LEGISLATIVE COUNCIL

Wednesday 21 October 1981

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

PAPER TABLED

The following paper was laid on the table:

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

Pursuant to Statute—

South Australian Meat Corporation—Report, 1980-81.

MINISTERIAL STATEMENT: POLICE INQUIRY

The Hon. K. T. GRIFFIN (Attorney-General): I seek leave to make a statement on the subject of the police inquiry. In seeking leave, I indicate to members of the council that I will be disposed to extend Question Time for such period as the Ministerial statement takes to deliver.

Leave granted.

The Hon. K. T. GRIFFIN: It is now some two weeks since the *Advertiser* newspaper ran a story reporting that there was a high-level investigation, established by me, to inquire into a number of allegations made by two *Advertiser* journalists, Messrs English and Ball. That story came some five weeks after those reporters had discussed with me information which they claimed to have which linked certain police officers to other persons involved in the drug scene. Those reporters had quite properly drawn to my attention material which they believed suggested that police were involved. After discussions they agreed to make this information available to a top-level inquiry team of the Deputy Commissioner of Police, Assistant Commissioner Hunt and a senior Crown Law officer. Those reporters made information available to the investigating team.

At the time of establishing the team, a decision was made that as some parallel inquiries may be appropriate at the Federal Police level, the Commissioner should also consult with his counterpart in the Federal police with a view to having a high level Federal police officer nominated for this purpose. This was done.

It was fortunate that, prior to the *Advertiser* newspaper running its story two weeks ago, there had been a period of about five weeks during which the investigating team could undertake its work without undue publicity causing informants and possible informants going to cover. Notwithstanding the publicity, the team has reported to me that except in two instances it has received good co-operation from its contacts.

One must recognise that some of the allegations had been known to the police for some time and had been investigated but no substance could be established. Some of the allegations came from persons with a criminal background. Information also came from persons against whom charges were likely to be laid in any event. Whilst these factors do not necessarily mean that the information is discredited, necessarily the investigating team will have to take into account possible ulterior motives of such informants in determining the appropriate weight to be given to that evidence.

Obviously, a lot of people have a lot to gain by attempting to discredit the Police Force or individual members of it. There are criminals and suspected criminals who may have been apprehended by certain police officers or who may be under investigation by certain police officers or who may be under investigation by certain police officers who have a lot to gain. Politicians, such as Mr Duncan, Mr Bannon and his Opposition colleagues appear to think that they have a lot to gain because reflections upon police, the principal law enforcers in our democratic society, serve to break down established authority.

Members interjecting:

The PRESIDENT: Order!

The Hon. N. K. Foster: You're talking a lot of nonsense; you're damned hypocrites. I'll ask you a few questions about it in a moment.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: Mr President, I claim to be falsely represented in the statement being made before the Council.

The PRESIDENT: Is the Hon. Mr Foster taking a point of order?

The Hon. N. K. FOSTER: Yes, Mr President, I am taking a point of order. I am claiming to be misrepresented.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: It is all right for the Minister of Community Welfare, but the President is in the Chair. Mr President, my point of order is that there is more than innuendo in the Minister's statement that Opposition members attempt to inflict some embarrassment on the Police Force in this State. That is not true.

The Hon. R. J. RITSON: Mr President, I rise on a point of order.

The Hon. N. K. Foster: I am sick and tired of the Minister's hypocrisy, and that of his colleagues.

The PRESIDENT: Order!

The Hon. R. J. RITSON: Mr President, I understand that under Standing Orders no member may make a personal explanation while another member is speaking. In fact, the Attorney-General was speaking.

The PRESIDENT: The position is that—

The Hon. N. K. Foster: The Minister is taking unfair advantage—

The PRESIDENT: Order!

The Hon. C. M. Hill: You're just supporting Duncan.

The Hon. N. K. Foster: I am not concerned about Duncan, you, or anyone else. I want to—

The PRESIDENT: Order! The honourable Minister should know better than to provoke the Hon. Mr Foster.

The Hon. N. K. Foster: I agree.

The PRESIDENT: Order! There will be silence from other honourable members while the honourable Minister is heard. If honourable members wish to ask questions, they may do so in a moment.

The Hon. N. K. Foster: I thank you for your invitation.

The PRESIDENT: There will be order while the Minister makes his statement.

The Hon. K. T. GRIFFIN: By far the major proportion of the South Australian community has a lot more to lose if our police are wrongly discredited. The wider community, ordinary people who each day owe their safety and that of their property to the vigilance, effectiveness and competence of our Police Force, have a considerable amount to lose.

It is therefore appropriate that I put into a proper perspective the investigations which are currently being undertaken by the high-level team established by me with the concurrence of the Chief Secretary, and endeavour to bring some reason back to the debate. It has been difficult to distinguish between fact and fiction in matters raised in the Parliament and the media over the last two weeks. Facts have either been distorted or overlooked. That does a grave disservice, not only to the police but to the Parliament and to the wider community. According to the *Advertiser* jour-

nalists, only some eight police officers have been named by informants out of a force of nearly 4 000 people.

It is important that that perspective be noted. That is not to say that the matter should not be regarded seriously. It is so regarded. The fact that I moved so quickly to appoint a top-level inquiry team is evidence of that concern. The Government has said on many occasions that, if there is any reason to suspect the integrity of any member of the Police Force, we will do our utmost, as will the police themselves, to get to the bottom of it. If there are grounds for action, then action will be taken either under the criminal law, if there is evidence to prove beyond reasonable doubt that there has been a breach of the criminal law, or under the Police Regulation Act if there is sufficient evidence to bring a disciplinary charge.

The Police Force must be beyond reproach and individual members must at all times maintain the high ethical standards which have been established for our Police Force over many years of operation under various Governments. Obviously, there are a number of complaints made against the police each year. In 1979-80, there were 301 complaints, and in 1980-81 there were 282 complaints. Only a small proportion were substantiated.

The present practice in reviewing complaints is to have them referred to a specialist complaints investigation section. In July 1977, that section was established within the Police Force under the command of a Chief Superintendent who is directly responsible to the Deputy Commissioner. The Commissioner's report for that year commented as follows:

There has been an increasing public awareness that there are established procedures within the force for the reporting of investigations of complaints against police. Many have expressed appreciation that senior commissioned officers are available to receive and conduct thorough enquiries into their complaints.

There have been no complaints with that procedure. The public has every reason to have confidence in this procedure.

Senior commissioned officers, in conjunction with a senior Crown Law officer, are engaged in the current investigation. Their inquiries are thorough. There are no limiting terms of reference. All of the allegations which have been made by the newspaper reporters and others, of which the police have been aware, are covered by the inquiry. Who better to conduct the inquiry than officers who have both an understanding of the Police Force and a skill for detection which is not available in other sections of the community? We want thorough and steady detective work, not a flamboyant, emotional drama played out before a Royal Commission. Everyone who has information has an obligation to make that information known to the Deputy Commissioner or the Assistant Commissioner.

There has been some suggestion in today's *Advertiser* that some lawyers do not want to approach the police. My answer to that is that, if they have information, they are at liberty to approach me, and I invite them to do so. There has been a suggestion in the *Advertiser* that the investigating team has not handled the inquiries appropriately. That is patently false. The suggestion is that the senior police officer knocked on the door of an informant and surprised him. How else is a member of the investigating team to make contact with the informant other than by approaching the informant directly? It is complete nonsense to suggest that that sort of approach prejudices the investigation.

There is reference also to the disclosure of the name of prisoner Easom as a police informant. The fact is that that person's name was given by Mr Duncan to the Deputy Commissioner of Police who did approach prisoner Easom. but he refused to co-operate. So much for being a police informant—rather, he appears to be a Duncan informant!

It is important also to note that in today's *Advertiser* there is a suggestion that I had previously stated that a report would be available this week. Again that is false. At the press conference which I gave on the day the *Advertiser* broke this story, I was asked how long the inquiry would take. I indicated that it could be a matter of weeks but I could give no time frame because I wanted to ensure that the inquiries were thorough and I was not going to put pressure on the investigating officers to rush the inquiry, at the risk of prejudicing that thoroughness.

I indicated also that with allegations of the sort which were made there was a great deal of complexity. It involved careful detection work, which may require months of activity. It is naive to suggest that one can wave a wand and gain all the answers in a matter of weeks when there is such complexity in the material which has been made available.

The Government does not intend to bring any other persons into the inquiry at the present time. It certainly does not intend to establish a Royal Commission. (It is here appropriate to note that the Beech Inquiry into the police in Victoria recommended prosecuting 41 police officers. When those police officers were prosecuted, not one charge was established beyond reasonable doubt in the normal courts in Victoria).

I think it important also to put into perspective the allegations made against the police in the drug area. Our police have been particularly effective in detecting drug offenders, particularly where mass cultivation is involved. That is obviously a significant reason why the criminal element is now under pressure.

Detection of drug offences, of course, is only one aspect of police activities. The general responsibilities encompass law enforcement, violent crime, such as assaults, murders and rapes, the protection of property, the prevention of robbery, and, where necessary, the detection of offenders, traffic control, rescue operations, crime alert campaigns, and, on the even broader public relations side, the Police Band and the Mounted Police Cadre. All of these are activities which our police administer often in the face of criticism and at personal risk to themselves and their families. They do it admirably and have the complete confidence of the Government and the general community. It is a great pity that that confidence is not shared by some members of the Opposition.

Certain members of the A.L.P. over the past 20 years, at least, have publicly criticised the police on a number of occasions.

The Hon. N. K. Foster: You are a liar. Let the Attorney-General support his arguments. Name the people who have said so.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I rise on a point of order. In spite of what you might think, Mr President, I consider that the Attorney's using the phrase 'certain members of the A.L.P. over the past 20 years', when in that time there has been 10 years of Government by the A.L.P., is drawing a rather long bow. The Attorney should name the people, if he has the guts to do so.

The PRESIDENT: Order! That is not a point of order.

The Hon. N. K. Foster: He's a twister.

The Hon. R. J. Ritson: Withdraw!

The Hon. N. K. Foster: Who are you to say 'withdraw'?

The PRESIDENT: Order! The Attorney-General.

The Hon. K. T. GRIFFIN: Mr Duncan is the latest to take it upon himself to mount such criticism, apparently with the support of his Leader and colleagues. Yet he makes wild allegations, finds that they are credibly reputed and then he ducks for cover by making further allegations to divert the flak. Compare that with the responsible

approach of the Minister of Transport when in Opposition. He placed information in the hands of the appropriate authorities for proper investigation without seeking wide publicity or personal gain.

In the present case, the member for Elizabeth has spoken to the police; his statements are vague and lack the substance necessary for proper investigation. The investigating team is available at any time to hear information and allegations, whether from the member for Elizabeth or any other person, and will thoroughly investigate them. The Government is confident that its approach is the only proper and responsible approach, and that it will ensure that the status of the Police Force which it has and which it deserves is appropriately maintained.

QUESTIONS

POLICE INQUIRY

The Hon. N. K. FOSTER: I seek leave to make a statement before asking the Attorney-General, representing the Premier, a question regarding certain Government departments having particular sections of the Police Force made available solely to them.

Leave granted.

The Hon. N. K. FOSTER: I am rather surprised by the Attorney-General's statement in which he attempted to make the wrongful implication that all Opposition members are hell bent on discrediting the Police Force in this State.

The Hon. K. T. Griffin: I didn't do that at all.

The Hon. N. K. FOSTER: Shut up, will you?

The PRESIDENT: Order!

The Hon. N. K. FOSTER: The Australian Labor Party Government was in office from 1965 to 1968 and from 1970 to 1979, and I do not think there was any occasion on which that Government took a view different from that of any other State Government in relation to its Police Force.

The Hon. R. J. Ritson: You sacked Salisbury.

The Hon. N. K. FOSTER: The Attorney-General, in his statement, said that he did not want a Royal Commission appointed, but the Party to which the honourable member belongs demanded that a Royal Commission be appointed in relation to the Salisbury affair. When Parliament was in recess, the Liberals harangued people in Victoria Square by the thousands. I thank the Hon. Dr Ritson for that interjection. I hope that the honourable member has accepted the explanations that I have given on behalf of the Party to which I belong and which he barely seeks to understand.

I put this to the Attorney-General: I have been approached by four people who can give valid and proper evidence in respect of the inquiry but who are more than reluctant to do so at present because one of the parties is in fear of his life. The going rate in the area under investigation for the death of a person is as low as $500 in South Australia, and, indeed, it has been so for some three years.

