LEGISLATIVE COUNCIL

Thursday 3 December 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—

Forestry Act, 1950-1974—Proclamation—Section 2B—Part of Forest Reserve Resumed

QUESTIONS

CO-OPERATIVE WINERIES

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Attorney-General a question about the proposed take-over of the Barossa group of co-operative wineries.

Leave granted.

The Hon. B. A. CHATTERTON: I think that honourable members will be aware of the background to the proposed take-over of the Barossa group of co-operative wineries. Some weeks ago, Hardy's, a South Australian-based winery, made an offer for the group, and that was discussed at a series of meetings of growers. At that stage, the board of the Barossa group was suggesting that it might be possible to have a joint venture arrangement with the Remy Martin group, which is, of course, French. Since then, the Penfolds Winery, based in Sydney, has made a take-over offer for the Kaiser Stuhl or Barossa group of co-operative wineries, and the board has recommended to its shareholders that they accept that offer. The matter will be discussed at a meeting next week.

I have also raised the matter with the Attorney-General in relation to the take-over of the Safcol co-operative, and I think that the Attorney agreed on that occasion that the law relating to take-overs of co-operatives is inadequate. The Attorney then indicated that this is one of the matters that is under review at present in drafting new legislation to cover co-operatives. It seems to me to be something of considerable concern, as co-operatives, shares are not quoted on the market, and it is very difficult indeed for shareholders in co-operatives to assess the true value of any take-over offer. No rules apply to take-overs as they do to company take-overs, which are now quite strictly regulated and which require certain statements to be made by both the company wishing to make the take-over and the one that is being taken over.

In the absence of any legislation, I ask the Attorney-General whether it is possible for him informally to make information available to the parties involved in this take-over, perhaps in a manner that might foreshadow the legislation that he has in mind. This appears to me to be an important issue. The take-over could proceed, with people not receiving information because legislation is only in the pipeline. Perhaps it is possible on an informal basis to take the action that would be foreshadowed under such legislation. I ask the Attorney whether that is possible.

The Hon. K. T. GRIFFIN: I doubt whether it would be possible to undertake that task on an informal basis without the legislative backing that would most likely be required. The honourable member has referred to a statement that I made regarding the Safcol take-over. I indicated then that new co-operatives legislation was currently being drafted. I hope that that legislation will be introduced in the current session, which, of course, goes through until 1982. That legislation will cover aspects of take-overs of co-operatives, because this matter is inadequately dealt with under the present Industrial and Provident Societies Act.

With the Safcol take-over, a formal document was presented to the Corporate Affairs Commission, thereby enabling the commission to make some assessment not so much of the merits of the take-over but of whether or not there had been full disclosure of all information so that the shareholders and members could make a proper assessment whether the offer being made was reasonable.

I am not personally aware of any such document being made available at this stage, let alone being prepared, in respect of the Barossa group of co-operative wineries. I will have some inquiries made about that and bring back a reply. I will also take up with my Corporate Affairs Commission the possibility of that commission's being in some way involved in assessing the documentation with respect to the take-over. I repeat that the current legislation is inadequate; I think everyone acknowledges that. We are taking steps to complete the drafting of the legislation, and that will tighten it up considerably. If there is any way to assist in this case, I will see that that is done. In the meantime, I will have inquiries made and bring back a reply to the honourable member.

MEDICO-LEGAL PROCEEDINGS

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Attorney-General, representing the Premier, a question concerning medico-legal proceedings.

Leave granted.

The Hon. J. R. CORNWALL: On Tuesday, I related an extraordinary story of medical misadventure. It concerned massive complications following an unnecessary tummy job—a radical lipectomy—performed by a general surgeon operating beyond his competence. The cost to the public purse (in this case through the Army Health Benefit Society) was more than $20 000. The physical and mental stress for the patient has been incalculable. Her husband decided he should instigate a preliminary investigation by a firm of solicitors, Thomson Simmons & Co.

Mr Lehonde Hoare's opinion was sought. Members will recall that he is the surgeon to whom the patient was referred after the terrible misadventure. In reply to the solicitors his letter stated:

> In essence, Mrs A developed an almost uncontrolled septicaemia after the operation and this led to certain local and general consequences. The general consequences were actually brought under control at the Royal Adelaide Hospital. The local consequences had left her with a permanent residual disability both in respect of pain, scarring and mental depression at the time when I saw her initially. I gave both Mr and Mrs A my view . . . that we should obtain an opinion from a plastic surgeon as to what reconstructive measures could be safely put into effect to eliminate her pain; to eliminate her scarring so far as possible; and to allow her to improve in her general outlook and morale.

An opinion was also sought from the senior plastic surgeon, Dr D. N. Robinson, who *inter alia* said:

> . . . all I can really say is that it was a most unusual complication from this particular operative procedure. It is a commonly carried out operation by a plastic surgeon and I have carried out several hundred of these operations without encountering this complication. This operation is generally carried out by plastic surgeons who receive a long training in these procedures and in my view it is not an operation which should be undertaken lightly by a person not so trained.

Both of these opinions are obviously ethical and objective, although rather characteristically low-key clinical statements. However, the report from Mr Mervyn Smith, who spoke to the patient in the Royal Adelaide Hospital, is extraordinary. He says:

I believe that Mrs A had the very best of care and treatment and cannot for one moment think that there could be any suggestion of negligence on the part of anyone.

Mr Hoare gave his opinion that the operation had left the patient with a permanent residual disability with respect to pain, scarring and mental depression. Dr Robinson, South Australia's leader in this field, says the operation should only be carried out by a senior plastic surgeon. But Mr Mervyn Smith says he cannot for one moment think that there could be any suggestion of negligence on the part of anyone.

Mr Mervyn Smith is a Vice-President of the Royal Australasian College of Surgeons, a tall poppy in the medical hierarchy. Yet he is clearly prepared to cover for a colleague to the detriment of a patient.

The Hon. C. M. Hill: Would you say that outside of the Council?

The Hon. Frank Blevins: That's why he's a member of Parliament.

The Hon. J. R. CORNWALL: Of course I would not say it outside; don't be such a bloody fool.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: I rise on a point of order. The Hon. Mr Hill is outside of Standing Orders, and you, Sir, ought to throw him out of the place.

The PRESIDENT: The Hon. Dr Cornwall will continue and be heard.

The Hon. J. R. CORNWALL: I will repeat this for the benefit of the Minister opposite—

The Hon C. M. Hill interjecting:

The Hon. J. R. CORNWALL: I have all my facts; I have researched this for weeks. I have had some good technical advice from senior people in the medical profession. Do not worry about the facts old chap—they are spot on.

The Hon. C. M. Hill: Then say it outside.

The Hon. J. R. CORNWALL: Don't be so stupid. You know what Parliamentary privilege is about—to bring these things to the notice of the people. Don't be so bloody stupid.

The PRESIDENT: Order! The Hon. Dr Cornwall.

The Hon. C. M. Hill: Cowards castle!

The Hon. J. R. CORNWALL: I will repeat what I said, and I say it proudly: I am in here to protect the rights of people out in the community, and I will continue to do so regardless of what crooks like the Minister of Local Government might say.

The Hon. K. T. GRIFFIN: I ask that the honourable member withdraw.

Members interjecting:

The Hon. J. R. CORNWALL: I withdraw.

The Hon. K. T. Griffin: And apologise.

The Hon. J. R. CORNWALL: I apologise.

The Hon. Frank Blevins: He started it all.

The PRESIDENT: Order! If the Hon. Mr Blevins does not desist, I will name him.

The Hon. Frank Blevins: The Hon. Murray Hill started it.

The PRESIDENT: I ask you to desist and allow the Hon. Dr Cornwall to ask his question.

The Hon. N. K. FOSTER: I rise on a point of order, Mr President. Can the Attorney-General qualify his request for a withdrawal and apology in the light of his colleague's behaviour in the past five minutes?

The PRESIDENT: Order! I will resolve that part of the business. The Hon. Dr Cornwall.

The Hon. J. R. CORNWALL: I will repeat what I was saying when I was so rudely interrupted by one of the Ministers on the front bench opposite. Mr Mervyn Smith is a Vice-President of the Royal Australasian College of Surgeons, a tall poppy in the medical hierarchy. Yet he is clearly prepared to cover for a colleague to the detriment of a patient. In my view that is a disgraceful attitude. It is increasingly difficult for justice to be done while such attitudes persist.

The further point must be made that, for the great majority of patients, legal expenses in any *bona fide* action for negligence are impossibly high. Doctors are covered by professional indemnity insurance and their medical defence fund. Patients have no cover whatsoever, nor is adequate legal aid available, yet the Minister wonders why I speak up on their behalf and there are hundreds of thousands of them. I would deplore any attempt to encourage unreasonable litigation. However, in cases such as I have described patients clearly need equal access to the law and to justice. If this is done, the standards of medical ethics and excellence will necessarily improve. In recent correspondence to me, a well known oral surgeon suggested patients should have the same rights and support as road accident victims in third party claims. I ask whether the Premier will investigate and report to the Parliament on possible mechanisms for establishing a patient's defence fund to cover medico-legal expenses. Will he refer the correspondence from the three doctors to which I referred to the South Australian Medical Board and the Crown Solicitor to provide opinions as to whether Mr Mervyn Smith, Junior Vice-President of the R.A.C.S., has acted illegally or unethically in the attempted defence of his medical colleague?

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

PARLIAMENTARY STAFF

The Hon. FRANK BLEVINS: I seek leave to make a brief statement before asking you, Mr President, a question about the present review within Parliament House.

