonnes comes from natural inflows.
>
> And 300 000 tonnes of this salt is pumped straight back onto the land each year by flood irrigation farming.
>
> DRAINAGE
>
> Worse, the problem was exacerbated by attempts to reduce salt loads in the river. A Murray River Commission report states: 'At present, approximately half of the salt inflow due to irrigation drainage is from the evaporation basins. With the expansion of drained areas, this component is expected to increase by nearly 70 per cent by the year 2010.'
>
> These evaporation basins were located adjacent to the river, spilling highly saline water, oozing it underground. Their locations reflected—in fact, it is an indictment—South Australia's unwillingness to spend money on a resource it took for granted.
>
> Clearly South Australia, the State which with good reason yells the loudest about Murray River salinity and water flows, had equally good reason to get its own house in order.
>
> Belatedly—it is well to remember that it is now 13 years since the disastrous summer of 1967-1968 when only 1 580 000 megalitres of water went down the Murray, less than one-sixth its average annual flow—it is doing just that.
>
> It is spending $80 000 000, with more to come, and the scale of the work indicates how sensitive a politcal problem the Murray has become to 1 300 000 South Australians who rely on the river to deliver up to 82 per cent of their domestic and industrial water in a dry year.
>
> The programme: $15 100 000 to extract 157 000 tonnes of salt a year by draining three overloaded and riverside evaporation basins into a new evaporation basin at Noora, well removed from the Murray. Work started last year and is scheduled to be finished in 1983.
>
> $24.6 million in the Berri irrigation area to replace open drains which deliver irrigation water from the Murray to farms with closed pipelines. Work is to finish in June 1983.
>
> $20 million on a similar scheme in the Cobdogla irrigation area, work to finish in 1985.
>
> $23 million to rebuild the on-farm tile drainage works in the Berri-Cobdogla areas. The drains, which are collapsing with old age, carry run-off irrigation water to the evaporation basins which will eventually feed into Noora.
>
> It is interesting to note that the great bulk of the money—$67.6 million—is being spent on projects where the primary aim is to protect the land, not the river, from salinity.
>
> The chief beneficiary is the farmer, who is in fact the major polluter. These projects protect the river only in a secondary role, and far less effectively than the salt extraction scheme.
>
> The same preference is noticeable in Victoria and NSW, which again reflects the political realities of both States. Rivers don't vote, but farmers do.
>
> In Victoria. the Government has spent or is spending $6 million on salt extraction and is spending and planning to spend $12.4 million on saving land in Shepparton region by pumping down underground salt tables.
>
> The salt extractions in Victoria—the second major polluter of the Murray—will total 88 500 tonnes of salt a year compared with its intention to eventually pump 142 000 tonnes of salt a year into the Murray to save the Shepparton land, a deplorable deficit if it is permitted to occur.
>
> In NSW, the Government has spent $370 000 extracting 19 000 tonnes of salt a year at Buronga and is planning to spend $12 million to save land at Wakool from saline groundwater. This scheme, however, will also extract 25 000 tonnes of salt.
>
> NSW smugly claims it contributes only 10 percent of the Murray River salt load, but this does not take into account salt which comes down the Darling River, on which the Menindee Lakes storage is administered not by NSW, but by the Murray River Commission.
>
> South Australia says that a monitoring program showed that 115 000 tonnes of salt came down the Darling into the Murray from August 6 to January 20, 39 per cent of the total salt to enter South Australia in that period. In the month of January, it went up to 64 per cent.
>
> No matter how you feel about these semantics, it is still salt down the Murray. The Murray River Commission's contribution is the $3 000 000 Rufus River scheme to extract 27 000 tonnes of salt a year from this outlet at Lake Victoria, where water for South Australia is held in storage.
>
> The end result is that Victoria, New South Wales and the Murray River Commission will extract from the Murray 159 000 tonnes of the 1.1 million tonnes of salt they send into South Australia each year. They could do more and, given the right sort of pressure, probably will.
>
> While South Australia's Noora salt extraction scheme will single-handedly almost outstrip them, Victoria and New

South Wales can at least claim—as they do every time they are challenged on this—that they took the initiative first, well ahead of South Australia.

Altogether, these schemes are expected to lower the salinity readings at Morgan, the main pumping outlet in South Australia, by about 90 EC units.

They will mean that South Australia will have potable water below the World Health Organisation standard of 800 EC units 97 per cent of the time compared with 75 per cent of the time now.

Had they not gone ahead, South Australians by the year 2010 would be getting potable water only 47 per cent of the time. The damage to crops and industry in that time would have totalled more than $80 000 000.

They are, however, no more than 'bandaids' quick solutions to a problem that had been allowed through neglect to get well out of hand. Their beneficial effects will have been eroded or destroyed by 2010.

Eventually, the four governments—South Australia, Victoria, New South Wales and the Federal Government—who govern the fate of Australia's greatest waterway are going to have to come up with more salt extraction schemes or another form of solution.

The one the South Australians want to see is more water sent down the Murray in dilution flows.

They are looking at the Darling River, the Murray's biggest tributary, with jealous eyes.

And New South Wales is ready to fight.

Such articles went on over a period. There was not only one of them. Another newspaper report referred to the Darling River as a drop in the ocean of fair play and refers to what is happening. What I am concerned about is the band aid treatment. A report in the *Australian* is headed 'Ex-Minister sees a $400 million vision splendid.' Those people are saying that an effort should be made to turn the waters away from the eastern seaboard and to Central Australia. In the same newspaper there is a reference to the other side of the world. Dealing with the Thames River, the report refers to the Thames Barrier and states:

> It is part of the Thames Barrier, one of the biggest engineering projects in European history. It will have cost at least $980 000 000 (including associated bank-raising down river) by the time it is finished—hopefully, late next year.

Australia is one of the greatest nations in the world. It has a great potential for mineral development and is the envy of every other country, but we cannot come to a statesmanlike attitude to our water. By the year 2010 we will be drinking more salt out of the Murray River. It is important for the people of Australia to realise the effect that salinity is having, and something should be done. It is a national scandal that this has gone on for so long and I deplore the fact that parochial State attitudes still mean that nothing is done for South Australia. I commend any member of Parliament, State or Federal, who can give us better water than the Murray River.

The Hon. J. A. CARNIE: I move:

That this debate be now adjourned.

The Council divided on the motion:

Ayes (8)—The Hons. J. C. Burdett, J. A. Carnie (teller), L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, and R. J. Ritson.

Noes (9)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, N. K. Foster, Anne Levy, K. L. Milne (teller), C. J. Sumner, and Barbara Wiese.

Pairs—Ayes—The Hons. M. B. Cameron and D. H. Laidlaw. Noes—The Hons. B. A. Chatterton and J. E. Dunford.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. FRANK BLEVINS: I have waited for over two hours to have my say on this motion, and I am not going to be muzzled by the Government as it just attempted to do.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Blevins has the call and he is the only one speaking at this stage unless an honourable member has a sensible question to ask. The Hon. Mr Blevins.

The Hon. FRANK BLEVINS: I will commence by quoting from the editorial of the *Australian* of Tuesday 19 May 1981. It is significant that our national newspaper should take a national view on such an issue which is of great national importance.

The Hon. C. M. HILL: I rise on a point of order. I ask, Mr President, whether private members business either under Standing Orders or by the convention of this Council concludes at 6.30 p.m.

The PRESIDENT: The simple answer is 'No'.

The Hon. C. M. HILL: Does that come under Standing Orders and, if so, what is the number of the Standing Order that covers that matter?

The Hon. K. L. MILNE: I rise on a point of order. The matter raised is beside the point. This is an important issue.

The PRESIDENT: Order! The question is to the Chair. The Hon. Mr Milne will resume his seat. Standing Order No. 64 states:

> Unless otherwise ordered, Government business shall on Tuesdays and Thursday be entitled to take precedence on the Notice Paper of all other business except questions, and Private Business on Wednesday to the like precedence of Government business:
>
> Provided that priority on the Notice Paper may, if so desired by the member in charge, be given to Notices of Motion for the production or printing of papers, for leave of absence to a member, or for leave to introduce a Bill, and to Order of the Day for the third reading of Bills;

That is sufficient to inform the Minister that no Standing Order covers his requirement. The Hon. Mr Blevins.

The Hon. FRANK BLEVINS: Thank you, Mr President, for clarifying the matter to the satisfaction of the Council. I have been here for only six years and I knew that that was the case. I am surprised that the Minister, with all his years of experience, did not know.

The Hon. C. M. Hill: We always used to stop at 6.30 p.m.

The PRESIDENT: Order! The point has been clarified.

The Hon. FRANK BLEVINS: It is a pity that members opposite with their narrow parochial view of the world do not take note of the *Australian*. The editorial is headed 'Vision needed to save the muddled Murray'. We could make a play on those words and take one of the Ministers opposite to task, as that heading is quite descriptive. The editorial states:

> In America, where pollution came early, and the anti-pollution movement grew first, they sing a sardonic song about a river that caught fire. A river that burns. Only the Americans could so ravage nature, you might say.
>
> Not so. We Australians are showing a remarkably deft hand at killing off a river system which flows through four States and whose catchment area covers one seventh of the continent.
>
> The River Murray system is a bounteous blessing in this arid land of ours. It is perhaps 20 million years old. Humans have dwelt on its banks for 40 000 years. It was not 'discovered' until 1824, not navigated until 1830 and not really exploited until this century.
>
> And since then we have tried our level best to destroy it. We pump it, dam it, pollute if, divert it and tame it in the name of progress.

We drink from it, farm from it, make electricity from it and take pleasure from it. In the name of necessity.

So arrested as its sprightly flow, so exploited it goodness that now like an ill-treated sheep dog, the Murray is cowed and defenceless, not so reliable and running up doctoring bills.

The week *The Australian* told the pathetic tale of this mighty waterway as report Phil Cornford chronicled his journey from the Murray's source in the Snowy Mountains down to the sea, east of Adelaide.

The articles referred to in that part I will be quoting extensively to the Council in a moment. The editorial further states:

It made for troubling reading. Here was a wonderful resource, perhaps Australia's greatest, being destroyed by greed, ineptitude, intra-State jealousy and Federal Government sloth.

Farmers; allowing salt to seep into the river through ignorance and apathy, States; posturing with the twin philosophies of 'Look after No. 1' and 'Pass the Buck Quickly' and the Federal Government; blandly ignoring all and shuffling the buck whence it came.

