LEGISLATIVE COUNCIL

Wednesday 16 September 1981

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

OMBUDSMAN'S REPORT

The PRESIDENT laid on the table the report of the Ombudsman, 1980-81.

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Betting Control Board—Report, 1980-81.

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

Pursuant to Statute—

South Australian Land Commission—Report, 1981.

QUESTIONS

SPLATT CASE

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

Leave granted.

The Hon. C. J. SUMNER: In the *Advertiser* of 14 September, it was stated that an inquiry by Mr Frank Moran, Q.C., on behalf of the Legal Services Commission, into the Splatt case had come to a temporary standstill. Two reasons were alleged for the hold-up, and the first reason directly involved the Attorney-General. It was alleged that Mr Moran was trying to obtain permission from the Attorney-General for three experts from other States to see and assess vital exhibits in the case. It was further stated that two letters, with the recent request to the Attorney, had not been answered and that two follow-up telephone calls had been ignored. In this respect it is interesting to note a complaint in a letter written by a Mr Olivier which appeared in the *Advertiser* and which stated that four letters to the Premier and to the Attorney-General about the Splatt case had not produced a reply from the Government. Will the Attorney-General grant permission for the exhibits to be examined as requested by Mr Moran, Q.C.?

The Hon. K. T. GRIFFIN: I wrote to Messrs Moran and McRae on 15 September and I referred to that firm's letter on 6 August 1981. I also referred to a request made on 3 August 1981 by a visiting scientist to make a microscopic examination of materials from the bedsheet. I indicated that at the time of the request on 3 August, with the exception of some taped evidence, not only had no such materials been taken into the Forensic Science Laboratory, which was the location where the material was being examined, partly because the pathologist had not been asked to take them, but also, and more importantly, a request had not been made by either the visiting scientist or Messrs Moran and McRae before that date for an examination to be carried out on those materials. In my letter to Messrs Moran and McRae I did make reference to the reason for the delay in granting approval, and I said:

> Your request was referred to the Commissioner of Police, and necessarily involved a considerable amount of work. As you will know, there is no legal requirement for exhibits in proceedings to be retained after all legal proceedings have been completed. In the Splatt case, a considerable volume of the exhibits had been retained either in the police or other laboratories. Police necessarily had to ascertain the whereabouts of exhibits (over 300 of them) and arrange to regain those still in existence. This has taken some considerable time in view of the volume of such exhibits. It should also be noted that many of the items retained may have been subject to deterioration due to the passage of time.

Further on in that letter I went on to say:

> I do not propose releasing to you the exhibits that you have now requested. The exhibits are microscopic in size and the performance of any tests upon them, other than simple microscopic examination, will necessarily result in their destruction; the specimens will no longer exist. I am, however, prepared to permit further testing of those exhibits to be performed in conjunction with scientists from the Forensic Science Laboratory.

I further went on to say that arrangements for that purpose could be handled directly by Mrs Shaw of the firm of Moran and McRae with Ms Parybyk of the Forensic Science Laboratory. I then also referred to a request from Messrs Moran and McRae, as follows:

> I am unable to meet your request for the release to you of 'the other foam materials located in the late Mrs Simper's house'.

I continued:

> Those materials were returned by the police to Mrs Simper's relatives after the legal proceedings had been completed. However, there have been retained some specimens of those materials (a foam-lined coat, exhibit P129, a foam mattress-cover and foam from pillows) which you are at liberty to examine and test, in conjunction with scientists from the Forensic Science Laboratory, by arrangement made direct with Ms Parybyk.

IRRIGATION AREAS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Local Government, representing the Minister of Water Resources, a question about rehabilitation of Riverland irrigation areas.

Leave granted.

The Hon. B. A. CHATTERTON: The Government announced some time ago a scheme to give grants to growers in the Riverland area to improve their irrigation undertakings. It has issued a pamphlet which I think explains the purpose of the scheme very well and part of which states:

> Irrigation farmers and irrigation authorities throughout the world are realising the importance, both for the farmer and the community as a whole, of new techniques which reduce water usage. There is a very wide range of irrigation equipment available which uses water more efficiently than traditional methods do, but all types require a substantial capital investment.

The Government then goes on to explain how grants are available to help growers overcome that substantial capital investment. What is worrying growers in the Riverland, and what is making many of them disillusioned with the scheme, is the statement further in the pamphlet that it applies only to those people whose undertakings have been connected to a Government scheme since 1 July 1981. Many growers are wondering why the Government is not interested in rehabilitation of the irrigation schemes that were connected before 1 July 1981. Many growers have in fact applied and have just been told outright that they are not eligible and that there is no purpose in their even putting in an application form. I ask the Minister why the decision was taken for 1 July 1981 to be the cut-off date. Surely it is just as important for other properties connected with Government schemes to come under rehabilitation of the headworks and for their owners to undertake new irrigation techniques as it is for those connected after 1 July. Will the Minister provide an explanation of the Government's policy?

The Hon. C. M. HILL: I will endeavour to obtain that information from my colleague in another place and bring back a reply.

DOCTORS' CHARGES

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about doctors' charges.

Leave granted.

The Hon. J. R. CORNWALL: Yesterday I was approached by Miss Kathleen Theakstone of Plympton Park concerning a medical account rendered for services to her mother, Mrs D. P. Theakstone. Mrs Theakstone is 78 years old and is a frail, aged lady with short-term memory loss. She is vague, easily confused, and not readily capable of making decisions or giving informed consent. On 31 July she was referred by her family doctor to a surgeon for surgery on a haematoma on her foot. This surgery was carried out competently and satisfactorily by the surgeon at St Andrews Hospital. There is no reflection in anything I might say on the surgeon or on St Andrews Hospital; I make that perfectly clear.

It is significant that Mrs Theakstone was insured for both hospital and medical benefits. She has had a history of rheumatoid arthritis and pernicious anaemia of long standing. Whilst both of these conditions are somewhat debilitating, they have been controlled quite satisfactorily by her family doctor for many years. However, during her convalescence from the surgery it was decided by her surgeon that she should be given a general check by a consultant physician. This was done without consulting her daughter. Miss Theakstone is a qualified nurse who has cared for her mother for the past seven years.

A Dr R. J. Odgers of Rose Park was called in without Miss Theakstone's knowledge or consent to assess her mother's condition. I have a copy of the account rendered by Dr Odgers for his service and I seek leave to have it tabled.

Leave granted.

The Hon. J. R. CORNWALL: The account shows that on 6 August Dr Odgers first examined Mrs Theakstone for a fee of $51. On the same day there was an additional item of service, an electro-cardiogram, for which he charged $19.20. After these first examinations Dr Odgers reported that Mrs Theakstone was generally in good health for her age except for her arthritis and anaemia. Subsequently, he visited Mrs Theakstone or charged her for 28 examinations over a period of 21 days.

He visited her every day for three weeks, including twice-daily visits on 7, 10, 14, 17 and 27 August. Miss Theakstone, the daughter who was in charge of her mother's care and welfare, had no idea throughout this period that these visits were occurring. As far as she was concerned, both as a daughter and as a trained nurse, her mother was convalescing in a perfectly satisfactory way.

Shortly after Mrs Theakstone was discharged, an account arrived from Dr Odgers for $840.40. Dr Odgers had charged $28 for every revisit. It should be noted, as I have said, that the patient was fully insured, but this case is absolutely outrageous. It is one of the worst cases of exploitation of the medical insurance system that has come to my attention. Dr Odgers (not to be confused with Dr Rogers, a very competent, honest and conscientious person) has exploited the system in a quite disgraceful way.

My inquiries subsequently have revealed that he is regarded with cynicism and contempt by many of his medical peers. The general comment is that he got his Rolls Royce too quickly and by using grossly unethical and unprofessional practices. This is typical of the sort of abuse that can occur outside Government hospitals at the moment because there is no peer review. These sorts of practices will be encouraged by the new health insurance arrangements. It is scurrilous and disgraceful conduct. I ask whether the Minister will consider the establishment of boards of review comprising consumers as well as medical professionals to monitor medical performance in hospitals in order to ensure that such outrageous exploitation of the system does not occur in future.

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

SEX DISCRIMINATION ACT

The Hon. ANNE LEVY: I seek leave to make a brief statement before directing a question to the Attorney-General regarding amendment of the Sex Discrimination Act.

Leave granted.

The Hon. ANNE LEVY: It has been drawn to my attention that there is an apparent injustice in the Sex Discrimination Act that is illustrated by a recent case taken to the Sex Discrimination Board. I do not wish to canvass the merit of that case, which is now subject to appeal on the part of the Government, but I am sure that the Attorney-General will know about which case I am talking.

The Sex Discrimination Act makes no provision for the Sex Discrimination Board to award costs to someone for whom the board hands down a favourable decision. The board's powers under the Act enable it to find in favour of a complainant and to award damages to the complainant, and such damages can also include compensation for hurt feelings, but there is no specific power to award costs. In the particular case under consideration, the board did find in favour of the complainant and stated that, in its view, discrimination on the basis of sex had occurred.

The board awarded damages of the order of $2 000. However, I understand that the costs involved amounted to about $7 000, and it would surely seem iniquitous that people should have to contemplate paying more for their costs than they receive in damages. It is, I understand, normal for courts to award costs when they find in favour of a complainant and, even though in this particular case a union was able to pay the costs on behalf of the complainant, I cannot see why the union should be out of pocket for taking a case in which the board found in favour of the union member.

I understand that the Sex Discrimination Act is under review at the moment, so the Attorney-General assured me nearly 12 months ago—although we have not yet seen any results of that review. Will the Attorney consider amending the Sex Discrimination Act as soon as possible so that costs can be awarded by the Sex Discrimination Board if it feels that that is justified in the circumstances? Depending on the results of the appeal in this case, will the Attorney consider an *ex gratia* payment in this particular case where no power to award costs exists?

The Hon. K. T. GRIFFIN: There are a number of areas where costs are not awarded, for example, in the Planning Appeal Board, and I understand that in the industrial jurisdiction costs may not be awarded, so the Sex Discrimination Board is not in a unique position. I will consider the matter raised by the honourable member in the review of the Sex Discrimination Act. Without having all the information before me, I am not able to indicate any recommendation concerning *ex gratia* payments. However, again, I am certainly prepared to examine that possibility.

HILLS ACCIDENT

The Hon. N. K. FOSTER: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Industrial Affairs, a question about the

Electricity Trust of South Australia accident that occurred in the Adelaide Hills two days ago.

Leave granted.

The Hon. N. K. FOSTER: I am somewhat reluctant to rise on this matter, because of what transpired yesterday. However, I do so, because an hour or so ago I was severely taken to task almost publicly in the corridors of this building by the Minister of Industrial Affairs. He complained that I had committed a very serious breach of Parliamentary understanding and protocol by directing a question in this Chamber yesterday afternoon to the Attorney-General, representing the Minister of Industrial Affairs, so called.

To alert the Attorney that I had, in fact, had previous discussions with the Minister, I said so yesterday when seeking leave to ask my question. One of the questions I asked was whether or not the Minister would intervene or whether he would have his department carry out its own investigation into these fatalities. I asked that question because, immediately after lunch yesterday afternoon I had spoken to Mr Dean Brown at the entrance to the dining-room and told him that I was going to ask a question about this tragedy. I thought that it was only fair that I should do that.

At the same time, I asked him what his department intended to do about this matter. Somewhat arrogantly, he told me that he as Minister and his department had no jurisdiction in the matter. That surprised me greatly, and I told him that I could not accept that, because there are industrial clauses in Bills relating to industrial safety, welfare and so on; it could not be true that there was no power to act. Mr Brown then walked a short distance away, and I said, 'But surely you have some right under the Act to have your inspectors look at the matter.' Mr Brown turned around and said, 'In respect to that I will suggest to my department that it make a request to be present at some of the ETSA inquiries.' Yesterday afternoon, when replying to my question—and I have not checked this in *Hansard*, because I do not think that is necessary—all of us will remember that the Attorney answered it to the extent that he could at that time, dealing with those sections of the question that he did not need to refer immediately to the Minister of Industrial Affairs.

I was approached by a member of the press gallery regarding the question that I had asked, and I made some comment, having been told by the Attorney-General that the power had existed. It was suggested that there was no need for me to continue with the matter, anyway, as an inquiry would be held. Therefore, there was no report in this morning's press.

However, I strongly object to the Minister's saying to me, or indeed to a member of either House, that one has no right to ask a question when one is said, as the Minister put it, to have sat down with the Minister. I merely forewarned the Minister because of my anxiety, as a result of reports in the press and on the electronic media, regarding the single inquiry that might be undertaken. I do not think that it is reasonable for a Minister to act in that way. In fact, he is not a fit and proper person to hold the portfolio.

The Hon. K. T. GRIFFIN: I rise on a point of order.

The PRESIDENT: Order! I ask the Hon. Mr Foster not to reflect on the Minister and on honourable members generally but to ask his question.

The Hon. K. T. GRIFFIN: I ask the honourable member to withdraw the remark that he made.

The Hon. N. K. FOSTER: I withdraw the remark, merely because I want to remain in this Chamber to deal later with a Bill that the Minister has before the Council. One could go into some other dictionary meaning that would be much more to the point. Can the Attorney-General, representing such a person—

The Hon. C. M. Hill: You've got the wrong Minister.

The Hon. N. K. FOSTER: I asked him a question yesterday regarding a report from Mr Goldsworthy. The Hon. Mr Hill should get his facts straight.

The Hon. C. M. Hill: You should, too, because he does not represent that Minister in this place.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: As I had asked the question of the Leader of the Government in the Council, it would not have been fitting for me to direct a similar question to a Minister of lesser standing than that. I ask Government Ministers on the front bench to take that on board.

The PRESIDENT: Order! I ask the Hon. Mr Foster to ask his question.

The Hon. N. K. FOSTER: I direct my question to the Attorney-General, I hope without interruption from the Hon. Mr Hill or the Hon. Mr Burdett. Will the Attorney-General ascertain, for the benefit of the Council and the public, and particularly for the benefit of the dependants of those unfortunate men who lost their lives in this accident, the extent to which the Department of Industrial Affairs and Employment will involve itself outside the inquiry by the Electricity Trust of South Australia with respect to the collapse or otherwise of a pylon in the ETSA operation being carried out last Monday?

The Hon. K. T. GRIFFIN: The honourable member asked the question of me as the Minister representing the Minister of Industrial Affairs in this place, but I do not represent that Minister here. However, I am prepared to refer the honourable member's question to that Minister and to arrange for a reply to be brought back. I think it should be stated again that the Minister of Industrial Affairs has indicated that his department is investigating the accident, and that his investigation is separate from that being undertaken by ETSA.

The Hon. N. K. FOSTER: Will the Attorney-General ascertain from the Minister of Industrial Affairs when, after I spoke to him at lunch time, he was advised that he had such power?

The Hon. K. T. GRIFFIN: I do not think that it is necessary for me to answer that question.

SUPERANNUATION

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to a question I asked on 6 August about superannuation and statutory authorities?

The Hon. K. T. GRIFFIN: The reply is as follows:

1. How superannuation is funded.

S.G.I.C. and S.A. Health Commission

S.G.I.C. and S.A. Health Commission fund future superannuation liabilities by making contributions to the South Australian Superannuation Fund. The S.G.I.C. recognises its future liabilities by making provisions in its accounts.

ETSA

30 per cent of basic benefit from contributions by members.

70 per cent of basic benefit by the Electricity Trust.

Supplementation of pensions in accordance with cost of living index is met by trust.

T.A.B.

The superannuation scheme is a fund managed by the National Mutual Life Association of Australasia Ltd, to which contributions are made by the members and the board.

2. What contributions do the employees make?

S.G.I.C. and S.A. Health Commission

Contributions made by employees to the State superannuation scheme are at the standard levels required by the Superannuation Act, viz., between 5 per cent and 6 per cent of salary according to age at entry.

ETSA

5 per cent to 6 per cent of salary depending on age at entry.

T.A.B.

6 per cent of salary.

3. Do the chief executive officers have any special consideration as far as superannuation is concerned?

S.G.I.C. and S.A. Health Commission

Chief executive officers can, with Ministerial approval, be given credit for service prior to appointment if this is necessary to enable their recruitment.

ETSA

No.

T.A.B.

Yes. The present General Manager is to be credited with the benefits attributable to the maximum of 40 years of service upon retirement.

4. Is superannuation payable to any chief executive officer to be paid in a lump sum rather than an annual payment?

S.G.I.C. and S.A. Health Commission

Chief executive officers can take no more of their superannuation benefits in a lump sum than can any other contributor to the State superannuation scheme. (Every contributor retiring on account of age can elect to convert up to 30 per cent of his initial pension to a lump sum.)

ETSA

No, but all members may convert up to 30 per cent of pension to a lump sum if they wish.

T.A.B.

Benefits to all members are payable in an annual pension, which may be commuted to a lump sum payment.

PROFESSIONALS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about complaints against professionals.

Leave granted.

The Hon. C. J. SUMNER: Yesterday, in a question that I directed to the Minister on the same topic, I referred to an article in the *Advertiser* of 23 September 1980, which stated:

> The Minister of Consumer Affairs, Mr Burdett, has directed his department to pursue complaints against professionals, which are not normally handled by the department.

The part of my question that related to that section of the article was not answered by the Minister. The questions which I asked and which were not answered are as follows:

> . . . how many complaints against professionals have been handled by the department since the instruction was given by the Minister . . . what publicity has there been of the extension of the role of the Department of Public and Consumer Affairs?

Will the Minister now provide an answer to those questions?

The Hon. J. C. BURDETT: Obviously, I cannot cite the numbers off the top of my head, but I will provide that information for the honourable member. I have not said that there will be any extension: I said that for the trial period of two months, which was referred to yesterday, instead of complaints about professional negligence simply being referred to the various professional bodies, which has been the practice for some time in the past, details would be taken so that the department would have some proper data on which to assess whether or not it should investigate complaints about professional negligence. As I believe I have said several times, it would appear to be warranted that the department investigate the feasibility of its obtaining some expertise in that area, which it does not have at present. The department does not have access to lawyers, doctors, engineers, and other professionals who could advise on such complaints.

There was no advertisement. No-one was told about an extension, because an extension simply had not been contemplated. What I said would happen, and what actually happened, was that for a two-month trial period details would be taken of complaints, instead of the complaints simply being referred to the professional bodies concerned. I am quite happy to ascertain for the Leader the number of complaints received, details of which were taken during that two-month trial period.

The Hon. C. J. SUMNER: I direct a supplementary question to the Minister of Consumer Affairs: do I take it, from what the Minister has said, that the direction for the department to pursue complaints against professionals was not a general direction, as was indicated in the *Advertiser* article, but was merely a direction that involved two months? Is the department now pursuing complaints against professionals, or are these complaints referred to the professional bodies concerned?

The Hon. J. C. BURDETT: As the Leader has suggested, the direction was that details be taken over two months about complaints made against professionals: the direction was not to pursue complaints.

The Hon. C. J. Sumner: The article seems to have got it all wrong.

The Hon. J. C. BURDETT: I believe that the article was incorrect in several respects. I have said nothing else to anyone else, including the press. The direction was that details of complaints against professionals be taken for two months with a view to assessing whether anything further should be done by the department in regard to dealing with complaints about professional negligence. Regarding that part of the question about the two-month trial period being over and a final assessment not having been made, I point out that the department has reverted to the practice that applied in the past (and under the previous Government) of referring complaints of professional negligence to the appropriate professional body.

SEMI-GOVERNMENT SECURITIES

The Hon. L. H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Treasurer, a question about transactions involving semi-government securities.

Leave granted.

The Hon. L. H. DAVIS: Honourable members will be aware that many people invest in ETSA or South Australian Gas Company bonds. Although investments in these fixed interest securities are for fixed terms (generally from four to 10 years), a secondary market exists through the Australian Stock Exchange to dispose of these bonds prior to their maturity.

However, it is sometimes difficult to obtain a buyer at an appropriate price. Also, in the case of South Australian Gas Company bonds, State stamp duty is payable on such secondary market transactions, which is sometimes an

inhibiting factor in developing a strong market for these bonds. Therefore, I was interested to read that the Victorian Government has this week established a secondary market for the buying and selling of semi-government securities in that State. The Premier of Victoria (Mr Thompson) in introducing this scheme stated:

> The net effect will be to give investors in semi-governemnt securities a better investment and at the same time make semi-government securities more attractive, particularly to the small investor.

The scheme operates only in Victoria at this stage, and it will operate through sellers going direct to any of the 525 State Bank branches in Victoria. The State Bank will, through a centralised system, then take the responsibility of finding a buyer for the stock, but the facility will be limited to holders of securities of a face value of less than $10 000.

First, will the Treasurer consider exempting market transactions in South Australian Gas Company bonds from State stamp duty, which is currently 30c per $100 or part thereof, given that the amount collected in any one year might well outstrip the cost of its collection? Secondly, will the Treasurer consider establishing a secondary market for the buying and selling of South Australian semi-government authority securities, namely, Electricity Trust and South Australian Gas Company bonds, through using the Savings Bank of South Australia and/or the State Bank, given that such a scheme should attract more small investors to support semi-governmental authority loans as well as increasing the flexibility of dealing in securities issued by these authorities?

The Hon. K. T. GRIFFIN: I will refer that question to the Treasurer and bring down a reply.

IVOR SYMONS LIBRARY

The Hon. BARBARA WIESE: Has the Minister of Local Government a reply to the question I asked on 27 August about the Ivor Symons library?

The Hon. C. M. HILL: The honourable member's letter of 22 July was received on 27 July and duly acknowledged on 3 August 1981. Obviously, the honourable member did not receive the acknowledgment which was posted that evening.

I indicated earlier that I would provide a reply within 24 hours. My letter of 28 August informed the honourable member that officers of my department have inspected the premises and are in agreement that the property could be used for community arts purposes. However, the Government unfortunately is not in a position at this time to provide the necessary funds to purchase the property, which is valued at between $100 000 and $150 000. I have suggested to the Mitcham City Council that it may be worthwhile assessing the local demand for the building by community groups in the light of the associated costs to upgrade and maintain the premises. Modest funding for community arts activities may be available through the Department for the Arts should the Mitcham Council retain the building for such purposes.

DRUNKENNESS

The Hon. C. J. SUMNER: Can the Attorney-General say whether the Government intends to proclaim the legislation which abolished the offence of public drunkenness and which was passed in 1976? If so, when is it intended that it will be proclaimed?

The Hon. K. T. GRIFFIN: That is generally a matter that is within the responsibility of the Minister of Health. She has been working on a scheme which would enable proclamation of that particular provision. I will refer the matter to her and bring down a reply for the honourable member.

MINING

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking the Leader of the Government in this Council, representing the Minister of Mines and Energy, a question on general mining matters.

Leave granted.

The Hon. R. C. DeGARIS: In making my explanation, I would indicate that this is hardly a question; nevertheless, I would like to draw to the attention of the Council—

The Hon. C. J. Sumner interjecting:

The Hon. R. C. DeGARIS: I can always come back to the question at the end of my explanation. I draw the attention of the Council to a statement made by Professor Neal B. Mitchell, who has been on a lecture tour of Australia and talking to Government and business leaders on the control of resource development and construction projects using the latest computer-aided management techniques. Professor Mitchell is a former Director of the Architectural Technology Laboratory at the Harvard Graduate School of Design. In commenting on the Australian mining scene Professor Mitchell said he thought that an authority should be set up by the Federal Government. The report of his comments, in part, is as follows:

> Next to the Arabs, this is the biggest cartel in the world. Your've got all the resources, plus oil. And you should be able to plan on the basis that these resources should last for about a century. There is growing recognition in America that Australia is the emerging world force in resource development. The proposed resource projects are awesome in their number and size. Conventional techniques will not be able to bring these projects in on time or on budget. Modern cost effective and labour efficient methods must be used.

I had some time as Minister of Mines, and I know that there are many difficulties in relation to the responsibility for policy relating to the mining industry, which is divided between the States and the Commonwealth. I do not want to go into defining where those lines are, but honourable members would realise that there are lines drawn between the responsibilities of the State and the Commonwealth.

What concerns me is that the development of our wealth in our natural resources appears to be causing concern to many people associated with that development. One of the major problems facing this enormous development is the lack of a cohesive policy between the States and the Commonwealth, and this has also been a problem for some time. My question to the Attorney-General is along the following lines: will he draw the comments of Professor Mitchell to the attention of the Minister and ascertain whether there has been discussion on the question of establishing some overall authority involving both the State and the Commonwealth in relation to the overall development policy for the mining resources available in this country?

The Hon. K. T. GRIFFIN: The answer to the first part of the question is 'Yes'. The answer to the second part of the question I will need to obtain from the Minister of Mines and Energy and, accordingly, I will refer it to him and bring down a reply.

GOVERNMENT EMPLOYMENT

The Hon. J. E. DUNFORD: Has the Minister of Community Welfare a reply to the question I asked on 16 July about Government employment?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs has provided a reply which is of a statistical nature. Therefore, I seek leave to have the reply inserted in *Hansard* without my reading it.

Leave granted.

Employment Figures

Department	1 September 1979 Full-time equivalent	30 June 1981 Full-time equivalent
Agriculture	275	170
Arts	24	47
Community Welfare	225.92	200
Correctional Services	1	1
Education	456.9	453.6
Engineering and Water Supply	4 705	3 639
Environment and Planning	145	223
Fisheries	7	6
Further Education	416.2	387.2
Highways	2 036	1 782
Industrial Affairs and Employment	6	6
Lands	46	60.5
Law (now with Attorney-General's)	2	2
Local Government	247	131
Marine and Harbors	695	620
Mines and Energy	178	165
Police	78	75
Premier (now Premier and Cabinet)	3	3
Public Buildings	2 433	1 661
Public and Consumer Affairs	4	4
Services and Supply	207	130
Transport	89	68.77
Urban and Regional Affairs (now with Environment and Planning)	11	13
Woods and Forests	1 125	1 089
	13 416.02	10 937.57

Statistics are not available in respect of Australian National Railway employees.

24-HOUR FOOD OUTLETS

The Hon. J. E. DUNFORD: Has the Minister of Community Welfare a reply to my question of 4 August about 24-hour food outlets?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs has provided the following reply:

1. Section 15 *(a)* of the Shop Trading Hours Act, 1977-1980, provides specifically for the establishment of stores which retail food stuffs and motor spirit from the same site. The intent of section 15 *(a)* is to control the nature of such stores.

2. The Minister of Industrial Affairs is aware that applications for planning approvals for such stores have been lodged with three suburban councils. However, no details of the specific sites are known.

It is pointed out that in accordance with the Shop Trading Hours Act the petrol pumps associated with any such stores within the metropolitan area (as defined in the Act) will be required to cease operating at 6 p.m. on weekdays (except on the appropriate trading night where the time for cessation of trade is 9 p.m., 2 p.m. on Saturdays and 1 p.m. on certain public holidays). Further, information to hand indicates that the food-stuff section of such stores is likely to close at midnight rather than operate on a 24-hour basis.

WIDE SHEARING COMBS

The Hon. J. E. DUNFORD: Has the Minister of Community Welfare an answer to my question of 6 August on wide shearing combs?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Industrial Affairs that a spokesman from the United Farmers and Graziers Association has assured the Minister of Industrial Affairs that the provisions in the Pastoral Industry (S.A.) Award, in relation to the prohibition on the use of wide combs, is publicised from time to time in the association's journal and is also discussed at regional meetings of the association. The Minister is therefore confident that employers of shearers are well aware of the existing restrictions on the use of wide combs.

The Minister is not aware of any move on the part of the employers in the pastoral industry to seek to amend the award to permit the use of wide combs. However, if any such application is made, the parties to the award would have to argue the merits or otherwise of the case before the Industrial Commission which would decide the matter.

KANGAROO ISLAND SOLDIER SETTLERS

The Hon. B. A. CHATTERTON: Has the Minister of Local Government an answer to my question of 18 August on Kangaroo Island soldier settlers?

The Hon. C. M. HILL: In reply to the question, a voluntary response would have been for a settler to have arranged the sale of the property, livestock and plant to the satisfaction of the Minister of Lands or voluntarily surrender his war service perpetual lease before 1 August 1977. Such a settler would thereby qualify for the cancellation of his debt.

UNITED NATIONS CONVENTION

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question on a United Nations convention.

Leave granted.

The Hon. ANNE LEVY: I first asked a question of the Attorney-General on 19 November last year regarding Australia's signing of the United Nations Convention on the Elimination of All Forms of Discrimination against Women. This convention cannot be ratified until all States confirm that all their laws are in conformity with this United Nations convention. I understand that the Federal Government is seeking the co-operation of the States so that Australia can become a party to this convention as soon as possible. In November last year the Attorney-General told me that he had set up a working party to consider South Australian legislation and whether any changes needed to be made but that the working party had not at that stage reported to him.