Leave granted.

The Hon. FRANK BLEVINS: Yesterday, in a series of exchanges between yourself, myself, the Hon. Mr Foster and the Attorney-General, amongst other things I asked who had initiated this inquiry that is apparently taking place into the functioning, I suppose, of Parliament House. You will recall, Mr President, that the Attorney-General said that the Opposition was on a committee that had been set up to conduct this exercise.

The Leader of the Opposition in the House of Assembly, John Bannon, has taken issue with that remark of the Attorney-General and has contacted the Speaker by letter. I understand that a copy of that letter has been sent to you, Mr President. To clear up that point I will read an extract from the Leader of the Opposition's letter as follows:

My Dear Speaker,

Remarks made by the Attorney-General in the Legislative Council yesterday prompt me to clear up my understanding of the discussions concerning the proposed Public Service Board study into Parliament House. You will recall that you telephoned me in my electorate office on 30 October to advise me that you and the President were intending to initiate this study.

It then goes on to detail some further matters in relation to the issue but I will not go through that. The last paragraph states:

It follows that the Attorney-General's statement that the Leader of the Opposition has accepted involvement by either himself or his nominee on the steering committee is incorrect.

Two things arise from that letter. Let me clear up that point first; at no time has the Opposition through its Leader

or otherwise indicated that it will serve on any committee set up without the agreement of the various people concerned. That obviously has not occurred. I noted another interesting point in the letter from John Bannon. It stated:

> You will recall that you telephoned me in my office on 30 October to advise me that you and the President were intending to initiate this study.

According to the Speaker you, Mr President, and he, as far back as 30 October, had initiated moves to set up this committee, and this appears to conflict with your reply to me yesterday. The following is the report of my question and your reply:

> **The Hon. FRANK BLEVINS:** By way of supplementary question, at whose instigation was this review committee commenced?
>
> **The PRESIDENT:** That is another question. I am not too sure whether I can answer that question.

Later, in summing up the issue you said:

> I do not know who instigated the inquiry, and that seems to be the basis of the questions . . . It is not my affair who instigated this action.

Yet, according to the Speaker of the House of Assembly, it was he and you, Mr President, who did it. There seems to be a contradiction there. However, that is not really my question. Yesterday in the Council apparently the people who are conducting this inquiry sat in the gallery observing the functions of the Council and the way in which members and the staff operate. When I heard about this I was quite outraged that this Chamber was being investigated by this outside body, these officers of the Public Service Board. Members of this place have not even been given the courtesy of being told that they were under scrutiny by those officers. The very least courtesy would be that members should have known that they were under the microscope at that time. Did you, Mr President, give permission for members of the Public Service Board who are engaged in some kind of examination of this Chamber to sit in the gallery yesterday? Who were they observing and for what purpose? As a matter of courtesy, why were members not told that they would be under scrutiny by these people? Given that the Australian Labor Party and the Democrat members of this Chamber have expressed doubts about this committee, would you suspend the operations of the committee, as far as the committee affects this Council, to enable discussions to take place amongst all parties involved?

The PRESIDENT: The honourable member has raised a number of issues. The first is the apparent contradiction as to who initiated the review. I quite truthfully said yesterday that I did not know who initiated it. I presume that on the date mentioned I, together with the Speaker, authorised the review to take place. As to who initiated the move to have such a review committee, I could not tell the honourable member, because I do not know who initiated it.

After a series of negotiations in which I believe that the right of this Council to look after its own affairs under my jurisdiction was established, I and the Speaker authorised a review of certain procedures of Parliament, not this Chamber. The question asked was in regard to people from the Public Service being present in the gallery. I would not know who is in the gallery, whether they belong to the Public Service, or whether they are part of this review committee. I was told this morning that people who are conducting this review were, in fact, in the gallery, but I do not know the people who are conducting the review and I most certainly did not know that they were in the gallery.

The Hon. FRANK BLEVINS: Mr President, I asked two questions. As you do not know what these people were doing and what they were observing, will you do the Council the courtesy of ascertaining that information, because it was members at whom they were looking? Given the controversy surrounding this committee, and because you did not know who initiated it or from where it came, apparently, will you suspend the operations of the committee in so far as they affect this Council until the whole issue is sorted out?

The PRESIDENT: The answer is 'No, I will not', but I will certainly find out, if those people were from the Public Service, who they were and whether they were doing more than members of the general public do when sitting in the gallery.

The Hon. N. K. FOSTER: I wish to ask a supplementary question. It seems to me that, in regard to the manner in which this matter has been dealt with (and I wish that Griffin would stop laughing—I will catch up with the little fellow directly), since I asked the first question the day before yesterday, there has been a time lapse between the report from the Speaker to which I listened this morning and the President's remarks. There is a question in regard to the communications that have been made to the Leader of the Opposition. There was a time lapse of a number of weeks.

It may well be that there was something in your mind, Mr President, as to whether or not you should finally give your approval to such an inquiry. For how long was this matter under discussion by the Presiding Officers? In view of the fact that the circumstances have changed since the document was signed, will you now give very serious consideration, in the interests of the members of this Council, to withdrawing such authority, based on the fact that, while there has been no substantive motion on this matter in the Council in the strict sense, most certainly this suggestion has been conveyed to you, with the greatest respect, by a number of members on this side of the Council because of the inability of the Attorney-General to answer questions on the matter yesterday?

The PRESIDENT: The answer in the first place is 'No', but in actual fact, if I found that there was an infringement or contravention of good taste in any way that was likely to prejudice any member of this Council or any member of the staff, I would give consideration to that suggestion.

The Hon. N. K. FOSTER: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in this Council and as a member of the Government's so-called razor gang, a question about this inquisition.

Leave granted.

The Hon. N. K. FOSTER: Before asking my question I would like to acquaint the Council with a little bit of history associated with this place, as follows:

> Did you know that in 1838 the Attorney-General had a pet monkey to assist him in his duties? Twenty-six year old Milner Stevens came from the position of Clerk in the Supreme Court in Van Diemens Land to be South Australia's second Attorney-General. He had powerful relations in the Colonial Office and his brother was Chief Justice of New South Wales. He was described as a good looking dapper little man with light curly hair and whiskers, small in every way and wore ladies' number 4 in boots. He possessed strange and various accomplishments, he was a good dancer and sang soft sentimental ditties to the accompaniment of a guitar adorned with a blue ribbon. He married Governor Hindmarsh's daughter and later moved to Melbourne where he became involved in politics, finally moving on to a higher vocation as a faith healer. Meantime, when Attorney-General in Adelaide, he had a little monkey which he frequently kept tied up out the front of his office, a little building sited where the first flight of steps goes down to the railway platform on North Terrace. On these occasions the Aborigines congregated in great numbers and squatting on the ground it is said they watched the antics of the simeon who they thought to be a little old man.

I think that description is very appropriate today, because we have someone who claims to be Attorney-General and who is taking the part of the monkey and dancing to the tune of someone else in respect to this matter.

The Hon. R. J. Ritson: That's very offensive.

The Hon. N. K. FOSTER: What is offensive? It is history.

The Hon. R. J. Ritson: Your remarks.

The PRESIDENT: Order!

The Hon. N. K. FOSTER: What are you talking about, doc? If I am a liar, a scoundrel, a thug or a thief, history should record that fact and it should not be covered up.

The PRESIDENT: Order! The honourable member will ask his question.

The Hon. N. K. FOSTER: On what date did the Attorney-General first approach either or both of the Presiding Officers of this Parliament in relation to the establishment of an inquiry to investigate so-called certain aspects of this Council? Did the Attorney-General initiate this inquiry because of a position that he believed to have arisen where there was some conflict of understanding about the authority of and base for the *Hansard* staff, and the *Hansard* staff being required to undertake some duties elsewhere, such as the courts? Will the Attorney-General answer that question today? I understand from a report I received this morning that that was the basis for the Attorney-General's actions. I note that the Attorney-General is shaking his head, so I can predict his answer. I do not want to call the Attorney-General a liar, but if his answer is 'No' he will be implying that the Speaker (the Chairman of the Joint House Committee) either is misinformed or is a liar.

The Hon. K. T. GRIFFIN: I certainly do not want to reflect upon the integrity of you, Mr President, or the Speaker. I uphold your respective authorities within your respective Chambers and within Parliament House. I am not really clear about what the honourable member is driving at. He made some reference to *Hansard*. *Hansard* is responsible to me: it is part of the Attorney-General's Department. *Hansard* works here at Parliament House and obviously its functions are directly related to the functions of Parliament. I am just not clear about what the honourable member is driving at.

The Hon. N. K. FOSTER: I desire to ask a supplementary question. Will the Attorney-General table all documents, letters and additional material that he used in his discussions with the Speaker of the House of Assembly in respect of the matter that initiated this inquiry? I point out to the Attorney-General that the Joint House Committee, which is chaired by the Speaker, met this morning. If the Attorney-General has not had an opportunity to see the Speaker since then, he should be very careful about his reply, because such a report was given to the Joint House Committee. The Attorney-General can smile—he knows damn well what I mean when I refer to *Hansard* and its base.

The Hon. K. T. GRIFFIN: I am not prepared to table any documents in respect of any matter.

WORD PROCESSORS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Attorney-General a question about an inquiry into the awarding of a contract for the supply of word processors by Raytheon.

Leave granted.