Clearly, it is time for all parties to react responsibly to the Murray's man-made problems and to make some manly decisions. The States and Commonwealth are spending some $126.4 million between them to reduce salinity. But these projects will diminish the salt content by only a fifth and, in the main, the emphasis is on saving the land, not the river. The projects are but a band-aid on a tooth ache. They are a classic case of treating the result and not the cause.

All sorts of cures can and have been suggested. The place to start is by respecting the river and giving greater thought to its exploitation.

For the Murray to be mighty again, a criteria must be that meek administration be given powers to truly right the wrongs.

Presently the Murray River Commission has representatives from New South Wales, Victoria, South Australia and the Federal Government. Decisions must be unanimous. But on the tough and needed decisions, unanimity is as likely as Andrew Peacock getting a dinner invitation to the Lodge.

Perhaps it is time the Federal Government took control of the commission and dictated policies for the common good.

Perhaps, also, it is time this Government in Canberra stopped cowering like the Murray and at least put in train a bold and visionary plan to make most of our resources and protect those we are ravaging.

In the *Weekday Magazine* today and yesterday, former New South Wales Conservation Minister Jack Beale outlines such a plan. We do not say it is the right one, nor feasible. That has to be investigated. But his motives are spot on. Australia needs a project of this scope and of this vision if it is to repay the blessings bestowed on it.

They are indeed stirring words. I am sure all members will agree that that editorial makes a lot of sense. Whatever we have said in the past about the *Australian*, there can be no doubt that to some extent it has rehabilitated itself in the eyes of the public by printing an editorial of such vision. It amounts to what is a clarion call to the nation. The article refers to reports written by Phillip Cornford, who undertook a 2 530-kilometre journey to look at and write about the river. Write about he did, in an informative manner and at great length. It is my pleasure this evening to quote from that article.

The Hon. Mr Bruce quoted from one of the articles at length, and I am sure that that was sufficient to whet the appetite of members for the rest of it. I refer to a report, one of the headings of which refers to the 'Mighty Murray' (it refers to the river, and not to the Minister of Local Government), in the Monday 11 May issue of the *Australian*. Under the headings, 'Poor irrigation practices are helping to destroy Australia's greatest waterway' and 'Old Man with nothing but salt in the bank', the report states:

It is difficult to imagine a starker sight than the Loddon River just before it starts emptying itself—and 190 000 tonnes of salt each year—into the River Murray. Generally Australian river banks are gentle places, full of shade and soft sounds. But not the Loddon at Kerang in Victoria.

No birds sing here. No willows drag their fronds in the water. The few trees that line its banks are dead There is no shade and even the river is silent. The soil on its banks is black and coarse with salt. It is a place of utter desolation.

The Lodden, however, is not responsible. The blame lies further upstream in Barr Creek, which empties into the Loddon, and which, ironically, is a river full of shade and soft sounds, a pretty place.

It would not be difficult to frame an effective case to stop Barr Creek and the Loddon running into the Murray. The amount of water they pump into the Murray is small and, measured in terms of the problems it creates, must be considered a totally negative contribution.

Here enters the biggest single salt load along the Murray's 2 530 km length. At times, the water coming down Barr Creek has a salinity reading of more than 5000 EC units, which means it is heavily brackish. The Murray upstream of Kerang has an average salinity reading of 200 units. Immediately down-stream this goes up to almost 300 EC units.

Barr Creek is an easily identifiable trouble spot. But, lurking behind in the shadows, making a lot of noise about salt but little about their own contribution to the problem, are the real villains—the irrigators who depend on the River Murray for their livelihood and give back a bitter harvest.

From these men comes a litany: the Murray is a naturally salty river. It flows through an ancient sea bed for most of its length. The underground water below the Murray and its valley lands is often more brackish than sea-water.

All this is true. But seldom said is this: of the Murray's total annual average salt load of 1 570 000 tonnes, only 750 000 tonnes comes from tributaries; a total of 450 000 tonnes of salt is washed into the river from farm land by bad irrigation practices; and 370 000 tonnes of salt seep into the river naturally.

Most of the 730 000 ha of irrigated land along the Murray is watered by flooding from open channels. Water is poured over the land and left to soak in. What is not used finds its way back into the Murray, taking with it the salt of the land it watered.

It is cheap. It is wasteful, inefficient. And, belatedly, farmers and governments are finding to their sorrow that it is not really cheap at all, because now, after generations of neglect, they are having to pay a long overdue bill.

Kerang, one of the oldest irrigation areas in Australia, is a classic example. There, thousands of hectares of once fertile land have been withered by salt poisoning. Careless irrigation for more than 100 years has raised underground water tables to ground level.

Now, farmers are spending up to $1 000 a hectare to reclaim salt wasted land by getting it laser -levelled to reduce the amount of water needed for irrigation and thus avoid any increase in the underground water tables.

The Victorian Government has guaranteed them $5 million in loans for land improvement and to install spray irrigation equipment, more expensive to use but more efficient and less wasteful.

That short extract from this very good article is sufficient to give the Council an indication of the problem that the Murray River has been having since the arrival of the

European into Australia.

The people of Adelaide complain about the quality of their water. I live in Whyalla, and I can assure people in Adelaide that, compared with what we have to put up with, they have little or no reason to complain. In Whyalla it is not just a question of discoloured water: it is a question of life or death. People in the iron triangle towns of Port Pirie, Port Augusta and Whyalla are fearful of using the water, not just for drinking but for washing and recreation, because it has killed some people in that area.

This is Australia in 1981, and the water is not safe! To save a few lousy dollars, and I think it is in the order of $50 000, this Government discontinued water testing programmes established by the previous Government. As a direct result of the cessation of that programme, the amoeba which causes meningitis was allowed to accumulate to a dangerous level in Whyalla's water. The situation currently prevailing in the towns in the iron triangle is a practical demonstration of the neglect of the Murray River. This is not a subject that can be written about in the fairly florid tones of the editorial I referred to earlier. This is a practical demonstration that the health of certain people in this State is affected by the water. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

SELECT COMMITTEE ON UNSWORN STATEMENT AND RELATED MATTERS

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

That the Select Committee on Unsworn Statement and Related Matters have leave to sit during the recess and to report on the first day of next session.

Motion carried.

CAMPBELLTOWN TRAFFIC

Adjourned debate on motion of Hon. J. A. Carnie:

That the regulations made on 11 September 1980 under the Road Traffic Act, 1961-1980, in respect of traffic prohibition (Campbelltown), and laid on the table of this Council on 16 September 1980 be disallowed.

(Continued from 18 February. Page 2920.)

The Hon. J. A. CARNIE: When I moved this motion on 18 February this year, I said:

As the result of that the committee felt, although it was more fortunate than members of this Council are at the moment in that it had maps when those witnesses came before it, that it was necessary to inspect the site. This was done and at the same time an opportunity was given to the Campbelltown council to give evidence to the committee. It appeared to me (and I am sure that other members of the committee will speak on this matter) that perhaps the Road Traffic Board had not gone into this matter in the most advisable way.

Since that time, further evidence has been given to the Select Committee, and that evidence was tabled in this Council last week. I think it is fair to say that that evidence has caused me to look at the matter again, and I am sure that other members of the committee have done the same thing. That further evidence was given by an engineer of the Highways Department who showed the committee plans of the department's intention.

I have now decided that although the residents had a very strong case, the new evidence is slightly different from the evidence given by the residents of this area. On 18 February I also said:

Many reasons were given by the residents for their stand when they appeared before the committee. To the east and to the right in Stradbroke Road there are churches, schools and a recreation centre and, according to the evidence given to the committee, residents tend to head east for their schooling, shopping and leisure activities. In other words these facilities are to the right of where they live.

That was the main objection by the residents. However, evidence given by the engineer from the Highways Department showed that a traffic count was conducted on the two roads in question. That evidence does not support the evidence given by the residents. The majority of traffic does not turn to the right and head in an easterly direction, but turns west towards the city. I believe that we must take cognisance of the evidence given by the Highways Department engineer, supported by the traffic counts, before the evidence given by the residents.

As the mover of the motion I am going to take the unusual step, in the light of the evidence that has subsequently been presented, on voting against my own motion, because I believe that when the Highways Department carries out its plans, as set out in evidence submitted to the committee, the residents in this area will not be disadvantaged as they have imagined and as they set out in their evidence. From the evidence that is available to all members (now that it has been tabled), one can see that the plans as proposed will make for a safer intersection and safer area I take the unusual step of indicating now that I intend to oppose the motion which I moved in February.

The Council divided on the motion:

Ayes (9)—The Hons. Frank Blevins, G. L. Bruce, J. R. Cornwall, C. W. Creedon, N. K. Foster (teller), Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, J. A. Carnie (teller), L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, and R. J. Ritson.

Pairs—Ayes—The Hons. B. A. Chatterton and J. E. Dunford. Noes—The Hons. M. B. Cameron and D. H. Laidlaw.

Majority of 1 for the Ayes.

Motion thus carried.

PEDESTRIANS

The Hon. J. A. CARNIE: I move:

That by-law No. 9 of the Corporation of Adelaide, in respect of pedestrians, made on 11 September 1980, and laid on the table of this Council on 16 September 1980, be disallowed.

This motion follows much the same line as a couple of the motions that have come before this Council today. The main reason why the Joint Committee on Subordinate Legislation is moving for the disallowance is that almost without exception the regulations under by-law No. 9, which the City of Adelaide has gazetted, are covered by regulations in other Acts.

Certainly, no one denies that under section 667 (1) (7) (iv) of the Local Government Act the Council has the power to make such by-laws. These regulations are for regulating or controlling pedestian traffic on streets, roads, public places and footways. I point out that section 87 of the Road Traffic Act deals with walking without care or consideration, section 88 deals with walking on a footpath or right of road and section 90 covers the duty of pedestrians on pedestrian crossings, and these laws are already in force under that Act, yet the council has

brought in three paragraphs which say exactly the same thing in the by-laws that it has gazetted.

The Hon. Frank Blevins: Did Mr Howie look at them?

The Hon. J. A. CARNIE: I do not know; I imagine that he did, but he did not submit evidence. Paragraph (1) of the by-law provides:

> Every pedestrian shall—when on a footway keep to his left-hand side of such footway and shall when meeting or overtaking any other person pass on the right-hand side of such person.

Paragraph (2) deals with jay-walking and points out that a person shall cross any street by proceeding by the shortest line from the point on the kerbline from which he left the footway to a point on the other kerbline of the street immediately opposite the first mentioned point. The committee took the view, and I agree, that that was a long-winded way of saying what is already in the Road Traffic Act, where it refers to walking without care or consideration. It covers it all and is already there.

