LEGISLATIVE COUNCIL

Wednesday 10 February 1982

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

QUESTIONS

CONSUMER AFFAIRS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before directing a question to the Minister of Consumer Affairs on the subject of the Department of Public and Consumer Affairs and the Builders Licensing Board.

Leave granted.

The Hon. C. J. SUMNER: I have recently received a number of complaints about the increasing ineffectiveness of the South Australian Department of Public and Consumer Affairs. Many members of Parliament have expressed this view to me. The number of complaints being brought to my attention has increased in recent times. The reduction in the effectiveness of the department is largely a product of the Government's indifference, lack of resources and cuts in funds and manpower to the department. There is little doubt that at one time South Australia had the most effective consumer protection legislation in Australia. We have now fallen behind the other States, particularly New South Wales.

I have recently received complaints about the operation of the Builders Licensing Board and its procedures for investigation into complaints against builders. Those complaints can be summarised, as follows:

(1) The Builders Licensing Act is not being adequately policed because of lack of staff. There are unlicensed people operating, and the Government does nothing to prevent them because of a lack of resources. In August 1980, inspectors previously attached to the board were moved to the Consumer Affairs Division. No policing of unlicensed builders has been done since then. Complaints are received about unlicensed builders but no action is taken. Builders who pay the licence fee are upset because unlicensed people operate without the Government's taking action.

(2) The Builders Licensing Board is being kept in the dark. It is not being advised of complaints, so that complaints cannot be recorded by the board against a builder's name. Further complaints are not being sent to the board and, when they are, the investigative work has to be redone for proceedings before the board.

(3) Morale amongst officers previously employed with the board is low. They have had their classifications altered such that salary increases and promotion opportunities have been curtailed.

(4) Building complaints are being held up for months. Inexperienced people are dealing with complaints in some instances. Some experienced staff previously attached to the Builders Licensing Board have left.

(5) Complaints are not being finalised. Consumers are being fobbed off and advised to take their own civil proceedings through the courts.

I understand that members of the Builders Licensing Board saw the Minister last Friday, expressing their concern about the situation regarding complaints in the builders licensing area. My questions are as follows:

First, has the Minister received representations from members of the Builders Licensing Board about the unsatisfactory policing of the Act and ineffectiveness in dealing with complaints, or, indeed, about other matters involving administration of the Act? Secondly, what steps does the Government intend to take to ensure that these problems are overcome? Thirdly, will the Government take immediate action to ensure that the Department of Public and Consumer Affairs once again becomes an effective voice on behalf of consumers in this State and that it is adequately staffed and financed?

The Hon. J. C. BURDETT: The number of complaints made about the Department of Public and Consumer Affairs and the Builders Licensing Board is at about the same level now as it was when this Government first came into office. It has not increased. The department has not been run down by the Government. The department still operates effectively, just as it did before.

The Hon. C. J. Sumner: Staff has been cut.

The Hon. J. C. BURDETT: The department still operates as effectively as it did before. If the Leader wants to sustain the allegations that he has made, he should give chapter and verse, the details, and compare that with what happened before this Government came to office. I have found that there has been no increase in the number of complaints made against the department or against the Builders Licensing Board. There have always been complaints about the Builders Licensing Board.

The Hon. C. J. Sumner: Have the number of staff and funds been cut?

The Hon. J. C. BURDETT: The Leader can read that in the Budget as well as I can. In relation to unlicensed people operating, that has always been a difficulty. Neither under the previous Government nor at this time do inspectors have time to drive around looking at houses being built, asking whether or not the builder is licensed.

The Hon. J. E. Dunford interjecting:

The PRESIDENT: Order! If the honourable member wishes to ask a supplementary question, he may do so. In the meantime, he should listen to the honourable Minister's answer.

The Hon. J. E. Dunford interjecting:

The Hon. J. C. BURDETT: I am ignoring the Hon. Mr Dunford because it was not his question. There is no doubt at all that the Builders Licensing Board is not being kept in the dark. The change that was made which, generally speaking, has been applauded by consumers and the building industry, has been to attach most of the inspectorial staff to the Consumer Affairs Division rather than the Builders Licensing Board. The Builders Licensing Board, as a *quasi* judicial body, should not have inspectorial staff attached to it any more than the police should be attached to the courts. The complaints that are made to the board are dealt with in the usual way, and anyone who wishes to complain to the board may do so. Those complaints are dealt with as they always were. It is true that I met with the board last Friday, and I am rather disappointed that that meeting has been discussed outside. I certainly treated that meeting as being confidential.

The Hon. J. E. Dunford: What about open government—you talked about it in Opposition?