The Hon. C. J. SUMNER: On Tuesday of this week I raised the question of Raytheon receiving a contract for word processors (w.p.s) and visual display units (v.d.u.s) after a phoney tendering process. I have now received additional information which indicates that a full scale inquiry by the Ombudsman should be instituted. The following matters should be considered:

(i) Public servants are unhappy because the Raytheon equipment is obsolete when compared to its competitors; for instance, Raytheon models:

(a) have a single disc limited to 60 pages whereas Rank Xerox 850 has two discs and 144 pages, Rank Xerox 860 has two discs and 288 pages and the I.B.M. machine has two discs and 120 pages.

(b) have old generation pagination. Most systems (Rank Xerox, I.B.M., Wang, and so on) are such that one instruction completes the operation. Raytheon requires single page operation (manual as opposed to automatic) and is very time consuming.

(c) have a complicated sentence and word search system. Most systems have a 'search key' to key in the first and last word of a sentence and the machine will then find the sentence automatically. Raytheon requires the beginning and end of the sentence to be marked on the screen, which requires the use of four keys and is very slow.

Further, there is no fail safe system in the event of power failure in the Raytheon models.

(ii) Industry sources say that while Raytheon has expertise in computer terminals it does not in word processors. This is borne out if market shares are considered throughout Australia in the private and public sectors—Raytheon has little market share compared to I.B.M., Wang and Remington.

(iii) The employment benefits from the establishment of Raytheon have been exaggerated by the Government. There are only 20 employed, not the 70 promised by the Government. The industry believes there was substantial employment growth in the industry in any event. This will now be reduced.

(iv) Raytheon is not manufacturing in South Australia, but assembling only.

(v) The Government promised Raytheon business which is well above the current amount of business done on word processors. The Government has now established a Public Service committee to try to drum up business for Raytheon so the Government commitment can be met.

Will the Attorney-General ask the Ombudsman to institute an immediate and wide ranging inquiry into these allegations and the allegations that I raised last Tuesday?

The Hon. K. T. GRIFFIN: The answer to the honourable member's question is 'No'. It is not an inquiry appropriate to the Ombudsman. It sounds to me like a little bit of intercompany rivalry. When the honourable member asked his question, I think, yesterday, I undertook to refer it to the Deputy Premier for comment. I will refer the matters raised by the honourable member today to the Deputy Premier for comment also and bring down a reply.

REVIEWS AND PROCLAMATIONS

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General a question about reviews and proclamations.

Leave granted.

The Hon. ANNE LEVY: Earlier this year the two Houses of Parliament passed a Bill to prohibit discrimination against the disabled. It was a very fitting measure to pass in this the International Year of the Disabled Person. I understand that it has not yet been proclaimed. Surely it

is desirable that it not only be passed by Parliament in this the International Year of the Disabled Person, but it should also be proclaimed. About 18 months ago the Attorney-General indicated in the Council that a review of the Sex Discrimination Act was being undertaken with a view to amending and updating it in the near future.

So far, there has been no indication of any amending legislation as a result of that review. Furthermore, in July of this year the Attorney-General assured the Council that his department was undertaking a review of the law on provocation resulting from a case that had then occurred in the courts.

That matter is no longer *sub judice,* and the necessity for a review of the law on provocation is not diminished by the outcome of that case. I acknowledge that comments made in the Appeal Court would be relevant to any review of the law on provocation. Personally, however, I feel that the current situation regarding the law on provocation is not satisfactory and that perhaps legislative action is necessary to clarify just what is the law on provocation.

Can the Attorney-General say whether the Act relating to discrimination against the disabled will be proclaimed during this year, when the results of the review of the Sex Discrimination Act will become apparent by means of legislation or otherwise, and whether the review of the law on provocation has been completed and, if so, what the results of that inquiry were?

The Hon. K. T. GRIFFIN: When I announced that the law on provocation was to be reviewed, I indicated two things, first, that the decision of the Court of Criminal Appeal would be relevant in respect of that review, and, secondly, that an indication of a review did not necessarily mean that there would be changes. The decision of the Court of Criminal Appeal was handed down over a month ago, and my officers are still examining it.

The Hon. Anne Levy: It was four months ago.

The Hon. K. T. GRIFFIN: The Court of Criminal Appeal handed down its decision only a month ago.

The Hon. Anne Levy: I am sorry, the hearing was four months ago.

The Hon. K. T. GRIFFIN: The initial trial was about four months ago, and the decision of the Court of Criminal Appeal was handed down only relatively recently. So, that is being taken into consideration. I can give the honourable member no indication as to when that review will be completed.

The review of the Sex Discrimination Act has been completed, and legislation is currently being drafted. It is hoped that legislation will be introduced during the current session. When the draft has been completed, I will necessarily wish to consult with a number of people before that Bill is finally approved by the Government for introduction. I hope that it will still be possible to introduce the Bill during the current session.

Regarding the Handicapped Persons Equal Opportunity Act, the hope is that it will be proclaimed by the end of 1981. Currently, discussions are taking place with various people who have a direct interest in that legislation regarding its proclamation, and particularly regarding the promotion of its objectives—designing a programme which would ensure that the Act, when proclaimed, was understood and achieving the objectives that we set when passing the Bill during the course of this year.

I am not yet able to say finally that it will be proclaimed by 31 December this year, but certainly that is still the Government's objective. I hope certainly by the end of December to be able publicly to outline the campaign that will accompany the proclamation of that Act. I think that every member would agree that it is important that the objectives be well understood by all those who will be affected by the legislation, so that we do not start off, as we did in the early days of the Sex Discrimination Act, with that Act being poorly understood by many people whom it affected and without any really appropriate education campaign going hand in hand with its proclamation. The Government's concern with the Handicapped Persons Equal Opportunity Act is to see that a proper and adequate education campaign is associated with its proclamation.

BANDAGES

The Hon. G. L. BRUCE: I seek leave to make a statement before asking the Minister of Community Welfare, representing the Minister of Health, a question regarding the contamination of bandages.

Leave granted.

The Hon. G. L. BRUCE: Recently, there was considerable media publicity about contaminated bandages that had been imported from India and Taiwan and widely distributed in South Australia. Warnings were issued, and I understand that the South Australian Health Commission attempted to recall all the bandages. Can the Minister explain precisely what administrative procedures exist for a recall of this kind? Are individual purchasers reimbursed for any costs that they have incurred? What steps were taken in this case? Finally, can the Minister give an assurance that all contaminated bandages have now been withdrawn or recalled in South Australia?

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

BREAD INDUSTRY

The Hon. J. E. DUNFORD: I seek leave to make a statement before asking the Attorney-General, representing the Premier, a question regarding the loss of bread industry jobs.

Leave granted.

The Hon. J. E. DUNFORD: I have been informed by Mr Frank Evans, the Secretary of the Breadcarters Industrial Federation, that on 15 October 1981 he informed the Premier that he had discussed the industry with the Minister of Industrial Affairs (Hon. D. C. Brown) and the Minister of Consumer Affairs (Hon. J. C. Burdett), and he asked to meet the Premier, as Leader of the Government, with a small deputation of breadcarters, in order to discuss their frustrations and fears regarding unemployment and chaos in their jobs. The Premier's office replied that it was considering the matter in his letter.

On 13 November, he wrote to the Premier and the two Ministers to whom I have referred pointing out the latest problems that have occurred in the discount war. It was stated that this was a sales promotion by a city bakery to shops in country centres at prices that the country baker could not match, and that, if it was allowed to happen, it would destroy the country baking industry. Mr Evans was still waiting to hear from the Premier.

So, from 15 October to 15 November this matter has not been dealt with, or the Premier has not seen fit to meet a deputation. I noticed only a couple of days ago that the matter had received headlines in the press, when it was stated that 300 jobs were at risk in the metropolitan area.

Realising that the Premier has said that he wishes to create so many jobs in South Australia, it seems astounding that, when there is here a risk of 300 jobs going down the drain, it has taken over a month for the Secretary of this federation, representing his members, to get a meeting with

the Premier. I believe that the Premier should stand condemned on that matter.

Certainly, Mr Evans has not said anything about the Premier in his letter, although I know how he and his members would feel. Mr Evans left me with an article that appeared in a Victorian newspaper. It was stated therein that Schwarz Breads in Horsham would decide within a month whether to close its big bread-making plant. Apparently, the plant is worth $1 000 000 and supplies half the population of Horsham, a very large provincial town in Victoria. That firm is losing its business to a multi-national, which has now bought out all the bakers in Mildura. The bread will be shipped daily 320 kilometres to Horsham. An article in a Victorian newspaper stated that that State Government had aided and abetted the destruction of country bakeries by refusing to enforce regulations restricting the bakeries to a 48.3 km bread-sales radius.

So, that is what is happening in Victoria, and it is happening here in South Australia. Already this week five breadcarting rounds have been stopped in one firm, and in another firm five rounds are expected to be stopped before Christmas. For those of us who have lived in the country, and for the many of us who have travelled in the country, the baking industry and bakery shops in the country have been a historical point of interest in a town. They are a sort of hand-me-down family business that has been going on for years. Apprentices are trained in these businesses instead of coming to the city. They have been thriving businesses, but now two such businesses at McLaren Vale are on the way out. At this time, when multi-nationals are taking over these small businesses, the Government must step in. The Government purports to represent the people of country areas. Every day of the week I tell people that the Liberals are not concerned about country people, and that they are concerned only about people who support them financially, like the multi-nationals. The multi-nationals know that the Government will do nothing at all to save jobs, that it does not worry about wrecking homes, about consumer affairs and controls. In fact, no more controls will be placed on the multi-nationals while this shocking, psuedo Government remains in office. I hope that our Premier, instead of going on television and making a fool of himself—

The Hon. N. K. Foster: He doesn't have to; he is one.