If one reads a book which I hope is available in the Parliamentary Library, one will see that the people who have been convicted in London in relation to making $14 000 000 out of drugs were for a certain time, not so very long ago, based in South Australia. I could name in this Chamber people and organisations, but I am reluctant to do so, because I have a family that I must consider.

Not long ago I was involved in a matter in my electorate, when the police attached to a certain department were loath to take action, as they were over-protecting a Government member who was actually not involved in any illegality. I was prepared to go to two police Superintendents, which I did. Because they had difficulty in taking shorthand notes, I took no objection to the interview being tape recorded, and that occurred. No justice was ever dispensed by this area of the South Australian Police Force. I know that this will be denied because, for some of the time, in relation to some offences, a member of this Parliament was present. The Hon. Mr Hill knows what I am talking about, because he interposed on a previous occasion.

The Hon. C. M. Hill: I don't know what you're talking about.

The Hon. N. K. FOSTER: The honourable member does know. He interjected and said that a person was in the Adelaide Hospital with his leg broken in four places. However, that is not the point of my question. If the Minister is making various allegations in this place against me, a member of the Australian Labor Party, I am prepared to say that he does not have the guts to widen the inquiry in order to protect the persons involved.

The Hon. J. C. Burdett: It's completely wide.

The Hon. N. K. FOSTER: It is not. I know of a woman who, if she had told the truth in the past two years in a drug case before the courts in Adelaide, would now be buried. She did not tell the truth because of that. For that reason, I ask my question forcibly of the Attorney: will he inform this Council of the names of the high-ranking police officers who are associated with the Department of Community Welfare? Will the Attorney-General ascertain for the benefit of this Council the dates on which I, as a member of this Parliament, approached the police who were attached to the Department of Community Welfare and who were answerable to the Chief Secretary, Mr Allan Rodda, about a certain matter? What is the function of those officers today? In addition, will the Attorney-General request the Premier to ascertain from the Chief Secretary on what day, as a result of the conference that I had with the police, I was given an audience by the Chief Secretary who told me, 'Norman, don't worry about it; the alleged offences took place some six years ago'? Will the Minister ascertain from the records and the tape recording that there was an admission by senior police officers that the offences had taken place in the preceding seven days? Finally, will the Minister have the courage of his office and, in the interests of the Police Force, whose members take their responsibilities seriously, widen this inquiry to ensure their protection?

The Hon. K. T. GRIFFIN: I have no idea what the honourable member is talking about.

The Hon. N. K. Foster: Get the tapes and—

The PRESIDENT: Order! The honourable member has asked his question. He has had a fair go; let him just listen to the reply.

The Hon. N. K. Foster: There's no point; the Attorney-General is crook.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: I ask that the honourable member be required to withdraw that comment.

The PRESIDENT: I ask the honourable member to withdraw that comment and apologise.

The Hon. N. K. FOSTER: I withdraw the statement 'he is crook' and I substitute for it the statement that the Attorney is unable to carry out his responsibility in the interest of the electorate of this State.

The PRESIDENT: The honourable member will withdraw and apologise.

The Hon. N. K. FOSTER: I will not withdraw that statement, because I believe it to be true.

The PRESIDENT: I have no option but to name the Hon. Mr Foster.

The Hon. N. K. FOSTER: There is no need to go through the rigmarole; I bow to your discretion. But he is crook.

The Hon. K. T. GRIFFIN: I have no alternative but to move:

That, under Standing Order 208, the honourable member be suspended from the service of the Council.

Motion carried.

The Hon. K. T. GRIFFIN: Perhaps it is appropriate to try to finish answering that question. I started by saying that I had no idea what the honourable member was talking about. I would have some doubt about the propriety of my requesting from the Commissioner of Police what must have been at least a confidential approach by the honourable member to the police. I am not in the habit, or even in the remote practice, of obtaining from the police details about information which has been given to them on that basis. The honourable member said something about four persons coming to him with information, and one person being in fear of his life. If the honourable member has any information that might prove to be evidence of the commission of any offence, he has an obligation to draw that information to the attention of the police. If it does relate to the matters which are currently the subject of the inquiry on which I recently made a Ministerial statement, I suggest he draw that information to the attention of the Deputy Commissioner of Police or Assistant Commissioner Hunt. If the honourable member is in some difficulty about that, I would certainly be prepared to consider the availability of some other person to whom he could make that information available.

With regard to any person being in fear of his life, if there is some justification for that fear, again that ought to be drawn to the attention of the appropriate authority so that precautions can be taken to protect the life of that person.

The Hon. C. M. HILL: I seek leave to make a personal explanation.

Leave granted.

The Hon. C. M. HILL: My name was mentioned by the Hon. Mr Foster, and I want to advise the Council that I have no idea whatever what he was on about.

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

Leave granted.

The Hon. C. J. SUMNER: In part of his Ministerial statement this afternoon, the Attorney-General made an attack on the Opposition, imputing to members of the Labor Party a position which is quite incorrect. For the record, I wish to put to Council what the shadow Chief Secretary said on 15 October this year in Estimates Committee B before he commenced questioning the Chief Secretary on the question of the police. He stated:

The first major vote is the police, and we are all aware that recently there has been some bad publicity for the Police Force about activities that have taken place within the force. We think it is a matter of public importance that questions should be asked of the Minister about the Police Force and its activities. This is not to suggest that the Opposition believes that there is intrinsically anything necessarily wrong with the Police Force. We repeat what we have said on many occasions: we in South Australia are very fortunate in having the best Police Force in Australia. Nevertheless, we along with the Government, I am sure, and the Police Commissioner, I am certain, want that high reputation to be maintained, and the best way to ensure that is to convince the public generally in South Australia that everything that can be done is being done to ensure that the high standards apply. The Police Force, as we know, can only be effective when it has the confidence of the community. It has that confidence now, but I think there has been some publicity that has reflected on that confidence, and we would be happy to ask questions of the Minister that will enable information to be provided that will retain that confidence, or regain the confidence if, in fact, that needs to be done.

I think that statement, given in Estimates Committee B at the initiation of the questions of the Chief Secretary about the police, gives the lie completely to the Attorney-General's accusations in his Ministerial statement. A.L.P. members have not attempted to discredit the Police Force as a whole. We have recognised that certain allegations have been made about certain members of the Police Force and have sought to ask questions about it. The Government, for its part, has ordered an investigation into those allegations. It remains to be seen whether that investigation is adequate.

The Opposition's attack, as far as there has been an attack in this area, has been clearly directed at the Chief Secretary and his Ministerial responsibility. I think that all members of Parliament and even the Government must now realise that that Minister has a sorry record during his period as Minister. The number of examples of his Ministerial incompetence, extending through the prisons, fisheries, Fire Brigade, and now in this area, must be becoming obvious even to the Premier. That is where the Opposition attack has been directed. If the Minister continues to perform in the way that he has performed we will continue to—

The Hon. K. T. GRIFFIN: I rise on a point of order, Sir. The Leader is reflecting on a member of this Parliament in another place. He is also introducing material which is not relevant to the subject matter of the question. I ask you to rule that he be required to adhere more closely to the subject.

The PRESIDENT: I ask the honourable Leader to make his explanation more clearly to the point. I do not hold that he has purposely reflected on anyone, but I ask him to adhere to his explanation before asking his question.

The Hon. C. J. SUMNER: Thank you, Sir. I had just concluded my explanation, but, in view of the point of order taken, I would like to say now that I recall the Attorney-General in his Ministerial statement making one or two critical comments about members of the Labor Party in another place including the Leader of the Opposition and Mr Duncan. In view of the clear statement on behalf of the Opposition by the shadow Chief Secretary in Estimates Committee B, will the Minister retract the statements in his Ministerial statement in which he implied that the Opposition was attempting to discredit the South Australian Police Force?

The Hon. K. T. GRIFFIN: The extract from the proceedings before the Estimates Committee was an appropriate extract. Certainly, if that is the Opposition's attitude towards the police, then that is to be commended. It is not merely sufficient to refer to that sort of statement; we must also judge members of the Opposition on their performance, and the performance of some members of the Opposition before the Estimates Committee in respect of the police did not follow the basis which Mr Keneally established at the commencement of the Estimates Committee hearing. It is important to recognise that actions do speak louder than words, and that the subsequent proceedings before the Estimates Committee did not appear to sustain the principles which Mr Keneally raised at the beginning of the Estimates Committee hearing.

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Attorney-General about his statement.

Leave granted.

The Hon. B. A. CHATTERTON: A little over 12 months ago, I supplied information to the Chief Secretary about allegations that had been made to me by a fruitgrower in the Riverland about the growing of drugs in that area. The person who made that allegation did not have a criminal record, nor were any charges pending against him. The Chief Secretary informed me that an investigation of those allegations had taken place, and that the allegations had proved to be groundless. However, to my knowledge, when

the investigations were made no attempt was made to provide an interpreter, and the person involved had some difficulty at times in understanding the full meaning of various English words. I wonder now, in view of the Attorney-General's involvement and the fact that he has established this high level inquiry, whether he will go back through the files to check whether he is completely satisfied with the inquiries that took place into this matter at that time?

The Hon. K. T. GRIFFIN: Certainly, I will examine that matter, and draw the honourable member's statement and question to the attention of the investigating team. If there is any cause for concern, I would expect the investigating team to take action. It is important to recognise that often information which is supplied may not be sufficient to justify any further action, because one has to recognise that, if proceedings are to be launched, one has to be satisfied that there is evidence available that is likely to prove the offence beyond reasonable doubt. All information which is received by the police in respect of this or any other area of criminal activity, or suggested criminal activity, is collated and considered thoroughly. In respect of the specific instance to which the honourable member has referred, certainly I am prepared to have it pursued.

TRACEY PODGER

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General about the death of Tracey Podger.

Leave granted.

The Hon. C. J. SUMNER: My question relates to the circumstances surrounding the death of Tracey Podger, aged 20, who was run over in a car driven by Shane Hewitt of Port Broughton. The case has previously received considerable publicity. The incident occurred in September 1980, and Shane Hewitt was originally charged with murder. Before trial in the Supreme Court the charge was reduced to manslaughter. Hewitt pleaded guilty and was given a 15 month suspended sentence. The Crown appealed against sentence, but the appeal was dismissed by the court of Criminal Appeal.

The father of the dead girl, Mr K. A. Podger of Port Pirie, is incensed by the decision and extremely upset over the end result of this case, in which his daughter was killed and the person responsible set free virtually without any punishment. Mr Podger is critical both of decisions taken by the prosecution and the conduct and ultimate result in court. I understand that Mr Podger's sense of outrage at the outcome of this case is shared by much of the Port Broughton community. On consideration of the evidence, Mr Podger's concerns appear to have some basis and require further investigation. They are:

(1) Why was there no attempt to get evidence of Hewitt's blood alcohol level when it is clear that he had been drinking prior to the incident?

(2) Why was the charge of murder not proceeded with? Sufficient evidence was produced for a lower court to commit Hewitt for trial on the charge of murder in the Supreme Court. One version of the facts was such that a verdict of murder was open to a jury. A prior threat to run over the girl, the speed, the failure to use the brakes and the manner of driving could have led a jury to the conclusions that Hewitt's driving was such that he intended to run the girl over or at least to scare her. Until such time as the murder charge was dropped Mr Podger was advised by police and prosecutors that the evidence would sustain a murder charge. Mr Podger therefore asks why the issue was not left to the jury.

(3) The court at all points took the most favourable view of the facts for the defendant. Why were these not challenged more forcefully by the prosecution during the submissions on the plea of guilty?

(4) One of the major reasons for giving a suspended sentence was that Hewitt had to run the family farm. Mr Podger has advised me that Hewitt's involvement with the farm ceased shortly after the case.

(5) Evidence was produced of a close relationship between Hewitt and Miss Podger and that they intended to marry, yet shortly after Miss Podger's death and while in prison Hewitt was corresponding in intimate terms with a 16-year-old girl. Apparently, there were many letters. I have one in my possession which I will make available to the Attorney. If these latter two allegations are true, then the court has been mislead.

(6) Mr Podger alleges that Hewitt regularly beat his daughter, yet this was apparently not investigated.

(7) Why has Mr Podger been unable to pursue a claim for damages because the police report on the incident is being withheld? The police have advised Mr Podger that the report will not be released until after the Coroner has made his findings. We therefore have the absolutely ludicrous situation where the facts were apparently sufficiently well-known for the Supreme Court to sentence Hewitt within about six months, but over 12 months has now elapsed and no coronial inquiry has been held. Mr Podger's family, the victims of the incident who have suffered nervous and mental shock, are being impeded in their desire for some recompense.