The Hon. J. C. BURDETT: Some things ought to be discussed in private. It seemed to me that that was a discussion between me and the board, which is responsible to me. The board has often said that it is responsible not to the department or to the Director-General but to me as Minister. For that reason, I would have thought that, just as a discussion between the Director-General, who is responsible to me, and myself is normally confidential, discussions between the board and me would also be in confidence. Leaving that matter aside, I point out that the concern that was expressed was not that raised by the Leader. The board

expressed some dissatisfaction with the department, not with me and not with the funds being made available.

The Hon. C. J. Sumner: You're responsible for the department.

The Hon. J. C. BURDETT: The fact is that the concern that was expressed related to the difficulties that the board felt existed with the management of the department. The board wanted to talk to me because it is directly responsible to me and not to the department.

The Hon. C. J. Sumner: But you're responsible for the department.

The Hon. J. C. BURDETT: I am also responsible for the board. I spoke to the board, and the feedback I received from it was to the effect that it was happy about the steps that I said I would take.

The Hon. C. J. Sumner: What are they?

The Hon. J. C. BURDETT: I will not disclose what those steps are. The discussion between myself and the board was entirely happy and ended on a happy note. I am not impressed by the suggestions that the board is uptight about the funding being made available, that it cannot do its job, and so on. The board expressed satisfaction with the discussion. The steps set in train as a consequence of that discussion will be carried out.

NOORA EVAPORATION BASIN

The Hon. M. B. DAWKINS: I seek leave to make a short statement before asking the Minister of Local Government, representing the Minister of Water Resources, a question about the Noora Evaporation Basin.

Leave granted.

The Hon. M. B. DAWKINS: Nearly two years ago, the Public Works Standing Committee came up with a detailed final report regarding the Noora Drainage Disposal Scheme (which is part of the River Murray Salinity Control), after issuing an interim report some time earlier because of its urgency. The scheme is a very satisfactory answer, for a considerable time at least, in minimising the drainage problems of the Upper Murray area of South Australia, by pumping surplus saline water to Noora, about 20 kilometres away from the river.

At the time of the inquiry, it was considered essential that industrial wastes, which presently largely go into existing saline basins, be excluded from the pumping of saline water to Noora Basin. There were very good reasons for this, but I do not intend to go into them in this short explanation. Two industrial enterprises in the area have made considerable progress towards satisfactory disposal of their industrial wastes, but much remains to be done by other industrial establishments. Is it a fact that the prohibition on pumping industrial wastes to Noora has now been relaxed and, if so, what are the reasons for this relaxation?

The Hon. C. M. HILL: I will refer this question to the Minister of Water Resources and bring back a reply.

MOUNT GAMBIER ABATTOIRS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the proposed abattoirs at Mount Gambier.

Leave granted.

The Hon. B. A. CHATTERTON: The Government has moved to remove the Forestry Act reservation on section 162 of the hundred of Mount Gambier. I understand that this action has been taken in relation to the abattoirs proposed to be built in that area. The abattoirs proposal has been put forward by the Wales Meat Company, which proposes to build an abattoirs on land presently used by the Mount Gambier saleyards. I believe that, once the reservation has been removed, the forest land will be used for effluent disposal. This is a major scheme for Mount Gambier and an important change in land use for a forest reserve. The Government has not provided any detailed justification or reason for removing the forest reserve status from this land as yet. Certainly, the explanation that has been given to Parliament is totally inadequate.

Can the Minister say, first, whether it is true that this Forestry Department land will be used for effluent disposal for the proposed abattoirs at Mount Gambier? Secondly, if that is the case, under what terms and conditions will it be used for that purpose? Thirdly, what consultation has taken place with the people who would be affected by the use of this land for effluent disposal?

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

CONSUMER AFFAIRS

The Hon. C. J. SUMNER: As the Minister of Consumer Affairs has admitted that there are problems in his department, particularly in relation to the Builders Licensing Board and the Consumer Affairs Division, first, will he outline to the Council what action he has taken to overcome these problems in the building complaints area and, secondly, will he answer my previous question about what steps he intends to take to ensure that the Department of Public and Consumer Affairs is adequately staffed and funded so that its operation can be an effective voice on behalf of consumers in this State?

The Hon. J. C. BURDETT: To answer the second question first, the Department of Public and Consumer Affairs is an effective body to act on behalf of consumers in this State. It is as effective as it ever was. In regard to the action that I propose to take concerning the Builders Licensing Board, the matter was simply this: the board wrote a letter and raised certain matters. It did not even ask to see me; it merely raised certain matters and I thought the best way to deal with the situation was to see the board. I have seen the board, and I am having discussions with it. I do not propose to discuss what I intend to do or say to the board, any more than I would comment on morning discussions with the Director-General.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. Will the Minister outline to the Council the problems that the board discussed with him and confirm or deny the correctness of the allegations I made earlier about the relationship that exists?