The Hon. J. E. DUNFORD: True, but I do not like to go that far.

The PRESIDENT: I hope that you do not; I hope that you get on with your question.

The Hon. J. E. DUNFORD: I want the Premier to do his job, and not ignore these people. This delegation is representing people who are trying to save their jobs, and they are generally trying to save the jobs of the country bakers. These poor country bakers have been voting Liberal all their lives; they do not know any better. I am not so worried about those cases, but I am worried about the workers, about the prospects of people getting apprenticeships, and about the possibility of people getting decent bread.

We all know what the multi-nationals are up to: they cut the price of the bread, and when they capture the market they jack up the prices to what they were before. In the wake of all this intrigue and skullduggery, hundreds and hundreds of jobs and the traditions of the country towns are done away with.

The Hon. M. B. Cameron: You have a deep understanding of economics; I am impressed.

The Hon. J. E. DUNFORD: People mean more to me than economics. That is you all over Cameron. You are only worried about economics; you are not worried about the country people.

The PRESIDENT: Order! Will the Hon. Mr Cameron cease interjecting and will the Hon. Mr Dunford continue?

The Hon. J. E. DUNFORD: Every time I rise, he interjects. If it were not for you, Mr President, he would jump over and attack me. I think that there is something wrong with him.

The Hon. N. K. Foster: You only think!

The Hon. J. E. DUNFORD: I am sure of it. Mr President, he threw in the interjection, and I have now lost my track.

The Hon. J. R. Cornwall: Start again.

The Hon. J. E. DUNFORD: I will not do that. Mr Cameron thinks this is a funny matter; he is only interested in economics, not about people and jobs. He ought to tell the people, when he runs around trying to get elected, what sort of a turncoat he is.

I ask the Attorney-General to request the Premier, as a matter of utmost urgency, to meet a deputation from the Breadcarters Industrial Federation to discuss the real possibilities of the closure of country bakeries, the loss of jobs and the problem of discounting bread in the industry.

The Hon. K. T. GRIFFIN: I will certainly not request the Premier to do that. I will refer the questions to him for consideration. The matters that the honourable member suggested were facts are quite erroneous. This then raises the point of whether the question is a valid question. Nevertheless, I will refer it to the Premier and bring back a reply.

The Hon. J. E. DUNFORD: I have a supplementary question. I would like to know what the Attorney means? Would he explain what he means by 'valid question'? I am asking that the Premier meet a deputation of the breadcarters union. Will he explain himself?

The Hon. K. T. GRIFFIN: The honourable member suggested the need to meet bread industry representatives on the basis of facts which I dispute. He made a number of spurious allegations about the Premier, the Government and members on this side that are totally unsubstantiated and cannot be substantiated. It is that to which I refer. The honourable member is asking that the Premier see this delegation on the basis of spurious facts. Nevertheless, I will refer the question to the Premier.

WEIGHT REGULATIONS

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Industrial Affairs, a question about weight regulations.

Leave granted.

The Hon. BARBARA WIESE: As you would be aware, Mr President, regulations currently in operation in South Australia prescribe maximum weights to be lifted by women in the work force. It is the view of many people who are associated with industry in South Australia, and in other parts of Australia, that these weight lifting provisions, which were originally introduced to protect women workers, have been used to discriminate against women in industry, particularly women seeking work in traditionally male jobs.

I understand that the Equal Opportunities Division has received very few formal complaints about this matter, but that the division believes that women are discriminated against fairly widely on these grounds. This opinion is supported by the national committee on discrimination, which also has received few written complaints from women, but a number of verbal complaints. A number of trade union officials with whom I have spoken also agree that this is a source of discrimination against women and one union official, with whom I was speaking yesterday, indicated that there has been a significant reduction in the number of women working in his industry since the weight limits were introduced. It is interesting to note in this

context that the Department of Industrial Affairs and Employment apparently keeps no statistics on complaints about discrimination that they receive on this issue.

In summary, it seems that, although there is little statistical evidence to support the view that discrimination is taking place, there is sufficient information available from people involved in the industry to suggest that this is a matter that needs investigation. Will the Minister direct his department to keep statistics on future complaints it receives about this and other forms of discrimination against women workers?

Also, will the Minister set up a working party, including representation from the Equal Opportunities Division, to investigate the effects on women's employment of the weight lifting provisions in industrial safety regulations?

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

SOUTH AUSTRALIAN FILM CORPORATION ACT AMENDMENT BILL

The Hon. C. M. HILL (Minister of Arts) obtained leave and introduced a Bill for an Act to amend the South Australian Film Corporation Act, 1972-1979. Read a first time.

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

That this Bill be now read a second time.

It effects a minor change to the title of the chief executive officer of the South Australian Film Corporation from Director to Managing Director. This change is considered necessary because of confusion which has been experienced with use of the title 'Director' within the film industry. The term 'Director' is used in the film industry throughout the world to designate positions in film crews. Since the South Australian Film Corporation was established the use of the film crew title of 'Director' to designate the chief executive has caused some confusion.

As the corporation is now entering into closer and more extensive business relationships with companies and private investors in Australia and overseas, it is desirable that the more appropriate designation of 'Managing Director' be adopted.

Clause 1 is formal. Clause 2 amends the heading to Part III in section 3 of the principal Act. Clause 3 replaces the definition of 'the Director' with an equivalent definition of 'the Managing Director'. Clause 4 amends the heading to Part III of the principal Act. Clauses 5 to 10 make consequential amendments to various provisions of the principal Act.

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

STATE THEATRE COMPANY OF SOUTH AUSTRALIA AMENDMENT BILL

The Hon. C. M. HILL (Minister of Arts) obtained leave and introduced a Bill for an Act to amend the State Theatre Company of South Australia Act, 1972-1979. Read a first time.

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

That this Bill be now read a second time.

The State Theatre Company has in recent times been confronted with a series of problems of considerable difficulty. Of course, these problems in no way reflect upon the competence and diligence of the board. However, the Government believes that the board might be better equipped to deal with the problems that lie ahead if its membership were increased. The board's present size makes it too vulnerable should any governors be absent. This is often unavoidable, due to business or private commitments or, in the case of the company representative, when the company is on tour.

The increase in numbers of trustees of the Regional Cultural Centre Trusts last year from six to eight has proved prudent, allowing wider community representation and greater flexibility in appointing persons with specific expertise. Similar benefits may well ensue from a corresponding broadening of the membership of the board of the State Theatre Company. The present Bill accordingly increases the size of the board from six to eight members.

Clauses 1 and 2 are formal. Clause 3 increases the number of board members to be appointed by the Governor from three to five, thus increasing total membership of the board from six to eight. Clause 4 increases the quorum of the board from three to four members.

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

BUSINESS NAMES ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Minister of Corporate Affairs) obtained leave and introduced a Bill for an Act to amend the Business Names Act, 1963. Read a first time.

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

That this Bill be now read a second time.

This Bill amends section 34 (2) of the Business Names Act, 1963, which section specifies the matters in respect of which regulations can be made pursuant to the Act. As the Act has remained unaltered since 1963, the limitation of the fee-regulating power to an amount of $20 is unrealistic in present-day money terms. This situation has also been recognised in other jurisdictions where changes to comparable regulations have been made.

The present schedule contains some 17 items of fees which are payable to the Corporate Affairs Commission, when various documents are lodged under the Act. Moreover those 17 items of fees are drafted in unnecessarily complex terminology which may not be readily understood by many small business men who are required to lodge documents in respect of registered names.

The new schedule of fees which will be prepared following this amendment will halve the number of items of fees prescribed at present, and express the circumstances in which those fees are payable in simple terminology. This reduction in the number of items of fees will result in documents which now attract a fee of one or two dollars being accepted for lodgement without any fee. The need to lodge documentation in respect of a change in registered particulars will remain but the frustration of having to remit or alternatively recover very small amounts of fees will be removed. This is a very desirable deregulation measure which is in conformity with Government policy and which will confer a substantial benefit by way of convenience on the small businessman, as well as facilitiating the administrative process.

I commend this simple but nevertheless very desirable amendment to the House. Clause 1 is formal. Clause 2 amends section 34 to permit the setting of fees, without specifying a maximum amount. The provision is also expanded slightly, in accordance with current drafting practice.

The Hon. C. J. SUMNER secured the adjournment of the debate.

BUILDING SOCIETIES ACT AMENDMENT BILL

The Hon. J. C. BURDETT (Minister of Consumer Affairs) obtained leave and introduced a Bill for an Act to amend the Building Societies Act, 1975-1981. Read a first time.

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

That this Bill be now read a second time.

The South Australian Association of Permanent Building Societies has submitted requests for amendments to the Building Societies Act to the Building Societies Advisory Committee. That committee, created under amendments made to the Act earlier this year, includes the Registrar of Building Societies, a nominee of the Treasurer, a nominee of the Minister of Housing, and industry representatives. Its functions include the review of legislation relevant to the operation of societies and, where appropriate, recommending amendments.

The advisory committee has examined the requests and has recommended several amendments which, with some modification, are included in the present Bill. The proposed amendments are concentrated in three main areas, namely restricted loans, liquidity, and investments. Underlying all three is an attempt to adapt the role of a co-operative building society to the conditions of present day economic and social life.

The traditional role of such a building society is to accept funds from, and grant home loans to, members of the co-operative. This important function will remain the basis of a building society's activities. But it must be recognised that building societies are presently faced with increased competition from banks and other financial institutions, with the result that the cost of funds has increased dramatically, and the maintenance of inflow of low cost funds has been threatened.