I asked him again what progress was being made in this regard in February this year, at which time he had no further information as the working party had still not reported to him and the Standing Committee of Attorneys-General had not considered the matter at that stage. Will the Attorney tell us now, nearly 12 months after the announcement by the Federal Government that it wished the States to consider this matter, what stage South Australia has reached and whether any changes to our legislation are necessary before the convention can be ratified by Australia?

The Hon. K. T. GRIFFIN: At its last meeting in July the Standing Committee of Attorneys-General reviewed a number of aspects of the convention, and some significant progress was made. The usual practice with these sorts of convention is for the Standing Committee, through its officers and then the committee itself, to make an assessment of the detailed provisions of the convention, to isolate those on which further work needs to be done and to identify

those upon which there is agreement by all States and the Commonwealth.

A substantial part of the convention is now in the category of being agreed to by the States and the Commonwealth. At the last meeting of the Standing Committee it was agreed that further work needs to be done on some clauses which raise policy issues. Officers are continuing to work on those clauses with a view to further consideration by the Standing Committee in November this year. The reports which I have received on the State law, from memory, indicate that there would not need to be any significant, if any, change to South Australian legislation which would prevent the convention from being ratified. We also have to recognise that, whilst the convention is acceptable in principle and in general terms, many people tend to use conventions to suit their own causes and interpret them literally and legally when in fact they were never intended for that purpose.

I think all Governments are in a position of subscribing to the convention as a general statement of principle but there is a general concern that, as with other conventions, it might at some time in the future be interpreted in a way that was never intended: that is, legally and literally. Therefore, the Standing Committee of Attorneys-General is endeavouring to ensure that any prospect of that misinterpretation is avoided. The same sort of process occurred with the International Convention on Civil and Political Rights where, after extensive discussions among the States and the Commonwealth, the convention was ratified. In the last 12 months a report has been prepared and has been considered by the Standing Committee of Attorneys-General. The process in respect to the Convention on the Elimination of All Forms of Discrimination against Women is following an established pattern of consultation among the States and the Commonwealth.

The Hon. ANNE LEVY: Do I interpret the Attorney-General as implying by his answer that he wishes Australia to ratify the United Nations Convention on the Elimination of All Forms of Discrimination against Women but not mean it?

The Hon. K. T. GRIFFIN: No.

HEALTH INSURANCE

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer to my question of 25 August on health insurance?

The Hon. J. C. BURDETT: My colleague the Minister of Health advises that the three major health funds in South Australia have announced combined basic table rates, for a family, of: Mutual Health $9.60 per week; N.H.S.A. $9.70 per week; Medibank Private $9.90 per week. Medibank Private's rates have been approved by the Commonwealth Minister for Health but the rates for the other major funds are yet to be approved. In an effort to avoid confusion to the public, the Minister of Health last week asked her Commonwealth counterpart to ensure that contribution rates are approved and announced before 31 August 1981.

LAWRENCE NIELD AND PARTNERS

The Hon. J. R. CORNWALL: Has the Minister of Community Welfare an answer to my question of 26 August on Lawrence Nield and Partners?

The Hon. J. C. BURDETT: I am advised by my colleague the Minister of Health that the reply is as follows:

The honourable member has made several unfounded statements about the cost studies undertaken by Lawrence Nield and Partners at the Royal Adelaide Hospital. Lawrence Nield and Partners are a firm of health planners and architects who have worked extensively in New South Wales, the A.C.T. and Victoria.

The Cost Studies at the Royal Adelaide Hospital have provided, for the first time, a detailed breakdown of the cost of a teaching hospital. Moreover, the S.A. Health Commission believes that the recommendations contained in Report 2 provide a sound basis for examining ways of reducing excessive costs. Criticism is to be expected of recommendations which affect individuals, departments and organisations whose cost efficiency is questioned in the report. However, that does not detract from the overall validity of the report.

As I have already stated, the Royal Adelaide Hospital cost study is the first comprehensive study of its type conducted in Australia. However, Lawrence Nield and Partners undertook the Western and Sydney Metropolitan Hospital Planning Study, which included studies into the costs of the major teaching hospitals. Cost information from the Royal Prince Alfred Hospital was used for comparison purposes, not just the Lismore Hospital and the Canberra Hospital as asserted by the honourable member. Implementation of recommendations is a matter for the Royal Adelaide Hospital Board after discussion with the S.A. Health Commission. Lawrence Nield and Partners have completed the Royal Adelaide Hospital study. Contrary to the honourable member's allegation, they are not involved in cost studies being conducted at the Home for Incurables and Flinders Medical Centre. These studies are being undertaken by S.A. Health Commission and Public Service Board personnel.

SCHOOL CANTEENS

The Hon. ANNE LEVY (on notice) asked the Minister of Local Government:

1. What is the number of Education Department schools, primary, secondary and area, for both the metropolitan area and the non-metropolitan area of the State?

2. How many of each category of school have canteens conducted within the schoolgrounds?

3. Which of these canteens recorded an operating loss for the year ended 31 October 1980?

4. How many of these canteens in each category of school employed a paid person as a manager on—

(a) a full-time basis; and

(b) a part-time basis?

5. How many canteens in each category of school open before school commences in the morning?

6. How many canteen managers employed on a part-time basis are qualified for long service leave?

7. Are measures undertaken by the Education Department to ensure that employees in school canteens are paid the appropriate award rates, and if not, why not?

8. How many breaches of the appropriate award for school canteen employees have been detected in the year ending 30 June 1981?

9. How many canteens for each category of school sell a dentally accepted range of foods, and has this number increased in the last five years?

10. Is there any evidence that school canteens selling dentally accepted food are unable to run at a profit?

11. How many canteens for each category of school have been granted exemption from the provision in regulations under the Education Act which provide for canteen money to be banked daily?

12. Has any investigation been made in the last five years regarding the adequacy of student eating facilities in departmental schools and, if so, what conclusions were reached, and, if not, can an investigation be undertaken in the near future?

The Hon. C. M. HILL: The amount of time required to answer the member's question is huge and cannot be justified.

SUMMONSES

The Hon. ANNE LEVY (on notice) asked the Attorney-General: In the most recent twelve-month period for which data is available:

1. *(a)* How many summonses were issued in the Local and District Court using the provisions of section 80 (1) of the Local and District Court Act, that is, use of full name?

(b) How many of these were for men and how many were for women?

2. *(a)* How many summonses were issued in the Local and District Court using the provisions of section 80 (2) of the Local and District Court Act, that is, using a prefix with or without initials, and a surname?

(b) How many of these were for men and how many were for women?

3. For the women in Question 2 *(b)*, how many used the prefix 'Miss' and how many the prefix 'Mrs'?

The Hon. K. T. GRIFFIN: The data requested is not maintained in a form that enables the question to be answered. Analysis of each of the summonses issued is an expensive clerical task that I do not consider warranted.

SELECT COMMITTEE ON UNSWORN STATEMENT AND RELATED MATTERS

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

That the time for bringing up the report of the Select Committee be extended until Wednesday 23 September 1981.

In moving the motion, I indicate to the Council that a draft of the report has now been completed and is subject to final checking and typing. Further, the Attorney-General, when the question of research assistance to the committee was raised earlier in the year, indicated that he would allow the Crown Prosecutor to comment on the draft report for the committee. Arrangements have now been made for that to happen. The committee also wishes to obtain the views of Parliamentary Counsel on certain aspects of the report. It is hoped that this can be done by Wednesday next.

Motion carried.

PLANT VARIETY RIGHTS

Adjourned debate on motion of Hon. B. A. Chatterton:

That this Council believes that the introduction of plant variety rights is not in the best interests of Australia and calls on the Minister of Agriculture at meetings of the Agricultural Council to oppose the legislation introduced into the Federal Parliament by the Minister for Primary Industry.

(Continued from 26 August. Page 684.)

The Hon. ANNE LEVY: I support the motion and endorse the remarks made by the Hon. Mr Chatterton when he moved it. The matter of plant variety rights is a complicated issue, with pros and cons to be considered, but I cannot but conclude that the claimed benefits are illusory and that it would be to the long-term disadvantage of Australian agriculture and horticulture for p.v.r. to be introduced.

In Australia, little private breeding is done. With p.v.r., there is unlikely to be much more and, as the Hon. Mr Chatterton has shown, what may develop will be cosmetic only—minor changes to well established varieties to enable registration of new varieties, and such minor changes will be useless to the producer. Basic research and fundamental plant breeding will remain in the public sphere and continue to be carried out by universities, colleges of advanced education, the C.S.I.R.O., and State Agriculture Departments.

It is too expensive for a private entrepreneur to ever carry out and expect a return on his investment as, even if he did venture into an elaborate fundamental research programme, a competitor could seize on his product and, at little expense, breed for a small cosmetic change and so prevent the original investor from reaping the benefits of his breeding work.

Furthermore, by the same reasoning, we can expect that State institutions will get little benefit from p.v.r., even if they patent their new varieties that are produced after years of patient and fundamental research. Private breeders can seize on these new varieties, make minor cosmetic changes to them, and then use all the modern techniques of advertising and marketing to push their varieties as opposed to those produced by State institutions, so reaping the financial reward of work done by State plant breeders.

As State breeders are financed by the taxpayer and by the growers themselves through industry levies, the interpolation of a private breeder who makes minor breeding changes only and then reaps the full rewards of the work done at State expense means that we will be having a transfer of benefit from the grower and the taxpayer to a middleman who has contributed very little.

I fail to see why such a transfer should occur at the expense of the community and to the detriment of the growers. It is doubtless a realisation of this transfer and of the higher costs involved for farmers, for whom there are no benefits, that has led to objections to p.v.r. from those concerned with crop plants. They have been successful in their objections, as the Bill before the Federal Parliament relates to pasture and fodder species and ornamental and horticultural varieties only, but exactly the same objections apply to these sections of the agricultural and horticultural industries as apply to crop plants.

I would be the first to admit that all may not be well in regard to the breeding of horticultural and ornamental species in this country, but the cure is not p.v.r. The cure is surely to get the State institutions to undertake the same fundamental research and breeding for these species as they have done for crop plants. If this could be achieved, then the growers of these species would realise the dangers of p.v.r. to their industries that the growers of crop plants have realised and be as opposed to it as are wheat, oats and barley growers in this country.

This is not the place and time to consider how our publicly financed breeding institutions can be encouraged to diversify and extend their breeding efforts into the areas they now ignore, but I am convinced that a solution to this problem is the correct approach for helping the industries concerned, not p.v.r. I hope that the Australian Agricultural Council and its advisers will consider ways of extending the breeding done by public institutions rather than waste time on p.v.r.

I am sure that setting up an equivalent of the Waite Institute for horticultural and ornamental plants would achieve far more for these industries than would p.v.r. The Waite Institute costs taxpayers only about $4 000 000 a year, which is peanuts to the Federal Government if it really wishes to help these industries. If such an institute were to be established (and there is no lack of dedicated scientists and plant breeders to work in it), then it could obtain from overseas the varieties that are claimed to be denied to us at present owing to lack of p.v.r. here.

It may well be true that we are currently denied some overseas varieties, as their originators are waiting to see

whether p.v.r. is introduced here or not, although the Hon. Mr Chatterton has shown that this certainly does not apply for wine grape varieties. If we reject p.v.r., there will be no point in overseas breeders refusing to sell their varieties to Australia, so they may well become available anyway to those who want them here but, in any case, p.v.r. does not prevent material being used for research, so overseas material could be obtained right now for research purposes if anyone was available to do the research.

Make no mistake, research is certainly necessary before overseas varieties can be successfully used in Australia. The fact that a new variety is successful elsewhere in the world is no guarantee at all that it will succeed in Australia. We have our own unique environments in relation to soil, climatic and nutrient conditions specific to this area. All our current agricultural and horticultural crops were initially introduced into Australia, with the sole exception of macadamia nuts, which are native to this country. All have had to be modified to be successful under Australian conditions, either by natural or artificial selection. The same will be true for any new species or varieties introduced in future.

Those people who say that we need plant variety rights so that we can successfully sell our seeds in the overseas market ignore the point that we obtained all our economic plants from elsewhere in the first place, free of all royalties. It seems odd that we should now wish to charge royalties to sell back varieties, often to the centres of origin of the species. Plant variety rights would make our seeds more expensive for overseas growers and so would do nothing to help under-developed countries which need cheap sources of seed, not more expensive ones.

It has been said by some that without p.v.r. big nurserymen will swallow up the little ones, but that with p.v.r. the little ones will be helped to survive. I fear that that is quite false reasoning. Little nurserymen are less likely to be able to afford to conduct breeding work for themselves, and so the big companies will be given a further advantage with p.v.r. over the small companies. It is certainly the experience overseas that with p.v.r. big companies have crowded out the smaller ones, leading to monopolisation of the industry. Some of the small nurserymen in this country fear the same thing, whatever their association may be saying, and some of these small nurserymen have told me so privately. Furthermore, small nurserymen will not have the resources to sue for damages if their plant variety rights are infringed by others—unlike big seed producers. Under the Federal Act the initiative must in this respect lie with the holder of the plant variety rights and the small man will be disadvantaged in relation to the larger producer in ensuring that his rights are upheld.

The National Farmers Union of the United States of America has publicly stated its belief that p.v.r. in the United States has led to the growing monopoly of the seed industry there; it has increased prices and has resulted in a reduced emphasis on breeding for pest and disease resistance. In relation to that last point, the Minister was somewhat ingenious in his contribution to this debate on 26 August, when he stated:

> It is incorrect to argue that private breeders in large companies would deliberately produce varieties requiring massive inputs of fertilizers or crop protection chemicals. It is not feasible to manipulate plants to such a degree.

The Minister is surely missing the point that breeders work towards stated objectives and have to set priorities as to what characteristics they are aiming for. To achieve both a high yield and disease resistance is more difficult and will take more generations to achieve than breeding for either high yield or disease resistance alone.

If breeding is undertaken by multi-national chemical companies, as is increasingly the case in other countries, they will aim for higher yields alone and ignore the genes for disease resistance, as this can be controlled by chemical means. This will both achieve their aim more rapidly and add to the sales of chemical pesticides by the same companies. Overseas, the multi-national companies such as Shell Oil and Monsanto have increasingly entered the agri-business sphere. They provide seeds, fertilizers and pesticides as a complete package at enormous cost to struggling peasants in under-developed countries. While yields are higher, so are costs, so that the main economic benefit is to the chemical companies concerned and not to the poor peasant growers.

While in the Philippines earlier this year I heard much criticism of these multi-national agri-business companies, which market far more aggressively than can public bodies like the International Rice Research Institute. They are persuading peasant farmers to use far more fertilizer and pesticides than they actually need. They do not supply the disease-resistant and low-fertilizer requirement rice lines developed by bodies such as the International Rice Research Institute. The traditional peasant in under-developed countries is also reluctant to try new varieties if his associated costs, and hence risks, are increased, as crop failure will then be even more disastrous as a consequence. I realise that Australia is not an under-developed country agriculturally, but it would be hypocritical in the extreme to say that we can adopt p.v.r. ourselves but that other countries should eschew it for their sakes.

Another point which is rarely made in discussions of p.v.r. legislation is that the Bill presented to Federal Parliament makes no provision at all for merit testing; merely for registration of new varieties. In this, it resembles the American legislation which is currently subject to reappraisal and reconsideration in that country. All the European examples of p.v.r. quoted by the Minister do have merit testing, which means that any new variety is officially tested and must be shown to be an improvement on existing varieties in some important characteristic before it can be granted protection. Without official merit testing, p.v.r. is surely asking for trouble. New varieties which are no improvement on old ones can be marketed aggressively to benefit the holder of the rights, and so disadvantage the grower, who has to pay higher costs but has no improvement in yield as compensation. It is no answer to say, as the Minister does, that he can use the old varieties. We all know the power of advertising and how it can persuade people to purchase against their own best interests.

The reason that there is no merit testing in the Federal legislation is, of course, that merit testing costs money. It takes quite a long time, a good deal of effort and much in the way of facilities to carry out careful investigations prior to determining merit. The Federal Government is not prepared to put its money where its mouth is and devote the resources to independent merit testing. Instead, it prefers to leave Australian growers to the tender mercies of whoever can shout loudest about his new improved variety, whether or not it 'washes whiter and brighter'. The proponents of p.v.r. make further claims, too, regarding the benefits of belonging to the International Union for Protection of New Varieties of Plants (known as UPOV). They neglect to say that there are currently only 12 members of UPOV, and that the rules for belonging are such that Australia could not be eligible for membership even if the current Federal Bill is passed. Although UPOV has relaxed its rules for membership in terms of the type of p.v.r. legislation that a country must have before being eligible for membership, it still requires at least 24 different plant types to be covered by national legislation.

While the Federal Government proposes that only ornamental, horticultural and perennial pasture plants will be

covered at present, one can imagine the pressures that will be applied to extend the coverage in order to make UPOV membership possible. Cereal crops and annual pasture plants will be under perpetual threat of coverage, despite the strong antagonism to p.v.r. within those sectors of the rural industries. I hope that those who feel that they are currently exempt from p.v.r. will realise the dangers of accepting p.v.r. for any species at all, and not relent in their opposition to p.v.r. for any species.

I should like to make two further points. First, the Minister stated that this motion should be opposed so that community debate can occur. That is the most ridiculous argument. The Bill was introduced in the Federal Parliament in May this year, and it is expected to be debated there in the current session. Agricultural Council will be taking its vote on the matter in the near future, and it is both proper and desirable that this Council should express its views on this legislation. After all, we do represent the people of this State, and our opinion is surely one that the State Minister should seek and welcome before attending the crucial meeting of Agricultural Council.

To defeat this motion and not suggest anything in its place would mean that this Council has no stated opinion on such an important matter, on which the Federal Minister wishes to have expressions of community views, as he has stated frequently. What better expression of South Australia's views could he get than an opinion from the democratically elected Parliament of this State? It is a most responsible act to debate this motion in this Council, and to vote for it will be a clear view of the representatives of the South Australian community that our Minister can consider when he attends Agricultural Council.

To oppose this motion is to imply that only sectional interests and official advisers, not the elected representatives of the South Australian population, will influence our Minister in his decision. We should be the most significant factor in deciding the position of South Australia on the question of p.v.r., and we should tell our Minsiter that we do not like it.

Finally, I wish to say something regarding the whole philosophy of p.v.r., which is repugnant to me. Living material is not created by man; it is merely manipulated. The genetic material responsible for new varieties is only rearranged in new ways, not made or invented, by a plant breeder. Even genetic engineering, of which we hear so much, is only a manipulation, not a creation, of life *de novo*. In this sense, the results of plant breeding are quite different from the usual invention for which a patent can be given.

The thought of anyone having ownership of a form of life is utterly alien to any scientist. All the species involved are far older in evolutionary terms than is man himself. It is presumptuous in the extreme, and indeed laughable, to suggest that man can create and own a form of life.

Living matter is an integral part of our planet, and the result of plant breeding should always be regarded as a public resource for the benefit of all. Private ownership of an individual plant may be contemplated, but private ownership of a whole form of life is ludicrous and somehow obscene. To a believer in a supernatural creator, I imagine that such ownership would be blasphemous in the true sense of that word.

Certainly, it outrages my morality that a whole form of life could be in private hands. This represents the ultimate extreme of capitalism gone mad. Living matter is a part of the heritage of all mankind, and to contemplate individual ownership of a form of it makes nonsense of all the arguments that are ever put forward for conservation.

Scientific work and progress depends on a free interchange of knowledge and material. This has always been a key feature of breeding work in Australia, and the profit motive is quite alien to the work of those involved. Plant variety rights would lead to secrecy and duplication of work, and would destroy co-operation in breeding work, so reducing the benefit to Australia as a whole. The only people to benefit would be a few large corporations and middle-men, and the community as a whole would suffer. Plant variety rights are indeed something that we can well do without. I support the motion.

The Hon. K. L. MILNE secured the adjournment of the debate.

PENSIONER DENTAL CARE

Adjourned debate on motion of Hon. J. R. Cornwall:

That the Legislative Council expresses its serious concern at the inadequate dental care of pensioner patients. The Council deeply regrets the failure of the Government to implement its specific election promise to upgrade public dental services. In particular, it deplores the decision of the Government to abandon plans to train and register clinical dental technicians or dental prosthetists to deal directly with patients requiring full dentures.

(Continued from 26 August. Page 687.)

The Hon. J. C. BURDETT (Minister of Community Welfare): I oppose the motion. I am amazed that the Hon. Mr Cornwall had the audacity to criticise the Government for what he claimed was a neglect of dental care for pensioners and financially disadvantaged persons. This Government has done more in the past two years to improve dental services for pensioners than the previous Government, of which the Hon. Dr Cornwall was a member, achieved in the 10 years or so that it was in power.

Let me briefly examine the record of the previous Government. In 1974, the South Australian Branch of the Australian Dental Association offered the then Minister of Health (Hon. D. H. L. Banfield) a scheme for the dental care of pensioners in which private dentists would provide up to three dentures each free of charge. I quote from a letter from the State President of the Australian Dental Association on 21 July 1974:

As a positive step to help the State Government reduce the waiting list for dentures at the Royal Adelaide Hospital Dental Department, the South Australian Branch Council of the Australian Dental Association submits for your consideration details of a scheme under which pensioners would receive free denture treatment.

The scheme reflects the concern of the dental profession at the backlog for dentures and the need to render a more adequate dental service to the indigent section of our community . . . The participating dentists—acting in an honorary capacity for the Dental Department—would each undertake to provide full denture fitting treatment to a maximum of three pensioners per year, the scheme to operate for one year only.

What was the Government's reply at the time? It was to decline the offer. The honourable member talked of 'extraordinary logic', but what is more spurious than the then Minister's reply to the Australian Dental Association on 19 September 1974? I quote from that letter:

Cabinet appreciates the gesture, but after consideration has suggested I must decline the offer. It was noted particularly that the scheme would operate for one year only, and it was felt this would entail numbers not particularly significant in alleviating the problem which the Government faces in this area.

It took the Minister two months to reject such an offer. While the Minister may not have considered that the supply of some 300 dentures was significant, I am certain that this view would not have been shared by those people who were on the waiting list at the dental hospital at the time.

It is pleasing that the honourable member had the courtesy to commend the Government for its initiative in establishing the three peripheral clinics in association with the Flinders Medical Centre, the School of Para Dental Studies at Gilles Plains, and The Parks Community Health Care.

He forgot to mention that, because of his own Party's failure to provide funds, the dental clinic at The Parks had been idle since the opening of the centre in 1979.

The establishment of these clinics was a feature of Liberal Party dental health policy at the last election. On assuming office, my colleague the Minister of Health took immediate action to allocate funds for these clinics and, earlier this year, approved the appointment of additional dental technicians to each of the three centres. A dental hygienist was also approved for The Parks to provide much needed preventive care.

Approximately 2 500 people were treated at the clinics in 1980-81, a not insignificant number, as I am sure members would agree. With the appointment of the additional staff, the number of patients treated this year is expected to increase, particularly those receiving dentures.

The Government is well aware of the need to further improve dental services for pensioners and other financially disadvantaged people and, within the constraints of available funds, will make every effort to ensure that much needed dental care is available. The task has been made that much more difficult by the total neglect of dental health by the previous Government, particularly for the elderly members of the community. Dr Cornwall claimed that more than 50 000 people in South Australia have no natural or false teeth at all, a figure which I believe he also used in a recent A.B.C. radio interview during one of his statements about health services in South Australia. It would appear that he derived the figure from page 26 of the report of the Committee of Inquiry into Dental Services in South Australia.

For the information of honourable members, my colleague the Minister of Health has advised that the figure of 4 per cent quoted in the report is a misprint and should read 0.4 per cent. Instead of 50 000 South Australians with no natural or false teeth, the A.B.S. survey 'Dental Health February-May 1979' (Catalogue No. 4339.0) indicates that the number is approximately 3 700.

The honourable member also referred to the School Dental Service and implied that its future was uncertain. I can assure honourable members that, within the constraints of our Budget, the established community health programmes, of which the School Dental Service is one, will continue to be regarded as central to the implementation of the Government's health policy.

Turning to the question of clinical dental technicians, I am once again amazed that the honourable member had the audacity to criticise the Government's decision to defer the proposal to grant chairside status to certain dental technicians. The previous Government had ample time to introduce legislation during its term of office, yet failed to do so until the ill-fated eleventh year of its term.

It is interesting to note that, by the honourable member's admission, the Labor Party Caucus committee, of which he was a participant, conceded that 'in an ideal situation clinical technicians or prosthetists should provide dentures to the patient at chairside under dental supervision'. Honourable members may also be interested to know that the woman who was featured in the *News* in July complaining about discomfort with existing dentures had been provided with her dentures by a dental technician, dealing illegally directly with the public in South Australia.

In the article in the *News* in regard to this rather sad case, it was stated that the lady concerned broke down and told the *News* that she faced a three-year wait for free dentures from a public hospital. She was a diabetic and had suffered four strokes. She experienced extreme discomfort with her existing dentures and was terribly upset. She said she could not eat properly and was forced to eat only soft or minced foods. I understand that the *News* suggested that she go to a technician, but she was upset about that idea and went to a dentist. I believe that she has arranged with a dentist for the supply of a set of dentures at a reduced price.

She had had her teeth out about 40 years ago and had dentures fitted by a dentist. Later, dentures were made by dental technicians. She experienced many problems with soreness of the mouth, loose dentures and not being able to eat. She said that she managed best with the lower dentures out when she was eating. Both sets of teeth were made illegally, by technicians in Adelaide, not in Melbourne, or Victoria, as previously reported. This lady certainly had serious problems with her dentures, and she has now arranged with a dentist to have a set of teeth made at a reduced price. I understand that half the cost will be paid to the dentist this week when the teeth are fitted and the remainder paid when she comes back from a planned Asian holiday.

In reaching its decision to defer the proposal, the Government believed that the introduction of clinical dental technicians could not be justified, as it was unlikely to provide a significant alternative for the more financially disadvantaged members of the community. Rather than train yet another category of dental personnel, we considered that far more benefit could be obtained by providing improved services using existing resources. The committee of inquiry expressed a similar view at page 66 of its report, as follows:

> Because the introduction of clinical dental technicians is unlikely to benefit the more financially disadvantaged members of the community, the committee is strongly of the opinion that greater benefits per expended dollar could be achieved from other projects aimed at improving the dental health of pensioners and underprivileged groups.

The honourable member appeared to disregard the costs associated with training. Indeed, he referred to the Minister of Health's comments regarding costs as 'absolute rubbish'. The following was stated on pages 63-64 of the committee of inquiry's report:

> Thus, in order to train those dental technicians who would be eligible for 'grandfather clause' registration under the proposed Bill, the full cost to the Government is estimated by the Department (of Further Education) to be about $350 000 to $500 000. (Although the committee has not had time to examine these costs closely, experience suggests that such estimates are often exceeded).

That is hardly rubbish, when the Minister is referring to costs to that extent. The honourable member also referred to alleged fees charged by dentists and dental prosthetists in New South Wales. While I cannot vouch for the accuracy of these figures, I can point out that dentists and dental prosthetists providing treatment under the Dentures for Pensioners and Other Necessitous Persons Scheme in New South Wales are reimbursed a sum of $251 and $220 respectively for a complete set of dentures. Certainly, these differentials are not of the order claimed by the honourable member. The committee of inquiry pointed out at page 64 of its report:

> Although it has been difficult to obtain accurate data, the experience in Tasmania suggests that the initial differential in cost between dentures supplied by dentists and those supplied by clinical dental technicians declines, with the introduction of enabling legislation, probably to about 15-20 per cent.

Mention was also made by the honourable member of the desirability of upgrading the training of laboratory dental technicians. The Government accepted this view and has established a group under the direction of the Industrial and Commercial Training Commissions to investigate the feasibility of such a move. It is somewhat disappointing that a recent survey of members of the Dental Laboratories Association indicated that a significant number of employers did not support the proposal at that time. In view of the far-reaching condemnation of the Government envis-

aged and in view of the facts that I have just stated, I must oppose the motion.

The Council divided on the motion:

Ayes (10)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall (teller), C. W. Creedon, J. E. Dunford, N. K. Foster, Anne Levy, C. J. Sumner, and Barbara Wiese.

Noes (11)—The Hons. J. C. Burdett (teller), M. B. Cameron, J. A. Carnie, L. H. Davis, M. B. Dawkins, R. C. DeGaris, K. T. Griffin, C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Majority of 1 for the Noes.

Motion thus negatived.

CASINO

Adjourned debate on motion of the Hon. J. R. Cornwall:

That the Legislative Council requests the concurrence of the House of Assembly in the appointment of a Joint Select Committee to inquire into and report on the implications of the establishment of a casino in South Australia and what effect and potential a casino may have on the tourist industry in this State. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, two of whom shall form the quorum of the Council members necessary to be present at all sittings of the committee.