An independent inquiry is needed into this case. It should encompass:

(i) Why the Attorney-General agreed not to proceed with the murder charge.

(ii) The facts surrounding the obtaining of evidence and in particular why no blood alcohol reading was obtained from Hewitt.

(iii) General prosecution practice in serious criminal matters and in particular:

(a) Why Hewitt's circumstances were not more fully investigated by the Crown and in particular the facts relating to his role in helping on the farm and his subsequent close relationship with another girl.

(b) Why were the facts put by defence counsel not more strenuously contested by the Crown.

(c) Why was no evidence produced by the Crown of the impact of this crime on the Podger family. Over two years ago the question of victim impact statements was raised when I was Attorney-General. The Government has been dilatory in not yet establishing any such procedure.

(iv) The withholding of the police report and failure to conclude the coronial inquiry.

Some of these matters could be looked at by a full coronial inquiry and this should now be ordered by the Attorney-General as a matter of urgency. Other aspects should be thoroughly investigated. The Ombudsman could be asked to conduct the inquiry. In view of the new matters which have come to light, will the Attorney-General first, order a full inquiry into the circumstances of this case covering the matters referred to above, and secondly, request the Coroner to conduct and complete the coronial inquest as a matter of urgency?

The Hon. K. T. GRIFFIN: I will have inquiries made about the matters referred to by the honourable member. It will be in light of information that I receive as to whether or not I will answer 'Yes' or 'No' to the two questions asked by the honourable member. As I said, I will have inquiries made and then I will bring down a reply.

HOSPITAL BEDS

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 18 August about hospital beds?

The Hon. J. C. BURDETT: My colleague the Minister of Health advises that, from 1 September 1981, the situation in South Australia will be the same as has been the case in other States, whereby the recognised (public) hospital system is the only source of free hospital treatment for eligible persons. Beds are available and will continue to be available to eligible pensioner patients treated as hospital inpatients of recognised hospitals according to medical need. These beds will be equally available to those eligible pensioners who are, or have been, treated in section 34 beds and who have a medical need to be admitted to hospital.

The Commonwealth Minister for Health has indicated that the Commonwealth will be seeking to progressively transfer further responsibility for health services to the States. However, at this time, no arrangements have been made for the State to provide services through community private hospitals similar to those previously provided under the section 34 bed arrangements. The situation will be kept under review and, depending on the indicated effects of the new arrangements, the matter will be reconsidered at an appropriate later date.

If the honourable member's constituent wishes to be treated in a private hospital, she would need to be a paying patient and it would, no doubt, be necessary for her to obtain appropriate health fund hospital insurance. Alternatively, if she is treated as a hospital patient, there would be no need for her, as an eligible pensioner, to obtain any form of health fund coverage. Limited numbers of respite beds are currently available in metropolitan recognised hospitals and these are allocated according to assessed patient need.

HEALTH INSURANCE

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 27 August about health insurance?

The Hon. J. C. BURDETT: The honourable member asked four specific questions concerning the distribution of a health insurance pamphlet by the South Australian Health Commission. My colleague the Minister of Health has advised me as follows:

1. 48 000 pamphlets were printed;
2. 43 500 have been circulated to regional offices or public contact areas of the Department of Social Security;
3. 500 are still undistributed by the Department of Social Security;
4. The remaining 4 000 have been retained by the S.A. Health Commission.

DOCTORS' CHARGES

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 16 September about doctors' charges?

The Hon. J. C. BURDETT: There is a committee in each State called the Medical Services Committee of Inquiry, which is established and appointed under the Commonwealth Health Act and the National Health Insurance Act with the specific task of investigating and reviewing overservicing involving the Medical Benefits Schedule. This committee is assisted by an investigating team of the Department of Health in each State and this would be the appropriate body to refer the problem that the honourable member alludes to. The problem may be referred to the Medical Board of South Australia, but in the circumstances I believe the Medical Services Committee of Inquiry is clearly the body established under Commonwealth law to investigate these matters.

CENTRAL DISTRICTS HOSPITAL

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Industrial Affairs, have a reply to a question I asked on 24 September about the Central Districts Hospital?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs has advised that officers of the Industrial Branch of his department have advised that no inquiries or complaints have been received from employees of the Central Districts Hospital in relation to alleged breaches of industrial awards. Before officers of the Department of Industrial Affairs and Employment are instructed to carry out an inspection of time and wages records at the hospital, it would be appreciated if the honourable member could supply the Minister of Industrial Affairs with more specific information.

LYELL McEWIN HOSPITAL

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 29 September about the Lyell McEwin Hospital?

The Hon. J. C. BURDETT: Before commenting on the five specific points raised by the honourable member, it is important to point out that the Salisbury and Elizabeth Medical Association (S.E.M.A.) represents less than one-third of the medical staff accredited to treat hospital patients at Lyell McEwin. Whilst the board of the hospital has kept S.E.M.A. informed of its proposed staffing arrangements for the hospital, it has appropriately negotiated directly with the medical staff as a whole rather than with a sectional minority.

The hospital board's decision to introduce a two-tier system of medical staffing at the hospital was prompted by the board's concern to improve the range and standard of medical services which it provides for the people of Elizabeth and Salisbury. Of particular concern to the board was the need to improve the quality of patient care provided in its Casualty Department and also the need to provide a greater range of specialist outpatient services, thereby preventing unnecessary travel to city hospitals.

The proposal favoured by S.E.M.A. is based solely on the medical staffing of acute care beds and completely ignores the total health care needs of the local community. In relation to the five specific statements made by the

honourable member, my colleague the Minister of Health informs me as follows:

(1) The implementation of the board's medical staffing proposal will not result in a deterioration of care for hospital patients; instead it is anticipated that the range of patient care services will be increased.

(2) The S.A. Health Commission supports the Board of the Lyell McEwin Hospital in implementing the staffing proposals which are similar to those employed in other major public hospitals in Adelaide and in similar hospitals interstate. At this time a significant number of doctors have lodged applications for visiting positions which have recently been advertised.

(3) The number of sessions proposed in the new arrangement has not yet been determined, as this will be one of the functions of an implementation team on which three members of the hospital medical staff will serve.

(4) Accredited medical staff will continue to be able to treat private patients at the hospital; there will be some rationalisation of medical staff appointed to treat hospital patients.

(5) The selection of medical staff to treat hospital patients will be by an Appointments Committee, as proposed by the initial working party and agreed to by S.E.M.A. This Appointments Committee will have representation from the Hospital Board of Management, the hospital medical staff, the Australian Health Commission, and appropriate specialist medical colleges.

Under the circumstances, the Minister of Health does not consider it is either necessary or desirable to intervene as suggested by the honourable member.

HOME FOR THE AGED

The Hon. J. R. CORNWALL: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 1 October about a home for the aged? Which home is it?

The Hon. J. C. BURDETT: I am replying to the question asked by the honourable member on 1 October 1981 regarding a home for the aged. In September 1980 the estimate was $574 000. In discussions the department uses the figure of $600 000, which includes an amount for inflation.

PAP SMEARS

The Hon. ANNE LEVY: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 23 September about pap smears?

The Hon. J. C. BURDETT: My colleague the Minister of Health informs me that Papanicolaou smear tests are provided in recognised teaching hospitals through referral gynaecological clinics. Referral may be from a private medical practitioner or through the Accident and Emergency/Casualty Section of the hospital. At the Queen Victoria Hospital, a prior inquiry would normally result in a reference to the gynaecological clinic. Advice to recognised (public) hospitals includes provision for boards of management to waive charges for preventive health services in respect of uninsured patients where charges would seriously inhibit people taking advantage of these services.

PREGNANCY TERMINATIONS

The Hon. ANNE LEVY: Does the Minister of Community Welfare, representing the Minister of Health, have a reply to a question I asked on 22 September about pregnancy terminations?

The Hon. J. C. BURDETT: My colleague the Minister of Health has separately provided the honourable member with a statistical table on pregnancy terminations developed for the survey undertaken in June and repeated in August 1981. These surveys which were conducted by the South Australian Health Commission indicated no change in the waiting time for women to be seen by a doctor or in the delay between acceptance of termination of pregnancy and the performance of the termination.

The Hon. ANNE LEVY: Has the Minister of Community Welfare a reply to a question I asked on 24 September about pregnancy terminations?

The Hon. J. C. BURDETT: The Minister of Health wishes to assure the honourable member that she considers counselling an integral part of assessment of any request for termination of pregnancy. Counselling by a social worker in the metropolitan teaching hospitals is considered in exactly the same way as any other visit to a social worker in other parts of the hospitals.

For non-medical services, which can include consultation with a social worker, the current fee is $20 when provided in conjunction with a medical service. If counselling is undertaken by a social worker as an independent procedure, the fee is $10. Women who are 'Commonwealth eligible' for free hospital treatment are not charged for social work counselling. Women who are insured for 'hospital only' benefits, or for hospital and medical benefits, will have the costs recouped if they are hospital patients. Those women who are not insured and do not possess a health care card or who are otherwise ineligible for free treatment, carry the responsibility for their own health costs. In this situation, the entire cost of an abortion including counselling, medical visit and operation would be borne by the women. In the public hospital, discretion is used in needy cases as to whether individual charges will be raised. Boards of management have the authority to remit accounts in full or in part where financial hardship would be caused. This would particularly apply to women who are not insured and who have a low income level.

POLICE INQUIRY

The Hon. G. L. BRUCE: I seek leave to make a short explanation before asking the Attorney-General a question about his Ministerial statement about the Police Force.

Leave granted.

The Hon. G. L. BRUCE: I would like to dissociate myself from the Attorney-General's comment that the Labor Party would like to see the police come into disrepute. I certainly do not concur in the Attorney-General's expression of opinion. I am sure I am speaking on behalf of honourable members on this side when I say that the Labor Party's aim is to see the police in good standing in the community. However, the Attorney-General has cast a slur on us, and he had no right to do that in his Ministerial statement.

I seek more information as to the circumstances in which names were given and the type of inquiry undertaken. I believe that more discretion should have been given to the police in their interviewing witnesses, possibly by telephone or by letter, or in some other more discreet way than the direct public approach. Can the Attorney-General say whether the approach was made by a uniformed policeman or a plain-clothes policeman? Surely the Attorney-General would realise that any direct approach by a uniformed policeman or a plain-clothes officer, who is known to be a policeman, to a witness who may be a dubious type of character would not be conducive to that witness's coming

forward with evidence. The atmosphere would not be such that that witness would want to be seen talking to a police officer.

The Hon. K. T. GRIFFIN: As I understand, there was an approach by one of the investigating team who was not in uniform. I see nothing wrong with the way in which the approach was made.

MEAT

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 17 September about meat?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs has advised that there are no figures available in regard to any Australian State concerning the consumption per head of red meat and white meat. The only available figures cover meat consumption over the whole of Australia. These figures come from the Australian Bureau of Statistics and indicate the following consumption per head:

	1977-78	1979-80
Red Meat	96.6 kg	74.1 kg
Poultry Meat	16.2 kg	20.2 kg

These figures do show a drop in consumption in red meat and an increase in the consumption in poultry meat per head over the whole of Australia since 1977. However, as explained in an answer to a question by the Hon. M. B. Cameron on Tuesday 22 September 1981, there are factors other than late night shopping which must be considered when attempting to determine the reasons for the respective decrease and increase.

MANUFACTURING DIRECTORY

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 23 September about the manufacturing directory?

The Hon. J. C. BURDETT: The Minister of Industrial Affairs advises that it was not a policy decision. As stated in the publication, the directory was compiled from information supplied by manufacturers in response to a survey conducted by the Department of Trade and Industry. Other promotional materials produced by the department do not exclude relevant State enterprises.

FUEL STORAGE

The Hon. B. A. CHATTERTON: Has the Minister of Community Welfare a reply to a question I asked on 24 September about fuel storage?

The Hon. J. C. BURDETT: The Minister of Agriculture advises that the Liberal Party policy was and is to 'encourage extended on-farm storage of fuel stocks . . .' There was no undertaking to provide Government assistance for farmers to do so.

APPRENTICE TRAINING

The Hon. C. W. CREEDON: Has the Minister of Community Welfare a reply to a question I asked on 17 September about apprentice training?

The Hon. J. C. BURDETT: I refer the honourable member to a reply given on this subject in another place by the Hon. M. M. Wilson, on behalf of the Minister of Industrial Affairs on Thursday 17 September 1981. In addition, the Minister of Industrial Affairs has advised that there is a total of 160 final year apprentices in Government departments. This number includes 54 in the Public Buildings Department who were recently given notice that they would not be employed after the completion of their indentures. In the light of the substantial efforts which the Government is making to provide training opportunities for young people well in excess of departmental requirements, it is not in a position to provide tradesmens work experience to apprentices when they complete indentures. It was the former Labor Government of this State that indicated in writing to these 160 people that there would be no guarantee of employment on the completion of their apprenticeships.