The Hon. J. C. BURDETT: I would deny the correctness of the allegations made earlier by the Leader.

The Hon. C. J. SUMNER: I desire to ask a further supplementary question. Will the Minister outline to the Council what were the areas of the board's complaints about the department that the Minister admitted did exist?

The Hon. J. C. BURDETT: No, I will not.

The Hon. C. J. Sumner: Come on—you're denying the allegations but you won't tell us what they are.

The Hon. J. C. BURDETT: They were relatively minor matters. The board simply wrote to me and raised issues which I agreed to discuss with it. I have had a discussion and am in the process of dealing with those matters. I have no intention of outlining the specific matters to the Council.

DRIVERS LICENCES

The Hon. R. C. DeGARIS: I seek leave to make a brief explanation to the Minister, representing the Minister of Transport, before asking a question about drivers licences.

Leave granted.

The Hon. R. C. DeGARIS: I am told that at an international level a driver's licence can be obtained by people suffering from forms of epilepsy. I am informed that in South Australia people who have been refused a driver's licence because of an epileptic condition would qualify for a driver's licence under the international standard. I do not think, on the information that I have, that the present method of assessment in South Australia is satisfactory, and it is causing much concern to some people. Can the Minister say whether, if there is an internationally accepted standard or criteria, that can be used in this State? Will the Minister examine the present medical assessment procedures used in South Australia to ascertain whether we are over-cautious in our approach to this matter?

The Hon. K. T. GRIFFIN: I will refer the question to my colleague and bring back a reply.

CONSUMER AFFAIRS

The Hon. C. J. SUMNER: I have a further question for the Minister of Consumer Affairs. Will the Minister confirm that the staffing and funds for the Department of Public and Consumer Affairs in this State have been reduced in this financial year?

The Hon. J. C. BURDETT: The Leader knows perfectly well that there have been budgetary constraints during the past financial year brought about largely by the financial mismanagement of the previous Government.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: There have been small reductions in the funding in real terms and in the staffing of the department, as with other departments.

STAMP DUTY

The Hon. C. J. SUMNER: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the subject of stamp duty on matrimonial settlements.

Leave granted.

The Hon. C. J. SUMNER: Yesterday in answer to a question on this matter the Attorney-General misled the Council over the Government's power to direct the Commissioner of Stamp Duty to waive stamp duty charges. The Attorney made clear that he had no power to direct the Commissioner to waive stamp duty. That is clearly wrong. The Government does have that power and it could be exercised by the Government immediately if it wished to do so. Yesterday the Attorney gave the Council the clear impression that he and the Government had no such power. I have today received further representations on this topic. The legal profession is in a state of uncertainty in advising clients as to what to do. Members of the profession do not know whether to advise that transfers should be held for a time, and the issue clearly needs to be resolved as a matter of urgency. Clearly the best way to resolve it in the interim is for the position that existed prior to 24 December 1981 to continue for the time being. No stamp duty was levied before that date and I can see no difficulty in the Government's waiving the stamp duty until it is finally able, in its fumbling and indecisive way, to get around to making a firm policy decision on the matter.

Will the Attorney correct the misleading statement that he made and the impression that he gave the Council yesterday that the Government had no power to direct the Commissioner of Stamp Duty to waive stamp duty in those situations? Secondly, I repeat my request and ask whether the Government will waive stamp duty for transfers after 24 December 1981 until a final decision is made. Thirdly, will a decision be made as a matter of urgency to clear up the uncertainty that now exists in legal circles in this area?

The Hon. K. T. GRIFFIN: I did not mislead the Council yesterday and, if the Leader believes that I did, he has to accept responsibility for his inability to comprehend what I said yesterday. What I said was that I did not have the power to give directions to the Commissioner of Stamp Duty and I said I would refer that part of the question to the Treasurer and bring back a reply. That position stands. I do not have the power to give directions to the Commissioner of Stamp Duty and I have referred—

The Hon. C. J. Sumner: Does the Government?

The Hon. K. T. GRIFFIN: You did not ask that question yesterday. You asked me whether I could give a direction to the Commissioner of Stamp Duty.

The Hon. C. J. Sumner: You can't answer a simple question.

The PRESIDENT: Order! Listen to the answer.

The Hon. J. E. Dunford: You are no longer a corporate lawyer. You are a politician.

The Hon. J. R. Cornwall interjecting:

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

The PRESIDENT: The Attorney-General has asked that Dr Cornwall withdraw his comment.