(Continued from 26 August. Page 687.)

The Hon. G. L. BRUCE: I rise to support the motion of the Hon. Dr Cornwall. He is asking not that a casino be established in South Australia but that a Select Committee be appointed to inquire into and report on the implications of the establishment of a casino in South Australia and what effects and potential a casino may have as regards the tourist industry in this State. What is being asked in this motion is, I believe, worthy of consideration by a Select Committee. Honourable members should reflect on the recent passage of random breath testing legislation. They would be aware of exactly what such legislation meant, the need for it, and how it would be implemented. The Select Committee considering that matter came up with an excellent recommendation, and it gave a comprehensive reply to critics of Select Committees.

What we are seeking here is a committee to inquire into the potential for a casino in South Australia. I refer to the present situation throughout Australia, with virtually a casino in every State; in fact, some States have two casinos. There has now been a casino for some years in Tasmania, and I understand that another one is due to be opened shortly in Launceston. The Northern Territory has a casino in Darwin, and another casino has recently been opened in Alice Springs.

Further, I understand that the Queensland Government is seriously considering the provision of a casino because of the result it would have on that State's tourist potential to attract visitors to Queensland. If Queensland, with all its inherent benefits, is considering such a move, then it must believe there is something worth while in it. I do not wish to canvass the rights or wrongs of a casino at this stage, but I do believe that a Select Committee should be given the opportunity to examine whether there is any merit in establishing a casino in South Australia. Such a committee would be a fact-finding committee. I do not in any circumstances accept what the member for Semaphore said in another place, that a Select Committee would be a mere junket to look at casinos. I do not believe that at all.

I would be surprised if anyone who had ever served on a Select Committee considered it to be a junket. Does anyone believe that the Select Committee inquiry into random breath testing was a junket? With all the flak and associated problems that subsequently arose, people who believe that such an inquiry was a junket should have their head examined. There are many aspects to be examined when considering the merits of a casino for South Australia. The fact that every State in Australia now has a casino does of course weaken the effect of a casino, and there may not necessarily be the viability for one.

Tasmania had an advantage when it had Australia's only casino. In the present circumstances that viability could be gone, and the establishment of a casino could even result in a liability. That is one aspect that should be examined. However, any tourist potential that may be lost through not having a casino should also be examined. Do interstate and overseas tourists look for the type of facilities provided in conjunction with a casino? With the provision of a casino one can attract conventions and visitors who are big spenders. If the State decides against having a casino it could lose that convention and tourist potential, and this also needs to be examined.

Another important issue has to be considered in relation to the provision of a casino. I understand that the casino in Alice Springs is the only one in Australia with poker machines and that there will be a concerted push in South Australia, as there has been over the years on various occasions, to determine whether we should introduce poker machines here. Perhaps there is merit in having a casino containing poker machines. I am not supporting the rights or wrongs of poker machines or casinos, but that is another new aspect that could be examined by a Select Committee. Poker machines are to be found only in the casino in Alice Springs and nowhere else in that area. In fact, outside New South Wales poker machines are not found in Australia.

The employment situation is another aspect that could be looked at by the committee. We have training facilities in South Australia at Regency Park catering college, where we could find top-notch staff for a casino, and it would provide an outlet for those people training in South Australia for that type of work. That is one aspect which could be examined by the Select Committee.

The amount of Government control and involvement in a casino is another important matter. I do not know how casinos operate and what the taxation potential is for the Government. I am sure that the committee would be cognisant of how much revenue was made and how much control the Government would have over a casino in South Australia. It should take into account the siting of a casino and whether it should be inside or outside the metropolitan area, also looking at the siting of other casinos interstate. From my experience on a Select Committee, it is not a junket: it is a fact-finding exercise. The cost involved in a committee studying the benefits of a casino for South Australia would be money well spent, leading to well-informed information submissions being presented to the Parliament on such a matter.

We must consider whether it would detract or add to the tourist industry if the provision of another major hotel was involved. Presently there are only two major international hotels in South Australia, namely, the Gateway and the Oberoi, with the Hilton being built in Victoria Square as a potential third international hotel. We must consider whether South Australia can afford a fourth international hotel and, if so, what would be a viable position for it.

Casinos seem to attract the best entertainment by way of revues, and if we are going to bring that type of activity to South Australia we will build up a following of people who seek that form of entertainment. It could work in conjunction with our Festival Theatre. The entertainment situation and respect that we seem to have for our industry in South Australia is worth taking into account. There are many aspects which a Select Committee could and should

examine in this regard. I have no hesitation in supporting the motion. I believe that Select Committees are not junkets, as they serve a useful purpose.

I will not now canvass the rights and wrongs of casinos and gambling. The motion is for a Select Committee to be set up and report to Parliament. I believe that Parliament is entitled to have such views before it. There are no experts in this field in the Parliament who could give a clear indication of the rights or wrongs, or the effects that a casino could have, and there is very little first-hand information available to us on what is happening with casinos in other States and whether they are viable propositions or whether they will be a liability in time to come.

We must also ascertain whether the tourist industry or the local people support a casino. We must know whether the services and facilities are to be shared by locals and tourists alike. There is a lot of merit in the motion, and I believe that it is worthy of the support of this Council. I cannot see why there should be opposition to the motion by the Government or by factional groups in this Council such as the Australian Democrats. I have much pleasure in supporting the Bill and trust that it is given the consideration that it deserves.

The Hon. FRANK BLEVINS: I, too, have much pleasure in supporting this motion moved by the Hon. John Cornwall, although I have some doubts as to whether a Select Committee is absolutely essential. This is a matter where members on this side, unlike members opposite, have a conscience vote. I certainly do not need a Select Committee on this issue to tell me how I would vote if the issue came before the Council. I am totally in support of casinos. Maybe that is because I am not a gambler and it would not cost me anything. For my own satisfaction, the Select Committee is not strictly necessary but I am only speaking personally. As the Hon. Mr Bruce pointed out, there are members who are not so firmly fixed in their views as I am.

The Hon. C. M. Hill: Are you going to vote for it?

The Hon. FRANK BLEVINS: Yes.

The Hon. C. M. Hill: You said it was not strictly necessary.

The Hon. FRANK BLEVINS: It is an individual conscience vote for members on this side. I would prefer to vote directly for a Bill before the Council for a casino. However, I appreciate that other members are not as fixed in their views on casinos as I am. For that reason a Select Committee would be extremely valuable.

Some questions were raised by the Hon. Mr Bruce as to where the revenue is coming from—whether it will be from the locals or the tourists. I personally could not care less. It certainly will not come from me. The Hon. Mr Bruce has raised an interesting question, and it is something that a Select Committee is ideally suited to ascertain. Another aspect in which I am interested is whether a casino should be owned by the State or by private enterprise. Clearly, I would prefer to have the casino run by the State so that the profits made in this area could be returned to the people through the normal process. A Select Committee could investigate this matter if the motion was carried. It seems infinitely preferable to have a casino owned by the Government rather than private enterprise. If it is owned by private enterprise, somebody will be getting some cream off the top; otherwise private enterprise would not touch it with a barge pole.

The money is to be made out of a human frailty, that is, the desire to gamble. I suggest that members opposite believe that that is not to be encouraged. I would rather put it to the people as a whole—

The Hon. C. M. Hill: Do you support Mr Peterson's Bill?

The Hon. FRANK BLEVINS: Mr Peterson's Bill is not before the Council. The Hon. Mr Hill has been here long enough, I would have thought, not to breach Standing Orders or incite me to breach Standing Orders by commenting on something which is not before the Council. However, the Select Committee will be useful for those members who have some doubts or who want areas clarified. There is no doubt that the Select Committee system is the best system to find these things out. The question of poker machines has been mentioned by the Hon. Mr Bruce. That is an interesting question.

The Hon. C. M. Hill: Are you for or against them?

The Hon. FRANK BLEVINS: I am very much in favour. It is quite obvious that the issue of poker machines will arise during the course of this debate on a casino. The Northern Territory Government has allowed poker machines in the Alice Springs casino but, as I understand, not in the Darwin casino. The reason for discrimination in this way escapes me. This leads to the question of whether poker machines should be introduced in South Australia.

The ACTING PRESIDENT (Hon. J. A. Carnie): I remind the honourable member that this motion deals with the establishment of a Select Committee to consider casinos, not to deal with poker machines.

The Hon. FRANK BLEVINS: You understand my difficulty, Sir. There is no doubt that the reason why we need a Select Committee is that these questions will be raised. Do we have poker machines in casinos, or do we not have them? I would certainly say 'Yes' but that may not be the view of the majority of South Australians. How do we know? A Select Committee is obviously the way to find out. I do have an opinion on poker machines and I feel that they should be in the casinos and also in licensed clubs.

Another very interesting point that you will appreciate, Sir, coming from the country, is whether a casino should be established in the metropolitan area only or whether, as is the case in many countries, anyone who qualifies for a licence to operate a casino can set up in an appropriate place. I favour the latter position.

If someone wanted to set up a casino in Port Lincoln, Whyalla, or Glenelg, I personally would have no objection. I cannot see why this recreation activity should be limited to metropolitan people. Are metropolitan people somehow more able to control their gambling instincts, whereas those of us in the country are perhaps considered too weak to do so? That is an interesting question. Do we have one casino, or many? I personally would favour as many as people wished, but that may not be the wish of the majority of South Australians. How do we find out? Again, a Select Committee is quite obviously a suitable arrangement for finding out the answers to these very interesting questions.

Therefore, I am happy to support the motion moved by the Hon. Mr Cornwall. I feel that it will take these questions out of the area of Party politics, as in my experience, Select Committees, certainly those of which I have been a member, have never been Party political. For those reasons and the reasons I have mentioned earlier, I wholeheartedly support the motion.

The Hon. J. E. DUNFORD: I also support the motion. When I was speaking in the Address in Reply debate, the Hon. Mr DeGaris interjected, as he usually does when I am speaking, and asked whether I supported the establishment of casinos. I said that at an opportune time I would give my answer. Personally, I like going to a casino. I have been to casinos in Tasmania, Darwin, and Las Vegas, even though I do not believe that one can win at casinos. There are plenty of books in the library on gambling of all kinds, and the house always wins. No system has been introduced whereby a person can win against the house.

I do not think poker machines are a gamble, because in gambling one has a chance to win, as with cards or two-up. There is no chance of winning, no system that one can use, and no numbers that one can use on a poker machine. The reason why I support the establishment of a Select Committee is that the people who have observed the things that I have seen in casinos ought to report to this Parliament on the pros and cons.

I have many things against casinos. Casinos in Las Vegas are very highly specialised. They cater for the tourist industry in a way far superior to what I have seen in Tasmania and Darwin. In Las Vegas, the casinos subsidise the price of meals there. The charge for breakfast is $1 and the charge for a champagne brunch is $3.50, and at those meals one can eat and drink as much as one wants. In Tasmania, the charge is $15 for a bottle of champagne, food prices are the maximum, and there are no free concessions. In Las Vegas, a person gambling can get free cocktails, any type of drink one requires, while gambling. A smoker can call for a packet of cigarettes and they are free. People still lose their money but they lose it with a little more grace. However, what I have observed of the Tasmanian and Darwin casinos is that they are rip-offs.

I played two-up at a very early age. The Hon. Mr DeGaris and the Hon. Mr Hill, who have been in the armed forces, know that the Australian game that characterises Australia overseas is two-up. That game is played illegally in many parts of Australia. I am not giving the game away: it is played with the full knowledge of the police and both political Parties in New South Wales. It is played in Broken Hill practically all night. The games are well conducted and well patronised.

I have seen members of Parliament, trade union officials, police officers off duty, mayors, and aldermen all playing two-up in Broken Hill during the 10 or 12 years I lived there and worked there as a shearer and miner. In Broken Hill the game represents the method by which two-up has been played since it was first played here. It was played overseas during the First World War and the Second World War.

It is played publicly on Anzac Day and, in fact, it has become a traditional form of gambling in Australian outback areas. It is traditional because it is a fair game. The pennies can only come down heads or tails. If a head and a tail falls, there is no result. The person who is spinning, known as the 'spinner', can spin 20 heads and tails, which are referred to in two-up jargon as 'two ones'. However, he continues to spin until either two heads or two tails are thrown. To win, one must bet on either heads or tails. After tossing three heads a commission is subtracted from the spinner's winnings. Therefore, if one spins for $10, after tossing three heads one would have $80. Out of that $80 the ringkeeper would subtract a commission of $10.

I support the Hon. Dr Cornwall's proposition, because I believe that a Select Committee should visit those schools which are considered to be illegal but which are quite appropriately recognised by the authorities. I point out that during my time as a shearer and as a miner I lost considerable sums of money playing two-up. I have no regrets about that because I had an even money chance against the person I was betting against. However, when I visited the casinos in Hobart and Darwin I was amazed at the way they rip off players. Quite contrary to the national and historical game of two-up, the Federal Hotel casinos place two pennies on the bat or kip; one is a head and one is a tail. That is quite contrary to the historical game.

As I said before, in the historical two-up game there must be a result, unless a spinner passes the kip and then all bets are refunded. In the casinos once a bet is placed it is frozen. One cannot ask for a bet to be barred because one does not like the spinner. That can be done in the historical game. As I have said, a head and a tail is referred to as a 'one'. In the casinos if a spinner spins five ones, all money invested by bettors around the ring is lost to the house. If that was the only way that casinos could receive a cut, that practice could be justified, although not by me. However, the house also takes a commission, although not as much as in the illegal game. I am sure that if a casino was established in South Australia it could still make a million dollars if it simply took a percentage and did not take all bets if five ones were thrown.

To say that a casino will be established in South Australia without looking at a traditional game such as two-up is ridiculous. I have no doubt that international gamblers who know two-up as the national game of Australia must laugh about that. I would like them to see the traditional game as it is played in an illegal setting. In a casino, if a spinner throws four ones four lights come on. At that point, in an illegal game, a bettor can take his bet off, by barring that spinner and retrieving his money. However, in a casino that cannot be done and once the fifth light comes on the bettor's money is lost.

As I have said, two-up is a fair game which provides an even money bet. However, it is not an even money bet in the casinos. The odds are two to one against the bettor in a casino, and that is completely against the spirit of the traditional two-up game where the bettor has an even money chance. The only redeeming feature about the way that two-up is played in the casinos is that a bettor can 'get set'. Everyone would know that in a large illegal game of two-up after a spinner has thrown four heads everyone would want to back heads. Sometimes a punter will give a better odds of six to four to get set. The limit to get set in a casino game is $250. Of course, if a bettor could not get set in the game of two-up, the game could not go on.

I think I heard the previous speaker say that this should not be a political matter. I would not like to vote on this issue because I am a gambler. If my hard work allowed me and if I had the time there is nothing I would like better than to go to a casino knowing that I would lose my money. A gambler is that type of person. I would not like to inflict the terrible disease that I suffer on to the rest of the community. At the same time I would not like to decide against people who enjoy indulging in this past-time. I have an open mind about casinos. If a Select Committee is established I would, first, like to be a member.

If a casino ever comes to South Australia, huge profits will be made by it. I do not know whether such profits are shown in the books of casinos, but the money certainly goes one way, namely, right into their laps. I believe that, if a casino is established in South Australia, it should be run by the State Government. After all, we do not want Mr Murdoch or Federal Hotels having a monopoly of casinos throughout Australia.

I have seen these casinos being run and, if I could not conduct a two-up game better than the billygoats in white shirts and black ties who run them now, I do not know who could. If a pretty young bird comes in, she can spin them quite erratically and not get barred, but if I, a man with 30 years experience, go in I sometimes get barred. These people sometimes control the destiny of those who are around the table. These ring keepers, as they call themselves, are incompetent.

If we have a casino, we will cause problems for many people, because wherever there is gambling there is crime, and this will be an avenue for people to get rid of black money. I believe, from the books that I have read in the library, that everyone who gambles is a fool. Indeed, I include myself in that. Wherever there is gambling there

is organised crime against society, and all these aspects need to be examined.

I decided that I would never refrain from voting in this Council unless I was given a pair. I believe that, once one is an elected member, one must be in contact with the community and represent, as honestly as one can, their ideas, thoughts and aspirations. I honestly do not know how the public feels about casinos, as a lot of people have not been as fortunate as some honourable members, and have been unable to travel overseas or to, say, Darwin or Hobart to see casinos operating.

Because I have seen casinos operating, I would like, if I am not appointed to the Select Committee, to give evidence to it, in order to ensure that a monopoly such as Federal Hotels does not continue to rip off people as they do in Darwin and as will probably happen in Alice Springs. As I have said, a casino, if established, should be a State-run enterprise, the profits from which should go to the South Australian community. The casino should be conducted on a fair basis so that its patrons can take advantage of cheaper, subsidised meals, made possible as a result of the casino's profits. Also, the patrons should have an opportunity to come out winning on the night. Patrons cannot win using the method that I have described.

I urge honourable members not to make this a political issue. For once, let us make this Council a House of Review, and appoint a Select Committee, the members of which should know what happens with gambling and what can occur if certain persons get control of a casino. I think that evidence will be forthcoming from a wide section of the community, as there are many people who lose all their money gambling. Some people gamble on races each Saturday. However, a casino is generally open until the early hours of the morning seven days a week. A working man cannot get to mid-week horse races to bet, because he does not have time to do so after work. However, if we open a casino for about 18 hours a day, as happens in Darwin, such persons, who could well be on the edge of bankruptcy, would go right over the brink because of action taken by this Parliament.

The Hon. N. K. FOSTER: I support the motion, and agree with what has been said thereon by other honourable members who have preceded me. In the past two years, the concept of gambling is South Australia has, in the eyes of some people, gone ahead in leaps and bounds. Other people think that we have crossed the threshold of common sense and decency. It depends on which side of the fence one finds oneself.

True, a number of games of chance are being conducted in the business world these days. Indeed, such games are advertised on television. Even that awful company, McDonalds, has scratch-out cards that one plays to see whether one can win a watch or a mince pie. All honourable members will recall the Instant Money Game. Also, church organisations, sporting clubs, mothers and babies clubs, and so on, have various methods and forms of gambling, including scratch-out cards. The Adelaide Stock Exchange, which has been established for many years, involves a skilful and artful way of gambling, although the money is gambled in a different manner.

I am sure that the suggestion regarding the establishment of a casino in South Australia will not go away, so we should ensure that the people of this State are informed on the matter by appointing a Select Committee, to which the public can have access. At present, if one wants to raise the matter of a casino, one realises that the Legislature can be just as ill-informed as the public and as one-sided in its attitude to gambling as are, say, the churches. This indicates the necessity for some form of committee to be appointed. Standing Orders provide for the appointment of such a Select Committee, which could take evidence from various sources.

As I have said, various forms of gambling are conducted at horse-racing and dog-racing meetings in South Australia. That legal area of gambling has more than a connotation of illegality. I need do no more than refer briefly to S.P. bookmaking, which probably represents the illegal side of gambling. The amount involved in this respect probably exceeds that invested on the totalizator and with legal bookmakers. This applies not only to horse racing but also to dog racing. Indeed, it applies to gambling across the board because it is locked into a national system. I am reminded that the increase in gambling in this State may not be greater in strict cold economic figures if one accepts that only a certain percentage of the money involved is used in this way.

Most certainly, the inducement has gone ahead in this State, particularly in respect to Soccer Pools. I have given warnings in this Council in respect to that matter and in respect to a Select Committee about that matter. Our share of the takings has decreased, more is the pity, and the formula has altered since the original Bill was before the House. We as a Parliament would have been much better informed when we voted had the matter been put to a Select Committee. The Hon. Mr Milne is not in the House at present. I know, because I sit in front of him, that he was under excessive pressure in respect to that matter. I also know that he was in receipt of information from Sangster's organisation in Melbourne, which was not made available to other members of this Chamber. However, I got hold of it through the Hon. Mr Milne. In addition—

The Hon. L. H. Davis: It is a dry argument.

The Hon. N. K. FOSTER: It is. The honourable member has visited a casino: he and the other honourable members who were present on that occasion would have been far better engaged in the two evenings spent at the casino if they had been members of a Select Committee and had been watching what happened in the casino. The Hon. Mr Davis, his colleague, and, I believe, the Hon. Mr Sumner were in Darwin at the time, as was the Hon. Mr Blevins. I suggest that the honourable members would have been far better employed had they been members of a Select Committee on the matter now before us than members of a Select Committee on uranium or a Select Committee on breathalyser testing. We all made the most of the casino: we sought information and arrived at individual viewpoints, depending on whether we won or lost. The Hon. Mr Cameron and the Hon. Mr Davis won all of the money, and also won all of the fish.

It will not be very long before one political Party or another will weaken before the onslaught of business interests in regard to pokeys. Pressure will come from clubs; there is no doubt about that. If one was to ask people to play for six hours a day in the clubs in New South Wales, or if the pulling of levers on poker machines were compulsory, they would want an award rate of $120 a day, at least. It is a terrible occupation. People get bitten by the clang of the 20 cent pieces. It is no good saying that, because Neville Wran allowed the Murdoch press to put in Soccer Pools in New South Wales, there can be no validity in the Labor Party in South Australia going crook about Vernon and the soccer pools because its counterpart introduced a particular measure in New South Wales. It may well have been that, if we were still in Government (and let us be honest about this), Soccer Pools may still have come before the Parliament.

I do not see any great difference between the political Parties in respect to these matters but, if one looks at the broad spectrum of the thrust in the States where Soccer

Pools exist, one will find that they have come in under different political persuasions; there is no doubt about that. The Northern Territory and Tasmania are examples, and in respect to casinos other States will follow. Accusations were made at the weekend in respect to gambling in New South Wales and the late former Premier. I do not believe that we will hear any more about that matter, because what is alleged in that case may apply across the broad spectrum of the political scene in New South Wales and probably has done so for a great number of years. Let us be honest about that. I say quite seriously and forcefully to those in this Chamber who favour casinos that they should support the setting up of a committee to investigate this matter. I have not yet made up my mind about the issue, and if I had to vote—

The Hon. C. M. Hill: Do you support Mr Peterson's Bill?

The Hon. N. K. FOSTER: That is not the question. If Peterson wants to put a casino in a little-used passenger terminal at Outer Harbor (and I understand that is what he has in mind), that is his business, because it is in his district. If I represented Burnside (or Davenport), as does my mate Dean Brown, I would not want a casino established where the Feathers Hotel stands. I do not expect that Jennifer Adamson would support that proposal, either. If I had a Federal seat, it would not concern me much, because the area involved is far greater. If Mr Peterson wants to put forward a Bill, he can do so. I have not yet made up my mind, because Mr Peterson has not told me where he expects the casino to be built. I believe that he should be honest and say where it is to go.

People in his district, whether they are being foolish or whether they have information to which I am not privy, seem to believe that Mr Peterson wants to establish the casino in the passenger terminal at Outer Harbor. That is a magnificent building and would meet the requirements of a casino. Most certainly, it would be far superior to the casino in the Don Hotel in Darwin, which some members of this Council visited last year. Casting my mind back, I do not know whether the Northern Territory Government will allow a new casino to be built at the other end of the town. I am not sure whether there were public petitions against that. Most certainly, the Don Hotel building was almost inadequate for that type of facility.

The Outer Harbor terminal is the venue in the minds of those who support Mr Peterson's Bill. It is for these people or the locals on the LeFevre Peninsula to seek information as to the way in which the casino will affect them. I do not know the answer. Mr Hill has prompted me to answer: perhaps he is concerned about local government and he might have asked me that question because he has had some representation from the Mayor of Port Adelaide, that honest gambler who has been involved in bookmaking, Mr Martens.

The Hon. C. M. Hill: No.

The Hon. N. K. FOSTER: Yes, he was. I thought the Minister meant that when he prompted me to remind him. However, that is not necessarily relevant to the debate and the groans from some members opposite seem to confirm that what I say in respect to Mr Martens is true. I do not expect he would deny it. It is a great Australian trait: what is wrong with it?

I would like to say something about those who may be opposed to the motion. Members may well consider the views that have been advanced by the churches in this State. The churches most certainly have a right to let their views be known and they should make their views known. Members ought to support the establishment of a Select Committee so that the churches can put forward their views based on their research. I refer to the many church organisations that have been involved in inquiries and committees established at both the Federal and State level in regard to poverty, etc. Much research has been done by church organisations in the bigger Eastern capitals, particularly Melbourne. Research undertaken by a person named Hollingsworth, representing a large church group, is absolutely unquestioned in its acceptance by the Government, even though Governments of both political persuasions have not been willing to implement his recommendations and make available sufficient funds to overcome the areas of poverty to which not only his church organisation but other organisations have paid much attention.

The Catholic Church has collated valuable information in regard to poverty and other social matters. The Hon. Mr Davis may laugh. From time to time the church produces excellent papers on vexed social questions, such as gambling and poverty, as well as the unemployed youth of this country. Some of the most well-researched information available has been contained in reports by the Catholic Bishop. The church should be given credit for that, as should other concerned organisations.

A Select Committee should be established. If the South Australian Lotteries Commission wants to put its view to Parliament concerning whether it wants to be involved through a legislative action of this Government, surely a Select Committee would provide an avenue for such information. Similiar organisations could appear before the committee to give evidence and also be informed about evidence given by others. The Betting Control Board and the Totalizator Agency Board and other similar organisations from time to time seek approval from other committees of this Parliament concerning the day-to-day running of their operations. The Hon. Mr Davis and the Hon. Mr Carnie are members of the Subordinate Legislation Committee and have been involved with those agencies on several occasions. That committee has been of some assistance to those organisations, which have at times been advised by the committee to re-examine some of the problems confronting them. The work of such a Select Committee would be valuable. The question of a casino in South Australia is one involving a division in the community, but the people have not been adequately involved. They have not been adequately advised on the opposite view, and that should be the right of the community. That situation can be corrected by supporting this motion.

The Hon. C. W. CREEDON secured the adjournment of the debate.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF THE CITY OF PORT PIRIE

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

That the joint address to His Excellency the Governor, as recommended by the Select Committee on Local Government Boundaries of the City of Port Pirie in its report, and laid upon the table of this Council on 15 September 1981, be agreed to.

Members will recall that I tabled the Select Committee's report yesterday, and with that report of course was the joint address to His Excellency the Governor to which I have referred in the motion. I am sure that honourable members have had an opportunity to read the report, and I think in many respects it is quite self-explanatory, because it does cover the main issues that were raised before the Select Committee and considered by it.

Also, I have arranged for a map to be displayed on the notice board in this Chamber. Members can see clearly on that map the old boundaries of the two local government bodies, namely, the Corporation of the City of Port Pirie

and the District Council of Pirie, and the new proposed boundaries which the committee supports within this motion. A great deal of work was undertaken by the committee. There were 18 committee meetings in all, and three were held in Port Pirie. I commend committee members and also the staff who assisted the committee for the work that was done and the very serious consideration given to the matters raised by witnesses. I also commend the large number of witnesses and other people who showed interest in the committee's activities. Indeed, it was a process, particularly within Port Pirie, which was part of the democratic process in every sense of that expression.

The Hon. C. J. Sumner: Did you keep them all happy?

The Hon. C. M. HILL: Naturally, some were somewhat opposed to the proposal, but I think that, when many have had time to fully consider the issues, now that the report has been brought down, they will not feel as badly as perhaps they did in the initial stage of the committee's sittings. The proposal is that the boundary between the Corporation of the City of Port Pirie and the District Council of Pirie should change and be extended out from the City of Port Pirie and, generally speaking, encompass the areas where there has been residential, commercial and industrial development. Also, the new boundary will encompass space which the committee thought ought to be part of the city to allow for future expansion, residentially and industrially.

The new area includes such facilities as the airport which, along with other amenities, is used in the main by people who are urban residents of the city. The proposed new area will also include the B.H.A.S. property on the west of the city. It includes Second Creek, the sewage treatment works and other residential land on which other buildings are sited. On the southern side of the city it extends to encompass the airport and includes the land between the present boundary and the airport. In a south-easterly direction, section 800, which includes the town's rubbish tip, is transferred to the city. Finally, apart from a certain portion of the boundary on the eastern side which remains where the present boundary is, it is extended to include the rifle range, the boat ramp and the area between Port Pirie Creek and Magazine Creek. That, in broad terms, is a brief explanation of the areas which will be encompassed in the new report if Parliament agrees with it.

The committee encountered some strong opposition to the proposal and accepted that that was understandable. It came in the main from members of the District Council of Pirie and from some of its strong supporters. We appreciate the fact that such opposition was expected, when territory of this kind might be lost to a local government body. Some members of the council have served their district very well indeed for a great number of years and they have strong feelings about the issue. It is fair to say, too, that the committee commends these people for the work they have done in local government within the district council. It has been a local governing body that has been administered very well indeed. Despite that situation, the committee had to consider the fact that the regional cities of South Australia must be encouraged to develop and expand.