One solution is to allow building societies some greater degree of freedom in asset management, thereby allowing overhead costs to be covered by the higher yielding options of restricted loans, and financial investments other than home loans. In this context it is important to emphasise the practical limits upon home loan interest rates, which of course cannot be allowed to outstrip the capacity of borrowers to repay. Thus, quite apart from interest rate policies adopted by Government, building societies cannot simply pass on higher costs incurred in raising funds in the form of higher home loan interest rates.

The amendments proposed will not allow a fundamental shift in emphasis of building society activity, but will reduce the present pressure on building societies by permitting a controlled expansion of activities into higher yielding areas, including development loans for rental accommodation. Such an expansion is not inconsistent with the traditional role of building societies, since the proposed expansion of activities should have a beneficial effect upon home interest rates.

1. Restricted Loans (s. 33):

Basically, section 33 serves to place a statutory limit on loans other than traditional loans to members for 'reasonably priced' homes. At present, section 33 defines a restricted loan as a loan made on the security of a mortgage on land, of a value of $40 000 or more (or as prescribed—presently prescribed as $70 000), or to a body corporate. Restricted loans are limited to 10 per cent of total loans outstanding.

The proposed amendment seeks to delete reference to loans to a body corporate, thus taking such loans outside the 10 per cent constraint. This would facilitate loans to developers of rental accommodation, but a proposed inclusion as a restricted loan of any loan not granted for the purpose of residential accommodation will safeguard the amendment from abuse. The other amendments proposed set the relevant figure at $70 000 or as prescribed as the cut-off point, and provide for the prescription of a permitted percentage of restricted loans in excess of 10 per cent of total loans outstanding. Such amendments provide for future flexibility without eliminating the potential to maintain the *status quo* should conditions justify it.

Government policy is to encourage home ownership and, as an alternative under modern conditions, to encourage the availability of rental accommodation. The proposed amendments to section 33 would serve to facilitate the lending of funds by building societies for the purposes of financing rental accommodation, and advancing loans for other purposes on a limited basis. The Government has accepted that the proposed relaxation of section 33 will not have a significant adverse effect upon the volume of home loans, and will, as well as facilitating expansion of development loans, serve to contain some of the strong upward pressure on home loan interest rates.

2. Liquidity (s. 36):

Essentially, section 36 prohibits loans from being made unless adequate liquid funds are held by a society. The present section 36 (2) defines liquid funds in such a way as to exclude a number of assets which the Building Societies Advisory Committee accepts as sufficiently liquid and secure for the purposes of section 36.

The amended section 36 proposed to, and accepted by, the Building Societies Advisory Committee as being justifiable, would serve to broaden the acceptable forms of holdings of liquid assets, including assets of South Australian origin, such as State Government guaranteed securities. The Government supports this move. Basically, the proposed new section 36 is a recognition of modern financial conditions, especially recent sophistication of the money market.

3. Investments (s. 40):

The purpose of section 40 is to establish the legitimate areas of investment open to a building society. The amendment proposed relates to section 40 (3), which limits shareholdings in companies or bodies corporate, presently to a maximum of one per cent of total paid up share capital. The proposal is to allow a greater percentage to be prescribed. The essential object of the proposed amendment is the statutory opportunity for building societies to increase holdings of shares. The purposes for which such an expansion is sought are for investment in insurance of deposit scheme, the Housing Loan Insurance Corporation or its commercial successor(s), and society-owned service companies such as computing services. The effect on overall liquidity and stability would be marginal, since the expansion will be contained by prescription of a maximum percentage of paid up share capital, and it is not envisaged that any large-scale shift into shareholdings would be either sought or approved. The amendments include the requirement that a proposed acquisition of shares shall have the express approval of the Registrar of Building Societies, and be limited to acquisitions of shares in companies, the activities of which are directly related to the proper activities of the society. In addition, it is proposed that section 40 be amended also to permit investment in bills of exchange which have been accepted or endorsed by a prescribed bank. This amendment is consistent with that proposed in regard to section 36 (2).

4. Raising of Funds (s. 41):

Section 41 delineates the permissible means of fund raising available to a building society. Section 41 (2) limits the volume of funds which may be raised, in relation to the

volume of loans outstanding. It has been recommended that section 41 (2) be amended to include accrued interest as well as the total principal raised by the building society. Such an amendment simply gives better effect to the economic intent of section 41 (2). The Bill also contains a few minor amendments to the principal Act which I shall mention in the course of my explanation of the clauses. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 makes a formal amendment to the principal Act. Clause 4 redefines a restricted loan as a loan exceeding $70 000 or some other prescribed sum, or resulting in indebtedness to the society exceeding $70 000 or the prescribed sum, or any other loan for non-residential purposes. The clause introduces the possibility of increasing, by regulation, the proportion of funds that may be invested in restricted loans. The power of the Registrar to approve restricted loans that would otherwise contravene the Act is expanded to relate to a class of loans.

Clause 5 expands the classes of investments which may be brought into account in calculating the liquid funds of a society. Clause 6 permits investments in bills of exchange. It regulates more closely investment by societies in shares, but permits at the same time the possible increase, by regulations, of the proportion of funds devoted to such investment. Clause 7 amends provisions under which the amount that may be raised at any one time by a society is limited to two-thirds of the amount of principal outstanding under mortgages granted in favour of the society. Accumulated interest that has not as yet been paid or credited to depositors or others is in future to be brought into account in this formula.

Clause 8 amends section 58 to make it quite clear that no member of a society can exercise multiple votes at a meeting of the members of the society. Clause 9 makes an amendment consequential upon amendments enacted earlier this year. If a society's paid-up share capital falls below $2 000 000 it will, under the amendment, become liable to winding up. This figure will correspond with the amount required as a condition precedent to formation of a society.

The Hon. C. J. SUMNER secured the adjournment of the debate.

VALUATION OF LAND ACT AMENDMENT BILL

In Committee.

(Continued from 19 November. Page 2078.)

Clauses 2 and 3 passed.

Clause 4—'Repeal of section 23.'

The Hon. BARBARA WIESE: I move:

Page 1, line 17—Leave out repealed and insert—amended—

(a) by striking out from subsection (2) the passage 'and in the prescribed form'; and

(b) by inserting after subsection (2) the following subsection:

(2a) Where the prescribed particulars required under subsection (2) are included in an account or notice sent by a rating or taxing authority to the owner of the land to which the particulars relate, that account or notice shall be deemed to constitute the notice of valuation required under subsection (1).

The effect of the amendment would be to retain section 23 of the principal Act instead of repealing it as the Government intends and also to provide for notification of revaluation of land to be given to landowners, with information about the procedures that are to be followed in lodging an objection to such revaluation. Such information is likely to be sent to landowners with an E.& W.S. Department account or a council rate notice.

As I indicated in the second reading stage, the Opposition agrees generally with the Government's wish to save the cost of sending separate notices to landowners to notify them of a revaluation of their property, particularly as most people who object do not do so until they receive a rate notice or an E.& W.S. Department account. We were concerned that the right of the land owner or the ratepayer to be fully informed of any revaluation should be retained and information should be provided about the procedures that must be followed in objecting to a revaluation.

This procedure can be carried out fairly cheaply by including that sort of information on rate notices. I understand that there would be no undue administrative problems in that regard. The Valuer-General has indicated that it will be possible to add a note to E.& W.S. Department accounts (for example, the account that would arrive immediately after the revaluation took place) to indicate that the capital land value listed is a new valuation. Objection procedures could be listed on the reverse side of the account. If this procedure was followed, the objection of the Opposition would be satisfied. I commend the amendment to the Committee.

The Hon. K. L. MILNE: I support what the Hon. Miss Wiese has said. There is not a great deal of controversy about this matter and the suggestion is obviously a good idea. I believe that all members will agree that the more information supplied on rate and tax notices the better. It can only be helpful. Not everyone in the community has a filing system, nor can everyone keep track of rates and taxes. Most people would reply on the current rate notices.

Different wording on the rate notices will supply information not only about revaluation but also about rights in regard to objections or the seeking of further information, which again the average person does not really know. I believe that everyone in the community feels that the 'take it or leave it' attitude one receives from rate notices, E.& W.S. Department accounts, land tax notices and particularly Federal telephone accounts is rather anti-democratic. One can do nothing about a telephone account.

The State departments are much better in this regard and I believe that this amendment will provide a further improvement. Legislation of this kind can only be helpful to nearly all the people, because nearly everyone is involved in one way or another.

The Hon. C. M. HILL: I fail to see the need for the amendment. The Government intends to move towards the system that the amendment envisages as soon as practicable. There are some difficulties in the computer system and the department, which must be overcome before this quite ideal arrangement can be achieved.

The Hon. D. H. Laidlaw: It would probably cost a lot of money.

The Hon. Barbara Wiese: It will not cost much at all.

The Hon. C. M. HILL: Initially, it will cost extra money, but ultimately, once the scheme is operating, the cost will not be over much. Why should this procedure be prescribed in law when it is clearly the department's intention? I can give an undertaking that this method will be employed as soon as practicable. I point out that, if the amendment is carried, the Government need not prescribe as suggested, and therefore the amendment would not ensure that the intention of the Hon. Miss Wiese (and I see that she is joined by the Hon. Mr Milne) would be achieved. This is the only point I make.