Paragraph 2(2) of the by-law provides that no pedestrian shall remain standing on the carriageway of any street. Those matters are duplications of or conflicts with the Road Traffic Act. Regulation 3.04 of the Road Traffic Act regulations deals with the duties of pedestrians crossing near traffic lights, so subparagraph 1(3), which provides that pedestrians shall obey signs, partially conflicts with that regulation.

I could go on. Section 369 of the Local Government Act provides, amongst other things, for the unlawful obstruction of a street or a road, so the wording of the by-law partly duplicates that section. The by-law also deals with queueing for buses and also provides that one shall not push into a queue.

The Hon. Frank Blevins: What's the penalty?

The Hon. J. A. CARNIE: That is another interesting point. No penalties are provided in the by-law. We were told in evidence that the reason for having all these regulations, particularly the one about queueing for buses, was so that council employees could ask or demand that State Transport Authority employees insist that people observe the queue lines, which is not always done. The Municipal Tramways Trust Act still exists.

The Hon. Frank Blevins: You don't get a lot of breaking queue lines in England.

The Hon. J. A. CARNIE: That is the point. It is already the law under the Municipal Tramways Trust Act, so the State Transport Authority can request council employees to do that now.

The Hon. Anne Levy: Is there any penalty in the Municipal Tramways Trust Act?

The Hon. J. A. CARNIE: I do not know.

The Hon. Frank Blevins: Are you serious about all this?

The Hon. J. A. CARNIE: I am serious about it, but I wonder whether the Adelaide City Council was when it proclaimed these by-laws. The point that the committee is trying to make is that this is an unnecessary duplication of laws. Section 59 of the Police Offences Act provides for the regulation of traffic and the prevention of obstruction. All these sorts of things are repeated in by-law No. 9 of the City of Adelaide.

As I have said, section 675 (1) of the Local Government Act provides that a by-law inconsistent with any other legislation or which cannot be said to be in accord with the general objectives of the Local Government Act could be said to be invalid. For that reason, while it seems a trivial and rather amusing matter, we have taken the view that there are too many regulations already, and there is no point in duplicating. If the City Council feels that it must have some of these things, we want them to have another look at the matter. We cannot amend. All we can do is pass them or disallow them. We have taken the view that almost all of the provisions, if not all, are in regulations under other Acts.

Motion carried.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

Returned from the House of Assembly without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL (No. 2)

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.

This short Bill amends the National Parks and Wildlife Act, 1972-1981, by adding a number of species of mammals, birds and reptiles to the list of rare species in the eighth schedule. The addition of animal species to the eighth schedule was requested by the Prime Minister in his advice to the Premier that a list of birds in Australia in danger of extinction had been agreed to by the Standing Committee of CONCOM. The Premier then advised the Prime Minister that South Australia would take legislative measures under its National Parks and Wildlife Act, 1972-1981, to declare the agreed list of species as either rare or threatened species.

The amendment will achieve two objects. The first object relates to the ratification by Australia of an agreement made with Japan in 1974 for the protection of migratory birds and birds in danger of extinction. Before ratification takes place, it is necessary that State Parliaments enact legislation protecting the birds concerned. The second object is to include in the eighth schedule all the mammals, birds and reptiles included in the list of Australian endangered vertebrate fauna endorsed by the Council of Nature Conservation Ministers last year.

Clause 1 is formal. Clause 2 replaces the eighth schedule of the principal Act with a new schedule which includes the speices in the existing schedule together with the new species.

The Hon. ANNE LEVY secured the adjournement of the debate.

LOCAL GOVERNMENT ACT AMENDMENT BILL, 1981

Returned from the House of Assembly without amendment.

PLANNING AND DEVELOPMENT 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 now be read a second time.

It is designed to enable the making of regulations under

the Planning and Development Act which will give effect to the recommendations of the report of the inquiry into the boundary of the hills face zone of the metropolitan planning area. The inquiry was conducted by Judge Roder of the Planning Appeal Board and was initiated by the previous Government in 1979. It was established to determine whether the boundary of the hills face zone required adjustment in order to:

> remove and/or avoid anomalous situations affecting both matters of the subdivision and the use of particular parcels of land and provide in such instances for the more rational development of such land, in such a manner that the existing area of the hills face zone is not significantly altered.

The terms of reference went on to state:

> in making recommendation of any desirable changes in the boundary of the hills face zone, consideration is to be given to:
>
> 1. appropriate conditions to be applied;
> 2. availability of services;
> 3. visibility of the area in question from the Adelaide plains; and
> 4. individual hardship

Judge Roder submitted his report to the Government for its consideration in September 1980. The recommendations of the report were accepted in January of this year, and the report was then released for public inspection. During the course of the inquiry, Judge Roder received 112 submissions from the public, and the report made recommendations in respect of 35 of these. The inquiry recommended the addition of approximately 167 hectares to the zone and the exclusion of about 19 hectares. The areas which have been recommended for change are small and spread almost the length of the zone, from Sellicks Hill in the south to Gawler in the north and represent only corrections to anomalies in the boundary.

It was originally envisaged, and it was further recommended in the report of the inquiry, that an amendment to the Planning and Development Act be drafted to give effect to the recommendations of the inquiry. The most apropriate way to effect the required change is through an amendment which creates the power to make regulations which amend the hills face zone planning regulations, 1971, and which explicitly take account of and provide for the individual recommendations made by Judge Roder. It is not appropriate that these changes, which reflect in detail, individual circumstances, be made in the Act.

The regulations envisaged by the Bill are currently being drafted. They will include a schedule in the form of a set of maps which accurately re-define the zone in line with Judge Roder's recommendations. The maps will also be brought up to date in terms of metrication and adjustment of some road definitions. It is envisaged that the regulations will be prepared and will come into force by the end of July. 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 inserts a definition of hills face zone in the interpretation provision of the principal Act. This will replace three separate definitions of hills face zone which appear throughout the Act and will provide the necessary definition for new section 45c inserted by clause 4. Clause 3 strikes out subsection (6) of section 45b of the principal Act. This subsection provides a definition of hills face zone and the amendment is consequential on the amendment made by clause 2.

Clause 4 inserts new section 45c into the principal Act. Subsection (1) provides two definitions. Subsection (2) of the new section will enable the Governor to make regulations for the purpose of implementing the recommendations of the inquiry into the boundaries of the hills face zone. Paragraph *(a)* will allow redefinition of the boundaries of the hills face zone and the zoning of any land excluded from that zone. Paragraph *(b)* and subsection (3) will enable land to be exempted from the provisions of the principal Act or regulations made under it for the purpose of implementing the recommendations of the inquiry. Subsection (4) makes it clear that the Governor can act under this section without first receiving a recommendation from the authority or a council as is required by section 36 (1) of the principal Act before the making of other regulations under the principal Act. Clauses 5 and 6 are consequential on the redefinition of hills face zone made by clause 2 of the Bill.

The Hon. ANNE LEVY secured the adjournment of the debate.

HANDICAPPED PERSONS EQUAL OPPORTUNITY BILL

Returned from the House of Assembly without amendment.

APPROPRIATION BILL (No. 1) 1981

Adjourned debate on second reading.

(Continued from 9 June. Page 4007.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I support the second reading of this Bill and refer to the allegations made yesterday by the Hon. Dr Cornwall in relation to the Whyalla Hospital. I wish to set the record straight on the charges made by the Dr Cornwall, who appears to have a compulsion for using lurid language without any factual backing. Not to put too fine a point on it, Dr Cornwall does not seem to worry very much about the facts. Unfortunately, I must destroy the grand conspiracy theory developed by Dr Cornwall. The matter of facilities charges for Dr Mestrov has never been referred to either Cabinet or the Minister of Health for determination. The issue has been handled by the Health Commission and the Hospital Board and was not referred to the Minister other than for information earlier this year, until Dr Cornwall raised the matter in Question Time last week.

An objective review of this affair must lead one to the view that the administration of health services in South Australia under the previous Government left a lot to be desired. This finding is, of course, supported by the Parliamentary Public Accounts Committee investigating the financial aspect of health services in South Australia.

In his statement, Dr Cornwall asserted that it was obvious Dr Mestrov was responsible for facilites charges and he quoted a memorandum from Dr Kearney, the Medical Director to the Director-General of Medical Services on 8 February 1977 to support this view.

Dr Cornwall stated that this memo gave details of the 50 per cent service charge which was to apply to Dr Mestrov for use of hospital facilities from 1 October 1976. He, of course, quoted selectively and forgot to mention the fact that the memo also said:

> Since 1 October 1976 we have provided Dr Mestrov with the same service as before and we continue to deduct 50 per cent of his charges as a service fee. However, we are only

> charged for non-inpatients who are Medibank levy subscribers and hospital inpatients. Dr Mestrov direct bills the full fee for all private inpatients and privately insured non-inpatients. These service fees and charging agreements were not negotiated locally, as Dr Mestrov's original agreement was with the Director-General of Medical Services.

In other words, Dr Kearney indicated that no facilities charges were being levied. Dr Cornwall also forgot to mention that the Director General replied on 18 April 1977 as follows:

> Thank you for the information contained in your memorandum of 8 February 1977 advising the current arrangements in respect of the radiology services provided by the Specialist Radiologist, Dr T. J. Mestrov. It is advised that approval has been granted for the continuation of these arrangements as from 1 october 1976.

In other words, the D.G.M.S. agreed to facilities charges not being levied. In fact no formal advice to levy a facilities charge was given to the hospital until May 1979. Dr Cornwall again has selectively used this letter to support his case and accused the Minister of Health of distortion, misrepresentation and deception. I will quote the above paragraph of that letter:

> Following the changes which occurred in the health benefit arrangements as from 1 October 1976 a request was forwarded to Whyalla Hospital seeking details of the Radiology arrangements. Dr B. J. Kearney, Medical Director, replied on 8 February 1977. Subsequently, the hospital was advised, on 18 April 1977, that approval had been granted for continuation of these arrangements as from 1 October 1976.

This is an acknowledgement of the approval given to the arrangements outlined in Dr Kearney's letter which did not provide for a facilities charge. The letter then goes on to indicate the arrangements that were thought to apply following the Auditor-General's query. However, it is quite obvious that the earlier approval, albeit by possible misunderstanding, was for no facilities charge to apply. It is also of interest that while this letter called for immediate implementation of a facilities charge it did not suggest retrospective payment. All of this correspondence, of course, took place under the previous Government.