In this region about which I am now speaking an investigation is being carried out into the iron triangle cities. That investigation has been financed jointly by the South Australian and Commonwealth Governments, with a view to recommending the most appropriate long-term strategies for development of these regional cities. It appeared to the committee that the way for future planning for such expansion to occur would be helped considerably if the old arrangements of dual local government control in these cities were brought to an end. We realised that, if that was to happen at any time, the longer it was delayed the more difficult it would become.

The committee noted that the boundaries have been changed in the City of Port Augusta. We noted that the Whyalla boundaries were changed about 12 months ago. It was in keeping with this general approach to adequate and proper initial planning for further growth in the cities that the committee had to deliberate. We had to weigh up those questions against the more human problems that were put to us by some witnesses who came before the Select Committee. It was noted also that of the Spencer Gulf Cities Association (which comprises four cities, namely, those I have just mentioned plus Port Lincoln) this was the last city where the local government boundaries were rather confusing to people who wanted to establish commerce and industry in those areas. If an industrialist or a commercial party wishes to make an approach to establish business in cities such as those regional centres, they most certainly do not want to deal with more than one local governing body. They want to deal with one only, and the only way that we can be sure that that will occur, so as not to put them off in such thinking or planning, is to see that regional cities have adequate local government boundaries.

Some strong fears were expressed on certain points, and the committee went to every possible endeavour to allay those fears. The district council made the point strongly that, if it was to lose any of its territory, it wanted to remain viable. It is the committee's view that, despite the fact that the rate revenue of the council will be considerably decreased by this proposal, it will still be of a sufficient size to enable it to continue as a viable district council if it so wishes.

The Hon. C. J. Sumner: What else could happen to it?

The Hon. C. M. HILL: It could amalgamate with its neighbouring council—Crystal Brook. Now that the subject has been raised, I point out that during the period of the committee's sittings the District Council of Crystal Brook made overtures to the District Council of Pirie to discuss amalgamation and partnership. That advance was strongly rejected by the District Council of Pirie. That is the prerogative of the District Council of Pirie.

The Hon. C. J. Sumner: How many people would be left in the District Council of Pirie?

The Hon. C. M. HILL: I do not have the specific numbers in front of me but there will certainly be perhaps more than the honourable member imagines, because in the Napperby and surrounding areas there is a considerable growth factor, with hobby farming and people taking up small holdings, preferring a rural lifestyle to an urban one within the district.

The Hon. L. H. Davis: It would be 1 900.

The Hon. C. M. HILL: The Hon. Mr Davis interjects that there will be about 1 900 people left in the district council. In the opinion of the Select Committee, it is regrettable that these discussions were not put in train between the District Council of Crystal Brook and the District Council of Pirie, at least to investigate the possibility of partnership, because it appears that a large and strong rural district council would emerge if amalgamation did take place. It would be a district council in which there would be a central town, namely, Crystal Brook. All the ingredients seemed to be there for amalgamation. However, the District Council of Pirie wanted to continue as it is and, regarding the point of being viable, it is the submission of the Select Committee that the council's rate revenue in future and other factors would make it viable if it maintained that course.

Another fear expressed by those who had houses in the affected area, which people now will become ratepayers of the City of Port Pirie if the proposal proceeds, was that

their rates might increase unreasonably and most excessively if a change took place. I am happy to report that the Select Committee obtained undertakings from the City of Port Pirie, details of which are in the report. Those undertakings will ensure that the fears will not come to fruition regarding unreasonably high rates. Another fear expressed by people who have been keeping horses as an occupation was that land use might change and they might be prohibited from continuing such land use. We have undertakings from the City of Port Pirie that that will not occur.

Lastly, there was the important question of change-over, because some staff will be transferred from the district council to the City of Port Pirie. Not only is the City of Port Pirie in agreement with that but the change-over will occur without any reduction of benefits or entitlements.

The Hon. C. J. Sumner: Did you consider putting the District Council of Pirie in with Crystal Brook?

The Hon. C. M. HILL: No. That was not within our terms of reference. Certainly the Government members of the Select Committee could not agree to that, because our Party has a policy of not enforcing amalgamations by compulsion.

The Hon. C. J. Sumner: What did you do on this occasion?

The Hon. C. M. HILL: We did not amalgamate councils. We simply readjusted boundaries.

The Hon. C. J. Sumner: That's a fine distinction.

The Hon. C. M. HILL: There is a total distinction. The councils will remain and the clerks will remain, but the boundaries will be altered. I believe that the proposal is fair and that it paves the way for further and proper expansion in Port Pirie and also establishes the District Council of Pirie, reduced though it may be in size, as a truly district council controlled by representatives, most if not all of whom come from rural areas. I thank the Select Committee again for all the work that it did and commend the motion to the Council.

The Hon. C. W. CREEDON: I was pleased to have the opportunity to serve on this Select Committee. We found on this occasion, as we have done on previous occasions when we have visited country areas, that densely populated suburbs of country cities are divided between two councils. In this case, they were the Port Pirie Corporation and the District Council of Pirie. The recommendations before the Council remove the suburbia from the district council area and place it under the control of the city council and would have the effect of returning the District Council of Pirie to its former position as strictly that of a district council.

The district council still has some growth area. One area in particular has shown quite satisfactory growth in recent years and in the future could possibly be the headquarters of council activity. Port Pirie at the moment is the home base for the district council, and perhaps it is now time for council administration to be more central to its area of activity.

I am not sure that the City Council of Port Pirie is without blemish. If the evidence given by some of those who were opposed to this move is to be believed, it is time that the city council had a good hard look at itself. It may even be said that it could do with the services of a good public relations consultant. I expect that the infusion of two new councillors appointed by these recommendations and the provision of a new alderman to be elected as soon as possible will provide some new energy source to the council's activity.

These recommendations are not as comprehensive as those given by previous decisions of earlier boundaries commission reports but they certainly go a fair way towards making people responsible to the community in which they live. Anyone who peruses Appendix A to the report will note that we were not short of witnesses. Anyone reading the evidence will note that much of it is reiterated again and again by various witnesses, almost as though they had been schooled in what they must say. While I may be critical of witnesses who had to be schooled rather than think for themselves, it is noteworthy that so many people were prepared to attend and speak up for their team. I believe that the Minister has given a very fair appraisal of the Select Committee. He did say that three of our meetings were in Port Pirie, and members will realise from the number of witnesses interviewed that our visits to Port Pirie occupied quite a number of days.

The Hon. M. B. DAWKINS: I support the motion and endorse the Minister's comments regarding the work of the Select Committee. I believe that the committee members worked together very well indeed. It came to a decision that was supported by all sides, as the Hon. Mr Creedon has said. I also support the motion as a reasonable and generally, if not completely, satisfactory solution to the problem. There is a problem when large country towns or cities either are split in two, as some of our country towns have been, or dominate large rural areas. I believe that, in the case of the cities mentioned this afternoon, those cities grew over a period of years into surrounding rural areas, and I indicate that local government in those areas was not to blame. The solution that has been presented this afternoon is to correct one of those situations.

I also believe that small country towns, such as towns with a population of about 1 000, towns like Riverton and Maitland, to name but two, are excellent subjects for the centre of councils in rural areas, but I believe that, when we have a large country town that is approaching city status, it should be in one block, not divided as in the past, and should not include large rural areas as well.

I have never been in favour of forced amalgamation. I think the Minister mentioned the possibility of Crystal Brook and Pirie amalgamating. While it was suggested that that would be a good solution, it was not acceptable to the District Council of Pirie. As the Minister has said, the council's decision that it wants to continue as a separate unit is the business of the council. Although the district council is now smaller in size and has a lower population, it is still considerably larger than some other councils, not only in that area but in other parts of the State. Therefore, I indicate that I support the solution which has been arrived at by the Select Committee, and I endorse the comments of the previous speakers who said that the Select Committee worked very well. I support the motion.

The Hon. L. H. DAVIS: I also support the motion. I concur with the comments made by the Minister and the other speakers who were also members of the Select Committee. The Select Committee was very worth while and it heard evidence from nearly 100 witnesses. I wish to dwell briefly on some of the aspects which have already been touched on by previous speakers and, in particular, the position that will now exist following the Select Committee's proposals. First, the annual rate revenue currently collected by the district council is about $265 000. After taking into account the recently declared 10.2 per cent increase in rates, the district council on its revised boundaries will receive $124 500. Although some members may be concerned about this figure being insufficient to ensure viability, it is pertinent to note that the annual rate revenue for the fiscal year 1981-82 still exceeds the revenue obtained by the adjoining councils of Crystal Brook and Red Hill, and it is just a little less than that of the Georgetown council.

Although rates have been reduced from $265 000 to $113 000 in 1980-81 terms, it is important to note that

there has been a concomitant decrease in expenditure in the district council as a result of the readjustment of boundaries. We received evidence that four staff would be transferred from the district council to the corporation, which would mean a saving of $53 000 per annum. The district council also gave evidence that about $152 000 was spent in the fringe areas of Port Pirie in the 1980-81 year. In excess of 90 per cent of that amount was spent on roadworks. After taking into account a $48 000 grant from the Highways Department in respect of these roadworks and other small adjustments, it was quite clear that the district council was spending in excess of $100 000 in the fringe urban area of Port Pirie, which will now be transferred to the corporation. Therefore, the district council will be saving a total of $150 000 as against a fall in rate revenue from $265 000 to $113 000 in 1980-81 terms. Therefore, it is quite clear that the district council will be financially viable.

We also received evidence that there will be a transfer of assets between the two councils, namely, from the district council to the corporation, of some $88 000. On the evidence that we received, the district council will be able to cope financially, albeit on a reduced scale. As the Minister has already said, they declined the opportunity to double in size by not amalgamating with the adjacent Crystal Brook council. It was also encouraging to the Select Committee to note the co-operation from the corporation in relation to this adjustment in boundaries. Evidence was also given that there would be minimal financial impact on ratepayers in the areas that will be affected.

The population of the City of Port Pirie as contained within the old boundaries had shown a steady decline. In the 1971 census some 13 400 people were resident in the corporation area. In June 1981 the estimated population in that same area was 11 836, which is a decline of about 1 500 people. However, we also received evidence that in the fringe area of Port Pirie, which was the subject of special attention, the number of people resident had increased from some 2 056 in the 1971 census to an estimated 2 777 in June 1981. That is an increase of some 700 people. Another way of putting it is to say that 2 777 people out of a total Port Pirie population of about 14 500 were in the district council area. Nearly 20 per cent of the total Port Pirie population were being looked after by the district council. The remaining 80 per cent came within the control of the corporation. Quite clearly that is undesirable from a planning point of view and, on the evidence given, it led to a duplication of services and equipment.

We also received evidence not only that that fringe urban area is growing, so ensuring that the corporation would have an expanding rate base in the future, but also that the nearby area of Napperby (which remains in the district council) will expand in future years, ensuring that the population of 1 900 people left within the new district council boundaries will continue to increase at a reasonable rate. This will ensure that in future years the district council, along with the corporation, can reasonably expect an expanding population. The population of 1 900 to 2 000 people in the district council will be comparable with the neighbouring Crystal Brook council, which numbers about 1 850 people.

Finally, the evidence received from the 100 witnesses at 18 meetings overwhelmingly represented the viewpoint of the district council. It was quite clear that those witnesses respected the prudent financial management of the district council. They respected the high level of service to ratepayers. That evidence, together with the balance sheets from the two corporations, also reflected the different approach to financial management. It showed the district council to be more conservative in its approach to borrowings. Because the corporation had much more to cope with in the City of Port Pirie, it had to follow a much more aggressive policy. Not surprisingly, there were some commonly misunderstood views when it came to the financial management pursued by the city council.

On balance, I think that the Select Committee's decision to extend the boundaries of the City of Port Pirie mainly to the south to cope with the expected population growth that will occur in that area is consistent with providing for proper development of the city in future years under one umbrella rather than under two umbrellas. At the same time, it respects the wishes of the people who live in the largely rural area serviced by the District Council of Port Pirie. I trust that the residents of both areas will come to accept the merit and wisdom of the Select Committee's findings.

The Hon. ANNE LEVY: I, too, support the motion. I will be brief in my remarks, as I think that other honourable members have given adequate coverage to the work done by the Select Committee and the conclusions that were unanimously reached by it.

Certainly, the logic of including within the City of Port Pirie all the residents of the urban area of the city is hard to deny. Even those who were opposed to the change in boundaries when they were first suggested will appreciate the logic of the whole urban area being one for planning purposes for general urban living.

The Hon. Mr Dawkins mentioned the problems that can arise when a city is split for local government purposes. In the case of Port Pirie, it led to the situation where people living in the urban area were benefiting from all the urban facilities that were supplied, in large part, by the City Council of Port Pirie, yet their rates were not contributing at all to those facilities and the benefits that they were enjoying. It seems highly equitable that the whole urban area should contribute, by means of rates, to the urban facilities that are provided for the use of all in the city.

The Hon. Mr Davis indicated the financial implications of the changes in boundaries that the Select Committee has recommended. One point that I do not think the honourable member mentioned is that it was evident from the evidence taken by the committee that the rate contributions from the residents in the southern part of the urban area (that part which was in the district council area but which will now go into the City Council area) had contributed to the facilities such as kerbing provided in that area by the district council. However, in no way could it be said that they had been a drain on the resources of the ratepayers elsewhere in the district council.

The financial contributions to the district council by those responsible had at least equalled the expenditure of the district council in that area. So, there was no suggestion that the remaining residents of the district council would be disadvantaged by having contributed disproportionately towards the facilities enjoyed by residents in an area that is no longer to be in the district council.

The point is worth making in the debate, in case there is any misapprehension amongst the residents of the district council or of the City Council that this has occurred. It was quite clear from the evidence that this was not the case and that neither party need feel in any way aggrieved or that it is not getting a fair share of the facilities provided by past contributions of rate revenue.

I should like to express my appreciation for the way in which the Select Committee was conducted. I refer also to the great co-operation and friendliness of both the district council and City Council members. What could potentially have been an acrimonious topic was dealt with in general pretty calmly and reasonably, and I hope that, even though

the solution proposed by the Select Committee may not please everyone, no hard feelings or acrimony will remain as a result of our report. I support the motion.

Motion carried.

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

That a message be sent to the House of Assembly transmitting the foregoing address and requesting its concurrence thereto.

Motion carried.

ADMINISTRATION AND PROBATE ACT AMENDMENT BILL

In Committee.

(Continued from 25 August. Page 527.)

Clause 3—'Interest upon pecuniary legacies.'

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

Page 1, after line 17—Insert subsection as follows:

(1a) A right to interest under this section does not exist independently of a right to payment of the legacy itself, and where a legacy abates, the extent of the abatement shall be taken into account in calculating interest for the purposes of this section.

I have moved this amendment to clarify further the object of this clause. Although the amendment is rather technical, my officers and I are satisfied that it does clarify what could be a deficiency in this clause.

The provision is designed to deal with a matter that was first raised in the case of *re Wyles, Foster v. Wyles,* 1938 Chancery, 313, which involved testamentary provisions of the following kind: the testator gave various legacies, including legacies to two nephews, but he included in his will a provision that, if his estate should prove insufficient to meet all the legacies, the legacies to the nephews should abate before the others. Farwell J. was asked to determine the rights of the nephews to interest. He held that, while the legacies themselves abated, the interest did not. That was somewhat curious. Interest is intended to compensate a legatee for late payment of his legacy. The effect of the decision by Farwell J. is to compensate the legatee at a rate appropriate to a larger sum than that to which he is in fact entitled. The decision has been criticised on this ground by various textbook authors.

The proposed new section 120a provides that interest accrues on the legacy at the prescribed rate. I believed when I first considered the matter that this sufficiently clearly negated the rule in *Re Wyles* by showing that the interest is to be related to the actual legacy and not to some hypothetical sum that might have been payable if circumstances had been different. One or two people took a contrary view. In order to put the matter beyond doubt, a new subsection is proposed that will provide that the right to interest does not exist independently of a right to payment of the legacy and that, where a legacy abates, the extent of the abatement shall be taken into account in calculating interest.

Amendment carried; clause as amended passed.

Clause 4 and title passed.

Bill read a third time and passed.

FIRE BRIGADES ACT AMENDMENT BILL

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

[Sitting suspended from 5.49 to 7.45 p.m.]

PUBLIC PARKS ACT AMENDMENT BILL

In Committee.

(Continued from 25 August. Page 528.)

Clause 3—'Sales and disposal of parklands to which this Act applies.'

The Hon. C. M. HILL: I have still some discussions in train with the Parliamentary Counsel in regard to matters that have been raised. Therefore, I ask that progress be reported.

Progress reported; Committee to sit again.

CREMATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 August. Page 688.)

The Hon. C. W. CREEDON: Honourable members know that the Government does not believe in price control, and one could guess that sooner or later it would remove the control it had over cremation trusts. Certainly, I note that such trusts have not wasted any time increasing their prices. The *News* of 15 September reports on the high cost of dying. In the *Gazette* of about a week ago cremation fees for both Centennial Park and Enfield Cemetery increased from $125 to $136. There are other increases for Saturday morning and public holiday cremations, and for cremations after 11.15 a.m. on Saturday and after 4.15 p.m. on Monday to Friday.

The Hon. M. B. Cameron: It may have something to do with overtime rates.

The Hon. C. W. CREEDON: The newspaper called it the high cost of dying and said that, if one was concerned by the rising cost of living, then here was some bad news: the cost of dying had also risen.

The Hon. D. H. Laidlaw: One can only afford to die once.

The Hon. C. W. CREEDON: True, the cost of dying is increasing, but the Government must ensure that costs do not become prohibitive, especially in the area of cremation, because this method is becoming more and more accepted. People who a few years ago and for a variety of reasons would not consider anything other than the traditional burial are gradually coming to favour cremation. Traditional burial is not an economic use of land, although people must have the right to use the traditional method if they so choose. Perhaps the worst feature of traditional burial is the neglect that eventually takes over.

The Hon. R. J. Ritson: It's a grave situation!

The Hon. C. W. CREEDON: Yes, it is. Vandalism is one of the new phenomena that some cemeteries are plagued with and are paying for. It is no wonder to me that the public is looking more favourably on cremation. Similarly, cemetery upkeep is an expensive problem and one can see that cemetery trusts would have minimum expense in the upkeep of niche walls and rose gardens. There could be a great temptation for a trust to increase its fees in regard to cremation in order to help to defray costs relating to the maintenance of older neglected and traditional burial areas.

I believe the Government is being neglectful of the needs of the public. One cannot see the cemetery trusts being competitive with each other, so I believe that, at the very least, the Government should always be aware of reasons for proposed increases in cremation costs. The public needs to be assured that these necessary services are being costed fairly. It is the Government's responsibility to assure the public that, under its scrutiny, this is the case. We support the Bill.

The Hon. C. M. HILL (Minister of Local Government): I thank the honourable member for his support of the measure. It is a short Bill, as I explained previously. It might interest the honourable member who has made some comment on the recently announced increases in cremation charges to know that in the last financial year the Enfield General Cemetery Trust made a loss of about $24 000 on cremations and, faced with that kind of loss, such a cemetery trust is certainly entitled to make some moderate increases in cremation charges. The honourable member can rest assured that that particular trust and also the Centennial Park Cemetery Trust are both responsible bodies, and the Government believes that they will not increase fees unreasonably now that they will not have to seek Government approval. As I said earlier, the Government approval is not necessary for the ordinary burial charges in the cemetery, and the Government does not see why it should apply in regard to cremation. It is part of the deregulation process which in general terms the Government favours. It is a measure we can adopt, and adopt without the fears that the honourable member has expressed.

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

ESSENTIAL SERVICES BILL

Adjourned debate on second reading.

(Continued from 15 September. Page 822.)

The Hon. D. H. LAIDLAW: I support the second reading of this Bill. As the Attorney-General stated yesterday, during the recent national transport strike there was a risk that the delivery of vital commodities such as bread and milk would be disrupted. Unlike the situation in other States, the powers of the South Australian Government were restricted, except with regard to the petroleum products, which are subject to the provisions of the Petroleum Shortages Act passed last year.

The Hon. Mr Sumner spoke yesterday in opposition to the Bill. He favoured the establishment of a consultative committee consisting of Government and trade union representatives. During the recent transport strike vital commodities were delivered by arrangement between the Government and the Trades and Labor Council. On that occasion such an arrangement proved satisfactory. However, if no consensus had been reached, the Government would have been unable to act and this would have created an intolerable situation.

The Hon. Mr Sumner compared this Bill with the Emergency Powers Bill introduced by the Labor Government in this State in 1974. However, it lapsed because of opposition by the Liberal majority in this Chamber. In that Bill the Government intended to be able to proclaim a state of emergency but had power to regulate for a maximum period of 14 days with the proviso that Parliament, if not in session, be recalled within seven days to debate the matter in time to disallow the regulations. The Bill specified that no regulations should be made in regard to industrial conscription, declaring strikes illegal or preventing picketing. On those issues the Bill lapsed.

The Hon. Mr Sumner emphasised distinctions between the present Bill and that introduced in 1974. He made a number of points: first, that this Bill would apply indefinitely, whereas the previous Bill was to expire about a year later in December 1975; secondly, that there is a much broader definition of 'essential services' in this Bill than in the Bill of 1974; thirdly, that this Bill allows for a state of emergency to apply for 28 days, subject to renewal by proclamation each seven days, whereas in the 1974 Bill Parliament, if not in session, was to be recalled within seven days; and, fourthly, under the 1974 Bill as drafted, the Government had no power to deal with strikes, picketing or ordering unions to comply whereas, in this Bill, some sanction can be applied to such industrial activities.

The distinctions drawn by the Hon. Mr Sumner are valid. However, I remind him that, although the amount of time lost through industrial stoppages has declined in South Australia in the last seven years, the strikes affecting essential services have become more severe. I refer particularly to disruptions to air and road transportation and to the supplying of petroleum products. The South Australian public seems to be kept in a state of constant alarm with regard to petrol supplies. I think that this is sufficient reason to make this Bill more stringent than the Bill drafted previously.

Since 1974 several other States have introduced essential services legislation. I think it would be invidious for South Australia to be the one State where the Government is deprived of powers to maintain essential supplies although the Petroleum Shortages Act passed last year has given the Government power to declare a state of emergency for a period up to 28 days in regard to petroleum supplies.

I shall refer briefly to the types of essential services legislation introduced in other States. In Victoria in 1958 legislation was introduced and under that Act essential services are defined to cover transport, fuel, power, sewerage, and any other service provided by statutory authorities or private bodies such as local councils. The Government may declare a state of emergency for a period not exceeding one month but further proclamations can be made. These proclamations can be revoked by resolution of either House. When Parliament is not in session it can be recalled to debate the issue by a petition of at least 20 members of the Legislative Assembly or at least 30 members of both Houses. During the recent national transport strike the Victorian Government did take action pursuant to this Act to maintain essential food supplies.

In New South Wales the Wran Labor Government came to power in 1976 and introduced the Energy Authority Act which gave to the authority emergency powers with respect to energy (by that I mean petroleum, coal, gas, and electricity). The Government may proclaim a state of emergency for a period not exceeding 30 days. I emphasise that the Wran Labor Government took 30 days as the period. It has power to ration the use of energy products and to direct any person in New South Wales to extract, produce and distribute such energy products. The Government may direct any person to enter upon any land or structure to take possession or control of any vehicle or goods during this period. Under this Act the Wran Government may stop strikes and prevent picketing.

In Queensland, surprisingly, it was not until 1979 that the National/Liberal Government introduced essential services legislation. However, when it got around to it, it introduced some quite Draconian measures. Essential services are defined to cover public transport, excluding taxis, the Fire Brigade, petroleum, electricity, water, sewerage, garbage, and any other service connected with public health or public utilities. I wonder why taxis are excluded.

Furthermore, any person in Queensland who engages in a strike whilst an emergency order is in force shall be deemed to have terminated his employment without further notice. However, if he applies for re-employment within 48 hours his employment will be deemed to continue without interruption of service. If a union instructs its members to strike or to continue a strike during an emergency order, the Full Industrial Court may deregister that union. The Government may declare a state of emergency for a period

of one month, and this can be extended by further proclamations.

During the recent national transport strike Mr Bjelke-Petersen gained publicity by criticising other States for their wishy-washy attitude. He referred to the powers that he would evoke under his Essential Services Act. In Victoria the Government did protect essential food supplies, but Mr Bjelke-Petersen took no action at all.

In Western Australia also it was not until 1979 that the Essential Foodstuffs and Commodities Act was passed. Essential commodities are defined to include any commodity declared by proclamation, and essential foodstuffs include bread, eggs, milk, and any other foodstuffs so proclaimed. When the Government in Western Australia believes that the supply of essential commodities and foodstuffs is interrupted, it may buy, sell, transport or distribute produce, machinery, plant, etc. The Western Australian Act initially was limited in duration but was extended to cover the duration of the next Parliament. There is no restriction in that Act on the period of the state of emergency, so it can be maintained, presumably, for a three-year period until the expiry of the Act. The legislation in Western Australia has very wide scope but to date Sir Charles Court has not proclaimed any specific commodities or foodstuffs as provided under the Act.

In Tasmania in 1976 the Emergency Services Act was passed, but it deals mainly with natural disasters, whilst in the Australian Capital Territory an ordinance was passed in 1979 to ration fuel supplies in times of crisis.

The Hon. Mr Sumner has expressed opposition to this Bill and the Hon. Mr Milne has tabled an amendment to reduce the total period of any proclamation, with regard to a state of emergency, from 28 days to 14 days. The Hon. Mr Sumner relies for his arguments largely upon the provisions in the 1974 South Australian Bill. As I have said previously, times have changed. Since 1974 the Labor Government in New South Wales, the Liberal Government in Western Australia and the National-Liberal Government in Queensland have seen fit, or have been compelled, to enact essential services legislation.

It is appropriate that this Government should take note of the forms of legislation introduced in other States since 1974. Take, for example, the total duration of any state of emergency. In Queensland, New South Wales and Victoria, it may last for a maximum of one month, or 30 days, whereas in Western Australia no limitation of time is applied, except that the Act lapses at the start of the next Parliament, presumably meaning that the period can be as long as three years. If unanimity is a goal, then the choice of 28 days in this Bill is appropriate. Not only does it coincide with the limit introduced in the South Australian Petroleum Shortages Act last year, but it also is in line with the limits in other States. However, a 14 days maximum period, as proposed by the Hon. Mr Milne, would still give the Government time to recall Parliament to debate the issue. I support the second reading.

The Hon. J. E. DUNFORD: I oppose the Bill. I have read the measure and have been interested to see the definition of essential service. It states:

> 'essential service' means a service (whether provided by a public or private undertaking) without which the health of the community would be endangered, or the economic or social life of the community seriously prejudiced.

So far as the scope of the definition is concerned, I believe that it goes too far. Without consulting the trade union movement, I honestly believe that it would agree that an essential service would mean one 'without which the health of the community would be endangered', but to go on and state 'or the economic or social life of the community seriously prejudiced' is too wide a scope to give an inexperienced Minister such as Mr Brown.

In the debate on a previous Bill in which I spoke in this Council, I referred to this Bill as icing on the cake. After reading my speech again and reading the Bill before us, I have wondered why there has not been a revolt in the trade union movement and why the unions have not marched on this Parliament to protest against giving this Minister such wide powers against the trade union movement, because I suggest that the trade unions know that the Bill is unworkable. It is a thrust for power by the Minister that will not be successful.

I recall that during the debate on the Industrial Conciliation and Arbitration Act Amendment Bill I met Mr Brown and said, 'I recall your saying, as the Minister, that your relations with the trade union movement would be of a consultative nature, that before passing any legislation affecting the trade union movement you would consult that movement. Did you give a copy of your Bill to the trade union movement?' He said, 'It was sent down to the trade union movement yesterday,' which was the same day as that on which the Bill was introduced. So much for Mr Brown's consultation and his promise. Promises seem to be the order of the day with the Liberal Party, and broken promises come out of that. Regarding 'service', clause 2 provides:

> 'service' includes the production, distribution and supply of goods.

That covers, in my opinion, the whole gamut of how trade unionists and the trade unions operate. Clause 4 (2) *(a)* provides that a direction given under that provision may relate to proclaimed essential services generally. Once again, the Bill uses the word 'generally'. Clause 4 (2) *(d)* provides that a direction may impose a restriction or prohibition which may be absolute or conditional.

The only good thing is that I see that the Bill refers to profiteering. We all know that in the recent transport strike some petroleum resellers were jacking up the price of petrol. In the event of a dispute such as the recent one, where it is necessary to have some legislation, I believe that profiteering in those circumstances deserves the highest possible penalty, but I do not believe that anyone was caught there.