MODERATELY RETARDED PEOPLE

The Hon. C. W. CREEDON: Has the Minister of Community Welfare a reply to a question I asked on 30 September about moderately retarded people?

The Hon. J. C. BURDETT: The property known as 'The Pines' at 33 Marion Road is still under the ownership of the South Australian Government, and the hostel, administered by Strathmont Centre, for moderately retarded people is still in use. My colleague, the Minister of Health, informs me that there have been negotiations with Southern Cross Homes, with a view to selling a portion of the site to that institution, which wishes to use it to erect additional accommodation for the aged. The size of the total site greatly exceeds that required for any likely future development of accommodation for intellectually retarded people. The negotiations which have been carried on with Southern Cross Homes envisage retention of a sufficient part of the site by the Government to provide the accommodation for intellectually retarded people originally proposed. However, approaches to the care of intellectually retarded people have changed considerably in recent years, and it is now likely that any additional or replacement accommodation for intellectually retarded people would be provided in smaller community based units rather than in the relatively large institution originally envisaged when 'The Pines' was acquired. This changed approach is reflected in the report of the Bright Committee of Inquiry into Rights of Intellectually Handicapped Persons, and in the report of the Royal Commission into Efficiency and Administration of Hospitals. If the proposed sale proceeds, arrangements will be made to provide accommodation equivalent in all respects to that now provided at 'The Pines' for the residents of the existing hostel.

COOBER PEDY COMMUNITY WELFARE

The Hon. FRANK BLEVINS: I wish to direct a question to the Minister of Community Welfare about the recent fire which destroyed the Department for Community Welfare office at Coober Pedy. First, where did the fire start, and has the cause of the fire been established? What arrangements have been made to retain Department for Community Welfare services in the Coober Pedy area? Have any decisions been taken in regard to re-establishing facilities for community welfare in this area?

The Hon. J. C. BURDETT: There was a fire at Coober Pedy which destroyed a number of premises, including the Department for Community Welfare office. The initial information that I have received (and I have not seen any further report) did not indicate that the fire started in the office premises but rather indicated that the fire started in some of the other buildings in the block of which the community welfare office was one. The department immediately took steps to use other accommodation.

From memory, I think that it is at present using some dug-out accommodation, and that it is taking steps and undertaking negotiations in order to purchase suitable accommodation to provide for the future needs of the office. It is intended (and this has been made public before) that the Coober Pedy D.C.W. office will be developed to be the main provider of welfare services in the North-West of the State. There is certainly every intention to ensure that adequate office accommodation is available to enable it to do so.

QUESTION TIME

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

That Standing Orders be so far suspended as to enable Question Time to continue until 3.30 p.m.

Motion carried.

FESTIVAL EVENTS

The Hon. B. A. CHATTERTON: I seek leave to make a short statement before asking the Minister of Arts a question regarding corporate sponsorships of festival events.

Leave granted.

The Hon. B. A. CHATTERTON: I understand that the Adelaide Festival of Arts accepts corporate sponsorships of various events held during the festival and that the corporate sponsor is then able to nominate which events it wishes to sponsor at a certain festival. I understand also that the people who stage those events have a contract with the Adelaide festival, and that they are not consulted (nor are they sometimes informed) that their particular event will be sponsored by some corporate body. There has been recent correspondence with some people who are not very happy with the sponsors that have become associated with their events.

Is the Minister satisfied with this arrangement, and does he not think that it would be more equitable for the people involved in any event to be consulted on whether their event at the Adelaide festival will be sponsored by some corporation?

The Hon. C. M. HILL: Planning for the Adelaide Festival of Arts is in the hands of the Adelaide Festival of Arts Board, which is an independent body.

The Hon. J. E. Dunford: What do you think of their new poster?

The Hon. C. M. HILL: It is very good. The board is not a Government instrumentality. The Government's involvement is one of providing a grant for the Adelaide Festival, and that grant, of course, assists in the overall finance for the festival. I do not know what are the specific arrangements to which the honourable member referred, because this matter does not come under my administration. Certainly, I totally support the board's seeking and obtaining sponsorship. Indeed, with the ever-increasing cost of festivals, unless the board can successfully achieve sponsorship, the standard of the performance and programme generally will not be ever-increasing, as has been the case over the years.

Indeed, in regard to the last festival, the sum of money obtained from sponsorship exceeded greatly that of previous festivals. This was one of the reasons why the standard of performance and the programme of the 1980 Adelaide festival were so successful.

Whether or not the board seeks the approval of the company or artist concerned about whether a specific sponsor is part of that performance, frankly I do not know. I have not heard of any conflict at all in this area, but I will endeavour to ascertain for the honourable member exactly what the situation is and whether there is any reason for concern. Having obtained that information from the Festival of Arts Board, I will bring it back to the honourable member.

EQUAL OPPORTUNITIES

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question regarding equal opportunities.

Leave granted.

The Hon. ANNE LEVY: The 1979-80 annual report of the Public Service Board states that in the South Australian Public Service, at clerical officer Grade I level, 1 011 males and 2 944 females were employed. However, at the clerical officer Grade V level 383 males and only 17 females were employed. I may say that in the 1978-79 report (that is, just a year earlier) 340 males and 16 females were employed at the clerical officer Grade V level, the proportion of women, therefore, having fallen from 1978-79 to 1979-80. These figures certainly suggest to me, and also to many other people, that we do not have equal opportunities for promotion in the South Australian Public Service.

I should like the Minister to ascertain whether the situation has changed from the time that the last annual report was presented, and what specific action the Public Service Board has planned to improve the opportunities for female promotion and employment, given the inequitable situation that I have outlined.

Are any specific staff development proposals in hand that could be aimed at remedying the situation in the long term, and are the resources in both staff and contingency funding that are budgeted for equal opportunities policy and development and monitoring in the Public Service to be increased?

The Hon. K. T. GRIFFIN: I will have some inquiries made for the honourable member and bring back a reply. The point needs to be made clearly that the Public Service Act provides that every person in the Public Service has an opportunity to apply for positions and, if unsuccessful, to take the matter to the appropriate appeal tribunal. Therefore, that opportunity is available to both men and women who aspire to positions in the Public Service. With that background, I certainly would be prepared to obtain some information for the honourable member.

PIES

The Hon. C. J. SUMNER (on notice) asked the Minister of Consumer Affairs:

1. Has the regulation dealing with the sampling method for testing meat pies been made following an answer by the Hon. D. H. L. Banfield, Minister of Health in the Legislative Council on 17 October 1978?

2. Since 17 October 1978 what tests have been carried out on meat content of pies and what has been the result, specifying the date of the test, the name of the manufacturer and the results?

3. Have any prosecutions been undertaken following these tests, and with what result?

The Hon. J. C. BURDETT: The replies are as follows:

1. Yes, food and drugs regulation 151 was gazetted 21 December 1978.

2. 298 samples of meat pies taken by local boards of health have been analysed. 103 samples did not comply with the standard. Detailed consolidated records of samples taken by local boards of health are not kept so it is not

possible to give the date of purchase of each sample. Samples are identified by cypher so the name and address of the sample source is known only to the sampling officer and, as needed, to his local board.

3. Yes, 16. Results unknown.

SAUSAGES

The Hon. C. J. SUMNER (on notice) asked the Minister of Consumer Affairs:

1. In the past 24 months, what tests have been carried out on sausages to ascertain compliance or otherwise with regulations relating to their contents and what has been the result, specifying the date of the test, the name of the manufacturer and the results?

2. Have any prosecutions been undertaken following these tests, and with what result?

The Hon. J. C. BURDETT: The replies are as follows:

1. 523 samples of sausages taken by local boards of health. 154 samples did not comply with the standard. Detailed consolidated records of samples taken by local boards of health are not kept so it is not possible to give the date of purchase of each sample. Samples are identified by cypher so the name and address of the sample source is known only to the sampling officer and, as needed, to his local board.

2. Yes, 9. results unknown.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

The Hon. C. J. SUMNER (Leader of the Opposition) obtained leave and introduced a Bill for an Act to require the disclosure by members of the Parliament of South Australia and certain other persons of information relating to certain sources of income and for purposes incidental thereto. Read a first time.

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

That this Bill be now read a second time.

It represents the third attempt by the Labor Party since 1977 to enact legislation providing for the establishment of a register of information relating to the sources of income and financial interests of members of Parliament, electoral candidates and their immediate families.

In 1977 a Bill was introduced in similar terms, but lapsed when Parliament was prorogued. A further attempt was made in 1978 but the Bill was laid aside when Liberal members in this Council amended the Bill in a manner unacceptable to the Government. The major difference in opinion at the time was over public disclosure. This Bill, like the 1979 Bill, provides for public disclosure of M.P.'s pecuniary interests. The Liberal Party was opposed to public disclosure and amended the Bill to provide that the register would only be available to the Speaker of the House of Assembly and the President of the Legislative Council and then only in relation to members of their respective Chambers. This obviously represented a negation of the principle of the legislation and was therefore unacceptable to the Government. Further, the Liberal attitude was out of touch with other developments. The United Kingdom Parliament has had public disclosure since 1975, the Victorian Parliament since 1978 and now the people of N.S.W. in a referendum only a month ago have voted (election night figures—948 675 to 142 464—that is, a majority of six to one) in favour of public disclosure in that State. Although South Australia under a Labor Government was the first to propose such legislation, it has still not been enacted, almost 4 years since its original introduction.

The Labor Party believes that members or prospective members of Parliament, as trustees of the public confidence, ought to disclose their financial interests in order to demonstrate both to their colleagues and to the electorate at large that they have not been, or will not be, influenced in the execution of their duties by consideration of private personal gain. It is based on the Labor Party's belief that, in the exercise of their duties, legislators should place their public responsibilities before their private responsibilities.

In Australia in recent times, the Victorian land scandals have been the most obvious demonstration of the need for this kind of legislation and no doubt prompted the Liberal Government legislation in that State in 1978. The situation in South Australia at present is totally unsatisfactory. There is no obligation on members to make any disclosure. The Premier has been decidedly ambivalent about the position. On 11 October 1979 in answer to a question from the Deputy Leader of the Opposition, Hon. J. D. Wright, the Premier said:

> An instruction has been issued and agreed to by members of Cabinet that they will disclose any such interest they have and will take immediate steps to dispose of those interests . . . We will be obtaining a report on this matter, and we will, without doubt, be making the position clear so that members may reassure themselves that there is no vested interest, other than the interest in doing what is right and proper for South Australia, that is, motivating members of Cabinet.

One could have interpreted this as meaning public disclosure but, on 13 November, the Premier made it clear that in relation to Cabinet Ministers only, declarations and lists of interests would be lodged in the Premier's Department and open for scrutiny by the Premier if any conflict of interest arises. That scrutiny is totally inadequate. First, it can only be carried out by the Premier and, secondly, it only applies to Cabinet Ministers. There is a need for the more adequate provisions contained in the Bill.

Some minor changes have been made to the Bill as originally introduced in 1978. Most of those amendments made by the Legislative Council which were acceptable to the Labor Government have been included. However, the amendment which excluded disclosure of the ordinary place of residence has not been reinserted. The ordinary place of residence must be included in Victoria and it often represents a substantial asset (particularly if rural property) and may represent a private interest which could impinge on decisions that a member may have to make. Further, the Registrar will not have to submit the register of members interests to a Minister before tabling but will cause them to be tabled directly. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 defines certain expressions used in the Bill. Clause 4 provides for the creation of the Office of Registrar of Members Interests and that he shall be an officer of the Parliament.

Clause 5 sets out the central provisions of the Bill. It provides that every member, within the months of January and July of each year, shall furnish to the Registrar a return containing information relating to any income source from which he, his spouse or child, derive a financial benefit in excess of $200 during the preceding six months. An electoral candidate must furnish the return on the date of his nomination. The term 'child' only covers children normally resident with the person obliged to furnish the return including the child of that person's spouse and 'spouse' includes a putative spouse within the meaning of the Family

Relationships Act, 1975. The return must also contain information relating to interests in companies, unincorporated profitmaking bodies, real property and trusts.

Clause 6 relates to the maintenance of the register and the availability of its contents to members of the public. It also provides that on or before 30 September in each year the Registrar shall prepare an extract of information submitted in respect of the 12 month period preceding 30 June of the same year and cause such extract to be laid before Parliament within fourteen days. The extract is to be printed as a Parliamentary paper.