The Hon. J. R. Cornwall interjecting:

The PRESIDENT: Order! The Hon. Dr Cornwall asked a question and I said that I would permit a sensible question. He shall not keep on repeating the same question.

The Hon. J. R. Cornwall: I did not get an answer.

The Hon. J. C. BURDETT: It has been dealt with in what I have quoted and in what I have stated. The Health Commission, when asked to intervene in 1980, sought to arrange a settlement in light of the above facts. Dr Cornwall contends that there was a $300 000 debt. This cannot be substantiated in light of the fact that Dr Mestrov had not been officially notified of the arrangements prior to 1979. In fact, there was an approval not to raise facilities charges and no account had been costed for the period before 1979. Even if facilities charges could have been levied, they would have had to relate to actual occasions of service, not some deflated estimate and they would have had to be discounted for expenses incurred by the practice.

An Assistant Commissioner of the Health Commission, Dr McCoy, conducted negotiations with Dr Mestrov, his accountant and the hospital. The settlement provided for a continuation of the radiology service at Whyalla and for facilities charges at the 50 per cent rate from April 1979, which was the date of incorporation of the hospital. Of course, this was prior to the formal notification to the hospital in the commissioners letter of 28 May 1979.

The Hon. J. R. Cornwall: The solicitor wanted the commission to join in suing Mestrov in October 1976, and that is on record. It has been tabled in this Council.

The Hon. J. C. BURDETT: There is serious doubt about whether there is any basis—

The Hon. J. R. Cornwall: You are not worried about the facts.

The Hon. J. C. BURDETT: I am worried about the facts. In agreeing to the settlement, the commission was extremely doubtful, given the above circumstances, of successful recovery of an estimated debt on such a poor contractual basis. The commission also made it clear to Dr Mestrov that non-payment for facilities charges prior to 1979 would result in the termination of his appointment to the hospital. Given the lack of contractual arrangements or any formal advice to Dr Mestrov prior to 1979, this was the commission's only negotiating base.

The Hon. C. J. Sumner: Can you get a legal opinion on that?

The PRESIDENT: Order! I ask the honourable member to desist and allow the Minister to proceed.

The Hon. J. C. BURDETT: There is no doubt that appropriate arrangements should have been made in 1976 for levying of facilities charges for radiological services at Whyalla Hospital. The fact that they were not and the lack of action to achieve charges until 1979 is another indictment of the whole financial arrangements in the health area which were well-documented in the P.A.C. report. Dr Cornwall's allegations of deals between the Government and Dr Mestrov are utter rubbish, as the issue has never been presented to the Minister of Health or Cabinet, and the Health Commission acheived the settlement between the Hospital Board and Dr Mestrov despite the lack of contractual arrangements.

Yesterday, the Leader of the Opposition referred to reduced licence fees for low alcohol beer and said that we should be reducing the excise. We cannot reduce the excise, but we can reduce the licence fee. The department has been examining the feasibility of this move for some time. We did not need the Leader's prompting because we were doing it anyway. The report is almost complete, but it will take legislative action to put it into effect. I support the second reading.

The Hon. FRANK BLEVINS: I also support the second reading. I rise in an attempt to clear up the matter in relation to Dr Mestrov once and for all. I said 'attempt' because I am not really confident that the Attorney-General will reply to the two specific questions I am about to ask him. I have an interest in this matter because I have been a patient of Dr Mestrov at various times. He practises in the city of Whyalla where I live.

The Hon. K. T. Griffin: He has not done a very good job on you.

The Hon. FRANK BLEVINS: He is a very good radiologist. There is considerable community concern about this matter at Whyalla. When a figure such as $300 000 is mentioned as being taken away from a hospital it has a considerable effect on a small community such as Whyalla. To many people in Whyalla it appears that Dr Mestrov has bled the hospital white. If that is the case, it is very serious. If that is not the case I think it is a very simple procedure for the Government to clear the matter up.

The Government only has to say that it has called for a Crown Law opinion as to whether there was any contractual arrangement between Dr Mestrov and the Health Commission. If it has called for a Crown Law opinion, what is it? If it has not, on what does it base its argument that there is no contractual arrangement? Who made that decision? Did the Health Commission make

that decision and, if so, on what legal advice did it make that decision? If the Government made that decision, from where did it receive its advice?

In all fairness to the community of Whyalla this matter must be cleared up, and that can be done quite simply. The present Chairman of the Whyalla Hospital Board is a very well known and highly respected solicitor who is known to both the Attorney-General and the Hon. Mr Burdett, and I am referring to Terry Reilly. As was indicated in the papers tabled in this Council yesterday, Mr Reilly suggested that the Health Commission should take a case against Dr Mestrov for him to carry out the terms of the contract. That is the only legal opinion available to the Opposition and members of the Whyalla community. I suspect that that is because it is the only opinion available and that no other legal opinion has been obtained. As far as I am concerned and as far as the Whyalla community is concerned, Terry Reilly's opinion should stand at the moment. His opinion is quite clear: there was a contractual arrangement, and he urged the Health Commission to take a case against Dr Mestrov.

He did not do this lightly. He is a responsible citizen of Whyalla and Chairman of the hospital board. He wanted to go through with some court proceedings against Dr Mestrov because, as Chairman of the hospital board, he thought that there was some obligation on him to see that the hospital (and the taxpayers through the hospital) got everything that was due to it, and this is in regard to a person who was already getting an enormous income by ordinary standards. There was an attempt to ensure that he did not get money that he was not entitled to from the Whyalla community. To me, as a Whyalla citizen, that seems to be an eminently reasonable position to take. If there is an answer to this matter, surely it is simple for the Government to state it.

We have just seen a contemptuous performance by the Hon. Mr Burdett who has merely stated that there was no contractual arrangement between Dr Mestrov and the Health Commission. The Minister gave the Council no evidence at all on what he based that argument. He was asked by way of interjection whether there was a Crown Law opinion and he refused to answer. Parliament is entitled to more than that. I have not heard in the answer of the Hon. Mr Burdett any mention of the comments of the Auditor-General, who also commented on this outstanding matter.

I hope that the Attorney, when he responds to the debate, will comment on what the Auditor-General said on this matter. The Government has certianly not cleared it up and, if Dr Mestrov has no case to answer and if the Government has done everything above board, why will it not tell us on what advice it has based its case? Is it a Crown law opinion? If the Health Commission has made that decision and not the Minister, on what was that decision based?

Dr Kearney, whom I know well and who is highly regarded, he is a physician and not a lawyer, and I understand that Dr McKay is also not a lawyer but is a medico of some description. Has the Government a Crown Law opinion on whether Dr Mestrov had a contractual arrangement with the Health Commission for the period in question?

If the Government has such an opinion, will it tell us what that opinion was? If it has not, on what advice has the Government come to its conclusion that there was no contractual arrangement? In fairness to the taxpayers generally and particularly to the citizens of Whyalla to whom the sum of $300 000 for a relatively short period seems an enormous amount to be paid to anyone, these simple questions should be answered. They are not trick questions, political questions or trap questions—they are simple questions which, in all fairness to the community, should be answered. I hope that when the Attorney responds to the debate he will answer them.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the attention that honourable members have given to the Bill. The Hon. Mr Burdett has already made an extensive response to the matters raised by the Hon. Dr Cornwall, and I do not intend to go further.

Members interjecting:

The Hon. K. T. GRIFFIN: The Hon. Mr Blevins and other Opposition members know that Crown Law opinions are never tabled in this Council. That practice was followed by the previous Government and it is followed by this Government as well. Whether or not there has been a Crown Law opinion or some other advice, I am not aware. That is a matter for the Minister of Health and the Health Commission.

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

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4007.)

The Hon. FRANK BLEVINS: The Opposition supports this Bill. Its intention is to increase the wages of the Governor. The increase sought seems to be roughly in line with the rate of wage indexation since the wage was last set. As we are suppporters of wage indexation, we see no reason why the Governor should not receive the benefit of this measure, just as do members of Parliament.

While doing a little bit of research on this matter (I must confess that I did not spend 24 hours studying this Bill) I came across a press cutting from 1976. It refers to when the Government instituted a pension plan for the Governor, and I was interested to see that both the salary and the pension of the Governor are tax free. That rather surprised me and I wonder what is the reason. I had no objection to his getting a substantial salary. He deserves it, but I wonder whether the Attorney will tell me why it is tax free.

The Hon. K. T. Griffin: Under the Federal Income Tax Act.

The Hon. FRANK BLEVINS: That is a little simplistic. There must be some rationale behind it.

The Hon. K. T. Griffin: He is the representative of the Queen.

The Hon. FRANK BLEVINS: As the Attorney seems to be aware of the situation, perhpas he can tell me the rationale when he replies. On reading the debate in the House of Assembly, I saw that the member for Mitcham was continuing his spiteful campaign against the Governor. I am sorry his colleague Lance Milne is not in the Chamber. I wonder what he would think of the behaviour of the member for Mitcham regarding the Governor over the years, because it is quite obvious (it comes through his speech in the House of Assembly) that the petulance, pettiness, and spite are still there. That relfects gravely on the member for Mitcham.

When someone can be so small-minded after two, three or whatever numbers of years as to carry on that spiteful campaign, it makes me wonder about the level of mentality of that person. That is not a reflection. I am just wondering aloud and the mind of some people amazes me.

The intention of the Bill is perfectly clear. The Government intends to dump the Governor, to dispense

with this Governor at the earliest possible moment. That is perfectly clear and I do not think anyone would argue against that statement. When the Governor's term of office finishes in the traditional way at the end of five years, that will be fairly close to an election and the Government knows that the palace—the Hon. Mr Hill laughs when I say 'palace'. I do not know why he would imagine that the head of Australia and the Commonwealth is something to laugh at. I do not find the palace in any way amusing.

It is clear that the palace does not like being involved in controversty, and nor shoudl it be. The Queen, unlike some Governors-General here, one in particular, certainly does not involve hereself in politics. This Government would like, just before its defeat at a poll, to appoint a Governor possibly of its own political persuasion because, if when it is in Opposition after the election it gets up to some mischief, it would prefer a Governor of its own appointment. There is another possibility. What is happening with this Government is that it wants to get rid of at least two people, and one is the member for Victoria, the Chief Secretary, Allan Rodda.

The PRESIDENT: Order! The honourable member has moved quite a way from the matter on the Notice Paper, which deals with the Governors' Pensions Act and I ask him to return to that.