I have read the Bill carefully, and the remainder of it deals with industrial conscription. Clause 8 deals with pickets and intimidation or trying to restrain scabs. Anyone who has been in an industrial dispute, Mr Acting President (and I know you have been), knows the terrible reaction after an industrial dispute as a result of workers breaking picket lines and working where the workers who rightfully belong to the industry have been scattered.

I think the Minister has been wrong in presenting these sorts of proposition to this Parliament, when he does not know the implication of conscription of workers to break a picket line and to go into an industry where the workers believe that they are on strike for a principle, whether it be a wage claim or whatever else is the case. The workers would have democratically voted to go on strike, and the Minister would conscript. He can tell the union to direct the members and, if it refuses, it could be fined $10 000. If a worker, such as I have been all my life, refused to scab at the direction of the Minister, he could be fined $1 000.

As a former shearer, I referred in the Parliament the other day to a matter and got a wishy-washy reply today. That matter was a dispute in the pastoral industry over the use of the wide comb. If the Minister proclaimed that industry, he could direct me to go out and shear. I assure you that I would not scab at this late stage of life if the Minister directed me to do so, and I would be fined $1 000.

One wonders about this, especially at Budget time, when the Liberal Government in Canberra, supported by the Liberal Party in this State, charges excess interest rates, when Government charges have increased in 60 different areas, and when workers, not only unemployed people, have to leave their homes and cannot make ends meet. This Minister is in a Government that has said that it will have less Government interference in the community. As their representative in the trade union movement for more than 15 years, I know the workers, and I know that the Minister cannot direct the majority of them. He will always get a few, but he cannot direct the majority to scab against their fellow workers.

I can recall speaking in this Parliament for over one hour on the right to strike and saying that every single decent working condition that has been won by workers right throughout the history of the industrial movement has been won through direct action. As a trade union official, I impressed on workers who were reluctant to go on strike that, if they went to the Arbitration Commission with employers and sat around a table discussing and pleading for an increase in wages and an improvement in working conditions, they would receive something, but it would always be the minimum. If workers want more than the minimum that the courts are prepared to give it cannot be won by sitting down and having a cup of tea with the boss—they have to fight for it. I have already indicated that the 40-hour week was won through strikes and industrial action.

When I was involved in the pastoral industry, I was on strike for over seven months in the 44-hour week strike when I was only 15 years of age. That was my introduction into the trade union movement. That was my blooding and that is when I found out how violently the bosses would oppose any improvement in working-class conditions. I was fined £10 for refusing to work on a Saturday morning. I have never paid that fine. That was at a large sheep station in 1945. I was never asked to pay that fine; I was just told that I had been fined £10. I would not have paid that fine.

I can also recall when I was involved in a dispute on Kangaroo Island in 1971, when costs of $15 000 were awarded against me. The employers did not sue the corporate body, the Australian Workers Union; they sued me personally. They wanted my home and all my possessions. My wife still has a photograph of me nursing the kids on the day of my pending arrest, and I was going to gaol that afternoon. There were unions which did not fully support my action at that time, but when costs of $15 000 were awarded against me and when the employers insisted that I go to gaol if I did not pay those costs, I received 100 per cent support from the right, left and centre wings of the trade union movement.

The present State Liberal Government is in no different position from all Tory Governments. It cannot beat the strength of the working class. Members opposite should never think that they can conscript workers to scab. I would have thought that Mr Brown would have more sense, because he has been on a Leader scholarship to schools which train people in the arbitration system. He should have learnt. He told me that he met some trade union officials that I knew. He must know, through conversations with them, that the workers will not be browbeaten by legislation to scab on the working class and forgo their right to strike, and that is what this Bill is about. The Minister has said that this Bill has general application when the Minister decides situations seriously prejudice the social life of the community. The Minister then brings in scabs by direction. Worse than that, the Minister can ask a worker for information regarding any strike action or any other information that he requires. If the Minister puts that request in writing and the person concerned does not supply that information, he will receive a $1 000 fine.

The Hon. K. T. Griffin: That was in some of the previous Government's petroleum legislation, wasn't it?

The Hon. J. E. DUNFORD: I do not know about that.

The Hon. K. T. Griffin: You supported it.

The Hon. J. E. DUNFORD: The Attorney should check that out because he knows that I do not trust everything he says. If it was in the previous legislation, I must have overlooked it because I do not believe that the Labor Government would fine a worker $1 000 because he would not inform on his trade union or his fellow workers. The Attorney will have an opportunity to deal with that in Committee.

I notice that the Hon. Mr Milne has an amendment on file. It is interesting to note that he will not support any form of industrial conscription, not because he is a great supporter of the trade union movement but because he believes that it just cannot work. You cannot conscript people to war and you will certainly not conscript them into an industrial war, and a strike is like a war.

I have been involved in industrial disputes, and I have seen the hatred. I have seen the graves of people here in Australia who have been shot during industrial disputes. I have been out to industrial jobs where scabs have had guns supplied to them by employers to shoot their fellow workers. Certainly, in the area I am referring to workers were shot during previous strikes. One has only to read the history of the Australian labour movement, to see that thousands of workers have been involved in strikes. The army has been called in and workers have been gaoled, but those workers were never broken. In fact, the progress of the trade union movement was hurried along. I believe that, if legislation such as this is enacted, even though I say it is unworkable, it will weld the trade union movement together and it will weld public opinion together.

During strikes I have heard many people condemn strikers and I have even heard workers condemn strikers because they have been inconvenienced. As a transport union official said a few years ago, 'The only good strike is the one you're in.' It is very like unemployment; everyone is a bludger until you are unemployed yourself. Over the years I have worked in the mining industry, and also in the same industry that you come from, Mr Acting President, the waterside workers area. I was a seaman, I have been a miner, a shearer, and a construction worker, and I have worked in many other industries such as real estate, like the Hon. Mr Hill.

The Hon. C. M. Hill: You've been in good company, then.

The Hon. J. E. DUNFORD: They were not a very good company; they were crooks in Melbourne. I speak from my heart on this matter. I speak from knowledge of and a close relationship with workers. As a worker myself and as a militant trade unionist who believed in strikes, I knew you could only get something from the boss by putting the pressure on. I have never heard a boss offer four weeks annual leave, extra wages or improved workers compensation. I have never known the Liberal Party to bring in legislation to benefit the worker, whether it be an extra day's holiday, improved superannuation or long service leave for casual workers.

One can go through the whole spectrum of industrial relations and never find that the Liberal Party has ever brought in anything to benefit workers. All it has ever introduced is this type of Draconian legislation. First, the Government brought in the industrial legislation which was rushed through the last week's sitting and which stops workers from receiving wage increases. It will allow the Minister to involve himself in any industrial award or agree-

ment. The Government has also provided that the Commissioner will have to be an economist who must, in deciding whether to grant a wage increase or an award condition, consider whether it is in the public interest. The Commissioner will be faced with the situation that although the employer and the union might agree to a $30 increase, he will have to decide whether it is in the public interest. How will he make that decision?

In respect of this legislation, Mr Brown will say that he believes that there is a pending dispute so he will invoke the essential services legislation, saying he believes the dispute will interfere with our social life. If workers refuse his directions, the unions will be fined. Members should know that not many unions could sustain a $10 000 fine.

I know most of the unions, and they are not profit-making organisations. In fact, last year my union lost $20 000. I know that many unions are flat out paying the wages of their officials, servicing their motor vehicles, and so on. They could not pay and, even if they could, they would not do so. Neither the unions nor the workers will forgo the right to strike. The workers will not be conscripted, and those poor, foolish individuals whom the Minister conscripts and who are called scabs in the trade union movement will carry that name on their back for the rest of their lives. Many employers have told me personally that they do not want to employ scabs. Indeed, after a strike is over, employers often refuse to take on a scab because it may cause disruption in the shed or in the industry.

Employers know that strikes must occur. Indeed, many employers are disappointed if a strike does not occur. I can recall, when I was in the union, sitting opposite one of South Australia's big industrial giants at a seminar on technological change. I had been in dispute with this man no more than two months before the meeting. Having done no good in our negotiations, we decided to go on strike for a month. I will not mention the name of this person although, if I am challenged by Government members or if it is suggested that I am not telling the truth, I will not hesitate to state his name. When I telephoned this man, he said to me, 'Jim, you have been on strike for another month. I do not care whether or not they accept my offer because we are doing such and such to the plant. We organise our industry. We are an efficient, profit-making concern, and we allow for at least four weeks strike each year.'

Later, at the conference to which I have referred, this man said to me, 'Jim, I hope that you have not told anyone about the conversation that we had.' In reply, I said, 'I have told everyone, but I have not mentioned your name. You are the first employer who has told me that employers do not mind having strikes.' On another occasion, an employee was wrongly dismissed, and the employer said, 'Why don't you go on strike?' He had obviously overproduced.

Many strikes that we see are provoked by employers. Employers know employees just as well as militant employees know employers. There is a gap that cannot be breached. Generally, the employer wants the maximum effort for minimum wages. Sometimes, we get an employer who recognises that, if he wants to achieve maximum effort from his workers, he must give them more than minimum rates of pay. However, the vast majority of employers want their pound of flesh. They believe that workers are well off. However, these employers do not live in the suburbs in which workers live; nor do they pay hire purchase. I am saying this not as an employer but because this is what employers have told me over the years.

There are also some employees who believe that wage increases cause increased taxes, prices, charges, and so on. However, we in the trade union movement know that when it goes to the court the Australian Council of Trade Unions must prove to the court's satisfaction that prices have increased beforehand; otherwise, it has no case to present to the commission on behalf of workers.

The sort of workers who are prepared to scab on their workmates are to be used by the Minister of Industrial Affairs. However, these scab workers live to regret the day that they scabbed voluntarily because, as a result, they become outcasts in the community. I certainly hope that none of my children falls into that category. None of them should, as they have all been well schooled.

The Hon. R. C. DeGaris: Well brainwashed.

The Hon. J. E. DUNFORD: I suppose that one could say that. I suppose, too, that we must get to people's brains. I see this Bill getting to my brain, and I am not over-endowed with brains. I would not say that the honourable member is, either. I spoke previously on the Industrial Conciliation and Arbitration Act Amendment Bill. I do not want to go chapter and verse through all the industrial disputes that have occurred, because they are terrible things. Rather, I will say that this Minister should be sitting down with and talking to the trade union movement. A problem occurred in the recent transport dispute. The Government met the President and Secretary of the Trades and Labor Council, Mr George Apap and Mr Bob Gregory respectively. That afternoon, agreement was reached. The next day, Mr Tonkin said that he did not want to call Parliament together, and that it was unnecessary to do so. He had the word of the trade union movement and believed that it would be kept. That was that.

Why, therefore, is it necessary for the Government to introduce this Bill? I believe that it is connected with the Industrial Conciliation and Arbitration Act Amendment Bill. I believe also that the State Industrial Commission will eventually become most confused because of the provision contained in the Industrial Conciliation and Arbitration Act that it must consider the public interest. As a result, the commission will be reluctant to give increases, and workers will therefore take the only course open to them.

I admit that some strikes are called in order to test the water and to see whether it is easy to get a few bob from the boss. However, there is nothing wrong with that, as the profiteers are trying on workers all the time. If workers believe that they are being unfairly treated in relation to safety or some other condition of employment, and if they believe that they are entitled to, say, an extra $20 a week (as I believe the transport workers are), they will strike. The Minister can introduce as many Bills of this type as he likes. If the Bill passes (and I do not think that it will, because the Hon. Mr Milne will not wear it)—

The Hon. K. L. Milne: They can get the troops in.

The Hon. J. E. DUNFORD: That is what will be needed, because they will not be able to get workers from anywhere else. Other workers will not voluntarily break a strike. The Hon. Mr Milne ought to be congratulated on his short amendment. The honourable member has hit the nail on the head. I would not be a party to endangering the lives of people because of industrial disputation. This Bill is too broad for the Opposition to accept, and I hope that it is tossed out. The real key to this proposition is that the Government is trying to influence the Conciliation and Arbitration Commission against wage increases. If that happens, and industrial turmoil results, this legislation will be invoked.

Many people with much greater knowledge of industrial affairs, people who have read history books much more often than I have, will support what I say, and we will see blood flowing in the streets of this city.

The Hon. L. H. Davis: Come on!

The Hon. J. E. DUNFORD: The Hon. Mr Davis can laugh. He would be more than surprised if he was ever involved in such a situation. If he was in some of the industrial disputes I have experienced and seen blood flowing in the street he would certainly get a shock. He thinks it is a sort of picnic.

The Hon. L. H. Davis: I've been on the trains.

The Hon. J. E. DUNFORD: The honourable member should be on the trains now. He should pay his union fees. There is a man who has used the trade union movement, yet he will speak vociferously in trying to persuade us that he knows something about the industrial movement, about trains and industrial stoppages. He does not know anything about it. He may know something about figures and accountancy—he was born with a silver spoon in his mouth, but now he has it in his pocket.

The Hon. Mr Davis will try to convince members on this side that there is merit in this Bill. I have pointed out the little merit in the Bill, and I believe that is all there is. We must have provisions to protect the community in the event of a strike getting out of hand. Everyone on this side of the Chamber and in the trade union movement realises that, but one cannot have such propositions as this. The Bill will not work. It is a waste of Parliament's time and the taxpayers' funds, and I oppose it.

The Hon. L. H. DAVIS: The Hon. Mr Dunford told the Council that he was not a party to endangering people's lives as a result of industrial disputation. That is the core of this legislation. It is putting the emphasis on the delivery of essential services, rather than seeking to punish trade unions. There is a view expressed by members opposite that this is really a piece of legislation designed to bash unions. I hope that it is not seen in that light but, rather, that it is seen as a piece of legislation—Draconian legislation, if one wishes to call it that—that is unfortunately necessary to have on the Statute Book, given the fact that, as the Hon. Mr Dunford observed, there are strikes in our society that endanger people's lives.

The Hon. Mr Laidlaw in his fine address covered the various States, outlining the existence of essential service legislation in those States. It is important for us, before we pass a Bill like this, to actually observe, if possible, how this legislation will operate in practice. It is possible to take note of a situation that occurred less than two months ago in Victoria, where the Victorian Government implemented the provisions of the Victorian essential services legislation for the first time since it was introduced in 1948 and subsequently amended in 1958.

The fact that such legislation is on the Statute Book is not to say that it will be used at the whim of the Minister of Industrial Affairs. It is not legislation that is to be taken lightly, or to be implemented lightly. Any Minister that would implement essential services legislation simply because a strike existed obviously would put the future of his Government in jeopardy. Governments are not there to implement such legislation unless there is a dire necessity for it, and it is interesting to note that it has only been two months since the Victorian Government implemented essential services legislation for the first time since it was introduced.

The national transport strike began on 16 July. The State emergency provisions in Victoria were introduced on 22 July in order to break the milk drought that existed. The Victorian Premier (Mr Thompson) at the time of introducing the legislation said:

> The people we are concerned about are the 180 000 children aged 3 and under and the 25 000 nursing mothers.

The emphasis of the Victorian Government throughout was on the delivery of essential services. Of course, this is what the Bill before us seeks to do—to ensure through legislation that essential services will be available to the community. When the Victorian Government invoked the provisions of the essential services legislation to break the milk drought, it issued four separate orders to the unions to resume normal work. It issued orders to manufacturers, to bulk carriers, to milk processors and distributors. The Act was invoked simply because the Transport Workers Union would not agree to exempt the delivery of milk from the transport strike.

Honourable members will remember that fortunately in South Australia commonsense prevailed and this State Government and the Transport Workers Union in this State were able to reach agreement whereby essential services were maintained during the national transport strike. The Hon. Mr Dunford observed that that arrangement was reached without the need for legislation such as this. That is true, but the fact of the matter is that in Victoria it was not agreed between the Government and the union. The Victorian Government had not threatened to introduce the provisions of the essential services legislation, which had remained untouched on the Statute Book for about 33 years. In fact, in Victoria the union stated publicly that it would not exempt milk because, it said, it was too good a bargaining point. As a result, $750 000 of milk was tipped down the drain each day. Milk was poured down Gippsland's creeks and streams. In fact, the position was so critical in Victoria that five farmers brought a trailer with 200 gallons of milk from the country and stood in the rain outside the Melbourne Cricket Ground giving milk away to women with babies, pensioners, and other people who brought coffee jars, champagne bottles, and other containers following a radio announcement.

Honourable members can imagine how quickly that milk went. In fact, the Melbourne *Age* reported that the Government seized, under the provisions of the Act, 15 tonnes of powdered milk from a private company and distributed it to baby health centres. That is how critical the situation was. The Premier stated that, if the unions refused to comply, trucks would be driven through picket lines and protection would be provided. I do not believe that any member opposite, given those circumstances, would deny that that was a critical situation where legislation such as we are contemplating tonight was necessary to ensure that milk was delivered to the mothers and babies who needed it. The resumption of milk delivery—

The Hon. Frank Blevins: The unions had already agreed before that.

The Hon. L. H. DAVIS: I am coming to that. The resumption of milk supplies came less than 24 hours after the Victorian Government declared the state of emergency.

The Hon. Frank Blevins: They had agreed—beforehand.

The Hon. L. H. DAVIS: They had not agreed in time, because the situation had reached a critical level, and it was obvious that it had reached a crisis point. The Hon. Mr Dunford was concerned that the Government would be forced to resort to industrial conscription to ensure deliveries of essential services.

It is interesting to note, and it was widely reported in the media in Victoria (and I am surprised that the Hon. Mr Dunford's diligence did not reward him with the answer to his question), that the Government was inundated with calls by volunteers to help with delivery of goods. The most interesting observation of them all about the crisis in Victoria was that the Victorian Labor Party was strangely silent throughout this crisis. The *Age* editorial (and one should remember that the *Age* is a paper critical of most Governments, whether they be Liberal or Labor) states:

> The Government used its tough emergency powers in a way that was neither punitive nor even provocative.

The Government proclaimed the Act for a second time to enforce the manufacture, processing, selling and distributing of milk, meat, fruit, vegetables and other food products. The three main bakers in Melbourne had no raw materials for making bread. Bread had run right out in Melbourne. Only hours after this legislation was invoked again the T.W.U. leaders exempted food from the industrial dispute. In other words, the unions in each case were reacting to the Government because they realised that the Government had the necessary powers under this legislation. For a third time on 24 July the essential services legislation was invoked to cover pharmaceuticals but the union moved quickly to restore an exemption it had apparently removed from pharmaceutical products.

The Government also used the essential services legislation powers in Victoria to allow supermarkets and food stores to open over the weekend so that people could stock up on fruit, vegetables and groceries which had obviously run down during the course of that very torrid week when those essential services were either non-existent or in extremely short supply. Fortunately, because the T.W.U. members at last come to their senses, the supermarkets and other food stores started to stock up and over the weekend households were able to return to normal.

I have deliberately raised those examples because it shows how in practice in Australia in July 1981 essential services were cut off by the bloody-mindedness of a handful of strikers to the point where milk was withheld from mothers and babies and essential foodstuffs such as bread, groceries, fruit, and pharmaceutical products were simply not available. To my mind that reaches a stage where Governments have to have some legislative power by which they can break up this critical position.

We have an existing situation in this State of the Petroleum Shortages Act which came into operation at midnight on this day because of a dispute involving the Australian Marine and Power Engineers which resulted in a closure of the refinery at Port Stanvac. It has not received enormous publicity but on the television news tonight it was reported that this strike may last up to the middle of next week. It may last seven or eight days. Fortunately, the provisions of the Petroleum Shortages Act passed last year cover a 28-day period.

The Hon. Anne Levy: Parliament is sitting. We do not have to call it together.

The Hon. L. H. DAVIS: Certainly. Fortunately, it covers a 28-day period so that if Parliament was not sitting—

The Hon. Anne Levy: But we are.

The Hon. L. H. DAVIS: I am giving a practical example of how the legislation operates. The petroleum situation that exists in this State now could go on for an indefinite period. The Hon. Mr Dunford claims that this Bill is rubbish and should be thrown out. I do not believe, in view of the example that I have given from the South Australian situation today (which is covered by the existing legislation) and from the example in Victoria, that legislation such as this should be rejected by this Parliament. It would be an act of irresponsibility.

In 1974 the Labor Government of the day introduced legislation to cover essential services in the form of a Bill for an Act to make provision for the peace, order and good government of the State in cases of emergency and was called the Emergency Powers Act of 1974.

The Hon. Mr Sumner claims that this Bill is more authoritarian and more Draconian than the Bill proposed seven years ago by the then Labor Government. What the Hon. Mr Sumner omitted to tell the Council was that the following provision was included in clause 5 of the 1974 Bill:

> (3) Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—
>
> *(a)* imposing any form of industrial conscription or prohibiting any person from undertaking any work whether that work is remunerated or not;
>
> or
>
> *(b)* making it an offence for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

He has introduced an amendment to the present Bill in the form of clause 2 *(a), (c),* where he provides wording along the lines of the Bill put forward in 1974—a direction shall not interfere with a strike or other industrial action. The irony of that is that if we had the situation that existed in Victoria, where the Minister, under the provisions of the Act, went in and seized powdered milk for mothers and babies, it may well be that if Mr Sumner's provision was in operation under clause 2 *(a) (c)* it would simply not work. Mr Sumner in fact is discriminating against the very people that this legislation is trying to protect by saying that in no way shall a direction interfere with a strike or other industrial action. Of course essential services legislation has to interfere with a strike by the very fact that it will be ensuring the delivery of essential services such as milk or bread by volunteers taking charge of property or trucks to ensure the delivery of goods. It may well interfere with a strike but certainly that is not the point of it all.

It is not so much aimed at hitting the striking people as at providing the essential services so that lives are not endangered unnecessarily. When it comes to the point of the Hon. Mr Milne's amendment, I really do not have such strong objections, because, quite frankly, the Victorian experience has been such that there were so many volunteers to provide the essential services that the position would never come to industrial conscription. I am quite confident that, if we reached the crisis point when legislation had to be invoked, the community would be so indignant and up in arms, as was the case in Victoria, that the least worry would be getting volunteers to ensure that essential services got through.

The Hon. Frank Blevins: You prefer scabs?

The Hon. L. H. DAVIS: I would prefer to use scabs to deliver essential services than to see people become sick or even die because essential services were not getting through. The position in Victoria in July very clearly showed how delicate the situation can be. The Hon. Mr Sumner argued in 1974 that Parliament must be called together within seven days and that the legislation only operated on a seven-day basis. My understanding of it is that regulations could be passed under the emergency powers legislation and were then tabled in the next session, so effectively the regulations could roll on for up to 14 days.

The Hon. C. J. Sumner: That's rubbish. Parliament had to be called together within seven days.

The Hon. L. H. DAVIS: Yes. Regulations had to be approved when Parliament sat, so effectively the regulations could roll on.

The Hon. C. J. Sumner: They could, but Parliament had to be called together within seven days, so there was Parliamentary scrutiny within seven days.

The Hon. L. H. DAVIS: Thereafter, it could roll on for more than seven days.

The Hon. Frank Blevins: Tell us about Mr Hill in 1974.

The Hon. L. H. DAVIS: The Hon. Mr Blevins knows that I entered Parliament in 1979. I may say that, if this legislation had come up three or four years ago and I had been in Parliament, I would have been very reluctant to support it, because there is no question that it gives the Government great power. I do not think anyone on this side denies that it puts great power in the hands of the Government, but that does not mean that such legislation should not be on the Statute Book. I think the fact that it has been introduced in other States and has been used only once in Victoria means that Governments will use this power very sparingly. I am sure that Governments of all persuasions in this State would use it sparingly. No-one has opposed the Government's invoking of the petroleum shortages legislation. There is a need for it, to bring in a rationing system to restrict people to $7 worth a tank.

Turning now to the contents of the Bill, there has been debate on the definition of 'essential service' and one can understand that, because what is an essential service to one group of people may not be regarded as an essential service to another group of people.

The 1974 Bill simply referred to the essentials of life. That is an appealing and simple definition to some but it does not in any way restrict that definition of what are the essentials of life. The definition in this Bill refers to the health of the community or the economic or social life of the community being seriously prejudiced. One may query what 'social life' means. I think the Hon. Mr Laidlaw went through the Acts in the various States and looked at how 'essential services' were defined in other States. One State that he did not refer to was Victoria. Section 3 of the Victorian Essential Services Act of 1958 provides that an essential service means any of the following services:

(a) Transport
(b) Fuel
(c) Light
(d) Power
(e) Water
(f) Sewerage
(g) Any service (whether of a type similar to the foregoing or not) specified from time to time by Order of the Governor in Council published in the *Government Gazette.*

That means that anything can be defined as an essential service. I think it highlights how difficult it is to set down definitively in Legislation a tight definition of 'essential service'. Again, because the Act is so broad, it provides a lot of trust in the Government to ensure that the legislation is used responsibly. Clause 4 provides:

(1) If, during a period of emergency, it is, in the opinion of the Minister, in the public interest to do so, he may give directions in relation to the provision or use of proclaimed essential services . . .

(2) A direction under this section—
(a) May relate to proclaimed essential services generally or to a particular proclaimed essential service.

For example, I refer to milk, bread and pharmaceuticals. A direction may be given to a specified person, or class of persons, or members of the public generally. That is provided in clause 4 (2) *(b)* and quite obviously is an instruction to hand over milk, bread or materials. The Bill goes on to provide for the provision of essential services, whether they be the movement of goods, the provision of materials, or the delivery of materials.

The Hon. Frank Blevins: Here is Mr Hill. Ask him to explain what he said in 1974.

The PRESIDENT: Order! The Hon. Mr Blevins is listed to speak later.

The Hon. L. H. DAVIS: Clause 4 (6) provides:

Where—*(a)* a direction is given under this section to a particular person, or class of person; and
(b) that person, or a person of that class, incurs expenses in complying with the direction, he may recover the amount of those expenses from the Minister as a debt.

I ask the Attorney-General whether clause 4, or clause 5, which deals more specifically with the Minister's power to requisition property, covers compensation to people for goods that have been purchased, such as milk or bread, as a result of the direction of the Minister. It may be that that is implied, but clause 5 (8) is quite specific on that point regarding property.

Situations where the Minister has requisitioned property to ensure the delivery of essential services such as bread and milk to various shops are covered from Clause 5 (4) onwards. Clause 5 (8) provides that, at or before the end of an emergency, property requisitioned by the Minister shall be returned to the owner and that the Minister will be liable to compensate the owner for loss and damage.

I support this legislation, although some years ago I may have had some reservations about it. I believe that the period of 28 days is a long time, although the petroleum shortages situation appears to be running on for a period in excess of seven days, and it could run into a fortnight.

I support this legislation, because the events in Australia over the last twelve months demonstrate that there have been sufficient occasions when essential services have been in short supply as a result of union action and that disputes could not be settled through arbitration or conciliation. Legislation such as this is, appropriately, a last resort to ensure that people's health and, perhaps on rare occasions, people's lives are not endangered by the withholding of essential services.

The Hon. N. K. FOSTER: I wish to draw the Council's attention to a letter which is a reply from the Premier of this State to a request from Senator McLaren. The reply is dated 8 May 1981 and it relates to the widely expressed fears in the wine industry in relation to the crippling imposition of a Federal tax on that industry. It deals with protest meetings attended by representatives of the industry, members of the political Parties, and members of State and Federal Parliaments. The draft of the minutes of the meeting held on 1 May 1981 states:

About 35 Federal members, Acting State Opposition Leader, Mr. Wright, and representatives of the wine industry met with the Premier, Mr Tonkin, in the Cabinet Room on Friday 1 May. Mr Tonkin recorded regrets from a number of members including Sir Condor Laucke, Senator Tony Messner, Mr Ian Wilson, Senator McLaren, Dr Neil Blewett, Ralph Jacobi, Mr Laurie Wallis, James Porter, Steele Hall, Geoff Giles and Senator Harold Young. Senator Teague and Senator Jessop hoped to attend a little later.

During the course of the discussions which then occurred, Mr Tonkin was mentioned as follows:

Mr Tonkin said the best way to get a message home to any member of Parliament is to flood the office with protests. He said if the secretary in any office is tied up coping with petitions and protests the conduct of the every-day operation of the office is affected.

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

The Hon. N. K. FOSTER: Mr Tonkin, the Premier of this State. Now that previous speakers on the Government side have scurried from the Council—

The Hon. C. M. Hill: Mostly your members.

The Hon. N. K. FOSTER: I do not care whose members they are; they have scurried from the Chamber. There are only two Government members opposite and there are six Opposition members.