Clause 7 provides that any person who fails to furnish the required information or who furnishes false information commits an offence and shall be liable to a fine of $5 000. Clause 8 provides that proceedings for offences against the proposed Act shall be disposed of summarily and clause 9 empowers the Governor to make any regulations which are necessary or expedient for the purposes of the proposed Act.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

CYSS

Adjourned debate on motion of the Hon. K. L. Milne:

1. This Council deplores the attitude adopted by the Federal Government towards the Commonwealth Youth Support Scheme in Australia, which it intends to discontinue after 31 October 1981;
2. The Council regrets the complete lack of understanding shown by the Federal Government to this community and youth teamwork which is solving so many problems for unemployed young people;
3. The President be requested to write to the Federal Government requesting them, in the name of humanity, to maintain the CYS Scheme throughout Australia;
4. In the event of the Federal Government refusing to maintain the CYS Scheme, this Council requests the State Government to undertake an investigation through the Department of Industrial Affairs and the Department for Community Welfare to examine a scheme or schemes whereby similar services to those provided by the CYS Scheme can be provided.

To which the Hon. G. L. Bruce had moved the following amendments:

Leave out paragraph 4 and insert in lieu thereof the following paragraph:

In the event of the Federal Government refusing to maintain the CYS Scheme, this Council requests the State Government to provide similar services to those provided by the CYS Scheme.

After paragraph 4 add new paragraph 5 as follows:

'That this Council regrets that schemes such as CYS have become necessary because of the failure of the Federal Government to provide adequate employment for the young people of Australia and the failure of the Tonkin Liberal Government to honour its promises on youth employment at the 1979 State election.'

(Continued from 23 September. Page 1103.)

The Hon. R. C. DeGARIS: I have spoken to the Hon. Mr Milne about his motion and have expressed my views to him about it. On another occasion, I supported a resolution which was moved by the Hon. Mr Milne in relation to the Waite Institute and which was carried unanimously. I supported that resolution, which dealt with a Federal matter, because I believed it was in the scope of the Council to express a view. The statement was of direct interest to South Australia and such an expression as was made should have been made. However, I do not believe that the motion now before the Council falls within the same principle. My objection is that the motion, first, uses language which should not be part of a motion of this Council, and I will quote the offending words. It is very dangerous if this Council constantly passes motions commenting on Federal legislation or Federal policy. If we do so, the terms in which such motions are couched must be without emotion. In paragraph 2, the motion reads:

The Council regrets the complete lack of understanding shown by the Federal Government to this community and youth teamwork which is solving so many problems for unemployed young people.

Paragraph 3 states:

The President be requested to write to the Federal Government requesting them, in the name of humanity, to maintain the CYS Scheme throughout Australia.

I take objection to the use of that language in a motion before the Council. Moreover, the announcement made by the Federal Government in relation to CYSS makes the motion somewhat outdated. My objection to the motion is strengthened very much in relation to the amendment proposed by the Hon. Mr Bruce. That amendment seeks to leave out certain parts of the motion and insert other words. Once again, it is the language of that motion to which I strongly object. It reads.:

That this Council regrets that schemes such as CYS have become necessary because of the failure of the Federal Government to provide adequate employment for the young people of Australia and the failure of the Tonkin Liberal Government to honour its promises on youth employment at the 1979 State election.

That strengthens my resolve to oppose this resolution. I see no reason why we should not commend the Federal Government for retaining a CYS Scheme. I see no reason why we should not express our view that we are pleased that the Commonwealth Government has decided in the interim to continue with the CYS Scheme. I believe that there are overtones in this motion which are of a purely political nature and which the Council should not pass. Therefore, I oppose the amendment, as I oppose the motion as it is presently phrased. I believe it would be reasonable for the Council to express its view on the CYS Scheme without the emotive phrases that have been used in both the amendment and in the motion. I am quite certain that, if the Council decided to make some comment on its view of the CYS Scheme without those words, that would receive support in the Chamber. I therefore oppose the amendment.

The Hon. BARBARA WIESE: I support the Hon. Mr Milne in his desire to continue pressing the matter despite the Federal Government's decision to maintain funding for CYSS at least until 28 February because it seems to me that the survival of CYSS is still by no means guaranteed. However, I would like to take the opportunity to congratulate the Federal Government for heeding public opinion on this matter and reversing its decision in the way in which it has.

The Hon. Frank Blevins: It might be a bit premature.

The Hon. BARBARA WIESE: It might be. However, in view of the Federal Government's decision, the motion which is currently before us is obviously no longer appropriate in its current form. I give notice that at the conclusion of my remarks I will move a further amendment to take account of that and also of the further problems that I believe now present themselves since the Federal Government's decision was taken.

I want to point out, too, that the amendment that I will move has the support of the Hon. Mr Milne and the Hon. Mr Bruce, who have been responsible for moving the motion and the amendment currently before us. It is not my intention at this stage to cover again the arguments already eloquently put during this debate on why CYSS should be retained, except perhaps to reiterate one of the advantages of the scheme for particular groups amongst unemployed young people in South Australia who have not been helped by other training schemes available but who have been able to be assisted by CYSS.

I have in mind one obvious example, namely, young women. The unemployment rate among young women in South Australia is higher than the national average. Australian Bureau of Statistics figures for August 1981 show that 24.2 per cent of young women aged between 15 and 19 years of age are unemployed. The national average for this group is 12 per cent. So, the difference is quite substantial. This rate is much higher than the rate for unemployment amongst young men in the same age bracket which, in August, was 17.8 per cent—slightly below the national average for young men in that age group.

For young women, the unemployment situation in South Australia is particularly horrific, and the significant thing about CYSS has been that in this State more young women than young men have participated in the programmes available. A document which was produced recently by the State Department of Industrial Affairs and Employment as a briefing note from the Minister of Industrial Affairs made the following statement in regard to the problems of young women:

The unemployment problems of young women in South Australia are particularly serious. CYSS was one programme that achieved approximately equal numbers of male and female participants. It cannot be denied that vocational and pre-vocational programmes in South Australia, under the school-to-work transition programme, have enjoyed higher male participation rates. Vocational and, in particular, trade based training initiatives have not improved the disadvantaged position of young women.

However, in May-June 1981, CYSS programmes in South Australia had a female participation rate of 55 per cent (2 765 females) and male participation rate of 45 per cent (2 261 males). CYSS can be seen to be redressing some imbalance. The scheme has been particularly successful in attracting young unemployed women and developing and maintaining their skills. The Action Unemployed Youth Volunteer Bureau is one example of a CYSS project particularly successful in assisting young unemployed women, and the abolition of this and similar projects will leave a serious gap in support for young unemployed women in this State.

I think we can see from that that, if CYSS had been abolished as intended, the plight of a huge number of unemployed young women in this State would have been even worse than it is currently. Of course, not only young women have benefited from CYSS. Other members have dealt with more general variations during this debate. However, I thought it desirable to highlight this particularly successful aspect of the work undertaken by CYSS programmes for young people.

I will now deal more specifically with the terms of the amendment which I propose to move. Paragraph 1 of my amendment simply adds appropriate words to the Hon. Mr Milne's motion to acknowledge the fact that the Government had intended to abolish CYSS but has now changed its mind. Paragraph 2 seeks to delete paragraph 3 of the Hon. Mr Milne's motion, which is no longer relevant in view of the Government's decision. That paragraph called on you, Mr President, to write to the Federal Government asking it to maintain CYSS.

Paragraph 2 of my amendment also seeks to insert, instead of existing paragraph 3 of the motion, a request for you to write to the Federal Government requesting it to provide adequate funds for CYSS throughout Australia. This recognises that continued funds have been promised only until February; we have no assurance of continuation of funding beyond this point. In addition, my amendment seeks an expression of concern from this Council that insufficient time is being allowed for public submissions to be made on new guidelines for CYSS and requests that the draft guidelines be available to the community for public comment before a final decision is made.

I feel strongly that this Council should include this new section in the motion, having recently learned what the Government's intentions are regarding the drawing up of new guidelines for CYSS. Honourable members may recall that I raised this matter by way of question in the Council on 29 September. At that time, I pointed out that the evening before I had attended a public meeting sponsored by the Plympton CYSS which was attended by the Federal member for Kingston, who is also a member of the Federal Minister's Parliamentary Committee dealing with youth affairs. The Federal member for Kingston outlined the Minister's proposed time table for drawing up the new guidelines for CYSS. He suggested that it was the intention of the Government to call for submissions from interested members of the community forthwith, and that he intended to draw on the comments made by interested members of the community and to have new guidelines in place by the end of this year.

I am sure that anyone who knows anything at all about decision-making, and particularly Government decision-making, would know that that proposed time table is totally unrealistic, if the Government is really serious about getting proper comment from interested groups in the community. The time allowed will not be adequate for proper and serious consideration to take place. The meeting I attended on 28 September carried a resolution calling on the Federal Government to extend the time during which submissions could be lodged relating to CYSS guidelines. I might say at this point that that motion was strongly supported by Mr John Menz who also attended that meeting. Mr Menz is, I think, well known to many honourable members here as a prominent business man in South Australia. He is also Chairman of the State CYSS committee. I am sure that honourable members would agree that there is probably no-one better able or qualified to comment on this matter.

The meeting I attended was informed that the Government, before taking its decision to abolish CYSS as part of the Federal Budget provisions, had already drawn up some draft guidelines. It was the view of people at the meeting that, having regard to the short space of time made available for public comment, in fact the Government probably intended to adopt the guidelines which it had already prepared, and that this offer to hear submissions and allow for public comment was really no more than window dressing. I am not sure whether that is right or wrong, but it seems to me that, if the Government is serious about receiving comments from people, then it ought to extend that time. I think that that is true, particularly in view of some of the difficulties which have been talked about, both by the Federal Government and by project officers involved with CYSS in the past, concerning the adequacy of the existing guidelines for meeting the needs of the young people for whom the programmes are designed.

I think it is essential, if the CYSS programme is going to work, for full and proper consultation to take place. Public comment should not only be called for before some sort of draft is put together, but there should also be time after a draft has been prepared for interested members of the public to make further comments so that we can start afresh in February with guidelines which are as near as possible to satisfying both the people who are taking advantage of the programme and, also, the desires of the Federal Government in setting forth those guidelines.

Paragraph 3 of my amendment is, like paragraph 1, a tidying up amendment to the original amendment moved by the Hon. Mr Bruce. It seeks to remove the word 'the' in the first sentence and replace it with the words 'an adequate', so that the first sentence would then read:

In the event of the Federal Government refusing to maintain CYSS this Council requests the State Government to provide similar services to those provided by CYSS.

This is a consequential amendment, following the Federal Government's decision to maintain CYSS programmes in Australia until 28 February next year. I hope that honour-

able members will see the wisdom of these amendments and support them. I move:

1. That paragraph 1 be amended by inserting after 'Government' the words 'in the 1981 Federal Budget' and by leaving out the word 'intends' and inserting in lieu thereof the words 'had intended'.
2. That paragraph 3 be deleted and the following paragraph be inserted in lieu thereof:

'3. The President be requested to write to the Federal Government:

(a) requesting it in the name of humanity to provide adequate funds to maintain the CYS Scheme funds throughout Australia;

(b) expressing the concern of this Council that insufficient time is being allowed for public submission to be made on new guidelines for the CYS Scheme and requesting that draft guidelines be available to the community for public comment before a final decision is made.'

3. That the proposed new paragraph 4 moved by the Hon. G. L. Bruce be amended by leaving out the word 'the' thirdly occurring and inserting in lieu thereof the words 'an adequate'.

The Hon. M. B. DAWKINS secured the adjournment of the debate.

DOG CONTROL ACT REGULATIONS

Order of the Day, Private Business, No. 6: The Hon. J. A. Carnie to move:

That regulations under the Dog Control Act, 1979-1980, in respect of various amendments, made on 25 June 1981, and laid on the table of this Council on 16 July 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

LOCAL GOVERNMENT ACT REGULATIONS

Order of the Day, Private Business, No. 7: The Hon. J. A. Carnie to move:

That regulations under the Local Government Act, 1934-1981, in respect of Parking Regulations, 1981, made on 11 June 1981, and laid on the table of this Council on 16 July 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

ROAD TRAFFIC ACT REGULATIONS

Order of the Day, Private Business, No. 8: The Hon. J. A. Carnie to move:

That regulations under the Road Traffic Act, 1961-1981, in respect of parking of vehicles, made on 11 June 1981, and laid on the table of this Council on 16 July 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

CORPORATION OF ADELAIDE BY-LAW No. 10

Order of the Day, Private Business, No. 14: The Hon. J. A. Carnie to move:

That Corporation of Adelaide By-law No. 10 in respect of street traders, made on 16 April 1981, and laid on the table of this Council on 2 June 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

COOBER PEDY (LOCAL GOVERNMENT EXTENSION) BILL

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

That the time for bringing up the report of the Select Committee on the Coober Pedy (Local Government Extension) Bill, 1981, be extended until Wednesday 28 October 1981.