The Hon. FRANK BLEVINS: It does not deal with the Governors' Pensions Act. This is the Constitution Act Amendment Bill and deals with the salary paid to the Governor. With respect, I think it is important, as the Attorney said earlier today, when dealing with Bills to detail some of the background. That is all I am doing: I am giving the background. All of a sudden the Government is concerned about the standard of living of the Governor. It has not increased the salary previously, but now it wants to get rid of a member of the Ministry and possibly get one of its own people into Government House.

I am not blaming the Government one little bit, because some members of the front bench are not up to it and ought not to be there. Despite the motives of the Government in dumping the Governor much earlier than is usual, the Opposition will support the Bill. We think the Governor is as entitled as anyone else to have his salary indexed. We wish him well in his retirement, which is coming around soon. We do not know whether he jumped or whether he was pushed, but it will be revealed soon, because the Government wants to make the appointment well before the elections so as not to cause an affront to the palace, and I suppose we should be grateful that, in the middle of a campaign, the Government is not going to involve the palace in some controversy.

The Hon. K. T. GRIFFIN (Attorney-General): The comments of the Hon. Mr Blevins demonstrate so clearly how much he is living in fantasy land. It is quite typical of a number of responses of the Opposition to matters before us. The member undoubtedly would have read the second reading explanation on the next Bill that will come before us, in which it is clearly indicated why the Government is moving to amend both the Constitution Act and the Governors' Pensions Act in this session. The Constitution Act Amendment Bill is long overdue. The last amendment to the Governor's salary was made in July 1974.

The Hon. Frank Blevins: 1974? That's outrageous.

The Hon. K. T. GRIFFIN: The member demonstrates that he has not read the second reading explanation. It was long overdue for review. The Government is catching up. I want to draw attention to what was a typographical error in the second reading explanation in relation to the explanation of clause 2, where the amendments are to come into force from 1 July 1981.

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

GOVERNORS' PENSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4008.)

The Hon. FRANK BLEVINS: I will be even briefer on this Bill than I was on the last one. The Bill, as outlined by the Attorney-General, seeks to enable the Governor to retire (that is putting it in a gentlemanly way) six months early. It just works out that the Government can replace the Governor a suitable diplomatic distance from the next election. I do not deny the Government's right to do that, although I am not sure that it is perfectly proper. It is very sad that someone like Mr Seaman, who has served this State in such an exemplary way, is to be leaving in this way. However, so be it. When thinking about and discussing this Bill one question came to mind. If the measures in the Bill were not in effect (and that has been the case in the past) then during the six months when the Governor was on long service leave (I believe it is called furlough) a new Governor would not be appointed and the Lieutenant-Governor would be acting as the Governor for that period.

What is paid to the Lieutenant-Governor while he is acting as Governor? Is he on any salary at all? Is he paid a retainer, and is it increased while he is doing the job as Governor? There is also the question of furlough for the Lieutenant-Governor. Is there any pro rata long service leave? That is not general knowledge in the community and is of interest to members on this side. If the salary of the Governor has not been increased since 1974, what is happening to the poor Lieutenant-Governor? Maybe he has not had an increase since before the war. I believe that this is the appropriate time to make those inquiries and ascertain the terms of employment of the Lieutenant-Governor. With those few words, I indicate that the Opposition supports the second reading and welcomes the Attorney-General's responding to the questions asked.

The Hon. K. T. GRIFFIN (Attorney-General): Possibly the questions should have been asked on the previous Bill where the Governor's salary was under consideration. However, I am prepared to give the honourable member some information on the position of the Lieutenant-Governor.

The Hon. Frank Blevins: It is cutting out six months work for the Lieutenant-Governor isn't it?

The Hon. K. T. GRIFFIN: Let me explain what is happening. The Lieutenant-Governor is paid no salary but, rather, a small annual allowance and there is no provision for a pension. When the Governor is away for a long period there would be an arrangement between the Governor and the Lieutenant-Governor as to acting as Governor. Ordinarily there would be no further payment from the Government to the Lieutenant-Governor: it would be an arrangement between the Governor and the Lieutenant-Governor. I am told that it has not happened for quite some time. Apparently it used to happen when we had English Governors who went home for six months during their period as Governor.

The Hon. Frank Blevins: Did you ever increase the allowance?

The Hon. K. T. GRIFFIN: I am not aware of the way in which the Lieutenant-Governor's allowance is increased. I indicated on a previous Bill that an allowance was paid to

the Governor which has increased by virtue of indexation over recent years. I have now indicated to the Hon. Mr Blevins the position in regard to the Lieutenant-Governor's allowance.

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

BUSINESS FRANCHISE (TOBACCO) ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 June. Page 4009.)

The Hon. ANNE LEVY: The Opposition supports this measure reluctantly. It is being brought forward by a Government which said that it would not raise taxes and that it was a low tax Government. Yet, this is very clearly a tax measure.

The Hon. K. T. Griffin: The High Court says that it isn't a tax.

The Hon. ANNE LEVY: The Estimates of Revenue show the business franchise tobacco product item in Part I under 'Taxation', along with stamp duty, pay-roll tax, and so on. This is a State tax. We have recently had unprecedented increases in State charges. The Leader of the Opposition in another place has detailed 40 increases in charges which have occurred since 1 July 1980—all to try to keep the Budget deficit to the planned $1 500 000. Of course, there is no way that this can be achieved.

The Premier currently admits to a deficit of $10 000 000, but it has been clearly shown that the final deficit this year will be more like $41 000 000. If account is taken of matters such as $20 000 000 extra having been moved from the Loan Account over and above the $16 000 000 moved in the Budget and about $8 000 000 which was transferred to the Budget from primary producers' assistance funds, we see a sorry state of affairs. Furthermore, we are being promised that water and sewerage charges, electricity tariffs, bus, train and tram fares will all rise again in the next financial year by unprecedented amounts far above the inflation rate. We are now seeing increases in taxation, too, despite all the promises of this being a low tax Government.

I admit that this situation was brought about partly because of the stingyness of the Federal Government. I am sure all members recall the Premier referring to Fraser as stupid and inhuman, yet only last October Mr Tonkin was urging us to support this man Fraser for the sake of South Australia. The smokers in the community are the next group to be hit with increased taxes. It is expected that this measure will raise about $3 000 000 a year. When introducing the Bill the Minister was at least honest enough to say that it is a straight tax increase. He did not cloud the issue by pretending that it is part of an anti-smoking campaign. Most studies indicate that the demand for cigarettes is not very elastic and that cigarette smoking will not decrease as a result of a small rise in price. This means that an extra $3 000 000 will be extracted from the pockets of South Australian smokers such as myself. Of course, this is a regressive tax, as all consumers pay the same amount regardless of their means. I point out the absurdity of one part of the second reading explanation, where the Minister said:

> This early action could enable some operators to take advantage of the situation and make a windfall gain at the expense of the consumer.

I do not quite see how that could happen.

The Hon. K. T. Griffin: You don't understand the system.

The Hon. ANNE LEVY: I was about to inform the Council what I understood of the system, having read the Act. The increased tax will apply from 1 August. The licence for the month of August is paid during the month of July, usually late in the month, and it is calculated on sales in the month of June. In June, wholesalers will only be collecting the current tax, which is 10 per cent. When they come to pay their licence in July, for the month of August, they will have to pay 12½ per cent on those same sales in June for their August licence.

The Hon. K. T. GRIFFIN: They are collecting an increase in July, aren't they?

The Hon. ANNE LEVY: They are collecting an increase in July on which they will base their September licence. Their August licence, which is when they will have to pay the increase, is based on their June sales when they are only collecting 10 per cent, not 12½ per cent. Even if cigarette prices rise from 1 July, as they probably will, the increase in that month goes to pay the licence for September and is payable in late August. It is true that there is interest-free use of the money collected in July before it is paid to the Treasury late in August. That situation applies already on the current taxation rate. I do not see how a windfall can operate, because the Government will be collecting late in July 12½ per cent on the June sales, which only have 10 per cent tax added for the month of August.

I am sure the Council will be interested in hearing comments made by some members of the Government when they were in Opposition in relation to such taxes. The current Speaker in another place, Dr. Eastick, when Leader of the Opposition said on 26 November 1974:

> I oppose the Bill, which is another result of the Socialist doctrinaire policy that seeks to make peasants of more and more of the population because, as of old, they are being robbed of their income in the name of State taxes . . .

It is a shame that the Speaker is not able to give his opinion on this current tax increase. In that same debate the current Deputy Premier, the Hon. Mr Goldsworthy, said:

> It will be an even sorrier day if the States are forced more and more into the consumer taxing field.

The Deputy Premier did not take part in the current debate on this measure. I presume that he is still sorry about the measure but does not dare say so. There was considerable debate about the introduction of this taxation measure in this Chamber at the same time, and I refer to the Hon. Mr DeGaris on 27 November 1974 when he said:

> I do not oppose the idea of the States moving into the consumer taxation field, but it must be accompanied, if we are to proceed with this type of taxation, by a substantial reduction in capital tax.

It is very interesting to look at what has happened under a Liberal Government which fits in exactly with the ideology propounded by the Hon. Mr DeGaris at that time. Since the Liberal Government assumed office we have seen the abolition of succession duty, gift duty and land tax on the principal place of residence. They are all capital taxes which have been abolished as recommended by the Hon. Mr DeGaris, and have cost the State at least $28 000 000 a year. That $28 000 000 has been given to the wealthiest section of the community, not the poorest. Fully in accord with the Hon. Mr DeGaris's sentiments, other taxes and charges are being raised to make up for the lack of capital taxes.

This particular measure will replace only $3 000 000 of the $28 000 000 that we have lost. Obviously, more taxes are to follow if the State is not to be completely bankrupt. The Tonkin Government cannot pretend that all our economic woes are due to the Fraser Government, although that gentleman has certainly contributed and will

continue to contribute to the problems of South Australia.

Equally clearly, the present State Government has completely mismanaged the finances of this State, and this Bill is yet another example of increased taxes and charges to make up for the Government's many financial deficiencies. I support the Bill as it would be most improper for an Upper House to do otherwise (as this is a money Bill), but I hope that all South Australians, particularly the smoking sections of the community, will realise why the Tonkin Government is putting its hands into the pockets of the people. I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate that the honourable member is going to support the second reading of the Bill. There are only several minor matters that I want to refer to. The first is in connection with the allegation by the honourable member that the State Government has completely mismanaged the finances of the State. Part of the difficulties that we are experiencing result from decisions that were taken by the previous Government, and those decisions are still coming home to roost.