The Hon. C. J. SUMNER: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. N. K. FOSTER: I ask honourable members opposite whether they have considered the bitterness unleashed by Mr Tonkin during the live sheep dispute and ask them to consider whether it would have been necessary to invoke an essential services Act. Mr Tonkin and Mr McLachlan did much to ensure that a great deal of public bitterness arose during that dispute. Do Government members consider that essential services legislation should have been invoked against the sabotage of the export trade and the export earning position which was threatened through the manipulation of private enterprise in the Victorian and New South Wales meat industry, and perhaps throughout the Commonwealth?

When the Metropolitan and Export Abbatoirs Board was the sole exporting authority in this State, there was no room for scallywags to throw in a few dead horses, donkeys, dogs or kangaroos. I point out that I am sure that in that type of situation there would be no cry for an essential services Act. There may be times where I may criticise what happens in industrial disputes. However, when dealing with

militancy one can do no good with legislation such as this, which has been imposed upon the trade union movement by Governments of both political persuasions. There is a need for the trade union movement to accept its responsibilities, and it has accepted them in the past.

There would not be one person in this Parliament, and I do not say this defiantly, who fuelled more industry disputes than I did when I was employed in the maritime industry. At that time working conditions were frightful and the industry was dictated to be absent employers and overseas interests. We set up a rank and file committee from which a chairman was drawn to form a committee to grant exemptions. I was involved in waterfront disputes in 1954 and 1956 which both ran for little over a month. The Minister at that time was Harold Holt, because we were under a Federal award and at no time did he suggest bringing in essential services legislation. It would not have been fair for the State Government to act in relation to those disputes, and the State Government must recognise that in those situations its powers are restricted.

The Hon. D. H. Laidlaw: Why did New South Wales bring it in?

The Hon. N. K. FOSTER: I am not concerned about what Wran did. I can be critical of Wran over soccer pools and a number of other things. It was a Labor Prime Minister who brought troops into the coalfields, but I do not want to refer to that tonight.

I want to play a positive role in relation to the situation in which we find ourselves because of an industrial calamity. Strikes are a calamity and a last resort, and bad militancy has no place in the trade union movement. In relation to the two disputes to which I have referred, a committee was set up to ensure that services to Kangaroo Island were maintained because of its isolation. They functioned in that way for both strikes.

I can recall an incident involving the Sydney branch of the Waterside Workers Federation in 1954 or 1956. In those days, television was not with us. There was much radio comment, and all the schools in New South Wales had publicised the fact that Hopalong Cassidy, who was the kids' idol for many years, was going to visit New South Wales. In the earlier days, censorship had some application. However, two gangs of waterside workers had to work for four days to discharge a tremendous amount of cargo so that Hopalong Cassidy badges could be distributed to the children.

The Hon. K. T. Griffin: An essential service?

The Hon. N. K. FOSTER: I am putting to the Minister that that did not involve an essential service, and that it is wrong to try to invoke this legislation in non-essential areas. The Minister should be more specific. I was somewhat disappointed with the acting of the Premier and other Cabinet members during the course of the transport workers dispute. If I had been George Apap, or Keith Cys of the Transport Workers Union, there would have been no way in which I would go to see the Premier or his Minister at the State Administration Centre on the Sunday, as they had decided on the previous Thursday that there would be some exemptions. Mr Tonkin was merely trying to get into the act.

The trade union officials would not have gone to the State Administration Centre had they known that two Cabinet Ministers had spoken to army officers at Keswick and that, if the strike had continued for another 24 hours, the troops would have been called in. Those senior Government Ministers had the trade union officers before them, even though a guarantee had been obtained two or three days beforehand. Is that the reason why a brigadier is the chief administrative officer of the Liberal Party? Is that why a full-blown colonel has been given a very high salary and why letters have been written to the Defence Minister (Hon. D. J. Killen) regarding the release of a certain full colonel from Duntroon so that that person could be employed on the staff of the Minister of Agriculture at a salary of $30 000 plus his pension?

The Hon. R. J. Ritson: No.

The Hon. N. K. FOSTER: The honourable member does not want to hear, does he?

Members interjecting:

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I rise on a point of order. The honourable member's comments are totally irrelevant to the subject matter before the Council, and I ask you, Sir, to direct the honourable member to bring himself back on to the track.

The PRESIDENT: I take the Attorney's point of order that this is irrelevant.

The Hon. N. K. FOSTER: It is relevant because what I have said is true, and I defy the Attorney-General to deny that there was not some contact between the Government and the army in respect of the last dispute.

The Hon. K. T. Griffin: That's nonsense.

The Hon. N. K. FOSTER: It is not nonsense. I was told over the telephone by a person in the barracks, and it was confirmed by another source, which I am not prepared to divulge, three days later, when the dispute ended.

The Hon. K. T. Griffin: You'd better check your sources.

The Hon. N. K. FOSTER: Obviously, the Attorney-General was not privy to the discussion; it must have been Mr Brown and Mr Tonkin. If the Attorney is not in a position to know what happens, I do not take offence from his saying that it is a lie. If the Attorney wants to place on the Statute Book legislation relating to essential services, let him do it by all means. However, he should do so properly and by consultation. I should now like to quote from a letter that I wrote on 31 August regarding this matter, which has been of concern to me for some time. The Hon. Mr Hill may recall my making previous references to this matter in other debates. I have dealt with it on the basis of a lousy situation that was allowed to develop because of the attitude of politicians on both sides of the political fence in respect of this State's transport sector. I wrote the following letter:

> The Government's present Bill seeking powers to deal with an emergency, where social (etc.) life is threatened by industrial or other action, is likely to generate a great amount of public controversy because of attitudes to the area of trade union and professional organisations' industrial actions.
>
> For some years there has been a problem in respect to services being terminated by subsequent events where industrial claims, wages, salaries, are concerned: safety, health, dismissals, redundancy threats to employment, the list is almost unending.
>
> It is only in some areas where a total shutdown occurs that real suffering is caused; one of the principal tasks is to clearly identify the areas of greatest concern in respect to the continuance of the necessities of life, power for domestic needs, food, water, transport to the extent necessary, to ensure social existence, medical, hospital, ambulance, fire safety—each has its own place of importance in a broad population community sense.
>
> A feature of the proposed legislation is that force can overcome force. This is in my view a totally wrong concept. Legislative militancy has never and will not provide a proper understanding of exempt services to the extent necessary to protect the community from, as an example, the provision of food.

That is just one example. My letter continues:

> It is the tragedy of events that lead to a situation where all electrical power is withdrawn. Governments, boards, trusts, management, courts, employer and employees being equally (at the least) responsible.

Let us be fair and proper about this. I then said:

> It is, however, only those who initiate the course of events who are blamed.

It is always the unions that are blamed, and in this respect I instance the Telecom dispute, and the subsequent action

of the court, as well as that of the Federal Government, which proved to be incorrect. My letter continued as follows:

The media slants such reporting only against the unions; there are odd occasions and usually half way through or at the conclusion of a dispute that there is some hint by the media that others were to blame for the cause and subsequent extension of a dispute. The matter of industrial stand-downs affecting large numbers of workers based on the East-West system in a power dispute is devastating, but is not to be confused with emergency or social needs in a blackout situation. In respect to health, there has got to be a retention of some services, sewerage plant to ensure untreated wastes are kept to an absolute minimum is understood, but an inability towards achieving this is because proper approach in non-conflict periods are non-existent or ignored.

In respect to health, there has got to be a retention of some services, sewerage plant to ensure untreated wastes are kept to an absolute minimum is understood, but an inability towards achieving this is because proper approach in non-conflict periods are non-existent or ignored.

I will take it from there for a moment. When is the consultation to be made in regard to an impending dispute? What is the position of the Government in respect of the petrol crisis that may be upon us as a result of a strike by a limited number of ships engineers? There is virtually nothing the Government can do as a State Government, other than to dribble the petrol out, as is already instanced by yesterday's announcement of petrol rationing. To get to the core of that dispute, to ensure that essential services and essential products will continue to flow into the tanks, that cannot be realised in this Bill before the Council.

The Hon. R. J. Ritson: It can.

The Hon. N. K. FOSTER: It cannot. One is dealing with a Federal organisation and a limited number of men who have been continually before the Arbitration Court. They have been there every day this week and, as a result of what happened at this morning's hearing in Melbourne, the matter can only be brought before the court in Sydney next Monday. That is what the situation is. I say to the Hon. Dr Ritson that he has obviously no experience in this matter. If he thinks that he will get anyone—the Army, the Navy, the Air Force—or can call for open volunteers to sail those ships into harbors, such action would contravene every law of the sea, international, State and Federal that has ever been placed on the Statute Book. The honourable member has been a seaman and must know that. I return to the second page of my letter, which states:

To totally withhold milk, as an example, is the result of on-the-spot confrontation orientated decisions with the human weakness of once casting the net, no amount of reason shall prevail, as a loss of face attitude is both very real and frought with a failure to yield to a previous decision.

Therefore, in dealing only with a somewhat limited area of emergency, health, fuel, power, etc., reveals the complexity of the matter. Let me give an illustration of a problem which caused great inconvenience, public outcry, political repercussions, hatred, bloody mindedness, the whole damn lot over one dispute: the bus dispute culminating in all of the above in 1979.

For the benefit of members still in the Chamber, I refer to how this dispute started and why it should never have occurred. My letter continues:

A study, or even a reflection of the history of that industry and the subsequent dispute, the ability to solve it were repeatedly refused by a Government Minister over a period of at least two years. This attitude is important to recall.

In the mid-70s private bus operators, Bowmans (North-East area) and others, were to become part of the total urban and fringe bus services, approaches being made by both private and Government transport interests. Private bus operator employees were in the main non-unionists. The old Municipal Tramways Trust employees were members of the Tramway Employees Union as a closed shop undertaking.

One could not work on the tramways unless one was a member of the union, and that went back to the days before electric trams. My letter continues:

The private operators were brought into the whole bus transport scheme and a condition being that the drivers of those companies would become members of the T.E.U.

The depots of the private companies resisted in the initial stages. (North-East, hills, and southern areas). However, membership with the union became effective before or at absorption. It is important to note that, prior to this, stability had existed industrially, politically and in a domestic sense in the T.E.U., a feature of the T.E.U. being that elections and day by day union activitity was unhindered by competition in militancy and for trade union elections, the position within the union being previously a matter of normal procedure within the union.

However, it was not long because the numbers within the union were pretty well evenly divided between the traditional T.E.U. members and the new members that conflict emerged with the personality and public airing of union grievances and division. Office lockouts, court action etc.—one faction as against the other. It is also important to note that the number of depots had not only increased from the traditional Hackney, city, Port Adelaide depots to Tea Tree Gully, hills, southern, Elizabeth etc., these new depots being from the previous private area, so the old tradition of separate depots, discussion, matters of common interest, industrial claims, etc. was departed from and office seeking attitudes overrode the previous atmosphere of decision for the good of the membership with responsibility to all factors.

The stage had emerged that put depot against depot and recommendations of the elected officers and committee were opposed in an endeavour to win faction recognition, in fighting which ultimately spelt failure for the union, the public and in the politics of the State, where Liberal political candidates gave fuel to the distortions, disunity and defiance in their own selfish desires for office.

All of this culminated in the most bitter unnecessary brutal and undesirable lightning stoppages and mid-service termination on bus routes, leaving people in a position of desperation in respect to children, the handicapped and elderly in a position of near terror, remembering that the September weather of 1979 was severely unpleasant. I need go no further, other than to say I suppose in South Australia there would be few if any trade union officers called for and effected more direct action than myself. The difference of course was that it was mainly (except safety) in consultation with kindred unions but always with the understanding and often the decision of the U.T.L.C. Exemptions were always a feature of discussion. So is it any wonder that I made numerous approaches at least two years prior to 1979 that a situation had developed in the T.E.U. that should be resolved by discussion, towards legislation if necessary to overcome the problems, such discussion being between all parties and involving Ministerial initiative. This was ignored completely.

The proposal (remember the individual depot confrontation one against the other—no central meeting) was that the following should be considered:

1. Approaches be made to all, even the Legislature, to provide for quarterly authorised paid stopwork meetings on a central basis.
2. Time and period of such meetings to be held between 11.30 a.m. and 2.30 p.m. (quiet passenger traffic periods).
3. Buses for out depots to be provided to and from central (Hackney) meeting place.
4. Two weeks notice to enable public to be informed.
5. A requirement of such recognised meeting that a return to work on that day and that no decision to cease before a minimum 24 hours after the conclusion of the meeting.
6. It be obligatory of the parties to confer as to the actual date of such meetings and to defer and credit if the T.E.U. felt that the meeting was at that time not necessary, such deferments to be on the same basis of understanding as other meetings.

I merely use the T.E.U. as an example of the principle that negotiations for exemptions before confrontation.

Let me say that one of the great features of this was that whilst certain meetings took place at one depot and then another in regard to the T.E.U., they were competitive meetings because they were not simple in character. That is a point I have made. A meeting could be held at Port Adelaide at 10 a.m. and a Lonsdale meeting would not be held until 12 noon and could be to some extent influenced by the earlier meeting. There should be a central depot meeting.

The industry from which I came was plagued with industrial stoppages, and finally we broke through to the employers to grant quarterly stop-work meetings on the basis that, if we notified employers 36 hours earlier, deliveries of

wheat, wool, frozen products and perishables were not made to the wharf so that when workers walked off the job deliveries were not hastened back to freezer depots and either spoilt on the way or left to rot.

We gave them notice. We had a quarterly paid stopwork meeting; the shipping agents knew as did the forwarding agents and there was no spoil. No ships or railway trucks were held up. We did not have fertiliser companies putting down their products in sheds, because they all knew about it. It was a great success. Finally, it brought about an understanding between the union and the employers—even the harshest employers in the country. There have hardly been any disputes at Port Adelaide since 1969. The recent dispute in Melbourne did not involve waterside workers. I gave that example to the Council to show that there is understading and co-operation. As the Hon. Mr Dunford has already said, there has been virtually no consultation in respect of a number of disputes. The letter continues:

I also wish you to understand that initiation is not easy but is necessary, and it must involve the real intention of a disputes committee not to be used to deny trade union activity but to advise, guide and resolve all matters before the committee. One unfortunate aspect of a disputes committee is that those likely to be involved, become too great in numbers at early meetings to sledge hammer individual unions on false grounds or not wanting to be involved in principle or in real terms, resulting in the initiating union taking action against the decision of the committee.

To explain that, I point out that I was on the executive of the U.T.L.C. for a number of years. During the course of the time that I was there there was still in existence in the constitution of the Trades and Labour Council a disputes committee. It was obligatory on the union calling the dispute to notify the secretary and officers of the council who would call together a disputes committee. That disputes committee within the framework of that organisation comprised the union in dispute and unions likely to be involved. It was in that area that the whole thing broke down because some union would go far afield and involve unions in the meeting that were not involved at all. They only came along in an endeavour to prevent the initiating union from taking action. They still took action, but the whole thing became a shambles. That meeting always set up a procedure for exemption. The letter continues:

I hope that a balanced discussion will ensue. I would appreciate being informed on this matter as I have in previous Parliamentary debates made mention of this.

I raised that matter well before the A.C.T.U. congress. I had not idea of the agenda of the A.C.T.U. congress. The matter was raised in respect of pickets. People in the community, not being members of the trade union movement, have taken an unfair advantage of the known attitude of some members of the trade union towards picketing. It has been a well known fact that the transport workers union, particularly Jack Nyland, would always refuse to cross a picket line. There have been groups in the community that have detested trade unions and have called up pickets. I have spoken against pickets when I have not agreed with them.

One example was in 1979. The fateful day for the Labor Party was not 15 September when the election was held; it was 22 August when the decision to hold it was made. One of the reasons was the tramways and bus drivers dispute. I felt quite ashamed when I saw a bus pull up midway between the terminal and its destenation; the bus driver left the bus full of children, women and pensioners on a terribly wet, rainy, windy day. I have never heard any member of the Liberal Party get up and constructively criticise the trade union movement, although members opposite do it blatantly and without understanding what is involved. Rarely does a union go on strike lightly. However, on occasions unions are abused.

During the course of the construction of No. 2 power house on Torrens Island there was a *bona fide* industrial dispute. I would have no quarrel with pickets at that section of the construction site. However, I believe the union overstepped its authority when it picketed No. 1 powerhouse which was not in dispute and barred members who normally go there to work. Members of those union were more than embarrassed by the fact that they were headed towards a picket line and did not want to go through it. The discipline of the trade union movement should have come down to ensure that that situation did not continue. There has to be a recognition by the trade union movement in respect of essential services. However, it will not be achieved with the measures implemented by this Government.

There was an eight-month ban on the B.H.P. complex at Port Adelaide. It did not and could not solve that problem. The Premier, Don Dunstan, lifted heaven and earth to solve it but there was nothing that he could do. The dispute emanated in Melbourne, was devised in Melbourne and kept going because of attitudes in Melbourne. There are times when we can do nothing.

I refer again to the powerhouse situation. The workers did not want to be seen to be breaking a picket line but the union overstepped the mark and did not consider the position in which it placed its workers. I also refer to the M.O.A. If anyone is to be employed in the area of the Minister of Local Government he must joint the M.O.A. It did the work of the employees in the powerhouse on that occasion, but that is not good enough. A meeting has been held in respect of the No. 2 powerhouse construction at Torrens Island with a further meeting on the following Monday. On most construction sites at least 50 per cent and probably more employees follow that industry from one State to another. Roxby Downs is the classic example.

The Tarcoola to Alice Springs railway line is another. Talk to McMahon Constructions and find out how many people flow to this State if that company has a contract. Go to the courts building in Victoria Square and find the same thing. This is characteristic of the building industry. When the vote was taken, there were several workers from N.S.W. present. On the weekend before the Monday, because of a domestic problem, three workers had to go back to N.S.W., so the vote on the Monday or Tuesday was for a return to work. If the men had not had to go back to N.S.W. during the election campaign, there would have been a black-out situation.

I doubt whether any other member of this Council has climbed about 30 flights of stairs to see people in Sydney when Askin caused the State to be blacked out for a number of weeks. They were not continuous but one period was for about 10 days. I climbed the flights of stairs in the Redfern area to try to settle a dispute. There were many militant union members, who said, 'It is not good enough: there has to be a better situation.'

No essential services legislation was proclaimed in Victoria when there were black-outs because of the inablility of the State Government to keep power supplies running. What happened there brought down Hamer, the Premier of that State. You think about the position when you have children in an all-electric building, with no backyards and a place to kindle a fire, and nowhere to warm a bottle of milk for a child. If you think emergency legislation meets the position, you have to be stupid. In N.S.W., a foreman attempted to give an order to a Greek person in Italian. The whole thing blew up and millions of gallons of raw sewage poured on to the Sydney beaches for 18 days.

You will not solve disputes by vicious legislation: there is a better way. In 1963, 1964 and 1965, there were three issues, namely, South African apartheid, Rhodesian bans and limitations, and Vietnam. The Waterside Workers Fed-

eration banned ships and the Seamen's Union was holding the can for the whole Vietnam struggle, because of a ship that I think was called the *Jeparit*. Finally, McMahon brought down, in the Federal Parliament in October 1965, the most vicious legislation ever placed on the Statute Book. Not one trade union did not say, 'That is not on.' That legislation has never been used, because the trade union movement stood solidly against it.

The late Clarrie O'Shea, of the Tramways Union in Melbourne, said, 'So far, no further: enough is enough. Put me in gaol and do what you like.' It was the start of the downfall of the Liberal Government federally. If the Hon. Mr Davis says that he would rather have scabs than consultation, we are in trouble. The last person stabbed to death in an industrial dispute was stabbed at Port Adelaide in about 1934, and deportation was inflicted on the two people who stabbed him.

Yesterday, in the corridors of a Parliament, a Minister told me that he had no power to investigate the untimely death of four men working on the top of a pylon. Have we not got our priorities wrong? We feel that there is a need for acceptance of responsibility by commerce, industry, the Legislature, the trade union movement, and the community towards an essential service. It is a matter of the decision of man and the indecision of his fellows. It is the feeling of frustration that you have gone so far and will not achieve your end.

Mr Tonkin made an outburst in relation to the wine industry, and I do not blame him for that, but I do blame him for saying it then and denying it to others. I recall that Mr Dunstan, as Premier, had to make an outburst against doctors who said that they would not operate or carry out services at the Royal Adelaide Hospital, and they withheld their labour. We are not confined to transport, petroleum products, and so on. There is need for an undertaking that there will not be an unfair advantage, for one against the other, and in doing so we should not deny the right of people to strike.

If the Miscellaneous Workers Union decides to go on strike and if it keeps a skeleton force on duty in hospitals and prisons, it ought to be commended and recognised. In the past, the Public Service Board in this State and the boards in almost every other State and at Commonwealth level have said, 'No, No, No.' You cannot push people into a corner by the two-letter word. Finally, the members say that they will take away their skeleton service. Then you have what Mrs Adamson said about what terrible things unions were and about someone having to take care of them. Before the skeleton staff withdrew, she should have acted, not when the door had closed.

That is the way that it should happen. The Government should be talking to the trade unions and pointing out their responsibilities. I believe that such a meeting will be held. I oppose this legislation, but I am not going to go through *Hansard* quoting Mr Tonkin, the Hon. Mr Hill, or someone else. I do not believe it is necessary to do that. I have made my views known. I do not want to go back over my scribbled notes and refer to what the Hon. Mr Laidlaw said about the 1979 Western Australian Act. I could go on for another hour and a half about the misguided judgment of the Hon. Mr Davis. I only hope that his comments are not reported publicly, because I am afraid that people in the community will take them the wrong way.

The employers recognise the fact that certain provisions are missing from some awards. A telephone answering service exists in this State, of which doctors avail themselves more than other people. The workers employed at that service are covered under an award held by the Federated Clerks Union. It is a 24-hour service and its headquarters is on King William Road. There is no provision for overtime under that award. The employees have come to an agreement with the employers about that service which requires 24-hour operation. That is just one example. Surely we should not have to wait until we see a dispute involving I.C.I. and the responsible union employed in that area which hardly ever goes on strike. If there was a strike in that area, whole sections of the industry machinery would have to be pulled to pieces at great cost and rebuilt, and the repercussions would be widespread. Surely this Government can understand that.

The Government should legislate to the extent necessary to provide for conferences, compulsory if necessary, prior to industrial dispute to ensure that an understanding is not breached. This Government must recognise that other people in this State have a right to breathe. The Government should also recognise that the people it is aiming at in this Bill have a right to protect their interests in the same way as the Government has a right and a responsibility as the elected Government to ensure that proper supplies flow throughout the community. That should not include boxes of matches and other things which are not essential to social life. I am sure that all members know how people are deprived of their social life in the full meaning of that term. Businesses do it every day. When private enterprise employs people, it should recognise that it is accepting a responsibility. There was a time when private enterprise employed 50 per cent of the people in this State, but that is no longer true, because thousands of people are unemployed through its actions. Private industry has deprived people of a social life because many people no longer enjoy a wage or a salary, and that is a fact throughout western civilisation. I have gone as far as I can go in my attempt to exert influence on members opposite without being abusive or overly critical. Members opposite will be aware that the Leader and the Hon. Mr Milne will both be moving certain amendments. I am quite sure that, even though it has passed through another place, there is still time for thought.

Many speeches have been made about this Bill, but I have refrained from referring to them so that I would have time to remind honourable members that it is not too late not only to accept amendments but also to give thought to reporting progress. The Government could then have a top-level conference in an endeavour to get a basic understanding of the needs of the community to ensure that those needs will be preserved in industrial disputes or in situations where an employer takes action which will have a similar effect on the community. I hope that, at the very least, if this Bill reaches the third reading stage, we can have a conference between managers of both Houses. That will not necessarily resolve the matter in the way in which I have suggested it should be resolved, but at least it will help the situation. The Government will not be criticised if this Bill is put aside for 14 days and if during that time it receives total consideration under the glare of the media. I ask honourable members to act upon my final remarks.

The Hon. K. L. MILNE: One cannot help but be moved when listening to the Hon. Mr Foster, because he has lived it all. He has lived through times of depression and good times as well. I think we all know exactly what he means, and he has made one of the best speeches that I have ever heard on this subject. Nevertheless, the situation is not of his making. Legislation of this type has been brought in in other States and it is now being brought in in this State.

I do not see this Bill as being an attempt to deny the unions and their members the right to strike. That would be foolish. As I see it, the whole thrust of this Bill is to protect those who have nothing to do with employer and employee relationships from suffering from disputes over which they have no control and from which they will obtain

no benefits. It is, it seems to me, designed to avoid in future the situation where strikers (and often only a few strikers are involved) can hold to ransom those who are involved and those who, as in a war, wish to be or are neutral and who should be left alone. The unions should have foreseen this before now, and I hope that they will discriminate between those involved (the guilty) and those not involved (the innocent) in future. I also hope that at some time in the future this Bill can be repealed, as the Hon. Mr Foster suggested.

The Hon. R. C. DeGaris: I don't think that's realistic, though.

The Hon. K. L. MILNE: I do not know whether or not it is realistic. I am merely saying that that is what I hope, and that is what the Hon. Mr Foster hopes.

The Hon. Frank Blevins: You're fantasising.

The Hon. K. L. MILNE: If the honourable member thinks that one is fantasising if one believes that it is possible to get the two sides together, that is up to him. However, I do not believe that it is fantasising.

The Hon. Frank Blevins: You live in a dream world.

The Hon. K. L. MILNE: The two sides should have been closer together before now. Someone somewhere is trying to prevent this happening. Indeed, someone on both sides is trying to do so. That has become clear to me, because that is what Don Dunstan's industrial democracy unit and committee were all about. I saw, as a member, that it was workable, and that it was certainly not fantasy. For the life of me, I cannot see why this Government has killed it. There was no need to do so, and the Government could have taken the responsibility for it. The Government could have said that this had started already and that it did not want to kill it.

At some time in the future, someone will have to revive that unit. Otherwise, we will have this nonsense, and any question of getting together and designing another system, as well as repealing a Bill like this, will be fantasy. I do not want to hear Opposition members saying that.

The Hon. Frank Blevins: It's total fantasy. We're supposed to be dealing with reality here. It's too important for us to be living in a dream world.

The Hon. K. L. MILNE: I have spent an afternoon listening to speeches on other subjects that I believed were total fantasy and, to a great extent, hypocrisy. I find extraordinary the instance quoted by the Hon. Mr Foster regarding a six-month strike in South Australia which was orchestrated from Melbourne. Why was it orchestrated from Melbourne? Honourable members and I know.

I will seek to amend this Bill, as the Opposition will seek to do, and I will reserve my decision on those matters until the Committee stage. Incidentally, I refer to the congratulations that the Hon. Mr Dunford so kindly lavished on me tongue in cheek for introducing an amendment relating to not imposing industrial conscription. However, that was not my amendment at all. It is part of an Opposition amendment, and I indicate that I do not agree with the rest of it. However, I thank the honourable member for his courtesy, which I am afraid cannot be taken seriously. However, that part of the Opposition's amendnent to which I have referred is good, and I intend to support it. I will comment further on other amendments in Committee.

The Hon. ANNE LEVY: Madam Acting President:

On reading the Bill one wonders whether we have reached the stage of being a banana republic, as we have a Government unable to control this State within the present rules of our democracy. I do not recall the Government's telling the people before the 1973 election that it would find it necessary, because of its lack of good government, to ask for emergency powers in order to continue to control this State and to provide (as the Bill states) for peace, order and good government. The Bill provides that this power shall be used only in an emergency: in other words, we will be suspended from democracy for a period of seven days at a time.

That is a quotation, some of the sentiments of which I endorse, that came from a member of the present Government in this Council. I refer to the Hon. Martin Cameron, and those were the opening words of his speech on the Government's emergency powers Bill on 6 August 1974.

I am sure many honourable members would agree that much of what the Hon. Mr Cameron said is entirely appropriate for the current Bill, which is far more Draconian than that which the Hon. Mr Cameron was discussing and in relation to which he referred to a banana republic and the Government's suspending democracy for seven days. He objected to the suspension of democracy for a period of seven days, yet this Bill suspends it for 28 days.

I am certainly not being facetious in quoting those remarks made by the Hon. Martin Cameron. The present Bill is in many ways a fundamental attack on civil liberties in this community. The powers contained therein are far too broad and much too open to abuse.

It would be quite possible for a Government very much to abuse the powers that are contained in this Bill. In saying that, I do not necessarily accuse the present Government of wishing to abuse the powers contained within the legislation. However, we must always consider legislation as applying to any Government or being applied by any Government that is in power in this State.

Imagine what someone like Mr Bjelke-Petersen would do if given the powers contained in this legislation. The thought is rather horrific. I know that Mr Bjelke-Petersen is trying to introduce even worse legislation than this in Queensland, to the horror of a very large number of people both within and without Queensland.

The powers contained in this Bill certainly need to be considered. However, we need to think of such powers as perhaps being applied by a Bjelke-Petersen or some such person, if this State could ever be so unfortunate to have such a person running it. We must make sure that our legislation is designed so that democracy will be preserved, whoever happens to be running the Goverment at the time.