Motion carried.

BUDGET PAPERS

Adjourned debate on motion of Hon. K. T. Griffin:

That the Council take note of the papers relating to the Estimates of Payments and Receipts, 1981-82.

(Continued from 20 October. Page 1383.)

The Hon. M. B. DAWKINS: I rise to support the motion that the Council take note of the papers. In so doing, I support the Government's responsible attempt to deal satisfactorily with the very difficult situation in which we find ourselves, being short of some $31 000 000 largely because of Commonwealth restrictions in funding. I very much regret the Commonwealth's attitude to the State resulting, in our case, in this very serious short-fall in funding, particularly as the Commonwealth envisages having a domestic surplus of $1 500 000 000.

I do not disagree with the overall strategy of the Federal Government, because we are told that it may result in a very substantial reduction in income tax for the wage earner, and that would be a good thing. However, I deplore the Commonwealth Government's attitude of squeezing the States coffers in so doing. By the same token, I commend the efforts of the South Australian Government's Budget Review Committee, which has sometimes been referred to as the equivalent of the Commonwealth 'razor gang', for a difficult job well done in reducing the short-fall of about $31 000 000 to about $9 000 000.

Of course, there are complaints on all sides. The public, including many otherwise well-informed people who should know better, believe that the Government produces money out of nowhere, or out of a hat or a bottomless pit, and should still be able to escalate spending. I believe the attitude of many people is summed up in the following words: it may be okay to reduce spending, so long as you do not touch my part of the cake. That seems to be the general attitude. I seem to remember not so long ago a person called Don Dunstan, when Treasurer, asking the public to realise that the Treasury is not a bottomless pit. Of course, he was correct. If it was not a bottomless pit then, that position certainly still obtains today.

The Government's Budget Review Committee has done a difficult and unpalatable job very well. It should be commended by the responsible, thinking members of the public, and should not be condemned by unthinking people. I also wish to commend the Government for its policy in relation to mineral development and for its activity in relation to the Cooper Basin and Roxby Downs, and offshore exploration in the Great Australian Bight and the South-East. This exploration is being conducted largely by private enterprise, with the active co-operation and assistance of this Government—a far cry from the situation under the previous regime.

In yesterday's *Advertiser* at page 14 an article on energy stated:

By world standards, South Australia is relatively rich in energy resources. Recent oil finds in the Cooper Basin, the increased exploration activity offshore, the existing production of natural gas, the imminent gas liquids pipeline project, coal discoveries close to Adelaide, the large coal reserves in the north of the State and high

annual levels of sunshine appear to compose a picture allowing the luxury of complacency.

We have yet to receive the quantity of royalties, revenue and employment in this State from those types of assets that we hope will eventually be obtained. The article continues:

But each part of this picture of plenty hides problems which, if not anticipated, tackled and solved in time could seriously compromise our future as a manufacturing State. These problems are challenges which present opportunities to develop our local technology through use of South Australia's greatest resource—innovative brainpower and a history of farsighted planning.

I believe that the *Advertiser* is paying tribute to our forefathers, previous members of this Chamber and another place, and leading citizens in the community, because over many years they have been innovative and progressive in relation to the development of this State. Whilst those resources are available at present, we are not receiving anything like the return being received by, for example, Queensland or Western Australia.

The Hon. C. J. Sumner: Do we have as many resources as they do?

The Hon. M. B. DAWKINS: Potentially, I believe that we have a great deal of resources. Whether we have as many resources as Queensland or Western Australia may be debatable, but certainly we have found more resources than we have been able to tap at the present time. I believe that this work will be done in the future, to the benefit of the State. So much for South Australia's potential in regard to energy. I refer now to agriculture. In the same newspaper (page 22), an article by Mr James McColl, the Director-General of Agriculture (who was appointed by the Hon. Mr Chatterton, I believe, during the regime of the previous Government and I venture to suggest that that was a very good appointment)—

The Hon. C. J. Sumner: Did you think that at the time?

The Hon. M. B. DAWKINS: At the time, I did not know Mr McColl and I reserved judgment; I do not make judgments off the top of my head. In the newspaper report to which I have referred, Mr McColl had something to say about the improvement in the agricultural seasons over the past few years and the potential during the 1980s. One or two of his comments are worth drawing to the attention of honourable members. Mr McColl stated:

Cereal producers will be leading the way to increased prosperity for South Australia in the 1980s. Production is increasing remarkably over that of even a few years ago. Growers are expected to reap the benefits for the State of meeting a continuing stable demand for grains on overseas markets.

We are fortunate that the demand by overseas markets, despite some ups and downs, has been very satisfactory in recent times. It was further stated:

Most other agricultural industries have also weathered the marketing, climatic and financial traumas of the '70s. They have emerged in good shape to play a leading role in the anticipated resurgence in South Australia's economy over the next decade. Cereal growers faced production quotas in the early 1970s, skyrocketing fuel prices from 1975 and one of the States most prolonged droughts from 1976-78. Today they have an industry which has adjusted well to the pressures upon it.

The Director-General also referred to wool, sheep, beef and the fertility of our soil. He further stated:

Ten years ago, wool was widely regarded as finished and the State's sheep population fell from 19 000 000 to 14 000 000. Today prices are strong and sheep numbers already back to 17 000 000 are still increasing. Profitability is being underpinned by the live sheep trade. This trade began in earnest only in 1975, but by 1980 South Australia was exporting nearly 2 000 000 sheep a year.

These sheep were, in the main, old wethers, which would not bring very much money in this State if they were retained here. Certainly, after some of the letters that appeared in the newspaper concerning the reproduction of sheep, I do not believe that anyone would consider that these old wethers would produce many sheep! Despite the fact that export numbers of nearly 2 000 000 sheep a year are being achieved, I want to underline Mr McColl's statement that sheep numbers are already back to 17 000 000 from 14 000 000, and are increasing. Therefore, in spite of the live sheep export, which is a real support for the sheep industry, the healthy situation continues and the sheep population of South Australia is still increasing. In regard to the beef industry, it was stated:

The beef industry which had expanded rapidly in the early '70s crashed in 1973. Today it is a relatively stable industry with steady prices even though there is some concern for the years ahead.

That is one of the problems that all farmers have to face. They do not know what the markets will contain in the future; they are concerned about the return in the years ahead. The Director-General mentioned another very important matter, as follows:

One of our major challenges for the next decade will be to look after the legumes in our agricultural system. Plant breeding programmes and projects to develop biological control methods against pasture insects are receiving high priority.

Our critical dependence on surface water supplies in South Australia is obvious, and public concern over the quality of the Murray River is widespread. Yet not so many people realise that some of our agricultural irrigation technology is at the forefront of world knowledge up with the best from California and Israel.

I know that not so very long ago, the Director-General was able to see what has been happening in those parts of the world. He further stated:

Major changes in water application techniques are being made on many irrigation blocks along the Murray. Microjet irrigation and undertree sprinklers are helping to conserve water, reduce salting, and prevent river salinity levels from reaching the extremes of earlier years.

I am aware, as are other members of the Public Works Committee in particular, of the improvements that are being made in the Murray irrigation area. There is a much better use of water compared to the rather profligate use of water that has occurred in some of the Eastern States to the present time. I could not agree more with Mr McColl when he said that one of our major challenges for the next decade will be to look after the legumes in our agricultural system. Any responsible farmer, although he owns his land, should feel that the land is in trust. He should be able to hand on the land in due course in a condition better than that in which he found it. He can do that if he looks after his pastures and his legumes in particular. He will then be able to hand on that land to, for example, a purchaser or his sons, in a better and richer condition than the condition in which he found it.

I believe that that is the responsibility of every person who works the land. Each farmer should be able to say quite confidently, 'I have been able to hand on my property in a richer state of fertility than it possessed when I took it over.' All primary producers should bear in mind that responsibility when cropping their properties, to ensure that over-cropping does not occur and that the soil is built up.

The Hon. C. J. Sumner: Do you believe that that is common practice?

The Hon. M. B. DAWKINS: I believe that a lot of farmers endeavour to carry out that objective on their farms. It is a credit to South Australian farmers that that action is taken. There is probably a minority who do not take that action, farmers who are not seized, as they should be, with this necessity. However, there is always a possibility of improvement in that area.

I now wish to give some consideration to the work of Parliamentary committees. Yesterday, the Hon. Mr Laidlaw, very appropriately, referred to the very valuable work that is done by the Industries Development Committee, and I propose to refer briefly to the important work done by

Parliamentary Standing Committees. These committees go about their detailed and most necessary work away from the spotlight. Their work is of great assistance to the Government of the day and in particular to the Minister concerned, regardless of the political colour of the Government. I believe that every honourable member who has had any experience with committees would concur with that statement. These committees relate directly to the Budget, because quite apart from their relatively small cost, they are able either to induce departments to save money in significant quantities, or on the other hand they are able to generate production, which eventually contributes substantially to the Budget.

I refer first to the Parliamentary Land Settlement Committee, of which I was a member for eight years and Chairman for two years. That committee, which is now, more is the pity, relatively dead but not lying down, over many years was able to generate the settlement of large areas of land with, of course, considerably increased production and thereby, by way of taxes and charges paid by settlers, increased revenue to the State and Federal Goverments.

The Hon. C. J. Sumner: Do you think that there is a lot more land that could be settled?

The Hon. M. B. DAWKINS: I am about to come to that. The amount of land that is still available for settlement in this State in contrast to some other States is relatively limited. So, this committee, which was fairly effectively put to sleep by the former Government, has little to do. I deplore the situation in which this Government finds itself as a result of the actions of the previous Administration. I believe that that Administration became far too enthusiastic in dedicating large tracts of land for national parks. I am not against national parks, although I believe that some country in this State should not have been dedicated to national parks. Rather, it should have been used for growing food to feed the people.

The Hon. C. J. Sumner: Where?

The Hon. M. B. DAWKINS: I believe that there is a large tract of land south of Pinnaroo and Lameroo. There is also land on Kangaroo Island and some sections on both Yorke Peninsula and Eyre Peninsula that could have been used to help feed the people of this world. The former Government became far too enthusiastic in dedicating to national parks land that in some instances (and I emphasise 'some') should not have been so dedicated.

However, the action of the Public Accounts Committee, which in my opinion should be a Parliamentary committee but is, unfortunately, a House of Assembly committee only and which, in contrast to the quiet and effective work of other committees, tends to trumpet its doings from the house tops, doubtless saves repetition of unwarranted expenditure and careless budgeting by its careful examination of public spending, and thus should increasingly effect Budget savings as time moves on, although some of its present work is akin to shutting the stable gate after the horse has bolted.

When I say that I believe it should be a Parliamentary committee, it is 12 years, I believe, since the first Bill to establish a Public Accounts Committee was introduced in this place. At that time, I moved amendments to ensure that two members from this Council would be on that committee. That amendment was successful, and the Bill was returned to the House of Assembly, which dropped it.

The second time, a couple of years later, when the Bill came around, Mr W. F. Nankivell (the then member for Albert and later the member for Mallee) came to me and pleaded with me not to include those amendments. I think I was rather foolish in not so doing, as I believe that the committee would be better if it was constituted like other committees, with representation from both Chambers.

I do not wish to add to the comments made yesterday by the Hon. Mr Laidlaw regarding the Industries Development Committee, except to say that this is an instance of a committee that has in the past done for industry what the Land Settlement Committee was able to do for agriculture: it has achieved an extension of financial assistance or guarantees to set up viable industry for the benefit of the State and, of course, an eventual contribution to the State's coffers as a result of the successful establishment of such industry. In recent years, that committee may have been steered somewhat away from that course, but I am sure that it is now resuming its proper role. I remember, in the days of the Hon. Mr Story, who was Chairman of that committee at one stage, of the Hon. Mr Hart, and the Hon. Mr Geddes that it did much valuable work in the cause of industrial development.