Members interjecting:

The Hon. K. T. GRIFFIN: The Opposition will hear about some of these in the next few weeks. The railways agreement is a typical example of a sweetheart deal between Dunstan and Whitlam which has backfired, and that chicken is now coming home to roost and South Australia is likely to have to carry a much heavier burden as a result of the previous Government's severe mismanagement of that whole operation.

The Riverland Co-operative has cost the Government a fortune which could otherwise have been better employed in providing services to the community and keeping taxes down. We have areas such as the acquisition of shares in Allied Rubber Company. The shares were purchased much in excess of the then market price and subsequently had to be sold at a loss. The record can go on and on, and the day of accounting will come for those who now occupy the Opposition benches. It will demonstrate who has mismanaged the State's finances—the previous Dunstan and Corcoran Administrations. The Government has a policy of keeping taxes as low as possible and, although the Hon. Miss Levy suggests that the abolition of succession duties has benefited the wealthier section of the community, that is not correct.

Members interjecting:

The ACTING PRESIDENT (Hon. M. B. Dawkins): Order! The Council listened to the Hon. Miss Levy in silence. It will listen to the Attorney-General in silence.

The Hon. K. T. GRIFFIN: The abolition of succession duties assisted many ordinary people in the community. One day we will have time to go through the statistics, which will indicate clearly that ordinary people were disadvantaged because of the iniquitous succession duties imposed by a Labor Government.

Members interjecting:

The Hon. K. T. GRIFFIN: The abolition of succession duties and gift duty benefited ordinary people in the community. The abolition so soon after this Government came into office was in response to an election promise which we made; it was one of many which we have put into effect in the last 18 months. The increase in State charges is in response to a generally accepted principle that the user should pay for services provided by the Government. The Premier made no secret of the fact that services, when provided to limited and small sections of the community, should be paid for by the user so that the Government will recover its costs. That principle is recognised not only in South Australia but right across—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. K. T. GRIFFIN: Taxes are being kept down, and charges in return for services are being made at a rate that recovers costs. The franchise fee is not a State tax and, although it affects the Hon. Miss Levy, one hopes that it will restrain her in her smoking activities.

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

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

Adjourned debate on second reading.

(Continued from 9 June. Page 4009.)

The Hon. BARBARA WIESE: As the Attorney-General said in his second reading explanation, this Bill has principally two objects, the first of which is to introduce a system to enable South Australian number plates to carry the slogan 'S.A.—The Festival State'. The second object of the Bill is to amend the definition of 'insurance premium' to allow a gradual phasing in of third party insurance premium increases. I indicate at this stage that the Opposition will support the Bill.

The first part of the Bill dealing with slogans on number plates is a fairly minor and, I suggest, rather an inconsequential change. Although the Opposition does not intend to oppose this part of the Bill, I should like to express my reservations about gimmicks of this kind, which seem to be gaining popularity in Australia.

Moves of this kind are undesirable at a time when all the States of Australia are suffering economic hardship and fighting for economic survival, with little support from the Federal Government. I think it undesirable to be emphasising the difference between States and open competition between States when we should be looking at things in a national perspective and encouraging action for the good of all Australian citizens. I think it is symptomatic of the separatist 'them and us' attitude that we should discourage rather than encourage. It is also noteworthy that this Government, which champions the cause of free enterprise and competition, is seeking to enshrine in legislation provision for one company to have a monopoly of providing these number plates through the Registrar of Motor Vehicles.

The Hon. C. J. Sumner: Which one?

The Hon. BARBARA WIESE: The Government has not said yet. The Government's justification for this is that it brings South Australia into line with the other States, but it is an interesting situation and I think it highlights this Government's inconsistency and willingness to abandon so-called principle if that suits it. However, the intention of this part of the Bill is a fairly minor matter and the Opposition does not intend to oppose it. Nevertheless, I think the inconsistencies are worthy of comment.

The second part is of much greater consequence. This is to allow for the phasing in of third party insurance premiums and this is being introduced to overcome the confusion and hostility that arose when the committee brought down its recommendations for third party premium increases in March. At that time, the Minister was overseas, and the Acting Minister, Mr Brown, said that the Government was gravely concerned about the implications of the increases. He was reported in the press at that time as follows:

> The Government wants urgent talks with Mr Justice Sangster to discuss the proposed premiums.
>
> The Acting Minister of Transport, Mr Brown, said

yesterday the Government was 'gravely concerned' about the large overall rise and the effect of some vehicle reclassifications.

While the committee is not subject to Cabinet or Ministerial authority, I will ask the committee to reconsider the more serious aspects of the new proposals, he said.

I think the Acting Minister at that time was clearly implying that the Government could not take action as a result of the recommendations of the committee, that the Government's hands were tied, and the committee's recommendations would automatically be implemented. As we have since discovered, this was not so. The State Government Insurance Commission Act has a provision that proves that this is not so. Section 3 (3) provides:

In the exercise and discharge of its powers, duties, functions and authorities, the Commission shall, except for the purposes of section 16—

which is not relevant to this argument—

of this Act, be subject to the control and directions of the Government of the State acting through the Minister; but no such direction shall be inconsistent with this Act.

It is quite clear that the Government does have the power to act and to give directions to the State Government Insurance Commission on matters such as premiums. In fact, the Attorney-General admitted as much in his second reading explanation, when he said that the Government intends to implement a policy to phase in new premiums by instruction to the State Government Insurance Commission, which is the only insurer presently undertaking third party insurance. He also said that an amendment to the definition of 'insurance premium' in the Motor Vehicles Act is necessary so that it will be clear that the Third Party Premiums Committee's recommendations can be treated as a maximum premium which can be adjusted if the Government thinks fit.

As I have said, it seems to members of the Opposition that the Government already has this power because, after all, the committee is only an advisory committee. One wonders why this amendment is considered necessary. Perhaps the Government intends to encourage private insurance companies back into this field—a possibility which concerns the Opposition greatly. As we know, there is little if any money to be made by insurance companies which are reputable companies. The only way to make a profit would be for private companies to set up as they did during the 1970s, prior to the State Government Insurance Commission's taking over this form of insurance. At that time, there were a number of disreputable firms offering discounted premiums. They attracted a great deal of business, and the directors paid themselves well while they operated. Inevitably, because this form of insurance is not profitable, they went bankrupt or into liquidation. Members of the public suffered, and the directors of those companies escaped liability.

The Opposition is aware that there are safeguards in the Act against companies of this kind setting up business in South Australia—for example, companies must be approved companies, and so on—but, if the Government intends moving in this direction, it must exercise extreme caution to ensure that, if private companies become involved, they are reputable companies of substance which can guarantee that they will meet their obligations to insurers.

Coming back to the question of the premiums, it seems to me that the Government has been unnecessarily devious in this matter. It behaved as though the committee's recommendations were binding, when, as I have pointed out, they were not. Section 129 (1) of the Motor Vehicles Act states:

Upon the recommendation of the Minister, the Governor may appoint a committee to inquire into and determine from time to time what premiums in respect of insurance under this Part are fair and reasonable.

I think we can see from that that the role of the committee is to recommend what is fair and reasonable, and not what should be paid by the insurers. It is the Government's responsibility to decide what will be paid. The Attorney-General said in his second reading explanation that the recommendations seemed to him to be eminently fair and reasonable but, as he has discovered since March, many people in the community do not agree with him.

There are a number of anomalies in the committee's recommendations. Some motorists in certain categories would be required to pay huge increases. Of course, that is what has prompted the Government's action to bring in these measures to phase in the increases. I believe that the Government has had second thoughts on some of these premium increases as well and intends making some adjustments. Nevertheless, there appear to be heavy increases in store for some categories, and this will cause considerable hardship. It is difficult for the Opposition to argue too much about the proposed increases, because the actuarial information on which the committee based its recommendations is not publicly available.

I believe that that is wrong and that this Government, which talked so much about open government when in Opposition, should consider making the information available to the public for its scrutiny. I ask the Attorney-General whether the Government would consider taking that action. I do not intend to take up any more of the Council's time on this matter.

The Hon. C. J. Sumner: This Bill was not necessary, was it?

The Hon. BARBARA WIESE: That is true. It seems to be most unnecessary. In spite of that, the Opposition does not intend to oppose the Bill but supports it with the reservations that I have outlined. I would be very interested to hear the Attorney's view on some of the points that I have raised. I support the Bill.

The Hon. K. T. GRIFFIN (Attorney-General): I disagree with the honourable member when she indicated that she believed that this Bill was unnecessary. The advice which the Government has is that the Bill is necessary to ensure that variations to the recommendations of the third party premiums committee can be implemented. Regarding the honourable member's question about making information available on which the committee made its decision, the Government has not considered making that information available. The third party premiums committee makes its decision essentially on statistical data obtained from the insurer and from court decisions both here and interstate. I can see no reason why that information needs to be available when it is assessed by the committee and actuaries. Essentially it is an actuarial calculation.

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

MURRAY RIVER WATER

Adjourned debate on motion (resumed on motion).

(Continued from page 4115.)

The Hon. C. J. SUMNER (Leader of the Opposition): It is a pity that we are debating this matter at this time of the night, because it is a matter of considerable concern to South Australia.

It is interesting to note that the Government seems to be

reluctant to debate or vote on this matter. On 27 March this year, the Shadow Minister of Water Resources, Mr Keneally, wrote to the Hon. Mr Goldsworthy, who was then Acting Premier, and stated:

> I was pleased to read in the press that your Government is prepared to hand over control of the River Murray to a national authority that would manage this most important resource for the good of all Australians unhindered by State parochialism and petty political point scoring. The Opposition is in complete agreement with your Government on this important issue and commends the Minister of Water Resources on his statement . . . I call upon you as Acting Premier and Leader of the House to make time available during the June sittings of the current session of the House to enable the South Australian Parliament to fully debate this matter.

That was in March, and on 27 May, the Premier, who by that time had returned from overseas, stated:

> I feel that little would be gained in discussing the finer points of this matter in the House.

For some curious reason, the Government does not wish to debate or vote on this matter. When a move was made today in the House of Assembly, as well as the Hon. Mr Milne's motion in this Chamber this afternoon, the Government refused to allow Standing Orders to be suspended so that the matter could be considered. I am at a bit of a loss to understand the Government's reluctance to debate this issue. After the matter was debated by the Hon. Mr Milne and the Hon. Mr Foster, it seemed that the Government wanted to adjourn the matter until the next session of Parliament. The Opposition and the Hon. Mr Milne believe that that is unacceptable. The matter is urgent and the House should express an opinion immediately.