Mr Millhouse in another place had described this legislation as the first step to dictatorship. There are many aspects of this Bill which could be put into that category. As has been stated by other speakers on this side of the Council, the definition of what is an essential service is far from broad and is far too open to abuse. The time for which an order can be made without calling Parliament if far too long. The earlier legislation of 1974 suggested seven days, but that was objected to by members opposite, who said that seven days was too long to suspend democracy.

The Hon. R. C. DeGaris: I cannot remember that point being made.

The Hon. ANNE LEVY: I could read the Hon. Mr Cameron's speech again to this Council.

The Hon. R. C. DeGaris: Was he a Liberal then?

The Hon. ANNE LEVY: He is a Liberal now. Further, the current legislation provides for a period of 28 days during which dictatorial powers are given to the Executive. I fail to see why 28 days is necessary, and I certainly do not accept the trivial arguments advanced by the Hon. Mr Davis in this regard. As recently as December 1980, only nine months ago, this same Parliament passed the State Disaster Act, which is to deal with cases of real disaster that may occur by natural means in our community.

Under that Act a declaration can be made by the Governor in Council, but it cannot run for more than four days without Parliament being called together: not seven days, but only four days can elapse in the case of a natural disaster involving the State Disaster Act before Parliament must be recalled to extend the declaration if that is

required. The State Disaster Act deals with cases of earthquake, tidal waves and situations defined in the Act which cause actual loss of life and which are of such magnitude that extraordinary measures are required, yet Parliament must endorse any Executive action within four days. There is none of this 28 days, 14 days or seven days—it is four days.

The Hon. K. T. Griffin: They are much broader powers.

The Hon. ANNE LEVY: Parliament must be recalled within four days to endorse any actions by the Executive, yet this Bill deals with much less serious situations and 28 days apply, during which democracy can be suspended, to quote the Hon. Mr Cameron. We are not discussing the essentials of life which may be threatened, but things like the social life of the community being seriously threatened, but for things like the social life of the community, democracy can be suspended for 28 days but for major disasters, which require extraordinary measures to protect life, only four days need elapse before Parliament must be called together.

It seems to me that the matters discussed in the Bill before us are surely trivial compared with those set out in the State Disaster Act and the period during which democracy is to be suspended should be proportionate to the emergency and the danger of the situation, and not relate to the more trivial matters which are covered with this Bill.

Other speakers have commented already on clause 11, which in effect puts the Minister above the law. I would have thought that the Government, which includes at least two lawyers in its Cabinet, would not have wished to perpetuate legislation which puts a Minister of the Crown above the law of this State. I sincerely hope that clause 11 can be removed from the Bill. No doubt this is what Mr Millhouse was referring to when he said that this legislation was the first step to a dictatorship, a dictatorship where the Executive is above the law and cannot be held to account by the law of the land.

Finally, other members have referred to the extent of union bashing which this legisation contains. It goes for confrontation and not conciliation, and that is not the proper way of resolving disputes. As anyone who has had any experience in dealing with disputes would know, be they at an industrial level or at a family level, confrontation is not the way to approach such matters. It is widely recognised in the community that union bashing is the main aim of this Bill. I am sure that this is what dictates the 28 days for which democracy is suspended, rather than any notion of the severity of the situation.

I repeat that this legislation requires considerable amendment. I will certainly be supporting all the amendments which are on file in the name of the Hon. Mr Sumner, and I trust that at least some members opposite will listen to reason and remember their comments and feelings in 1974 and enable us to at least save this Bill from being completely disastrous.

The Hon. R. C. DeGARIS: I will not go through the history of this legislation as it has already been given to the Council by a number of speakers, nor do I intend talking about legislation existing in other States. However, I think it is important to say that all other States at the moment, with the exception of Queensland, have similar legislation to that which is before us now. In two States (Tasmania and New South Wales) that legislation was introduced by Labor Governments.

The Hon. K. T. Griffin: It is in Queensland.

The Hon. R. C. DeGARIS: I did not realise that The Hon. Mr Sumner quoted speeches made by Liberal members in 1974. In giving those quotes the Leader should have quoted my opening words in that debate as follows:

> Other honorable members and I will be willing to allow this Bill to pass as quickly as possible through the second reading. However, in Committee I will ask the Minister to move progress on clause 1 to allow members to consider the Bill overnight.

There was no opposition from Liberal members to the general thrust of the legislation, that is, that we should have on the Statute Book some form of emergency power to use when the need arose. The point has been agreed to by all honourable members in this Council at some stage or another.

The Hon. Frank Blevins: It is not agreed to by me.

The Hon. R. C. DeGARIS: Maybe not. The reason that that Bill did not pass was that the Opposition in the Legislative Council made two rather vital amendments. The first was in relation to the question of allowing the emergency powers to apply to all people in the community equally. Secondly, if the emergency powers were used for the acquisition of any goods or property, the person whose goods or property were so acquired or used would have the right of compensation. They were the two ways in which the Bill was amended and when it went back to the House of Assembly it was not proceeded with by the Government.

The Bill before us now differs in some respects from the original Bill in 1974. The difference should be understood by the Council. I have already touched on two of those differences. There is no privilege clause and also a person can be paid compensation. This Bill also applies in four seven-day stages. I am puzzled as to why, instead of making a proclamation for 28 days, it is in four seven-day stages. The 1974 Bill provided for 28 days and, although it was declared by proclamation and was to be aproved by Parliament within seven days of its being gazetted, there was a certain amount of merit in introducing the powers by regulation.

I do not know that we are justified in changing the approach to regulations as was aniticipated in the original 1974 Bill where the regulations, if they were to continue, had to be appoved by Parliament and the Acts Interpretation Act had to be amended as well to allow that to happen. I believe that the best way to do that is as this Bill does it—by proclamation. I believe that 28 days for the application of these powers is too long a period without Parliament being able to debate the issue. The fourth point of difference lies in clause 11, which bars certain actions against the Minister. I can add to what I said in 1974. I said that it is a sad commentary that, as a society, we have to resort to this type of legislation but it appears that it is necessary to have this type of legislation.

In considering the Bill I believe that there are two important considerations. The first is the need for quick action by a Government if an emergency does occur. An emergency can occur for a number of reasons. While we have been discussing this Bill this evening the only consideration has been in relation to an industrial dispute. Emergencies can occur for reasons other than industrial disputes. The second point that we need to bear in mind is that of Parliamentary ratification as soon as possible. In any emergency only the Governmnent can act quickly enough to avert community disruption or even tragedy. Parliament cannot often act as quickly as circumstances may require. Parliament must remain the point of accountability for the use of those powers and the extension in time of those powers.

As I pointed out, the Government in the Bill may assume those powers for a total period of 28 days without any Parliamentary check or question. In wide ranging emergency powers legislation this appears to be a long period, although other States have periods as long and some longer without any Parliamentary check. I see no reson why Parliament should not be recalled within a shorter period to

consider the matter and, if it thinks necessary, the period of emergency can be extended at the time.

I would like to comment on a number of other matters. I believe that the definition of 'essential service', needs close examination. The definition is extremely wide and is all embracing. I suggest that the Government re-examine the definition to see whether it can be slightly less wide than it is. There is talk that the Bill should contain a reference to the fact that the emergency does not allow the Government to impose any form of industrial conscription. If I am to understand what is meant by that word, if a direction is given to provide essential services, even that direction could be looked upon as being industrial conscription. If an amendment along those lines goes into the Bill, it could render it quite useless for the purposes for which it is designed.

The Hon. M. B. Dawkins: They are exactly the same words as were used in clause 5(3) in 1974.

The Hon. R. C. DeGARIS: Yes. The point made by the Hon. Mr Blevins by way of interjection I think is worthy of comment. When the Hon. Mr Davis was talking about the position in Victoria, his interjection was along the lines that in South Australia there was never any threat to essential services because of a transport workers dispute.

The Hon. Frank Blevins: There wasn't in Victoria.

The Hon. R. C. DeGARIS: I do not know that, but the point made so far as South Australia is concerned is valid; there never was a threat to essential services in South Australia. I think the point we have to realise is that, if there is no threat to essential services, the powers of the Bill will not be invoked. That is still not an argument against having on the Statute Book legislation that can be used if essential services are ever threatened in this State.

We do not know whether essential services will be threatened or not, but I think it is quite wrong to assume that Parliament can act quickly enough to provide the necessary power for the Government to do something about an issue if that ever occurs. Although we have natural disaster legislation, I believe that the powers here could be used in a situation other than one involving an industrial dispute or matters such as that.

The Hon. Frank Blevins: Can you give an example?

The Hon. R. C. DeGARIS: The situation could arise where this Bill could be used instead of the natural disasters legislation, which has tremendously wide powers, for instance, if there was a serious position in Adelaide after a massive earthquake where total dictatorial powers were needed and the Parliament could not be called together. However, a situation could develop where a natural disaster might occur and you might not need the tremendously wide powers of that Bill and where this Bill could be used.

I do not see this Bill as applying only to a situation of an industrial dispute—there could be other times when it could be used. I think that if any Government leaves itself in the position of not being able to handle a situation where the essentials of life, if one can use the words of the 1974 legislation, are threatened and it has no power to operate, and operate quickly, that should be rectified.

I support the second reading, but I ask the Government to examine the points I have made, the first about the definition of 'essential service' and the second that Parliament should be called together to discuss such an issue before a period of 28 days has expired.

The Hon. G. L. BRUCE: I oppose the Bill in its present form. The argument has been put forward that this Bill is necessary. The name of it is 'A Bill for an Act to protect the community against the interruption or dislocation of essential services' which seems to give it credibility, but I see this Bill as nothing but strike-breaking machinery. It has been pushed into the House in a state of urgency because of the very fact that we have had a situation where the Transport Workers Union dislocated supplies of goods to the South Australian community and to the community of Australia as a whole. Until that time, the Government had not seen the necessity to intervene.

I do not want to canvass the aspects of the transport workers strike, but it was because of the efforts of the transport workers that they managed to obtain wage justice. They received $20 a week. No-one denies that they were under-paid, as the employers agreed, but because of the antiquated system of arbitration, the transport workers had to put their claims before the court three times, and each time the claim was rejected. The only thing left for them was the strike weapon. This kind of legislation is nothing more or less than power to break a strike. It encourages the use of scab labour (and I use those words advisedly, because that is what it does). If one examines the Bill closely, one sees that clause (4) states:

> Where a person to whom a direction is given under this section contravenes or fails to comply with the direction, he shall be guilty of an offence.
>
> Penalty: Where the convicted person is a body corporate—ten thousand dollars; where the convicted person is a natural person—one thousand dollars.

The Government is using a sledge hammer to crack a walnut. On the one hand it says it wants industrial peace and a situation in which a creative atmosphere of harmony can prevail so that the employers and employees can sit down to negotiate, but on the other hand the Government hands to management on a silver platter another club with which to hammer workers and unions. If that is not the philosophy of the Liberaly Party, I do not know what is. The member for Morphett in another place stated:

> The aim of the Bill is to enable the peaceful and law abiding public of South Australia to go about their everyday business without the fear that a militant communist or left-wing controlled union will decide to cut off their bread, milk, buses or electricity. The Bill is about protecting the public from bloody-minded unions who see confrontation and deprivation of essential public services as the most effective way of coercing a Government, an arbitration court, or whatever to knuckling into their demands.

I am perturbed that, as soon as a strike issue is raised and because it may involve an area of essential services, the unions are said to be bloody-minded. Members opposite do not seem to realise that the unions reflect the aspirations of their members. Union bosses do not call a strike for their own power and glory. Without the support of the members, there is no union. Normally (and there are exceptions to the rule), unions reflect the aspirations of their members and seek what their members seek.

Members opposite seem to believe that, if people go out on strike, they are left-minded communists and jackbooted no-hopers, and that is not true, I know many decent people who are terrified by the very thought of going on strike. Because it is the only way in which to achieve what they are after, they go on strike, but they are not happy about it. They know that they are denying services or goods, but in some situations there is no alternative but to strike. The arbitration system is so geared that if unions want to put a case before the court, they must go on strike. One must inform the commission within 24 hours of an urgent matter and that a strike is involved. The system encourages people to go on strike.

This Bill is no more or less than strike breaking machinery. It is no more an Essential Services Bill than the man in the moon. The Government should be honest enough to outline all aspects, and then I would not object. The Bill is frightening. The Hon. Ren DeGaris mentioned essential services. How wide open can a Bill be?

The definition of essential service means a service without which the economic or social life of the community is

seriously prejudiced. If there was no T.V. on a certain night, honourable members would say that the social life of the community was in real difficulty and that they should intervene. That can be done under the provisions of this Bill. One could take a small nit-picking item and say that it affected the social life of the community. The Bill does not properly define and does not go into details. I was intrigued to read on the second page of this morning's *Advertiser* the headline 'Pope urges mothers to stay at home'. That article states:

Pope John Paul, in his most comprehensive statement on social issues, strongly backs labor unions and urges mothers to stay at home rather than take jobs.

He suggests mothers should be paid a wage so they can stay at home with their children.

In the third encyclical of his 35-month Papacy, the Pontiff calls for 'radical and urgent changes' in the Third World to improve the lot of poor farmers and peasants. Unions should be guaranteed the right to strike except for political purposes or in essential public services, he says.

The 99-page encyclical repeats Pope John Paul's past criticisms of both Capitalist and Communist systems. It calls for an economy based on a mixture of private and public ownership.

The document does not specifically mention the labor unrest in the Pope's native Poland, but many of its points echoed previous statements he has made about the situation there. He has welcomed the formation of the independent trade union Solidarity, but urged it to be moderate.

'In order to achieve social justice in the various parts of the world . . . there is a need for ever new movements of solidarity of the workers and with the workers,' the Pope says in the encyclical.

The Roman Catholic Church must support workers, he says, 'so that she can truly be the Church of the poor'.

Even the Pope recognises that workers are poor. The article continues:

He calls unions 'a mouthpiece for the struggle for social justice,' but adds that workers must be aware of their nations' economic problems when pressing their demands.

An encyclical is one of the most important ways that a Pope tells the world what he thinks.

Being dumb and rather ignorant, I looked up what 'encyclical' meant, and it is defined as the Pope's letter, with wide circulation. The Pope is very concerned. I suppose honourable members opposite would brand his comments as remarks from one of the leading communists of the world, but I can assure them that they come from the mouth of the Pontiff himself. He even recognised injustice to workers and the fact that workers are the poor of our society. Clause 3 (1) of the Bill states:

Where, in the opinion of the Governor, circumstances have arisen, or are likely to arise, that have caused, or are likely to cause interruption or dislocation of essential services in the State, he may, by proclamation—

The Bill then refers to 28 days. Members opposite are always going crook about the powers of Executive Government, but Parliament is handing over the obligation of the State to Executive Government. If a situation arises where Parliament should be called together to deal with that situation, I cannot see why it cannot be called together within 24 hours. If we are to have an Essential Services Act, let us act within 24 hours. Let us call Parliament together to deal with the issue, but not on your life! We should not duck shove the issue and give it to the executive area of the Liberal Party.

The Hon. D. H. Laidlaw: Why did the Labor Party in New South Wales bring it in?

The Hon. G. L. BRUCE: Has it used it? Why have a Bill on the Statute Books if you are frightened to use it? This Bill will create turmoil and conflict.

The Hon. L. H. Davis: Why not tell the Premier of New South Wales?

The Hon. G. L. BRUCE: I am telling you about South Australia. This is a hypocritical Bill and I repeat that it is only a strike-breaking machinery Bill. If members opposite were genuine they would agree to call Parliament together after 24 hours. Parliament should be called together to do the duty it is there to perform, and it should not be handing the obligations of this State over to Executive power, which will be able to call the shots for 28 days. This Bill is very loosely worded. I am a layman, and I am sure that the Hon. Mr DeGaris, with his bush lawyer ability, would pick holes in it left, right and centre.

Clause 4 provides that a person who has been ordered to do something under that provision may recover the amount of the expenses incurred from the Minister as a debt if he incurs expenses doing the job. However, clause 11 then provides that no action to compel the Minister or his delegate to take, or to restrain him from taking, any action in pursuance of this Act shall be entertained by any court. So, one part of the Bill provides that a person may recover expenses incurred from the Minister as a debt. However, what would happen if the Minister does not believe that any expenses were incurred and, therefore, will not pay? What redress would such a person have?

The Hon. R. C. DeGaris: I think you're misreading the intention behind that.

The Hon. G. L. BRUCE: Why does the honourable member say that? Although I am only a layman, I can read clause 4 (5), which provides that a direction under this section shall not operate after the expiration of the period of emergency in relation to which it was made and that it may be revoked by the Minister at any time. Clause 6 provides:

Where

(a) a direction is given under this section to a particular person, or class of persons; and

(b) that person, or a person of that class, incurs expenses in complying with the direction,

he may recover the amount of those expenses from the Minister as a debt.

The Hon. R. C. DeGaris: That's right.

The Hon. G. L. BRUCE: Will the honourable member tell me what such a person can do if he incurs the expenses and the Minister says that he does not believe that the person involved did incur them?

The Hon. R. C. DeGaris: There is then a court action.

The Hon. G. L. BRUCE: I thought it stated that one could not have an action against the Minister. Indeed, as I have already said, clause 11 provides that no action to compel the Minister or his delegate to take, or to restrain from taking, any action in pursuance of this Act shall be entertained by any court. How, then, can anyone get to the Minister through a court? I am merely a layman, and I bow to the knowledge of the bush lawyer opposite.

The Hon. Frank Blevins: Significantly, he didn't mention clause 11 at all.

The Hon. R. C. DeGaris: Yes, I did.

The Hon. G. L. BRUCE: The honourable member did mention it. Surely, if a person is entitled under clause 4 (6) to recover expenses incurred from the Minister as a debt, and the Minister does not acknowledge that debt, there must be some right of recourse in the court. I cannot see such a provision, although it may be somewhere else in the Bill. I refer also to clause 5 (2), which provides:

For the purpose of providing, or assisting in the provision of, a service under subsection (1), the Minister may—

and it says 'may'—

(a) employ at not less than award rates such persons as he thinks fit; and

(b) enter into such contracts or arrangements as he thinks fit.

Somewhere along the line it seems to be seized on that this means that the Minister must pay award rates. However, nowhere do I see a provision stating that the Minister cannot employ voluntary labour. What would happen if we had a situation like that which occurred in Western Aus-

tralia, where dustmen were on strike, and where a crowd of volunteer dustmen broke the strike? Why cannot the Minister employ those sorts of people? The Bill merely states that the Minister 'may' employ: it does not say that he shall do so. People can still take part in volunteer strike-breaking under this Bill as I read it.

I should like the bush lawyer opposite to tell me where this Bill compels the Minister to employ labour. I do not think that it does so. The matter is wide open, and enables volunteer labour to be employed. This is nothing but a strike-breaking Bill. It is not an essential services Bill. Government members are not fair dinkum about it.

The Bill was rushed in because the transport workers were on strike and essential services were threatened in South Australia through our grocery stores. The Bill, which is full of loopholes and inconsistencies, is nothing but a confrontation with the trade union movement. Whether any Government will be game enough to use the powers contained in the Bill I very much doubt. I refer also to clause 8, which provides:

> Any person who, during a period of emergency, by force or intimidation, interferes with or impedes the performance by any person of a duty related to the provision of a proclaimed essential service or the administration of this Act shall be guilty of an offence and liable to a penalty not exceeding five thousand dollars.

I take it that that means that, if a bloke was on a picket line and stopped a truck entering by saying, 'You will have to run over me if you want to get in, you rotten scab strike-breakers,' he will be liable to a penalty of $5 000. Am I wrong or right? I am asking the bush lawyers on the other side to tell me. I was saying that the legitimate purpose of the trade unions is to protect members' jobs and to argue for decent conditions and wages, if they are on strike the Government is maintaining that an individual can be fined $5 000 for defying an order to move out of a picket line.

The Hon. J. A. Carnie: How are you going to get—

The Hon. G. L. BRUCE: It might be illegal in the honourable member's eyes, but it is not illegal to those looking for rights and justice to get their cause and their problems brought to the attention of the public in an attempt to enforce what they are looking for. What Government members are saying (and the philosophy has already been imposed by what has been said in another place) is that anybody involved in a strike is left wing, communist, a jack boot, dominated by some outside influence. Members opposite do not take into account the fact that half the work force (or all members of the Labor Party, which is all working force, if you like) are decent law abiding people. There is the odd person here and there who may break conventions and rules, but the Government is making Draconian provisions in the Bill, assuming that everyone in the trade union movement is a monster, a left-wing jack-booted communist. The Government has used Draconian powers, such as the imposition of a penalty of $5 000 if a person gets into a strike and $1 000 if a person does not obey an instruction sent to him by way of a letter or telegram.

The Hon. J. A. Carnie: Is a picket legal?

The Hon. G. L. BRUCE: I am referring to a situation that breaks strikes, but it does not say when the authorities come in on it.

The Hon. J. A. Carnie interjecting:

The Hon. G. L. BRUCE: What the member opposite does not realise is that when anyone goes on strike the greatest sufferer of all is the worker who is on strike: he has no wages, and in fact the Federal Government is pursuing a scheme where there can be no unemployment benefit paid to a person's wife or to anybody else if a worker is on strike. What the Government is doing is starving the worker into submission. Not only is the Government doing that, but it is creating a situation where a worker cannot even go on strike, cannot strike to maintain his standard of living to catch up with what has happened to his wages in relation to the rest of the community. To me that is a deplorable situation, and this is not a fair dinkum Bill.

This is a strike-breaking Bill. It is not an essential services Bill. There should be no way that the Government should have 28 days of control of the State while an emergency exists. Members of Parliament are paid to look after South Australia, and I am quite prepared to come in at any time from anywhere to attend to a matter at short notice and to examine the problems. To me, this provision is not fair dinkum. I do not support it, I oppose it all the way through, and I do not think that even the amendments do much for it.

The Hon. M. B. DAWKINS: I support the Bill. I would suggest that the short title, 'Essential Services Act, 1981' should contain the word 'Emergency', because I believe that the circumstances of emergency under which the powers of this Bill, if it is to become an Act, are to be used should be underlined. I believe that no Government in its right mind would invoke an Act of this type unless there was a real emergency and a very difficult situation existing, whether it be a Liberal Government or a Labor Government; no Government would use this sort of legislation unless the real emergency provided for by the legislation was in fact present.

The Hon. Mr Sumner talked yesterday about the provisions of the Bill being Draconian, and he also said that there were two important areas where the 1974 Labor Party Bill was much less Draconian than was the present Bill. I would suggest to him that, by that very statement, he was suggesting that his Government's Bill to some extent was Draconian. He refuted that argument, but, nevertheless, the fact that he said that the 1974 Bill was less Draconian was admitting that it was Draconian. If this Bill is Draconian it is Draconian only in the sense that it is emergency legislation that would be used only in very serious conditions indeed.

The Hon. R. C. DeGaris: The 1974 Bill was more Draconian.

The Hon. M. B. DAWKINS: I was going to come to that in a moment. I want to mention one or two things referred to in 1974. We have heard some people talking about what was said in 1974 and about how that varied with what they are saying today. I refer to one or two things that I said in 1974, as follows:

> I, too, support the Bill at its second reading, and I endorse the comments of the Leader and my other colleagues who have spoken. The Bill's provisions are wide-sweeping indeed, yet the Government is bound hand and foot by clause 5 (3). That subclause deals with the very area where power is needed in view of the industrial anarchy we face today.

That is what I said. I want to refer to clause 5 (3) and indeed the whole of clause 5 of the Bill which was introduced to this Council by a Labor Government. First, in referring to clause 5 (3), I would like the Leader of the Opposition and the Hon. Mr Milne to listen, because this is what it provides:

> (3) Nothing in this section contained shall be held or construed as empowering the Governor to make regulations—
>
> *(a)* imposing any form of industrial conscription;
>
> or
>
> *(b)* making it an offence for any person to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

I said that that provision bound the Government hand and foot, and it did. That is one reason why the Bill did not become law. For the benefit of the Hon. Mr Bruce, who was concerned about the $5 000—and $5 000 in 1974 was

a lot more money then than it is today—I point out that clause 5 in the 1974 Bill provides the following conditions:

(1) Where a state of emergency exists the Governor may, subject to subsection (3) of this section, make such regulations in relation to any matter, thing or circumstance arising out of the state of emergency as in the opinion of the Governor are necessary for the peace, order and good government of the State and any such regulations may provide for and prescribe penalties not exceeding, in each case, five thousand dollars or imprisonment for six months or both, for the breach of a provision of the regulations.

It goes on to provide the way in which regulations may be made. That legislation was introduced by a Labor Government. So much for the nonsense that members opposite think that this Bill is Draconian and should not be introduced.

I want to say this: there are certain amendments on file, several by the Hon. Mr Sumner and two by the Hon. Mr Milne. I am not going to argue at any length about the 28-day period, except to say that in the other States, or in most of them at least, a period of a month is provided and that every other State—now that Queensland has come into the act—has legislation of this type to be used only in a state of emergency.

Someone asked whether such legislation had ever been used. Of course, if an emergency has not arisen, a Government would not have used the legislation, but it is there in case it is necessary to use it. In every other State the period is a month or more. I think it was the Hon. Mr Laidlaw who said that in Western Australia the legislation ceases only at the end of each Parliament and, at least in theory, the period could go on for that length of time. In the Eastern States I believe that the usual term is a month, but the Hon. Mr Milne, who is entitled to do so, is objecting to a period of 28 days.

The other amendments which are on file by the Hon. Mr Sumner would do exactly what I said the amendment in regard to clause 5 (3) did in 1974: it would bind the Government hand and foot. It would make the legislation worthless and, for that reason, I cannot go along with the amendments which are to be moved and which are on file under the name of the Leader of the Opposition and the Hon. Mr Milne. I believe this legislation is necessary in an emergency of very serious proportions that could occur. It would be used by a Government of any persuasion only in those circumstances, and there is no sense whatever in putting legislation on the Statute Book which binds the Government hand and foot and which really is useless. For that reason I support the Bill as it stands.

The Hon. FRANK BLEVINS: I oppose the Bill, and I am not enthusiastic about the amendments. I personally cannot support the principle that is behind this Bill. Because of the nature of our Party, it may be that I would vote on the other Bills, for some of these provisions, because I am a democratic and I believe in rule by majority. If the majority of my Party decides at a given time to introduce provisions such as this, and my voice is not loud enough or my reasons are not sound enough to persuade people otherwise, then as a democrat I would go along with them. However, I will never support this Bill. Members opposite have told us constantly that they are free to do as they wish in Parliament and that if, in all conscience, they cannot support certain things that come before Parliament, they are free to vote against them. The idea has something going for it. The way in which we operate our Party has something going for it, too. As in all arguments, there are usually two sides with a certain amount of merit to each. Members opposite on previous occasions have stated succinctly their opposition to some of the principles embodied in this Bill. I agree with them completely. It saddens me that those honourable members are not game now to stand up and defend those principles that they espoused quite correctly in Parliament in other days.

What does the Bill achieve? If we are lucky, it will achieve nothing. Hopefully nothing much will happen when this Bill goes on the Statute Books as it undoubtedly will, with the assistance of the Hon. Mr Milne. The Hon. Mr Dunford asked rhetorically why the trade union movement was not marching on Parliament House complaining. In 1981, the trade union movement is a little too sophisticated to be provoked by the nonsense of this Bill. I hope the trade union movement will go about its business defending its members' interests, as if this Bill was not on the Statute Books.

During periods of industrial dispute, provision will be made by the trade union movement to see that the health of the community is not affected adversely. The unions always have done and always will do that. There was not one instance given in Parliament today where that has not happened, because the trade union movement knows that the day it does not do that, the day it creates a situation of danger for the community, is the day that it blows itself up. However, that will not happen; it will continue to make provision in such cases as it always has done and always will. If this Bill was designed for that emergency situation, then it will never be used because that situation will never arise, as it never has.

Hopefully nothing very much will happen if this Bill is passed. If we consider the worst possible scenario (and this is not the main danger but one of the dangers), certain individuals in certain Governments—and the Hon. Dean Brown comes into this category and, from what I have heard, the Hon. Mr Davis is of the same type—could create an explosion by accident.

As the Hon. Mr Foster said, they could go an inch too far and invoke this Bill out of a fit of pique, out of a lack of experience in dealing with the industrial movement. They could invoke the provisions of this Bill which would cause an industrial explosion and which would certainly damage the Government more than anybody else. So, there is a danger that amateurs in the industrial relations field could be tempted to use this Bill outside the emergency situation. I hope that will never occur. That is a remote possibility, other than in periods of electioneering.