I ask the Hon. Miss Wiese to accept an undertaking that ultimately, if the Bill goes through in its present form, the aim she is seeking to achieve will be put in train by the Government. Therefore, I question whether there is a need

for an amendment of this kind. Ultimately, we all want to achieve a situation in which a ratepayer will receive not only a rate notice but also the most recent assessment of the property on that notice and other particulars providing the grounds of objection by the ratepayer if he feels that that assessment is too high. That is what we have in common and what we are striving for.

The department wishes to move towards that final goal, and this Bill is a step in that direction. This Bill simply dispenses with the need for a separate notice to be sent out indicating the new assessments and the means by which ratepayers can object to the assessment if they so desire. The Government will ultimately save about $123 000 if that can be put in train. Admittedly, the Hon. Miss Wiese's amendment does achieve that, but in accordance with Labor policy she is attempting to lay down in the law more and more restrictions for the department concerned.

The Hon. J. E. Dunford: The Democrats and the Labor Party are united on this. Can't you count?

The Hon. C. M. HILL: In view of the Hon. Mr Milne's performance yesterday I am not really surprised. Once again, the Hon. Mr Milne is supporting the Opposition, but that is his right. I ask the Hon. Miss Wiese to further consider her amendment. The thrust of Miss Wiese's amendment will be achieved in the fullness of time, because the Government and the Valuer-General are moving in that direction anyway.

The Hon. BARBARA WIESE: I congratulate the Minister on his valiant attempt to defend a position with which he does not really agree. I had discussions with the Hon. Mr Milne and the Minister yesterday which indicated to me that the Minister agreed with the proposition that I was putting forward. The Minister is now defending what is really an untenable position that has been put to him by his colleague in another place. I cannot understand why his colleague in another place is being so petty about this matter. I understand that in the legislation covering land tax, for example, there is a provision very similar to my amendment, which requires that a land holder should be notified about a new assessment and the procedure to be followed when lodging an objection. I do not believe that this situation is any different.

The Minister has said that the department intends to include this information on accounts at some stage in the future anyway. If that is the department's intention there is absolutely no reason whatsoever why that provision should not be included in the legislation to ensure that it is done not only in the near future but for all time. I will certainly not reconsider my position. This is a very proper amendment and I commend it to the Committee.

The Hon. C. M. HILL: In relation to the discussions held yesterday, I point out that it is my duty to endeavour to improve Opposition amendments so that they appear in the most acceptable form in the event that they receive sufficient support to be carried and become part of a Bill. The Hon. Miss Wiese's present amendment is different from her earlier proposal. Her present amendment is most certainly the better of the two propositions. Bearing in mind that the Hon. Mr Milne might have supported the Hon. Miss Wiese's amendment and, therefore, that the Bill might be changed from its original concept, it was quite in order for me to make every endeavour to assist the Hon. Miss Wiese with her amendment to ensure that it was in the most acceptable form. However, I am rather disappointed that the Hon. Miss Wiese wishes to proceed with her amendment. I think it is the first amendment that she has moved since she has been a member of this Council.

The Hon. Frank Blevins: Rubbish!

The Hon. C. M. HILL: It is the first one she has moved successfully. The Hon. Miss Wiese has been rather quiet during her two years as a member, but I think that is because other duties have taken up much of her time.

The Hon. Frank Blevins: That's totally uncalled for.

The Hon. C. M. HILL: It is a fact. I would like to see the Hon. Miss Wiese successfully move an amendment at long last and I give notice that I do not intend to divide on it.

The Hon. BARBARA WIESE: To set the record straight, I believe that I have moved, at the last estimate, about 45 amendments. The Minister might recall that I moved a large number of amendments to the Community Welfare Bill and 85 per cent of those amendments were successful. My record in terms of moving amendments is rather better than most in this Chamber.

Amendment carried; clause as amended passed.

Clause 5 and title passed.

Bill read a third time and passed.

PUBLIC WORKS STANDING COMMITTEE

The Hon. C. M. HILL (Minister of Local Government): Pursuant to section 18 of the Public Works Standing Committee Act, 1927-1978, I move:

That members of this Council appointed to the Parliamentary Standing Committee of Public Works under the Public Works Standing Committee Act, 1927-1978, have leave to sit on that committee during the sitting of the Council on Tuesday 8 December.

Motion carried.

HOUSING AGREEMENT BILL

Adjourned debate on second reading.

(Continued from 2 December. Page 2233.)

The Hon. C. M. HILL (Minister of Housing): I was very disappointed with the Hon. Mr Sumner's contribution to this debate yesterday. He showed a complete lack of knowledge and understanding of the deliberations at Ministerial meetings when States such as South Australia are treating with the Commonwealth for funds for general works programmes.

I note that in his Ministerial experience the Leader has been more involved in conferences between Attorneys-General and a similar form of debate. Generally, the thrust of those conferences is different from that of conferences where the States are seeking funds for works programmes such as housing, transport and areas of that kind.

Further, I want to assure the Leader that, in relation to Ministerial housing conferences that have occurred since 1979, a great deal of effort has been made by me and my officers to obtain the best possible financial deal from the Commonwealth Government and to endeavour to achieve from the Commonwealth the optimum overall sum for housing throughout Australia.

The Hon. C. J. Sumner: You haven't done a very good job. That's all I can say.

The Hon. C. M. HILL: The Leader must acknowledge that there have been restraints by the Government on public funds, not just in this area but in all areas, and, despite strong efforts made on behalf of this State, we certainly have not been as successful as we would have liked in regard to obtaining funds from the Commonwealth Government.

Nevertheless, when one finally comes to a point at which the agreement must be signed if any money at all is to come from Canberra to South Australia, a State like South Australia (and all the other States are in this position) has

no alternative than to put to its Parliament the proposition that the agreement must be signed. That is the situation in which we now find ourselves.

If this Commonwealth-State housing agreement, which applies for five years from 1 July this year, is not signed, not only will we not be entitled under the law to receive Commonwealth-State housing funds for the balance of this financial year but also we will be in a position where we may have to refund money already received from 1 July until now. So, we have no alternative. Indeed, I said in my second reading explanation that, most reluctantly, we did not have an alternative.

However, for some reason or another the Leader took that to mean some sign of weakness on South Australia's part. He also queried the second reading explanation and implied that it did not contain sufficient information. I am therefore pleased to be able to give a little more information regarding some aspects of the overall measure, to which we as a State either agree or disagree. I now refer to the major changes from the 1978 agreement, which was a three-year agreement.

First, the objectives have been enlarged to include attention being given to energy conservation policies, to the needs of handicapped people, and to encouragement of tenant participation. South Australia has supported this. Secondly, a base level of funds for the five years of the agreement is provided for; that is for $200 000 000 a year, to which the Leader referred yesterday. For years, the States fought for a concept in which a base level would be assured to them for the whole period of the agreement under consideration.

This is the first occasion on which the principle of the base level of funds has been agreed to by the Commonwealth Government. While the $200 000 000 as a base level is by no means high enough, nevertheless the principle has been established and South Australia has welcomed the concept. Of course, we have asked and fought for a higher amount.

Thirdly, provision has been allowed for non-earmarked grant funds to be made available under the agreement. South Australia has welcomed the added flexibility that this will mean, but has pointed out that innovative schemes would be more feasible if some of these funds had been included in the guaranteed base funds.

Fourthly, the purposes for which funds may be used have been widened to include provision of rental subsidies for private tenants. Incidentally, South Australia requested this. South Australia unsuccessfully asked that funds should be able to be used also to pay for public housing rebates, to help private mortgagors in difficulties, and to rehabilitate privately-owned housing. Under the agreement, however, extra purposes can still be agreed to by the two Ministers.

Finally, there is to be progressive movement during the term of the agreement to full market rents (South Australia argued for the existing wording of 'market-related rents'), and a uniform rebate policy is to be developed and implemented. South Australia sees no virtue in uniformity for its own sake, because we believe that, where we have people on low incomes (and, of course, we have a lot of people in this category), our system is most satisfactory. However, the Commonwealth Government wishes to move to uniformity and, as I say, we can see no virtue in that.

There is another point, namely, that provision is made not in the agreement itself but in the Housing Assistance Act, 1981, for a new basis for distributing funds between States, which would reduce South Australia's share. In the early 1970s Loan Council used to agree on a total works and housing programme for each State. South Australia then tended to put relatively more of its funds into housing compared with other States, and less into works. When the Commonwealth decided to allocate housing funds separately, South Australia consequently received a large share of these funds. The Commonwealth has managed a limited redistribution over the past few years by providing grants earmarked for pensioners and Aboriginals and distributing them on the basis of the numbers of these people in each State. The intention now is to move, over 10 years, to a per capita distribution of all the rest of the funds.

Partly to try to avoid this redistribution, South Australia has argued against any agreement and instead for housing funds to be absorbed back into Loan Council allocations as in the early 1970s. South Australia, of course, has also been opposing specific purpose agreements generally on the ground that they are wasteful in terms of administrative effort and tend to distort State priorities.

The Hon. C. J. Sumner: Since when?

The Hon. C. M. HILL: We have been asking since 1979. We managed to hold off any adjustment in the per capita proportion of Commonwealth funds coming to South Australia during the first year that we were in Government. However, with the passing of time and under pressure from the Commonwealth Government (of course, we had no support at all in the case of Queensland, New South Wales and Victoria, which realised that they would benefit by a per capita arrangement), we have had to yield to the Commonwealth proposal, which is that over a 10-year period we shall be moved down from our present percentage to a per capita arrangement.

Bearing in mind that it has proved impossible to abort this, it does give us 10 years during which the blow can be somewhat lessened. The first year that this arrangement was put forward by the Commonwealth was the year in which the *status quo* was to remain. Therefore, we really have 11 years before we get back to a per capita arrangement. That is most unsatisfactory from South Australia's point of view and we have pointed that out very strongly to the Commonwealth.