The main problem in the whole question of the Murray River is a problem that is inherent in the system of federalism in this country. This has come about because certain political Parties in this country insist on promoting the notion of sovereign rights of the States, and I refer particularly to the Governments of Queensland and Western Australia. There is a tendency for all State Governments to perpetuate the notion of sovereign rights of the States, and in so doing they are really saying that the States are laws unto themselves and there should be no national approach; matters should be considered on a States rights basis. As Mr Keneally said in his letter to the Premier, that view enforces parochialism to the detriment of national solutions to problems. Whatever problems arose during the Whitlam Administration, a view was taken in relation to Australia as a nation and not as a collection of six sovereign States. A Liberal Prime Minister had a similar national vision. I refer to Mr John Gorton, now Sir John Gorton. He at least had a national view.

The Hon. C. M. Hill: You are a real centralist.

The Hon. C. J. SUMNER: I am not a centralist in that sense; I do not believe in centralism for the sake of centralism; I believe in national solutions to national problems. The problems associated with the Murray River are inherent in the system of federalism that exists in this country whereby emphasis is placed on a State's rights to the detriment of the national interest. In the past 10 to 15 years, Labor and Liberal Governments and at least two Prime Ministers have tried to take something of a national view and have not pandered to the petty parochialism of the States righters in our midst.

The Hon. C. M. Hill: You are prepared to sell out to New South Wales and Victoria, because that is where the population and numbers are. They have the seats in Canberra.

The Hon. C. J. SUMNER: The Hon. Mr Hill is being absolutely inane and he should be ashamed of himself. I am not suggesting that the States should be abolished or anything of that kind, but I believe that the way in which certain politicians play on the States rights issue does absolutely nothing to promote a national solution to Australia's problems. As I said, I believe the Murray River situation is a product of that parochialism. I do not think that any member of this Council could deny that, not even the Hon. Mr Hill.

At the Australian Constitutional Convention in Perth in 1978, I dealt with this matter in a different context in a debate on whether the Senate should have the power to block Supply. That motion was put forward by the Labor Party and was originally proposed by Mr Whitlam.

The Hon. C. M. Hill: Your centralist ideas led to the railways deal.

The Hon. C. J. SUMNER: There was nothing wrong with the railways deal. The Premier is using that to try to overcome his own bungling in the State finance area. The Hon. Mr Hill know that the Premier is in trouble with his Budget, and will use whatever excuses he can in an attempt to get out of that mess.

The Hon. C. M. Hill: You sold us up the creek, and you still want to be a centralist.

The Hon. C. J. SUMNER: That is absolute nonsense.

The PRESIDENT: Order! The honourable Minister has asked enough questions for the time being. The motion before the Chair has nothing to do with the railways. I hope that both the Hon. Mr Sumner and the Minister will concentrate on the motion before the Chair.

The Hon. C. J. SUMNER: Me! I have not said anything.

The PRESIDENT: Order! Do not question what I have asked. I have given the Hon. Mr Sumner a fair go to continue.

The Hon. C. J. SUMNER: The railways question is a complete red herring. As I have said, the Premier has used that as an excuse to overcome his own budgetary difficulties. The fact is that, if there are difficulties with the railways agreement, they should be sheeted home where they belong—either to Tonkin or Fraser, who is apparently not prepared to honour the agreement.

In 1978, I put to the Constitutional Convention the sorts of thoughts that I believe ought to be motivating this country. I would like to quote what I said at that time because the justification for federalism in Australia is central to the argument on the Murray River. I said:

> The justification for a Federation in Australia is almost exclusively historical. Unlike many other Federal systems, it does not have to accommodate within States a racial or religious minority, or groups of such fundamentally opposing views that without a Federation no national Government could exist. A unitary system of government would probably be unacceptable in Canada because of the French-speaking minority of Quebec. Given the deep historical and cultural differences between the south and the north in the United States, it is unlikely they could exist except within a Federation.
>
> The Federation of Switzerland has three major and distinct linguistic and national groups; French, German, and Italian based on Cantons with old traditions . . . No such racial, religious, national, or traditional differences based exclusively on the States calls for a Federal Government for Australia... It is probably true that there is less reason for a strong State-based Federal system in Australia than in most other Federations. This underlying factor may explain why, as a matter of practice, the Commonwealth Government has become by a slow accretion of power the dominant party in the Federation.
>
> If we were framing a Constitution today, would we opt for

the three-tier system? May we not choose a unitary system, the second tier having greater powers than existing local government, but less than the States, and spread in a more rational manner around the country? Would Australia as a nation collapse if we abolished the States and instituted a two-tier system? I suspect and certainly hope not.

I also said:

I have mentioned these matters not to advocate the abolition of the States, but to point to the underlying nature of our society upon which our Federal system is based, to emphasise that our overall linguistic and cultural unity, and essentially similar history, combined with the increasing ease of physical and verbal communications, probably make us one of the least necessary of Federations in modern terms.

I then pointed out that:

. . . the States are a reality with many local characteristics based on somewhat different historical experiences. We often identify with our State and are proud of its achievements.

That is all fair enough. I went on:

Unfortunately these natural and desirable sentiments are often preyed upon to exacerbate a tendency to parochialism inconsistent with the fostering of a national sentiment and the attainment of our national ideals. This denies our national and international obligations.

I also said:

Unless we divest ourselves of the blind parochialism often implied in States' rights rhetoric, it is unlikely that we can look forward to an international view of society that I believe will become increasingly necessary.

I further said:

In the complexities of modern society no Government can function on this basis. It must inevitably lead to instability and a weakening of Government power to deal with the increasingly complex economic and technical problems that will confront us and the world community.

The question of the debate on Supply was a question about States rights. The opponents of the proposition to abolish the Senate's right, or to clarify whether the Senate had the right, to block Supply centred around States rights, and the opposition led by Sir Charles Court and other States rights parochialists in this country was based on just that.

The contribution I made was to try to emphasise that we should be looking to national solutions and that many politicians in our country were doing us a grave disservice by the sort of parochialism, rhetoric and playing on parochial and local fears that they engaged in I am not blaming one political Party or another for that. I believe the tendency is much more pronounced in the State Liberal Parties in Westen Australia and Queensland. However, every politician plays at it to the detriment of the national interest. I think that is a great tragedy for Australia, and it is a matter about which I feel very strongly. I think that the problems we have with the Murray River are problems that are inherent in that federalism, in the notion of sovereign States, and in having politicians who cannot see beyond their State's boundaries.

I do not have a great deal of disagreement with the motion moved by the Hon. Mr Milne but I think there are some problems with it. First, he calls for proceedings in the High Court and for declarations against the States of New South Wales and Victoria to ensure that the water that South Australia receives is of sufficiently high quality. He calls for a publicity campaign to be mounted in New South Wales and Victoria to try to increase awareness of the Governments and the people of those States about the problems of the Murray River.

Finally, he calls for a referendum of the States of New South Wales, Victoria and South Australia to amend the Constitution so as to allow the Commonwealth Government to control the Murray and Darling River water systems. My first comment is in relation to the proceedings in the High Court that are suggested. I would not object to proceedings in the High Court if there was a reasonable chance of success. If there is absolutely no chance of success, I do not think that we would be doing ourselves any service by taking a case to the High Court if it were just a stunt. I believe that there is a respectable body of opinion, including learned counsel, Mr Millhouse, Q.C., that believes that a case would be successful—

The Hon. L. H. Davis: Are you going to quote any other learned opinion?

The Hon. C. J. SUMNER: It is not a matter that I have explored in great depth, but I do accept that his opinion is worth serious consideration.

The Hon. J. C. Burdett: Is it a legal opinion or a political statement?

The Hon. C. J. SUMNER: The Hon. Mr Burdett asks whether it was a political statement. The member for Mitcham, Mr Millhouse, is a lawyer and a Q.C., and I understand that he might soon be a judge. I believe that he would not have made the statement just for political purposes. To be serious, as a Q.C. he is unlikely to have made a statement purely for political purposes and leave his legal reputation behind. I believe his statement and opinion deserve serious consideration. We cannot commit ourselves at this point to proceeding in the High Court, but it is obviously something to which serious consideration should be given. I am surprised that the Government is not doing that. That is the problem I see in regard to this part of the motion. With respect to proceedings in the High Court and the enforcement of agreements, we do have the difficulty—

The Hon. J. C. Burdett: It is a weak argument.

The Hon. C. J. SUMNER: It may be, but it needs further investigation. I believe the argument of Mr Millhouse deserves respect. The problem that we have with enforcing agreements between the States and the Commonwealth is that on a number of occasions the High Court has held that such agreements are unenforceable. One of the cases that most directly affected South Australia was the alleged agreement—the Railway Standardisation Agreement of 1949—between the Commonwealth and South Australia. It dealt with the standardisation of railways and the building of a railway from Adelaide to Darwin.

The South Australian Government carried out certain works and obligations under that agreement, and Sir Thomas Playford at that time felt that the Commonwealth had not kept its part of the bargain, so he took proceedings in the High Court. The case of the State of South Australia *v* the Commonwealth of Australia is reported in 108 C.L.R., page 130. The case failed because, amongst other reasons, some members of the High Court held that the agreement gave rise to political obligations only and not to legal obligations enforcable by a court.

I am not saying that that would apply with respect to all agreements between the States and the Federal Goverment. It depends on the particular agreement, but it is clear that the enforcing of agreements between the States and the Commonwealth is not a clear-cut matter. While I have some sympathy for the sentiments in the Hon. Mr Milne's motion, I believe the matter requires further investigation. Mr Millhouse's opinion should be looked at carefully and, if there is some arguable case to take to the High Court, it should be taken. If we would be just making fools of ourselves, it would be a pointless exercise. That is my first objection.

The second matters deals with a publicity campaign, and

I have no objection to that; it is a desirable move. The final matter deals with the referendum. I am not sure whether the Hon. Mr Milne fully understood this, but I believe that the referendum would have to be promoted by the Commonwealth Parliament. A Bill would have to be passed through both Houses and the matter would then have to be put to the people in the normal way in order to amend the Federal Constitution.

So, it would require a national vote: it would need a vote of a majority of people in four States out of six States. Therefore, the proposition in the Hon. Mr Milne's original motion is incorrect. Although I am not speaking on behalf of my Party, I personally have no objection, if it is necessary to try to promote a referendum of the Australian people, to giving the Commonwealth Government power over the Murray River and Darling River systems.