The Public Works Standing Committee is a long-established committee (it was established in 1927) that has for a very long time made a real contribution to the financial situation of this State by examining with very great care and meticulous attention to detail public works that in many instances could cost the State significantly more but for the restraining examination of this committee. The Public Works Standing Committee, unlike the Public Accounts Committee, which can, as far as I am aware, choose its own targets and work at its own pace, has numerous projects referred to it by the Governor for review and report.

Although it is possible for the Government of the day to reject the Public Works Standing Committee's findings and act in contradiction to them (and this would be a rare occurrence, regardless of the politics of that Government), it is not possible for a Government to act if the committee is unable to bring down a report, and this, too, is a relatively rare happening, although it is a valuable backstop in the case of a very unwise and unwarranted project being forwarded to the committee.

Unlike the Public Accounts Committee, which is a bit of a new broom and has been treated pretty well, the staff of the Public Works Standing Committee is minimal in number, and it would be quite impossible for it to get through the very large amount of work provided were it not for the hard work of the dedicated and competent staff members, only two in number.

Miss Lindsay Brookes is a most competent, painstaking and efficient steno-secretary, but the main burden of work falls on Mr Lloyd Hourigan, who has been Secretary to this committee for 16 years, and whose wide experience and ability to get things done in a most efficient way is of inestimable benefit to the committee and to the Parliament as a whole.

I want to refer briefly to some of the projects dealt with by the committee. I will not weary the Council, but indicate that during the year ended 31 August last, 26 projects were referred to the committee pursuant to the provisions of the Public Works Standing Committee Act. Also, several other references had to be completed in that period as well.

Some people get the idea that the committee is largely to do with schools and mostly the Education Department. Although that is an important part of the committee's work, the committee does, of course, deal with references from most other departments. I refer to the Department of Agriculture, the Engineering and Water Supply Department, the Department of Mines and Energy, and the Department of Environment and Planning. It has had to deal with references relating to Government office accommodation and the Adelaide trunk sewer, the latter involving the Engineering and Water Supply Department. So, the

committee operates in a wide sphere indeed. It is not just an adjunct, as it were, to the Education Department, which some people seem to think it is.

I believe that generally these committees do a very good job and, if I have been slightly critical of the Public Accounts Committee, I temper that by saying that it has done some valuable work. By and large, these committees do a very good job in assisting the Government of the day, and anyone who has supported the Government of the day for a number of years would realise that. One of the great benefits of Parliamentary committees is that they can, to a large degree, act in an apolitical manner.

In concluding my remarks about the work of the committees and their effect upon the Budget of this Parliament, I must say that in the 14 years in which I have been a member of such committees, including the two years as a Chairman of one of them, I have been impressed by what has been, generally speaking, the apolitical climate in which they have worked. The work of the committees has been all the more valuable because of that, and members of all Parties working in such a way have contributed much more effectively as a result.

On very rare occasions indeed in my experience over those many years has politics been allowed to intrude in the work of these committees. Honourable members who have been on Select Committees, if not on standing committees, would realise that this has obtained to some degree there also.

I am reminded once again of the comments of my friend and former political opponent, the Hon. C. D. Hutchens, to whom I have previously referred in this place; those comments bear repetition. In my early years, Mr Hutchens said to me, 'When the Opposition and the Government work together, that is when the work gets done and it is the most effective.' In the committee situation that has been the case in this Parliament. I believe that it is something for which we should be thankful. Here again I am tempted to believe that, if the Estimates Committees, which have just concluded, could meet in such an atmosphere in the conference rooms around the table, rather than in these two Chambers in a political atmosphere, more effective work would ensue from those Committees. It is my opinion that the Government should seriously consider whether they could meet in the two large conference rooms in this building rather than the Council Chamber and the Assembly Chamber. I support the motion.

The Hon. M. B. CAMERON secured the adjournment of the debate.

PUBLIC SERVICE GUIDELINES

Adjourned debate on the motion of Hon. K. T. Griffin:

That the suggested guidelines regarding appearances of South Australian public servants as witnesses before Parliamentary Committees, set out in Appendix II of the Report of the Committee on Guidelines for Public Servants Appearing before Parliamentary Committees, and laid on the table of this Council on 29 September 1981, be adopted.

(Continued from 20 October. Page 1378.)

The Hon. C. J. SUMNER (Leader of the Opposition): I oppose the motion moved by the Attorney-General which seeks the endorsement of the Council for the guidelines regarding the appearance of South Australian public servants as witnesses before Parliamentary committees. I was one of the minority on the Committee who did not believe that the need for such guidelines had been demonstrated. The membership of the committee was Mr Gordon Combe (a former Clerk of the House of Assembly and Ombudsman), the Attorney-General, the President of the Legislative Council, the Speaker of the House of Assembly, Dr Corbett (a Public Service Commissioner), Mr Connelly (from the Public Service Association), and myself. Mr Connelly was the other dissentient from the majority recommendations of the report of the committee. It could be said that the committee was fairly heavily weighted in the Government's favour. Dr Corbett, as a Commissioner of the Public Service Board, was involved initially with the proposal for such guidelines. We had the Speaker, the President and Mr Griffin all of the Government Party. In some senses, the outcome of the committee was a foregone conclusion.

I want to say at the outset that the guidelines which the committee has now produced have had their most obnoxious features removed when compared with the guidelines tabled by the Premier in the House of Assembly on 6 August 1980. I will later detail the changes which have made the guidelines that the Attorney-General is now seeking approval for much less obnoxious and more acceptable although still in my view unnecessary and indeed not desirable. The Attorney-General in introducing the motion sought to brush off earlier controversy following the tabling of the guidelines last year. He said that before the guidelines were tabled there had been extensive discussions with the Public Service Board, which had in turn consulted the Public Service Association. He said that some of the debate that followed the tabling was misplaced. The Attorney's dissatisfaction with the debate that occurred hardly said much for the process of discussion and consultation by this Government.

The fact is that following the tabling of the guidelines in August last year the Public Service Association publicly refuted the claim that it had given its approval to the guidelines. Indeed, an advertisement was inserted in the *Advertiser* by the Public Service Association in which it criticised the Premier for having implied that the Public Service Association supported the guidelines which were tabled when in fact the Public Service Association had made its position clear to the contrary. The advertisement also said that the Premier had implied that the guidelines had been drawn up after consultation with the Public Service Association when in fact no consultation had taken place whatsoever concerning the guidelines tabled in the House. The extensive discussions that the Attorney-General alleged that the Government had with the Public Service Board and the consultation with the P.S.A. certainly do not say much for this Government's notion of discussion and consultation when that sort of response can come from one of the parties allegedly consulted.

Furthermore, the President (Mr Whyte) and the Speaker (Dr Eastick) both said that the guidelines tabled by the Premier were not the guidelines that had been discussed with them. The Attorney-General tended to brush off the controversy which surrounded the guidelines. There is no doubt that the guidelines tabled were not the subject of proper consultation with the Public Service Association nor with the presiding officers of the two Houses of Parliament. Two days after the guidelines were tabled I wrote to the Premier expressing the Opposition's concern about the guidelines. I will not repeat everything I said in that letter, but the Premier at that time or subsequently said that the Opposition had not made any constructive proposals about the guidelines or constructive suggestions about how they could be changed. That was completely untrue. On 8 August, two days after they were tabled, I did write to the Premier and suggested that the guidelines were obnoxious and completely unjustifiable and that they should be withdrawn and reconsidered immediately. The issue bubbled along for three or four weeks and subsequently the Gov-

ernment took up my suggestion and appointed a committee which has now produced the report that we are considering today. I would like to refer to the report of the committee and some of its aspects. The terms of reference of the committee were as follows:

> To advise the Premier as to the necessity for and content of a statement of principles and procedures to inform and guide public servants who are called to give evidence to Parliamentary committees.

It is interesting to note that those terms of reference refer to the necessity for such guidelines. I do not believe that any member of the committee could have come to the conclusion on the evidence produced that such guidelines were necessary. However, at the outset the committee decided that the phrase 'as to the necessity for' should be interpreted to include 'consideration of the desirability of'. It is only in that extended definition that even a majority of the committee came to the conclusion that it did, namely, that there was a need for these guidelines.

Further, although coming to this conclusion, it is interesting to note that the majority did accept that the guidelines should be no more than a succinct and accurate summary of key points of proper practice and existing conventions. Indeed, that is endorsed by the final conclusion of the committee, which does not really refer to either of the words 'necessity' or 'desirability', but merely says that guidelines would be helpful to many witnesses. The minority view, paragraph 8.2 of the report, was that neither necessity nor desirability had been conclusively demonstrated. However, it was felt that there might be use for a set of notes which provided more information about Parliamentary committees, so the point I make is that, in terms of the original terms of reference given to the committee by the Premier, I do not believe that anyone on the committee really came to the conclusion that these guidelines were necessary. They only came to that conclusion by, in effect, agreeing to extend the terms of reference to include desirability rather than necessity.

The view of the minority was that, even within that extended definition, the guidelines were not needed. I have said that the guidelines now tabled were much less obnoxious and much more acceptable than the guidelines originally tabled in August of last year. I would like to refer to several respects in which that is so. First, the original guidelines referred to a Minister's concurrence having to be obtained before a public servant could appear before a Parliamentary committee. Under the new set of guidelines the application should be made through the departmental head, and the Minister would normally be informed about the request. However, there is no hard and fast rule laid down in the guidelines that a Minister's concurrence is actually necessary for the appearance of a public servant.

Secondly, the original guidelines said agreement should be reached prior to a committee hearing on the nature and extent of matters to be raised and appropriate officers to discuss particular issues. The new formulation is not as definite as that and merely says that the committee should give to the public servants and to the departments concerned some idea of the area of questioning and about the material that it wishes to cover so that, obviously, the public servant can be better prepared and informed before he appears before the committee. There does not have to be agreement as such between the committee and the departments concerned before an appearance is agreed to by the department. The suggestion in the guidelines is that the general ambit of questioning should be outlined to the department concerned, so there was another significant difference.

The third, and probably most significant point, is that the original guidelines provided for the Public Service Board adviser to accompany public servants attending these committees and that has now, quite rightly, been completely deleted. The other issue dealt with the provision of information by public servants. The original guidelines said that public servants are not expected to:

> provide information of a controversial or politically sensitive nature which should be supplied only by the Minister;

The formulation of that in the new guidelines is much less restrictive. In guideline 8 the following appears:

> Committees require a public servant to provide factual and background information to assist in clarifying issues being investigated.

Guideline 9 states:

> Matters of Party politics or policy advice to Ministers should not normally be commented on. However public servants being questioned on their areas of responsibility may be required to provide factual explanations of existing policies or legislation, and may, with Ministerial approval, provide similar information on proposed policies or legislation.

Therefore, the absolute embargo on providing information in politically sensitive areas, which was in the original guidelines, has now, to some extent, been removed. I certainly think that the restriction on comments, at least under the existing rules about policy advice to Ministers, is not unreasonable and, indeed, that public servants should avoid direct comment about matters of Party politics.

However, I do not believe that a public servant should be able to withhold factual information, even though that factual information may be of a politically sensitive type. The essential distinction is between factual information, which I think a public servant ought to provide even though that factual information may be of a controversial nature or in a sensitive area, and comment or opinion, where I think it is reasonable, under the existing system at least, that that comment or opinion ought not to be entered into. With respect to that complete embargo that existed in the original guidelines, there has now been some loosening up of the situation.

In those four respects, at least, which I think were the most obnoxious part of the original guidelines, there has been some movement by the committee in the new guidelines tabled and to that extent they are an improvement on what was previously available. However, having said that, I still do not believe that they are either necessary or desirable. That opinion was shared by Mr Connelly, the representative of the P.S.A. I would like to refer to his and my minority report to indicate to the House why we did not think that the case had been established for the guidelines now tabled. The conclusion which Mr Connelly came to was, and I will quote from parts of the report, as follows:

> . . . that neither the necessity nor the desirability for guidelines has been conclusively demonstrated.

Paragraph 2 of his minority report states:

> Little evidence was brought forward of instances where public servants had either unduly refrained from giving information or of compromising a Minister.

In fact, Mr Connelly felt that the problems were more likely to arise not because of the conduct of public servants but because of the conduct of the committees themselves, and particularly of the Chairmen. He was concerned that the Chairmen of committees should know the ground rules.

The Hon. R. C. DeGaris: Did he have any particular cases in mind when he said that?

The Hon. C. J. SUMNER: He has not referred to any particular cases in his report. I do not think that I can go beyond what is in his minority report.

The Hon. R. C. DeGaris: Do you know of any specific cases?