Those are the general differences; those are the aspects of the new arrangement to which the Leader referred yesterday and the points that this Parliament must bear in mind when considering whether or not it believes that the State Government should sign this agreement.

The Hon. C. J. Sumner: Why didn't you tell us about it before?

The Hon. C. M. HILL: If the Leader had done his homework and compared one agreement with the other, he would have been able to ascertain the point; but apparently he wanted the easy way out. I hope that he now has a better knowledge than when he got on his feet yesterday. Another point that the Leader made yesterday related to the question of repayments to the Commonwealth of moneys that had been loaned over the years for housing purposes. He raised the question of this annual repayment compared to the current annual loan moneys we are receiving from the Commonwealth. It is true that it is almost getting down to a line ball now. The Leader said yesterday that, out of a figure of approximately $35 000 000 coming to the State this financial year, the actual repayment is $31 500 000. Actually, the figure is $31 600 000, which is made up of $5 100 000 in principal and $26 500 000 in interest. Therefore, there is only a net Commonwealth contribution in 1981-82 to welfare housing in South Australia of $3 100 000.

The Hon. C. J. Sumner: Compared to about $80 000 000 about four years ago.

The Hon. C. M. HILL: I think there was a much bigger diffference; I do not have that figure. I like living in the present and for the future, rather than in the past. Regarding the $31 600 000, the Leader made some play yesterday as to the specific line being taken at the Ministerial conferences and on other occasions, in trying to obtain further

help from the Commonwealth. He referred to the front page campaign of Mr Kennett in Victoria, in his endeavour to demand a further huge amount from the Commonwealth. My belief is that the best possible chance South Australia and the other States have to obtain further relief or aid from the Government, is for a deferral of the $31 600 000, or at least a portion of it, by the Commonwealth.

If the Commonwealth could have seen its way clear to defer that repayment from the States, or even half of it, for a few more years, that would have then given tremendous help to this State and other States. I pressed strongly for this. At the relevant conferences I sought help from the other States in regard to that particular approach. That was the strategy to which I referred in the answer to the question raised by the Leader yesterday. I did not believe that Mr Kennett would succeed by playing front page politics, as Mr Fraser has a record of not being easily swayed by such strategies.

The Hon. C. J. Sumner: You haven't done much better.

The Hon. C. M. HILL: That is true. No State as yet has been successful in budging the Commonwealth in regard to this Commonwealth-State allocation and in obtaining a greater figure than that which the Commonwealth came forward with when it put the proposition to the States. That is not to say that the States are not going to obtain more financial aid in regard to the question of housing generally. Honourable members know that matters, according to the press (and I think the reports are reliable), are before the Commonwealth Cabinet now on the question of further relief in this area of mortgage finance or subsidy and possibly the taxability of some mortgage repayments. The battle has not been lost yet.

In other words, the Commonwealth has not rejected out of hand the representation from the States on this question; it is still under consideration. Therefore, it is fair to say that, considering the campaign of Mr Kennett and representations from other States to the Commonwealth on this overall question, while it appears at the moment that the Commonwealth has not given way at all, some aspects of the overall problem are still under consideration.

The Leader flung his accusations far and wide yesterday and covered a very wide ambit in his general criticism of the housing situation in this State. I have not had the time to investigate in great detail the figures he produced, but I point out that the number of approvals for total new dwellings expressed as an annual figure rose by 133 units, which is equivalent to 1.7 per cent during September, to reach 7 952 in this State. This is an upward trend that has been in evidence since February and is continuing.

I am not claiming that we are anywhere near the goal that I would like to see on the question of housing commencements, but the growth is steady. Admittedly, it is slow but, bearing in mind the population of the State and the economic situation generally, it does give some grounds for optimism in the future. Indeed, South Australia's population increased by 9 000, which is .69 per cent in 1980-81. That is the highest increase in the past three years. The Government is doing its best to assist home buyers and the building industry under this particular environment. In regard to the State Bank concessional housing loans, new housing loans are still being approved at the rate of 55 per week. A month or two ago it seemed that funds might be running short to maintain this programme. When that position was pointed out by the State Bank to the Government, the Government immediately arranged for an injectioin of $18 500 000 from the S.G.I.C. early in the new year to the State Bank, to ensure that the rate of lending could be further maintained.

Regarding the contribution from the public housing sector, as I recall the Leader's speech yesterday, he was critical of the Government's effort as far as public sector housing was concerned in this State. Let me tell the Leader that the South Australian Housing Trust is expected to account for 23.3 per cent of dwelling commencements in this State in the current 1981-82 year, and that is the highest percentage for the past six years.

When the Leader was in Government in 1976-77, the percentage was 14.8, and it rose in 1977-78 to 19.8. In the last full year of the Labor Government (when it was absolutely on the skids), in 1978-79 it went down to 16.7 per cent; in 1979-80 it was 19.7 per cent; and last year it was 13.6 per cent.

The Hon. C. J. Sumner: How much was the percentage last year?

The Hon. C. M. HILL: It was 13.6 per cent; it took a while to get geared up. One cannot start new housing programmes overnight when one is dealing in housing numbers of this kind. I am talking about thousands of houses. We are certainly geared up now, and the 23.3 per cent is a record percentage—in recent years, anyway. I do not have the figures prior to the 1976-77 year, but that is evidence of the thrust that we are giving in this year. This involves a huge expenditure in housing funds.

The Leader was weeping tears of frustration yesterday when he referred to the decrease in the funds that come from the Commonwealth in regard to housing, and I agree with him. The money is less than the amount that should be coming, and I agree that it is a most unfortunate situation. To offset that, the State has found extra money and, if one looks at the current year, one finds that the State is putting $71 900 000 of its own funds into housing and State Bank loans. This means that the total funds which the State is allocating for Housing Trust and public housing purposes this year has passed $100 000 000—it is $106 600 000. Last year it was $90 000 000, the year before it was $74 000 000, and the year before that it was $75 000 000.

Despite the fact that we are receiving less from the Commonwealth, the overall sum that is going into housing here in the public sector is at a record level. It does not matter in which area of housing one considers this question, one can see the great thrust that has been commenced in the public sector at present. For example, if one looks at housing for pensioners one finds that in the last year of the previous Government, in 1978-79, there were 64 completions of cottage flats in the metropolitan area. In the current year we are commencing 338 cottage flats for pensioners. This is an example of the great change that has come over the public housing scene. Under the Liberal Government, the trust has geared itself for this new and vastly expanded programme of State housing.

We are not only simply concentrating on the question of State housing—we are making every endeavour to encourage the private sector to expand its programme and, at the present stage, there is evidence of considerable expansion plans. Private builders and developers are indicating to us that, having run their programmes down over the past few years, they are now gearing up again.

Recently a developer who is well known in Adelaide indicated to my office that he had new projects running into millions of dollars for houses at St Peters, North Adelaide and elsewhere. I understand that there are some vast medium and high-rise programmes in the private sector which are being planned and for which consent is being sought in various councils around Adelaide at present.

Other project builders are promoting their houses extremely well now with new village projects; they are holding seminars and the like and are looking forward to the future with confidence. They do not expect to get back to those boom times of a few years ago because, at that stage, there was an over-supply of housing, and that was

bad for the market and the State. That took several years to finally sell. As I have said, there is evidence of steady growth, which is giving confidence to the Government and the building industry generally.

The Hon. C. J. Sumner: How many people are on the trust's list?

The Hon. C. M. HILL: There is a vast increase in applications for welfare housing with the trust. There is a vast increase in demand for welfare housing in every State of Australia. It is a phenomenon that is occurring, but that is because of our lifestyle, whereby elderly people are no longer living at home with their married children—

The Hon. G. L. Bruce: And high interest rates!

The Hon. C. M. HILL: Just a moment. Also, at the other end of the scale, young people are leaving home now, whereas a few years ago they would not do that until they had married. Now, once they leave home, they request or demand in most cases public housing, because many of them are in the low-income bracket, being unemployed and therefore unable to obtain accommodation in the private sector. There are other unfortunate social trends now which have contributed to this phenomenon. For example, the number of applications that the trust is receiving from sole parent families is now 3 000 a year. In other words, 60 people a week are applying. In some cases they are women who have been forced to leave home with their children, or unmarried women who have children and who naturally cannot work and afford to pay rent on the open market. For many such reasons, there is a vast increase in the demand for public housing. I submit that the Government is responding to that situation by its programmes. The trust hope to commence over 1 700 homes this year, compared with about 1 200 completions last year. This is a big increase and is apart from the acquisition of homes, because that programme is also continuing.

In regard to the high interest problem, we introduced only last September a rental-purchase scheme. We have reintroduced this scheme, which was dropped by the previous Government not long before it went out of office, and that is another endeavour to take some of these people out of the rental waiting list and possibly to assist them to become homeowners. With the finance that we are maintaining through the State Bank and by many other avenues, we are tackling very rigorously the question of satisfying the demand for public housing.

Getting back to the Bill, I want to assure the Leader that South Australia has fought vigorously to obtain a better deal from the Commonwealth, but we have not achieved it. The agreement is there. I have never indicated to the Commonwealth at any of the conferences that South Australia accepts the agreement. We have taken strong objection to it. The Premier has maintained correspondence with the Prime Minister, as I have with the Commonwealth Minister, and we have expressed our objections and indicated that we favour alternatives and other options. Frankly, we have not been successful.

The Hon. C. J. Sumner: What happens if you don't sign the agreement?