That is what happened in Victoria, where the Government invoked the essential services legislation when it knew full well that milk was about to be released. The situation had not arisen where babies or nursing mothers were going without milk. That is emotive material and makes good headlines in the capitalist press. However, before that situation arose, as the Government in Victoria well knew, the transport workers union, in co-operation with the rest of the trade union movement, saw to it, as always, that that situation of emergency did not arise. It was a blatant piece of electioneering by the Victorian Government. The new Premier was showing the hairs on his chest, being tough in contrast to the rather effete Mr Hamer. That is all that it was about. There is a slight danger that people on the other side can over-react, but it is a danger nevertheless. I have an objection to the Bill in that area.

My strongest objection to the Bill relates to clauses 10 and 11. Clause 10 provides:

(1) The Minister may, by instrument in writing, delegate his powers, or any of his powers, under the Act to any other person or persons.

It does not say that it has to be another Minister or anybody with any legal training or industrial experience at all. He can give these most Draconian powers to anyone, merely by writing and saying so. To me, that is an absolute affront to the democratic process. Thus, the Minister can use the

powers under this Bill or delegate the powers to someone else to use, and then clause 11 provides:

No action to compel the Minister or a delegate of the Minister to take, or to restrain him from taking, any action in pursuance of this Act shall be entertained by any court.

That is quite a revolting provision to be in any Bill. It is no excuse for the Government to say that it was in a Labor Party Bill. I know that that is the case and it is no less obnoxious because it was in a Labor Party Bill. The argument against that type of legislation has been put before the Parliament very well by the Attorney-General, who is reported in *Hansard* on 9 August 1979 as saying:

I do not believe, even in times of crisis or emergency, that the Government or the Minister ought to be above the law.

He went on to say:

It is vital for our community that, whether in ordinary times or in times of crisis or emergency, the Government in exercising its responsibility should not be placed in the position of a dictatorship but should always be subject to the ordinary processes of the law. I will urge at the appropriate time that honourable members strenuously oppose that provision in clause 11.

Those arguments could not be better put.

The Hon. J. C. Burdett: What was the Bill?

The Hon. FRANK BLEVINS: It was at the time of the petroleum shortage. One could not have a case against this type of clause better put than it was put then by the now Attorney-General. Parliament has a role, even if that role is progressively decreasing, in protecting people's civil liberties, if necessary, against the Executive. To abrogate that role of protection of the community is a crime and one that certainly should not be condoned. I would have expected the Hon. Mr DeGaris, the Attorney-General (on his own words), the Hon. Mr Burdett and the Hon. Mr Hill, but not the Hon. Mr Dawkins or the Hon. Mr Davis, to have sufficient respect and regard for what Parliament is supposed to do not to produce a Bill including this provision whereby a Minister or his delegate can do anything they like.

If one believed that the Minister or his delegate was not acting within the law or the powers assumed under this Bill, there would be no recourse to the court to say that the Minister was acting outside his authority and not in accordance with the Act. That is quite obnoxious and should not be entertained in this Parliament. In all the great number of things that come before the Parliament, to some extent one has to balance just what one is going to trade off. What value is in a Bill that violates some part of some people's civil liberties? If this Bill has any value, I cannot see it. I think that, to some extent, it is a time bomb which may blow up in the face of the Government. I am certainly not convinced that it has any value, but it may have. Surely nobody can suggest that the value in the Bill in any way warrants the trading off against the violation of civil liberties involved. I am sure that nobody in the Council who has any regard whatsoever for the role of Parliament in protecting people's civil rights would justify that situation. As I have said, the Bill, hopefully, will serve no purpose whatsoever.

It is, I believe, merely a diversionary tactic to try to give an appearance to the people of South Australia that this Government is doing something in the area of industrial relations. The Bill is quite unwarranted. It is certainly unwarranted, given the violation of civil liberties involved. I am absolutely appalled that certain members opposite do not have sufficient respect for the role of Parliament to maintain that role and not go ahead with this particular clause. Whether this clause was in the Bill or not, I would strongly oppose it as being totally worthless. To me, the question of whether Parliament should have these powers for 14 days or 28 days is irrelevant. My argument is with the principle, because the Executive should not have these powers at all to by-pass Parliament. The issues involved are far too serious for that.

Just about everything has been said that could be said about this Bill by 10 or 12 speakers. Many things have been repeated constantly, and I repeat that I am totally opposed to the principle of the Bill, to every part of it, and I do not believe that the amendments do anything to destroy its very bad principle. Obviously, I will support the amendments, because that has been the decision of my Party, but in principle I am as much opposed to the amendments as I am opposed to the Bill in its entirety.

The Hon. K. T. GRIFFIN (Attorney-General): A lot has been said about the 1974 Bill, and some members opposite have even criticised the whole concept of the Bill that is before us at present. The Hon. Mr Blevins has indicated his complete opposition to the principle. I refer him and other honourable members opposite to the comments made by the Hon. D. A. Dunstan, the then Premier, on 6 August 1974, in relation to the Emergency Powers Bill, in answer to a question by Mr Coumbe, as follows:

What situation exists in the community to make the Premier consider it so urgent that this Bill should pass all stages in this House today and possibly be considered in another place?

The then Premier replied:

The honourable member is aware that a national transport stoppage is threatened. That stoppage could threaten essential supplies in the community. While it is true that we have been able to agree with the Transport Workers Union that, in the event of a national stoppage, most emergency supplies will be continued, there is difficulty regarding some areas of essential supplies to people in the community who need those supplies simply to continue existence. It is essential for us to ensure that, where goods are in short supply as a result of industrial stoppage or unrest, we have supplies for the people who most need them.

That was very eloquently put.

The Hon. D. H. Laidlaw: Opposition members probably think he is an old fogey, like Neville Wran.

The Hon. K. T. GRIFFIN: There is probably some measure of truth in what the honourable member says. The statements made by Premier Dunstan can be applied equally to the Bill before us at present.

The Hon. Frank Blevins: He did say that arrangements had been made with the Transport Workers Union.

The Hon. K. T. GRIFFIN: I will read some more; the Premier further stated:

The Government introduced the measure before the end of the Address in Reply debate because we have a threatened national transport stoppage. We do not know whether it will occur for more than 24 hours, but there is a possibility that it could. In Melbourne certain essential services are not occurring and, although our situation is rather better than the situation in Victoria, the possibilities are obvious to the Government, which was determined that the situation that has occurred in Melbourne under a liberal Government would not happen here. I believe it has been necessary to introduce the Bill so that, as a result of a decision made tomorrow by transport workers that could mean a continued stoppage, by the end of this week we would be able to introduce emergency regulations regarding essential supplies for the health, welfare, and safety of the people of this State, should that prove necessary. None of these conditions existed last Thursday and, whilst I hope that the situation will not go beyond tomorrow, it would not be proper for this State to refrain from taking some action.

The Hon. Mr Blevins interjected in respect to arrangements having been made by the then Government with the Transport Workers Union about emergency supplies. I remind the honourable member that the then Premier indicated that some arrangements had been made. Even though those

arrangements had been made, he was still anxious to get emergency powers legislation through Parliament to deal with those areas where he thought the arrangement was deficient.

The Hon. Frank Blevins: That is the nature of government.

The Hon. K. T. GRIFFIN: The honourable member should not criticise the Bill that is before us, as a matter of principle. The then Premier supported emergency powers legislation, notwithstanding the fact that there had been some arrangement with the Transport Workers Union. The fact is that the Premier of that day felt that it was necessary to proceed with some emergency powers legislation, notwithstanding that he had reached some agreement at that time about the provision of emergency supplies.

There is no doubt that some form of emergency legislation is necessary. The extent of the powers granted in such legislation is always a matter of judgment. During my reply I will refer to the provisions in other States as a guide towards the types of provisions which this Government has provided in this Bill. First, I refer to the definition of 'essential service'.

There has been some opposition to that definition by members opposite and the Hon. Mr Milne, and a question has been raised about it by the Hon. Mr DeGaris. In Victoria, for example, 'essential service' is defined in the 1956 legislation as:

> Transport, fuel, light, power, water, sewerage or services provided by statutory authorities involved in the provision of such services or any other service provided by any other person or body specified by order in Council.

Whilst there is a specific description of certain essential services, the provision in the Victorian legislation is very much wider than the services specifically listed. However, they are no wider than the provision in the Bill now before us.

The Hon. Mr DeGaris has already referred to the definition of 'essential service' in Queensland, but I repeat that 'essential service' in the Queensland Act of 1979 includes public transportation of persons or freight other than taxi cab services, fire brigades, hospitals, ambulances, electricity, water, garbage, sanitary cleaning or sewerage, as well as activities incidental to those services and a number of other services which are not defined but which could be included by order in Council. To a very large extent the Queensland description of essential services coincides with the Victorian description in its Essential Services Act and, in content, it is not so different from the definition in the Bill now before us.

The Leader of the Opposition has given a rather narrow interpretation of social life, which is referred to in the Bill. I remind honourable members that 'essential service' is defined in the Bill as:

> . . . a service (whether provided by a public or private undertaking) without which the health of the community would be endangered, or the economic or social life of the community seriously prejudiced:

Social life in that context is not as narrow as the Leader of the Opposition has suggested, but it extends to the whole social fabric of the community. In the 1974 legislation, the then Premier (Hon. D. A. Dunstan) referred to the sort of factor that would be taken into account in describing the essentials of life. On 6 August he said:

> A state of emergency is where we cannot continue the essentials of life to a section of the community or the whole of it, where we cannot provide that the normal essential services of the community are continued, and where an emergency can arise when people's very conditions of existence are endangered. This is not new drafting. This measure has been copied from measures on the Statute Books of other British-speaking jurisdictions. It is not possible to spell out the particulars, simply because there must be a discretion in relation to matters of this kind.

Then, in more specific terms later on in that debate, Mr Dunstan said that essential services were the maintenance of food, fuel and shelter and the movement essential to those things. So, the definition of 'essential service' in this Bill is not so much different from the content of essential services referred to by Mr Dunstan so far back as 1974. Therefore, I would not have the concern about the breadth of the definition in the Bill that obviously the Opposition appears to have.

I now refer to the duration of the emergency. In the Petroleum Shortages Act passed last year, the Government took the view (and it was supported by the Parliament) that a total period of twenty-eight days, involving four periods of seven days each, would be the maximum period for which a Government ought to be able to exercise emergency powers in respect of petroleum and motor fuel during a period of emergency. Then, a further proclamation of a state of emergency could not be made for a further period of fourteen days.

So, if the emergency continued beyond the twenty-eight days, Parliament would have to be recalled. We therefore have that precedent. We also have the precedent in the Victorian Essential Services Act, where the proclamation is not to last for more than one month unless, of course, it is revoked by a subsequent proclamation or by a resolution passed by both Houses of the Victorian Parliament. Therefore, proclamations can be made in Victoria after the exploration of a period of one month and after a period has intervened between the end of that period of proclamation and the new period.

In the Energy Authority Act in New South Wales, the proclamation continues in force for a period not exceeding thirty days, unless it is sooner revoked. Therefore, periods can be proclaimed. So, we have some consistency between the States that a period of about one month is appropriate for the operation of periods of emergency. It is, I suppose, a matter of judgment as to whether the period should be seven days, fourteen days, twenty-one days, twenty-eight days, thirty days, or one month.

The Hon. C. J. Sumner: What about clause 11?

The Hon. K. T. GRIFFIN: I will get to, and talk about, that in a moment. The Government has taken the view that a period of twenty-eight days would be appropriate. The Hon. Miss Levy mentioned the State Disaster Act and referred to the period of four days within which Parliament should be recalled. She placed some emphasis on the gravity of the disaster which had occurred and which required Parliament to be recalled.

I think that members need to distinguish between the sort of emergency legislation with which are now dealing and the State Disaster Act, under which, if there had been a State-wide natural disaster such as an earthquake, flood, or some other natural calamity so serious that the wide powers of the State Disaster Act should be invoked, Parliament should be called together at an early stage to deal with that disaster.

The powers in the State Disaster Act are very much wider than are those in this Bill or in the Petroleum Shortages Act. As I have said, the Government took the view that 28 days was not a period inconsistent with the provisions in previous legislation in this State or with the provision in the standing legislation in other States.

I turn now to clause 4. The Opposition has placed a great deal of emphasis on the fact that this legislation is in effect strike-breaking legislation. However, there are many other reasons for which an emergency power may need to be granted. It is not always an industrial disputation which could lead to the invoking of this essential Services Bill. But to leave out unions would, in fact, emasculate the whole Bill. I refer to what Mr Millhouse said in 1974 in relation

to this very point in the Emergency Powers Act. He said, again on 6 August:

I agree with the member for Bragg that if in fact there is an emergency it is an emergency for everyone in the community, not for the community less members of trade unions, and yet this is what one would imagine from clause 5 (3). If we were facing a shortage of petrol because of industrial action, no doubt the only effective way to deal with the matter would be by taking some action which affected trade unions or a strike that had occurred. The Government, by its very action, is making sure that power is not given. What could be the reason for inserting this subclause? The only reason is that it is a sop to trade unionists.

Later, he said:

It is a sop to them. It is not for any other reason, and it is thoroughly undesirable. If there is to be a state of emergency we are all in it together and we should all be liable to the same penalties and the same duress.

Mr Millhouse adequately explained the reason why the amendments which the Leader of the Opposition has foreshadowed cannot be accepted by the Government, and why also the limited amendment of the Hon. Lance Milne is equally unacceptable. I would hope that the Hon. Mr Milne will give us more reasons at the point when he moves that amendment as to the necessity for it and details of the scope of the amendment. I must say that it is a very vague provision which can either be very limited in its application, unenforceable because of its very vagueness, or be so wide that it really does emasculate the Bill in the same way that the Hon. Mr Millhouse indicated in another place on 6 August 1974, as he explained in the words which I have just quoted. It is for that reason that the Government is very much opposed to any limitations on the Bill in the way which the Opposition or the Hon. Mr Milne is suggesting. There is no point in having this legislation if its impact is likely to be so emasculated that it is really a paper tiger.

I refer now to clause 11 of this Bill. There has been a suggestion made by my advisers that in fact it ought to be tightened up and extended even further, because it is of very limited application. It does not extend to all prerogative process. In fact, the courts are moving in such a direction that, even if the clause does have the breadth of impact which the Opposition suggests, it would in fact be construed strictly by the courts and it would be ineffectual to exclude judicial review if the decision of the Minister is made without jurisdiction, because the courts would hold that the decision would in fact be a nullity.

If the Government wanted to exclude all prerogative process, which would probably be appropriate in a strict emergency situation, then it could have been more tightly drafted. But the Government was following a trend which had been established in the 1977 Motor Fuel Rationing (Temporary Provisions) Act, when the previous Government was prepared to put before Parliament what was then section 18, which provides:

No preceedings of any kind shall be instituted in any court in respect of any act or decision of the Minister or any person authorised by him in the exercise or purported exercise of his powers under this Act.

We have tended to follow that precedent, and it was followed in 1980 in the Motor Fuel (Temporary Restriction) Bill as well as in the earlier temporary motor fuel rationing legislation that we had to deal with in one particular instance. In fact, the provision in the 1977 Act is much wider than the provision in this Bill.

The Hon. C. J. Sumner: What did you say about it?

The Hon. PRESIDENT: Order!

The Hon. Frank Blevins: What has made you change your mind?

The Hon. PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The clause before us is consistent with earlier legislation proposed and passed by this Parliament under both governments. The Leader of the Opposition earlier interjected that clause 11 operates to nullify the provisions of clause 4(6). I could refresh honourable members' memories as to the provision of that clause by quoting it, as follows:

(6) Where—

(a) a direction is given under this section—

that is a direction by a Minister—

to a particular person, or class of persons;

and

(b) that person, or a person of that class, incurs expenses in complying with the direction,

he may recover the amount of those expenses from the Minister as a debt.

The Leader could not really have been serious in suggesting—

The Hon. Frank Blevins: It was the Hon. Mr Bruce.

The Hon. K. T. GRIFFIN: I am sorry, it was the Hon. Mr Bruce, but he could not really have been serious in suggesting that clause 11 would over-ride that express provision of the Bill. The ordinary rules of statutory interpretation clearly provide that such a specific provision in a Bill is not over-ridden by a clause of general application but, in any event, the strict interpretation of clause 11 is such that it could by no means encompass the rights which are conferred by clause 4(6). There are other areas to which I could refer, but it is probably more appropriate that I deal with them in Committee, when particular questions may be raised by members that can be more specifically dealt with.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

COMMUNITY WELFARE ACT AMENDMENT BILL

Returned from the House of Assembly with the following amendments:

No. 1. Clause 6, page 6, line 32—After 'of this State,' insert 'with non-government organisations that provide, or support or promote the provision of, community welfare services,'.

No. 2. Clause 6, page 7—After line 7 insert new subsection as follows:

(3a) In recognition of the fact that this State has a multicultural community, the Minister and the Department shall, in administering this Act, take into consideration the different customs, attitudes and religious beliefs of the ethnic groups within the community.

No. 3. Clause 6, page 33, line 38—After 'examination' insert 'may do so without the consent of a guardian of the child, and'.

Consideration in Committee.

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

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

These amendments are few and simple, and they principally require consultation with the non-government voluntary sector and with the ethnic community. These are matters which would have been taken into account anyway (and they were Government amendments) but it was my desire that they be spelt out in the Bill to make perfectly clear that the non-Government voluntary sector should be consulted, and that the ethnic communities and their representatives should be consulted.

The Hon. C. J. SUMNER: This matter was not brought to the Opposition's attention. The spokesperson on this matter in this House, the Hon. Miss Wiese, is not present in this Chamber. On the face of it, I cannot see that there are any difficulties, but I would like to ascertain her attitude on these amendments before committing ourselves to them. Accordingly, I ask whether the Minister is prepared to report progress.

The Hon. J. C. BURDETT: There was no sinister motive in my motion. I was not aware the Hon. Miss Wiese was not here. I am pleased to accede to the honourable member's request, and I ask that progress be reported.

Progress reported; Committee to sit again.

MINING ACT AMENDMENT BILL

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

PUBLIC PARKS ACT AMENDMENT BILL

Ajourned debate in Committee (resumed on motion).

(Continued from page 904.)

Clause 3—'Sale and disposal of parklands to which this Act applies.'

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

Page 2—After line 5 insert subsection as follows:

(3) Where the Governor authorises the sale or disposal of land under this section, the Minister shall, as soon as practicable after the date of the authorisation, cause a report of the authorisation describing the land to which it relates and the reasons for which it was given to be laid before both Houses of Parliament.

The amendment deals with the point that Mr DeGaris made earlier during the debate. It deals with the matter of the disposal or sale of public parks being brought to the information of Parliament. The proposed change, I would hope, would satisfy any member who might have thought that perhaps Parliament ought to be informed about this rather delicate matter of sale or disposal of public parks by local governing bodies. It simply means that the Minister will have to report to Parliament when such sale or disposal occurs.

The Hon. C. W. CREEDON: We are not really objecting to the amendment but we cannot see any use for it. I thought that the Hon. Mr DeGaris was after something which made it mandatory for the Minister to report these things before they happened. In fact, this amendment is only to let Parliament know after it occurs. It will be *afait accompli* and the Minister will let Parliament know afterwards. For it to be of any use it would have to be in the Bill at an earlier stage before the Government gave consent. I cannot see what the Hon. Mr DeGaris gains from it.

The Hon. C. J. Sumner: Its a bit of a sop.

The Hon. C. W. CREEDON: It must be. It does not worry us one way or the other. It is a useless piece of paper work and no good is to come of it.

The Hon. C. M. HILL: I point out that in most of these cases the amount of land involved is relatively small and its value is therefore relatively small. We are dealing with relatively small adjustments that councils may want to make from time to time. Therefore, I think that this somewhat justifies the course of action which is adopted throughtout this amendment.

The Hon. R. C. DeGARIS: I agree with what the Hon. Mr Creedon has said on this matter. I would like to point out to the House that there are some difficulties in doing what I would like to see done. I draw this matter to the attention of the chamber in the hope that something may be done. As I understand, there are three ways in which reserves or park lands owned or controlled by councils can be disposed of. First, there are park lands that are under the Crown Lands Act.

These park lands are owned by the Crown but are under the care, control and management of the local government authority. If the local governing authority decides it does not wish to use these particular park lands so designated, it can give up its care, control and management role. The land then goes back to the Crown, which may dispose of those lands as it sees fit.

Secondly, there are public parks which have been acquired under the Public Parks Act. The new power going into this Act gives, for the first time, the ability for councils and the Crown to dispose of those particular parks. The third area is reserves which are owned by the council. These reserves can be sold, but there is a procedure under the Local Government Act whereby they can be disposed of.

I just point out, regarding what the Hon. Mr Creedon has said, that, if we are going to settle this whole question of the disposal of the lands designated as park lands, we need to look at both park lands under the Public Parks Act and park lands under the Crown Lands Act and have a common system of disposal. I suggest to the chamber and to the Government that they look at this area so that, where lands designated as park lands are sold, then the Parliament must have power to approve or disapprove that particular sale. I think, to be balanced in our view, it would require both an examination of the Crown Lands Act and, also, the Public Parks Act. Therefore, at this stage I am prepared to accept the Minister's amendment, in the hope that the Parliament or the Government may look at the other question regarding some Parliamentary approval for the sale of any land designated as public park lands.

The Hon. K. L. MILNE: I agree with the Hon. Mr Creedon entirely. Unless we are going to be given the chance to look at this problem before it is too late, it is of no use. I would have thought that what the Hon. Mr DeGaris said would have strengthened his argument, now our agrument, although he is not going to vote for it. What I would like to do is think up some way of my rejecting this amendment, with the Minister's knowledge that certainly I, and possibly others, would agree to this kind of thing if it was in the proper place.

I did not realise the significance of the matter and have not had time to discuss it with the Minister. I do not want this to be taken as some discourtesy. I think that Parliament ought to have that right, because we keep on complaining when land reserves and things that our ancestors have protected for 50 or 100 years or more are sold. We want to prevent that happening and I do not think this Bill does that. I am going to support the Hon. Mr Creedon in this matter, with the proviso that I would certainly support something like it giving power to this Parliament to approve before a transaction is finalised.

The Hon. R. J. RITSON: I would like to take up the point raised by the Hon. Mr Milne. There are a number of different levels at which the Parliament may exert some supervision over executive functions and quite obviously the Parliament would be very foolish if it chose to give prior approval, or withhold prior approval, from every single executive function, however trivial.

[Midnight]

It is the practice of most Parliaments in the world to require prior approval for major decisions, to hand over almost completely, with very little check, minor decisions, and to have an intermediate degree of control, where it watches. Examples of this are the semi-independent Government bodies which are not controlled in detail but which are required to report to Parliament as to what they have done so that, if their behaviour contextural becomes that which Parliament does not desire, then Parliament can and would take back the discretionary power given. I believe

part of this legislation is aimed at producing that intermediate level of control.

The Hon. K. L. Milne: If it is abused it is too late.

The Hon. R. J. RITSON: It is too late after an individual policeman or parking inspector exerts his executive discretion wrongly, and yet he must be allowed to do it in a broad context.

The Hon. C. J. Sumner: The person can go to court.

The Hon. R. J. RITSON: The courts, as one of the three major branches of Government, constitute one of the checks. The Hon. Mr Milne was talking about Parliamentry checks and supervision and all I am putting is that clearly, the Bill intends to give Parliament a watching brief so that, if practices develop that appear to be undesirable, Parliament can, and doubtless would, take back that power. In the meantime, given that there are no current abuses, Parliament need not consider each executive decision on each occasion but merely receive those reports and take action if practices appear not to be desirable.

The Hon. K. L. Milne: Where does it say what action we can take?

The Hon. R. J. RITSON: The action will be legislative. Heavens above, the example I gave was of individual bodies that are nevertheless required to report to Parliament. Why on earth are they required to report to Parliament if Parliament has no power? Parliament has plenary power and, if it does not like what it sees in those reports, it can take legislative action.

This matter is one where I see that the Government gives an immediate range of supervision. It will not make the decision in each case on behalf of the executive, nor will it allow the executive to operate without Parliament knowing what it is doing. Parliament will watch the situation. If the situation gets out of hand, Parliament, being supreme in the three branches of Government, could bring about action.

The Hon. C. M. HILL: Perhaps I could satisfy the Hon. Mr Milne and other members by saying that I am prepared to have a departmental investigation into the question that has been raised, based first on the Hon. Mr DeGaris's point that the question of accountability to Parliament should be considered closely, and then dealing with these three groups of land that have been discussed, first, the larger areas that probably are Crown lands placed under the control and management of local government. That is the sort of thing we have around the city of Adelaide. As the Hon. Mr DeGaris said, there is the next stage of council reserves that have probably been dedicated as reserves or park lands and which have not been provided for in the Act we are amending. They are the older reserves to which the Hon. Mr Milne referred.

The Hon. R. C. DeGaris: Very limited areas, aren't they?

The Hon. C. M. HILL: Yes, the third group are the very limited areas. These have been purchased since 1943, when the Public Parks Act was passed. These are subsidised by the modest allocation we make each year. In fact, the allocation we make each year, we are finding in recent years, has not even been taken up as a subsidy by local government. We want to make some minor adjustments in three council areas in this third category as a result of this Bill. That is a procedure which up until a year or so ago was carried out with the consent of the Minister until it was challenged and it was found arguable that the Minister had the right to do it. We are trying to put the previous practice into some order so that it is no longer unclear. This amendment creates the process of reporting to Parliament before property is disposed of through sale. Having made a departmental inquiry into the overall question, I would be quite prepared to bring a report into this Council as a result of that investigation. If it is then necessary for any further legislative action or any other procedure as a result of that report, I am prepared to bring it back to this Chamber. If I institute that procedure, the Hon. Mr Milne might well be satisfied with at least this step which we are proposing to take through this amendment.

The Hon. R. C. DeGARIS: I suggest that both the Hon. Mr Creedon and the Hon. Mr Milne should accept this amendment at this stage. I agree with what both honourable gentlemen have said. It is a view that I held when I spoke on the second reading. I point out that this Bill deals with very small areas that are designated as public parks. The very recent Act deals with very small areas. Probably 99 per cent of our parklands are under the Crown Lands Act, and the Government can dispose of them at the present time without any reference to Parliament.

At this stage I suggest that they accept this amendment, which does not do very much except lay the report on the table of the House. I suggest that they accept the Minister's undertaking that he will examine the other three areas where the sale of public land can take place, so that an amending Bill can be brought down to cover the three areas. In that way Parliament can examine this area and have some say about the sale of public parklands in the future in all three Acts; the Local Government Act, this Act, and the Crown Lands Act.

The Hon. K. L. MILNE: I think we are getting somewhere. I concede that it is not quite as simple as referring to this Act alone. In his undertaking, will the Minister be prepared to state a time in which the amending Bill could be brought down? Those of us who are worried about it will be concerned about what is happening in the meantime. If people want to do something, we may not agree to their doing it during that time. Will the Minister consider a time limit in his undertaking?

The Hon. C. M. HILL: I cannot do that because, first, I must receive my report and then report to this Council. I undertake that that will be done as soon as possible. I assure the honourable member that there will not be any time lost. I also assure the honourable member that the chances of anything happening in the meantime just do not exist. There has been very little disposal of this type of land. Whenever it is contemplated, the greatest caution is exercised by the departments and the Ministers concerned and by the Government.

The Hon. C. W. CREEDON: The Minister has pointed out that this Bill is only regularising something that has been happening for years; I am aware of that. I am prepared to accept the Minister's word that he will remedy in the near future the problems raised by the Hon. Mr DeGaris.

Amendment carried; clause as amended passed.

Title passed.

Bill recommitted.

Clause 2—'Acquisition of land for public parks and development of land so acquired'—reconsidered.

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

That clause 2, previously considered a money clause, be now not considered as such.

I have moved this amendment because there have been discussions between the table officers from both Houses, myself, and the Parliamentary Counsel. The view now held is that this is not a money clause.

The CHAIRMAN: I take this opportunity of stating that advice was taken, and it seems now that those who have advised us have changed their minds. This was perhaps a clause that could be considered line ball and, as a precaution, the clause was printed in erased type. However, if it is the opinion that it be not treated as a money clause, so be it.

The Hon. K. L. MILNE: If it is not for this Council to oppose money clauses or Bills, how can we define whether

or not a clause is a money clause? If we had a money Bill before us that we did not like, we could pass a resolution that it was not a money Bill. How can the Council make a decision on whether or not a Bill is a money Bill? Does not that decision have to come from another place?

The CHAIRMAN: The Council is in control of its own destiny, we presume, and, as the Council has decided that this is not a money clause, it will be treated as an ordinary clause.

Clause passed.

Bill reported with amendment; Committee's report adopted.

ADJOURNMENT

At 12.15 a.m. the Council adjourned until Thursday 17 September at 2.15 p.m.