I believe that the amendment that I have placed on file deals with the problems to which I have referred and is to be preferred to the Hon. Mr Milne's motion. I therefore move:

> Delete all words after 'Victoria' and insert the following: 'This House—
>
> (1) calls for the urgent establishment of a national authority to control the River Murray and its tributaries, whether by agreement between the State and Federal Governments, or by referendum;
>
> (2) as an interim measure, calls for an immediate extension of the powers of the River Murray Commission to include controlling water quality;
>
> (3) opposes any upstream development in the States of New South Wales and Victoria which affects the quality and quantity of South Australia's water resources and calls on the Government to institute whatever legal proceedings, whether in the High Court or otherwise, which can be taken to safeguard this State's water quality and quantity;
>
> (4) calls on the Federal Government to make an immediate vote of funds to implement the proposals of the Maunsell Report for the control of salinity in the River Murray;
>
> (5) calls on the Premier to lead an all-party delegation to meet with the Prime Minister and the Premiers of New South Wales and Victoria to express a united South Australian view and seek appropriate action on this resolution; and
>
> (6) requests the Premier to take such action as necessary to organise a publicity campaign in New South Wales and Victoria to draw to the attention of the Governments and people of those States the problem of water quality and quantity in the River Murray and its effect on the people and the environment.'

I have given a lot of support to this amendment, in consultation with other honourable members, including the Hon. Mr Milne, and have taken into account the debate that has ensued on the matter thus far. I have tried to accommodate the views not only of the Hon. Mr Milne but also of Government members. I ask the Council to carry this amendment unanimously so that the voice of one House of this Parliament can be expressed on this issue.

I would hope that then the State Government would proceed to try to do something about the matters contained here. In respect of the call for a national authority, apparently Mr Goldsworthy already has agreed to that, so I cannot see where the problem is there for the Government. Surely, there ought to be agreement on a national authority. If not, consideration should be given to a referendum of the Australian people. I cannot see how the Government could disagree to the proposal to extend the powers of the River Murray Commission to controlling water quality. I understand that that has almost been agreed to.

The Hon. K. T. Griffin: We are trying to do that.

The Hon. C. J. SUMNER: I appreciate that, and the Labor Government had been trying to do it for many years, but, of course, came up against the problems of this States rights parochialism to which I have referred.

The Hon. K. T. Griffin: That isn't the reason.

The Hon. C. J. SUMNER: That is the basic reason for the problem. People cannot see beyond their own borders. The third part of the motion opposes upstream development in both New South Wales and Victoria, which affects quantity and quality of water resources, and then calls on the Government to institutes whatever legal proceedings are necessary, whether in the High Court or otherwise, to safeguard water quality and quantity.

That takes into account the Hon. Mr Milne's proposition for legal proceedings but does not say they are absolutely necessary, because that needs to be investigated, particularly in the case of High Court proceedings. It also takes in to account what I understood the Attorney said the State Government was doing with respect to the Land and Environment Court in New South Wales. I do not see why the Government should have any objections to that part of the amendment, either.

The fourth part of the motion calls on the Federal Government to implement the Maunsell Report for the control of salinity. Again, I would hope that the Government would agree. I would hope that the Premier would wish to lead an all-Party delegation to meet the Prime Minister and the Premiers of the other States. Finally, I would hope that the Premier would want to be associated with a publicity programme in New South Wales and Victoria to draw the attention of the Governments and people of those States to the problem.

I have tried to put forward a package amendment that would commend itself to the whole Council, and I trust that members opposite who for some reason do not want the matter debated and have never wanted it debated in the Parliament will support it and give it a speedy passage to the House of Assembly.

The Hon. C. M. HILL (Minister of Local Government): The hour is late and the debate on this subject has taken a considerable time. I think it may be said that, during the course of this long discussion, really three different courses of action have emerged, courses that have the stamp of each political Party on them. Whilst the principal thrust by those Parties is within this particular Parliament, and that thrust is to try to improve the quality of the water that comes down the Murray River, nevertheless there have been some differences in each approach.

I think it fair to say that the Hon. Mr Milne, speaking for his particular political Party, brought down a motion that included several aspects that indicated, I think (and I say this quite respectfully) that he was somewhat floundering, particularly on the subjects of the High Court and the referendum he proposed in his motion. Nevertheless, he put forward his point of view and that of his Party and now that will be public knowledge as to what he and his Party would prefer.

The Attorney-General has given the Government's position. That position has been made quite clear, and it is that we are in the course of a programme. We are in the course of taking initiatives and of endeavouring to overcome the most serious problem that faces South Australia.

It is not as though we are looking for ways and means to achieve this common aim. We are now involved in negotiations and in genuine endeavours to reach this common goal. The Hon. Mr Sumner, speaking for his

Party, has moved to amend the original motion, and in so doing he has put his Party's point of view on what is the best course to adopt. Whilst there are not very great differences, except perhaps in relation to the point of the High Court and the referendum, nevertheless there are some differences in the approaches of the various Parties involved. The Government at this stage would prefer to continue its endeavours that have been explained—

The Hon. C. J. Sumner: Dog in the manger.

The Hon. C. M. HILL: It might be looked upon by the Hon. Mr Sumner as dog in the manger, but a great deal of work and negotiation has gone on with New South Wales, as well as communication with the Commonwealth Government.

The Hon. J. R. Cornwall: Not too much negotiation with New South Wales—you declared war on them.

The Hon. C. M. HILL: The Hon. Mr Cornwall may call it war if he wishes, but most certainly we are involved in legal proceedings in New South Wales, which indicates that our plans are well in train. The publicity campaign, with the other two courses of action which were stressed as being necessary, is in train. There has been a great deal of publicity on the matter right across Australia. For this reason, the Government would prefer to continue its own endeavours.

The Hon. C. J. Sumner: You don't want to agree to anything that one of the other Parties has put up.

The Hon. C. M. HILL: The Government is prepared to take heed of the various points raised in the debate. We are not going to drag ourselves back into debates and arguments on States rights and centralism. Ever since the Liberal Government took office, the problem has been there and the challenge has been there, and the Government has been positive in its endeavours—

The Hon. C. J. Sumner: Why can't you agree to this?

The Hon. C. M. HILL: We are not starting out with the programme, as the Leader suggests. Much of what he is suggesting has been done by the Government. We are not taking any credit for that on the occasion of this debate. We are saying that, while we acknowledge that members opposite are expressing their concern and have made their endeavours to put forward their plans for the Government to accept, the Government believes that the best course for it to continue with is the programme upon which it has already launched. For that reason, the Government will not support the amendment.

The Hon. K. L. MILNE: In closing the debate, I should like to make one or two points. First, I thank the Hon. Mr Foster for his support. Although it took an hour to do it, a great deal of information was produced to bring our records up to date about what was going on. What occurred to me throughout the tragic story of the negotiations by Mr Glynn was that the poor man, after a lifetime of struggle, finished up more or less where he started. I think there is a grave danger that some of the discussion in this debate, either now or in the future, will be coloured by the fact that New South Wales has a Labor Government and Victoria a Liberal Government. For heaven's sake, can we not forget that? It is not who is right, but what is right for all of us, Liberal, Labor, or whatever.

The Hon. C. J. Sumner: The trouble with this Government is that it will never agree to anything put up by the Democrats or us, just because we are the Opposition.

The Hon. K. L. MILNE: I do not think that is quite fair, to be honest. In reference to the referendum, I suggested that because the people I spoke to in the Riverland were most anxious to get this under way. I do not think that we understand it properly. However, it was an attempt to get the power into the Federal Government, and everybody was unanimous in their belief. We believed that the States of Western Australia, Queensland and Tasmania would not be very sympathetic. Now that I know the system that we should have, I realise that it has to be a referendum passed by both Houses of Federal Parliament and has to involve all States of Australia.

The time to have the referendum is when we know that we can persuade New South Wales and Victoria, through our publicity campaign, to support us. Unless they support us the referendum will be useless. I do not think that they are so dishonest or lousy as to not be persuaded to come with us on a national referendum. My attitude to take a case to the High Court was to get a ruling from it as arbitrator rather than a bitter and spiteful attempt to coerce the other big States. I believe it could have been done with a little tact on our part.

I realise that the Attorney-General has to take the responsibility for that approach. We must all accept that, and I sympathise with him. However, I do not believe that if we failed in the High Court we would have burnt our bridges for all time. I believe that we can easily go again if the situation gets worse, as most of us believe it will. In my opinion, the fact that the Government has commenced an action before the New South Wales Land and Environment Court is a good exercise. I applaud it for taking that step. I do not know why it should be such an enormous secret up until now. It should have been more open, and this may not have happened at all.

I believe that the amendments suggested are a good compromise. Certainly, I have had to compromise, and I would ask the Government to compromise and not be so intransigent. The Labor party has compromised. I saw no sense in saying that I would stand up for my motion at all costs and that the Labor Party should stand up for its amendment, because they were either both wrong in part or were incomplete. I believe that we have now brought up something that is very workable and courteous and is not an insult to the Government or to the people interstate. I ask members to have second thoughts about it.

The Hon. Dr Cornwall has brought up the question of the damage to the natural flora and fauna which he keeps telling me that I forget, and I almost did. The pollution of the river area and the problem with salt is a disgrace, although I do not say that we cannot improve the situation. The Hon. Dr Cornwall said that the river is dying. I support that but I believe that we can bring it back to life or prevent it from expiring. Think of what the British people did with the Thames River. I have been boating on the Thames when it was an absolute disgrace and then again after it was cleaned up. It was done relatively quickly once the authorities made up their minds. I am sure that we could do the same with the Murray River.

I want to leave members with a story. When we in Parliament set out to do something we keep getting diverted from it for some reason or other by minor or irritating matters that are not important. We are inclined to lose sight of what we set out to do in the first place. I can recall the true story of the Episcopalian bishop at the Lambeth Conference who started his address to the famous gathering of bishops by saying, 'When you are standing up, your backside in crocodiles, it is difficult to keep your mind on the fact that what you are really trying to do is clean up the swamp'.

Amendment carried; motion as amended carried.

The Hon. K. L. MILNE: I move:

That a message be sent to the House of Assembly

transmitting the resolution and requesting its concurrence thereto.

Motion carried.

ADJOURNMENT

At 1.25 a.m. the Council adjourned until Thursday 11 June at 2.15 p.m.