The Hon. C. M. HILL: If we do not sign it, the money the Commonwealth has paid us from 1 July to now can be demanded back, and it can cut off the supply from now until such time as we either sign or until the date is reached five years from 1 July this year.

The Hon. C. J. Sumner: That is called co-operative federalism.

The Hon. C. M. HILL: No, that is the situation in which enabling legislation must either be passed by the States or the States run a risk of that kind of treatment being handed out to them. The same position would have occurred had the Leader been in Government, anyway.

The Hon. C. J. Sumner: The fact is that the Commonwealth has said that, if you don't sign the agreement, you won't get any money.

The Hon. C. M. HILL: That is an understanding, naturally, unless we can come to terms.

The Hon. C. J. Sumner: You haven't really got any say as to what is in the agreement.

The Hon. C. M. HILL: Yes. As I indicated when I explained the points of the agreement (which the Leader has not had time to investigate), some points in the agreement were supported by this State. In fact, one or two points in it were suggested by this State and have been written into it. However, the real nitty gritty of it (that is, the reduction in funds) is the worry with which we are confronted. I hope I have indicated sufficiently to the Leader that some of the points he made yesterday were simply not true. We have made every endeavour to obtain a better deal for South Australia.

As far as the future is concerned, we will go on in our negotiations with the Commonwealth, because the top-up money is considered at conferences annually, and it is the top-up money over and above the base rate of the $200 000 000 which becomes the subject of argument and debate from this point on for the balance of the five years. In those conferences, we will be continuing to put South Australia's case very forcibly, and we will be continuing to make every effort to obtain an escalating amount during the five-year period.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Authority to execute agreement.'

The PRESIDENT: This clause, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee on any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill. Debate on the clause is deferred until such time as the Bill is returned by the House of Assembly with the clause inserted.

Clause 4, schedule and title passed.

Bill read a third time and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 3)

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

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

This Bill be now read a second time.

It is to give effect to a number of the original intentions of the Government in relation to Bill No. 8 of 1981 which was introduced on 20 August 1981. Also, it seeks to amend section 133 of the Industrial Conciliation and Arbitration Act, 1972-1981, to extend for a further three years the period under which certain actions are barred in relation to the operation of registered associations, and to repeal the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981.

One of the main thrusts of the original Bill was to bring the jurisdiction of industrial tribunals in South Australia more into line with that of the Australian Conciliation and Arbitration Commission so that with the abandonment of the wage indexation system our State tribunals would be required to apply similar principles of wage fixation as those currently being applied by the Australian commission. As was stated in the second reading speech of the original Bill:

No single factor will be a greater constraint to industrial expansion in South Australia than wage increases greater than those applying elsewhere.

Since that time, all Governments in Australia have indicated they they are firmly committed to a uniform approach to wage fixation in Australia. In this regard a statement was issued by all Governments at the August 1981 Premiers' Conference, and Premiers committed themselves to seeking common principles so that there can be orderly processing of claims and consistency of treatment in both Commonwealth and State Tribunals. They agreed that they would ask the Presidents of their various tribunals to meet as soon as possible in order to assist in this process. They also commissioned the Ministers for Labour to work towards the establishment of agreed principles of wage fixation with a view to putting these principles to the National Wage Case, scheduled for February 1982.

Against that background, the Government has decided that, in the case of decisions of the Australian Commission made after a consideration of the national economy and which affect the wages and working conditions of employees generally under Federal awards, the South Australian Industrial Commission shall not exceed the effect of those decisions when making determinations on economic grounds affecting employees generally under State awards.

There can be no argument that this is not a responsible approach to wage fixation in Australia; it is supported by all Governments in Australia. However, in the absence of legislative action to give effect to that intention, industrial tribunals will not be required to recognise the pre-eminence which Governments have given to the formulation of a uniform wages policy for Australia.

Under section 36 of the Industrial Conciliation and Arbitration Act as it now stands, the South Australian Commission is unable to grant increases in wages on economic grounds to employees generally under State awards unless similar increases have been granted by the Australian Commission to employees under Federal awards. The Government does not seek to change that intention. However, it does seek to restrict the South Australian Commission from exceeding the effect of relevant decisions of the Australian Commission and to bring within the umbrella of the section changes in working conditions based on economic grounds. The Government challenges anyone to argue against the reasonableness of such an approach. To do so would be to put South Australia's industry and commerce in jeopardy.

Accordingly, the Government has decided that section 36 should be amended so as to restrict the South Australian Industrial Commission, when considering the wages and working conditions of employees generally under State awards, from exceeding the effect of those decisions of the Australian Commission which are made after a consideration of the national economy and which affect the wages and working conditions of employees generally under Federal awards.

As an adjunct to the firm intention of the Government to support a uniform wages policy for Australia based on decisions and principles of the Australian Commission, it has been decided to rearrange the provisions of section 146b which came into operation following the introduction of the original Bill on this topic in August last. As a result, tribunals in South Australia, when considering the public interest, will be required to first consider the principles of wage fixation of the Australian Commission, and where the question is not wholly governed by those principles, then to consider the state of the South Australian economy and other relevant factors. Also, as part of the Government's intention that there be a consistent approach to wage fixation in South Australia, the Bill requires the Industrial Commission to certify that any agreed matter before a conciliation committee is not inconsistent with the public interest. This will bring agreed matters before conciliation committees into line with the procedures that already apply in relation to industrial agreements.

Other matters covered by the Bill include an extension of the definition of 'industrial authorities' in Division 1A to include those authorities which were deleted on the last occasion that this matter was before the House. The extension of this definition will mean that each authority concerned, including the Parliamentary Salaries Tribunal, will be required to ensure that its decisions are not inconsistent with the public interest. In addition, the Government wishes to regularise the situation with regard to industrial agreements—also, as originally intended by the Government.

Following the promulgation of the aforementioned amendments, the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981, would serve no useful purpose. Consequently, as mentioned earlier, the Bill seeks the repeal of that Act. As far as the amendment to section 133 is concerned, it is necessary, until such time as the inconsistencies between the registration of associations in Federal and State jurisdictions are solved, to prevent legal challenges to the rules, office holders, or membership of associations registered under the Act. It is proposed that the moratorium period concerned be extended for a further three years. For the protection of the associations concerned, it is imperative that this amendment be promulgated before the end of this year. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 amends section 6 of the principal Act which sets out definitions of terms used in the Act. The clause makes an amendment to the definition of 'industrial agreement' that is consequential to the amendment to section 108 made by clause 6 of the Bill.

Clause 4 repeals section 36 of the principal Act which provides that the Full Commission may order a general variation in rates of remuneration fixed by all awards of the commission where the Australian Conciliation and Arbitration Commission makes a decision affecting the rates of remuneration payable generally under the awards of that commission. The clause replaces this section with a new section under which the Full Commission (specially convened and constituted for the purpose) is required, whenever the Australian Commission makes a decision affecting generally the remuneration or working conditions of employees subject to its awards, to consider the decision of the Australian Commission and, unless it is satisfied that there are good reasons not to do so, to apply the decision in such manner and to such extent as it considers appropriate to State awards. Under proposed new subsection (2), the Full Commission is required to afford the Minister and the major employers' and employees' organizations an opportunity to make representations relevant to the making of such an order.

Clause 5 inserts a new section 78 in Part V dealing with awards of conciliation committees. Proposed new section 78 provides that an award of a conciliation committee has no effect unless the commission has, by order, determined that it is consistent with the public interest in accordance with section 146b of the Act. Clause 6 amends section 108 of the principal Act which provides for the operation of indus-

trial agreements. Under the amendments, an industrial agreement will be required to be registered before it has any force or effect and, before it may be registered, it will be necessary for the commission to declare, by order, that the agreement is consistent with the public interest in accordance with section 146b.

Clause 7 amends section 133 of the principal Act which protects the registration of any association from challenge on certain grounds. The clause amends this section so that it will continue to operate until the end of 1984. Clause 8 amends section 146a which provides definitions of terms used in Division IA of Part X (the division requiring certain industrial authorities to pay due regard to the public interest before making any determination relating to remuneration or working conditions). The clause amends the definition of 'determination' so that the division does not apply to the proposed new section 36 which limits any general variation of State awards to one which applies in whole or in part a decision of the Australian Commission giving rise to a general variation in Commonwealth awards. The clause also amends the definition of 'industrial authority' so that the division applies to all industrial authorities in the State.

Clause 9 amends section 146b of the principal Act which provides that any industrial authority must, before making a determination affecting remuneration or working conditions, satisfy itself that the determination is consistent with the public interest. The clause makes amendments to the section that are designed to make it clear that the over riding test of whether a proposed determination is to be regarded as being consistent with the public interest is to be that it must give effect to principles enunciated by the Commonwealth commission that flow from that commission's consideration of the national economy. Subject to that requirement being met, an industrial authority will, under the section as amended, then be required, in determining consistency with the public interest, to consider the likely effects of the determination on the economy of the State, the desirability of retaining a nexus with Commonwealth awards and other relevant matters. Clause 10 makes a consequential amendment to section 146c. Clause 11 provides for the repeal of the Industrial Commission Jurisdiction (Temporary Provisions) Act, 1975-1981.

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

ADMINISTRATIVE DECISIONS (DISCLOSURE OF REASONS) BILL

Read a third time and passed.

ELECTORAL ACT AMENDMENT BILL (No. 2)

Read a third time and passed.

ADJOURNMENT

At 4.46 p.m. the Council adjourned until Tuesday 8 December at 2.15 p.m.