The Hon. C. J. SUMNER: I do not know of any cases personally. I do not believe that it has been demonstrated, certainly not to my satisfaction, that that problem has arisen to any great extent. From time to time, allegations have been made about the Chairmen of committees, but nothing of any substance has been brought forward as far as I can ascertain.

The Hon. R. C. DeGaris: Which committee are you referring to?

The Hon. C. J. SUMNER: I have heard rumours of complaints but I am not in a position in this Council or anywhere else to speculate beyond the fact that I have heard rumours of one or two complaints. I certainly do not know which Chairmen or which committees are involved. As I recall, no specific evidence was given on that matter to the committee of which I was a member, so I cannot take the matter any further. I am saying that the Public Service Association representative felt that committtee Chairmen should be aware of their rights and, more particularly, their responsibilities in the questioning of public servants. Paragraph 3 of the Public Service Association representative's minority report states:

> This more clearly identifies the focus from which most difficulties are likely to arise, namely the conduct of the committees themselves and particularly their Chairmen. No guide for public servants' behaviour before committees, no matter how all-embracing it might be, can be successful unless the committee conducts itself in a manner which recognises the conflicting range of duties and responsibilities the individual witness has to bear.

As I have said, I do not know of any specific instances where the conduct of the Chairman has placed a public servant in a difficult position. Nevertheless, I think it is fair to say that Parliamentarians for their part and members of committees ought to be aware of the general conventions that operate in this area. Mr Connelly in his minority report also stated:

> It is the view of this association that whilst no alternative access to information is available, Parliamentary committees will, from time to time, overstep the mark of appropriate behaviour and individual public servants will be treated perhaps less than fairly. This will happen irrespective of any guidelines which may be in operation. Developing a practice of much greater freedom to Government information will go some way to alleviating this situation so this also is an issue which the Public Service Association brings to the attention of the Premier, as a matter of urgency.

I certainly concur with some of Mr Connelly's minority report.

I now refer the Council to my minority report, which I believe, not unnaturally, sets out in a coherent manner the major objections to such guidelines. I point out that the evidence collected by the committee indicated that, although guidelines have been tabled in Federal Parliament, there are no guidelines in the Northern Territory, Queensland, New South Wales, Victoria or Western Australia.

The Hon. R. C. DeGaris: That should not be an argument.

The Hon. C. J. SUMNER: It is not a conclusive argument, and I am not saying that it is. However, it is indicative of the fact that in those States the need for such guidelines has apparently not been felt up to the present time.

The Hon. K. T. Griffin: Queensland does not use Parliamentary committees.

The Hon. C. J. SUMNER: No. I appreciate that, and that does not surprise me, given the nature of the Government Party in that State. To summarise my minority report, I did not believe, on the evidence received by the committee, that a case had been made out for the necessity or the desirability for any guidelines. Secondly, I was of the view that some broader, related issues such as Ministerial responsibilities and Ministerial appearance before Select Committees, the control by Parliament of the Executive, freedom of information, including the availability of Public Service advice to Ministers, and public comment by public servants (which is referred to by the majority) required additional comment and were matters that should have been referred to the Premier in the same way that matters in paragraph 9.2 of the majority report were referred to the Premier (that is, matters that were not strictly within the terms of reference of the committee and which the committee did not make any definite recommendations about but which were matters that the committee felt ought to be drawn to the Premier's attention, possibly for further action). In that category came the question of a Chairman's being familiar with procedures, the care that should be taken in the use of informal discussions in any final report that a committee might come down with, and the desirability or otherwise of the administration of the oath in the Public Accounts Committee which the majority felt was unduly inhibiting and not really necessary.

Those were not issues that the committee specifically incorporated within the guidelines, but they were matters that they thought the Premier should be aware of. I felt that other matters besides those referred to in paragraph 9.2 should have been drawn to the Premier's attention and, of course, that is what I did through my minority report. The best way to sum up my view of this motion is to quote from my minority report. It states:

> I. 1. Paragraph 8.1 of the majority report sets out the conclusion 'that guidelines would be helpful to many witnesses and Parliamentary committees themselves.' I interpret that to mean that the majority did not decide that guidelines were strictly 'necessary' but felt that they were 'desirable'.

I have outlined my reasons for that conclusion. My report continues:

> 2. Paragraph 8.2 contains an expression of a minority opinion of which I was part. I do not believe that the evidence received established either the need or desirability for guidelines.
>
> 3. While the Chairman of the Public Service Board was firmly of the view that guidelines were necessary, the evidence from other witnesses was less emphatic.

In my view it was much less emphatic. The report continues:

> Certainly some thought guidelines would be useful. However, my conclusion is based on the fact that there was little hard evidence of difficulties or problems experienced in the appearance of public servants before committees. Certainly there was no evidence of repeated instances of difficulties such as to justify the original guidelines.

I was simply unconvinced by any of the evidence that was given that there were any great difficulties in this area. One instance, which the Attorney-General referred to when introducing his motion, occurred when a public servant appeared before the Public Accounts Committee. That raised some questions about the role of public servants before committees. That is the only concrete instance that has been given in the history of all public servant appearances before Parliamentary committees. There were no other instances in the evidence that I heard which could lead me to the conclusion that there was any need for these guidelines.

Most of the witnesses could not think of any particular incidents that caused trouble, although many of them thought that, particularly in regard to people lower down the echelon, some kind of information might be useful. That was as far as it went. Certainly, there was no concrete evidence on which I could come to a conclusion in favour of the necessity or desirability of the guidelines. Paragraph 4 of the minority report states:

> The obtaining of information by the committee, the protection of the public servant and the protection of the Government's paramountcy in policy matters, have in the past been satisfactorily dealt with by unwritten rules or convention. The convention is that Ministers are responsible to Parliament and therefore to its committees for matters of policy and that public servants should be required to provide factual evidence to enable members to be better informed and therefore be in a better position to make judgments about the policies. While there will of necessity be a grey area between policy and factual information and between fact

and opinion, this has in the past been satisfactorily dealt with by the committee and its witnesses. Within this broad principle it is difficult to lay down more specific guidelines. They are better developed as a result of the practical application of the principle in the day-to-day workings of the committee.

In essence, that is the position that I have taken. There has been no evidence of difficulties. Regarding convention and usage, these things are better worked out in the to and fro of discussion and debate in the committee by the establishment of conventions and, in the absence of any difficulties, the conventions should be allowed to operate. If there had been conclusive evidence of difficulties, there might have been a case for stepping in with some form of guideline, but the evidence to that effect was not produced and, therefore, I came to the conclusion that the general position relating to conventional usage should obtain. Paragraph 5 states:

The guidelines suggested by the majority have had the most obnoxious features of the original guidelines tabled in Parliament removed. In particular, the requirement that an adviser from the Public Service Board or Crown Law Office must accompany a witness has been deleted as has the restriction on the provision of information of a controversial or politically sensitive nature. The guidelines recommended by the majority are therefore a considerable improvement on those tabled. Nevertheless, the terms of reference to the committee were 'to advise the Premier as to the necessity for, and content of, a statement of principle and procedures to inform and guide public servants who are called to give evidence to Parliamentary committees'. I am of the view that such 'necessity' (even as extended by the majority to include 'desirability') has not been demonstrated by the evidence.

In paragraph 2, I came to the broader issues to which I referred and on which the committee did not see fit to comment, as follows:

1. Paragraph 5.2.14 of the majority report refers to broader questions such as freedom of information, the publication of public service advice to Ministers and to public comment by public servants having been raised but does not comment further on them.

2. One witness expressed his concern about the decline of the power of Parliament and the monopolisation of information by the Executive, in many instances because much of that information was technical. He believes that the increasing adversary nature of Australian politics hampered the obtaining of information. Politics became a point scoring exercise rather than seeking factual information which may produce a consensus. He believed there was a strong case for the general opening up of information and queried whether our system of government is benefited by gagging public servants. He compared Australia with the U.S.A. where public servants express opinions contrary to the Government. In the long term he believed the quality of advice to the Government would be enhanced by more openness.

3. This evidence constituted a challenge to the traditional concepts of Ministerial responsibility and impartiality of public servants and was given as part of a plea for more openness and therefore a criticism particularly of the original guidelines which required the presence of an adviser and prohibited the expression of personal opinions by public servants. This witness made out a strong case for greater freedom of Government information and the development of mechanisms to ensure that Parliament has the tools to scrutinise executive activity. The report of the majority does not enter into a discussion of these ideas.

4. Another issue not considered by the majority is the question of Ministers appearing before committees. When the original guidelines were tabled, I wrote to the Premier stating, 'Now that public servants will have strict controls over what they can say before committees and as you quite rightly say are not responsible to the Parliament, I believe that Ministers should now make themselves available for appearance before committees.'

Although the original guidelines have now had their most obnoxious features restricting the flow of information removed, the question of Ministerial appearance before committees still deserves consideration. The concept of Ministerial responsibility today is such that it is now only personal culpability which compels a Minister to resign. Further, the traditional avenue of Question Time is most unsatisfactory in reviewing Government activities. Other means must be found for reviewing Government activities and calling the Executive to account. Accordingly, a strong case can be made out for Ministers to appear before committees when the committee requires comment on policy matters. I wish to draw these matters to the attention of the Government for its further consideration.

The point of that last paragraph is clearly that the guidelines provide that a public servant should not comment publicly on Government policy, and should not comment on matters that might be politically sensitive, all in the name of retaining the political impartiality and independence of the Public Service. If the point is reached in a committee where a public servant says that a certain issue relates to a policy matter and he cannot comment, the question arises how the committee can obtain comment on that policy matter. It can raise the issue in Parliament during Question Time, but anyone who has seen Question Time particularly in the House of Assembly will have to say that that is a most unsatisfactory way of obtaining information from the Government or of obtaining comment on policy matters. In fact, apart from general debate, where Government Ministers are not required to answer questions, the only area for scrutiny by the Parliament of Government activities in terms of getting comment from the Government on particular policy matters is Question Time.

I merely raise the question whether that situation is adequate in the present circumstances. If we get to the position in committee where a public servant declines to answer a question because he says that it is not a factual matter but is a matter of Government policy or a matter of opinion, and that it is for the Government to comment, what further redress does the Parliament have? I therefore raised the issue of Ministers appearing before committees and providing the comment that the public servants have declined to give. I felt that, as these issues had been raised (the general question of freedom of information had been raised by one witness; the issue of Ministers appearing before committees was raised by me in my letter to the Premier; and the majority report had not seen fit to comment on this matter), they should be included in a minority report and should be drawn to the attention of the Government, possibly for further action.

In summary, certainly the guidelines that we are now being asked to approve are less obnoxious than those that were originally tabled. They have been improved to some extent. However, I believe that, on the evidence that the committee received, no compelling case was made out. Certainly no case for necessity was made out, and I do not believe that a case for the desirability of guidelines was made out.

The Hon. R. C. DeGaris: What would be the position if this Council did not adopt the guidelines and the other place did?

The Hon. C. J. SUMNER: That is a good question. I suppose all it could mean is that those members who had not endorsed the guidelines would not feel compelled necessarily to go along with them. The guidelines could easily be distributed to public servants as guidelines from the Government. It is just that that would be done without the authority of the Parliament as a whole, although it would be done with the authority of one House. In terms of the guidelines being a Government directive or suggestion to, or information for, public servants, they would stand as such. However, they would not stand with the endorsement of the Parliament as a whole. Obviously, they would still have some status amongst public servants as being something that the Government had promulgated.

The Hon. R. C. DeGaris: Certainly the Government would instruct public servants in relation to their position regarding committee inquiries.

The Hon. C. J. SUMNER: In so far as they refer to Parliamentarians conduct on the committees, that is fairly limited. Obviously, the Government would have no role to play in that matter, and the guidelines would be of no force or effect. Indeed, I suppose that, if an individual member wished to ignore the guidelines, he could do so.

There is no way in which a motion of this kind can bind a member unless incorporated in the Standing Orders. If the member then fails to comply with the guidelines, he can be dealt with by the Council. If the motion as it is currently on the Notice Paper was passed, it would merely mean that the Council endorsed the guidelines. It would not mean that any member was bound by them. It gives the Council's *imprimatur* in relation to the Government's suggestions to its own public servants. However, I do not believe that the motion has any greater status than that.

In the absence of any conclusive evidence that difficulties have arisen in the relationship between public servants and members of Parliamentary committees, the matters are best left within the general formulation of convention to which I have referred and which has operated in this State for many years. Accordingly, I oppose the motion.

The Hon. R. C. DeGARIS secured the adjournment of the debate.

ADJOURNMENT

At 5.8 p.m. the Council adjourned until Thursday 22 October at 2.15 p.m.