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

The Hon. K. T. GRIFFIN: The fact remains that the accuracy of the statement I made yesterday is beyond doubt. In fact, I do not have the power to give any direction to the Commissioner of Stamp Duty. That part of the question has been referred to the Treasurer.

The Hon. C. J. Sumner: Can the Government waive stamp duty?

The Hon. K. T. GRIFFIN: The Leader cannot understand what the Stamp Duties Act empowers the Government or Ministers to do. The Commissioner is responsible to the Treasurer. Under the Stamp Duties Act provisions exist for exemptions under the schedules to that Act. If the honourable member wants to go and check it I suggest that he do so immediately and he will find that what I answered yesterday was accurate and what I say now is accurate. That part of the question is the responsibility of the Treasurer and I have referred it to him. The policy question is being considered by me and my officers with the Treasurer and his officers. As soon as a decision is made the Parliament and the public will be informed of it. It is a matter that gives us some concern and a matter on which we will give a decision as soon as possible. If the legal profession is uncertain as to what it should advise, I point out that that has happened on many occasions before when some doubt has been thrown upon the law. The situation that we have with stamp duty on matrimonial settlements is no exception in that context. Accordingly, it is not possible to indicate whether or not stamp duty will be waived immediately prior to a policy decision being taken. I have referred that question to the Treasurer and will bring back a reply in due course.

The Hon. C. J. SUMNER: By way of supplementary question, does the Government, Treasurer or any other Minister in the Government have the power to waive stamp duty or in some other manner relieve those people who are now having to pay stamp duty on this sort of transfer since

24 December 1981, given that that duty is only being imposed since that date? Prior to that date it was not being imposed.

The Hon. K. T. GRIFFIN: Before that date it was not being imposed due to the provisions of the Commonwealth Family Law Act, the validity of which has now been tested. It has been found to go beyond the power of the Commonwealth to intrude into State areas of responsibility. I did answer that question to some extent a few minutes ago. The Stamp Duty Act provides for certain exemptions to be given either under the schedules to that Act or by direction. There is also the power of Governments to make *ex gratia* payments in special circumstances by way of refund or by payment in those circumstances where the justice of the situation requires that a citizen should be reimbursed for costs or expenditure incurred on grounds which are probably illegal or for other pertinent reasons. So, in these circumstances I would imagine that there would be some way in which the duty could be refunded or waived, but the Government is not prepared to make a policy decision on that in a vacuum. It will deal with those persons who have lodged documents for stamping since the High Court decision in the context of a policy decision affecting all people and not just those between that date and the date of that decision.

MEDICAL APPOINTMENTS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement before asking a question of the Minister of Community Welfare, representing the Minister of Health, concerning medical appointments at the Lyell McEwin Hospital.

Leave granted.

The Hon. J. R. CORNWALL: In recent months there has been a radical reorganisation of doctors accredited to admit public patients to the Lyell McEwin Hospital. The principle of sorting out accreditation to the hospital was commendable. Prior to the recent reorganisation there were almost 160 doctors with clinical privileges for public patients. This was a highly undesirable and untenable situation. However, the way in which the hospital board and the Health Commission have gone about the new accreditations is scandalous and completely unjust. Several very senior consultants, some with a long association with the hospital (one, indeed, an obstetrician and gynaecologist with more than 20 years association with the hospital) have now been excluded completely from admitting public patients.

The Lyell McEwin Hospital is in a low-income area and more than 50 per cent of the patients are either health card holders or pensioner health benefit card holders. In other words, they are so-called uninsured patients—they are disadvantaged. These people are now denied access to the senior consultants of their choice. There was allegedly a right of appeal against the appointments and exclusions. However, I understand that more than a dozen appeals were heard and summarily dismissed by the appeal board in one session. One of the doctors now excluded is Doctor Spero Raptis, a highly regarded surgeon who has a senior appointment at the Royal Adelaide Hospital, Doctor Raptis has written to me as follows:

> The main points of contention focus on the fact that those doctors who have been accredited in general practice are permitted to carry out surgery on uninsured patients (i.e. D. & C., circumcision, vasectomy, tonsillectomy, [appendectomy], etc.) whereas specialist surgeons like myself have been excluded from doing this. This anomaly also occurs in general medicine where physicians have been excluded from admitting uninsured patients while this does not apply to G.P.'s. This extends similarly into obstetrics, gynaecology, pediatrics, etc.
>
> A further bone of contention is that there is no regulation over private practice.

Despite the reorganisation, there is no regulation over private practice. The letter continues:

> Thus an untrained and unqualified G.P. anaesthetist can anaesthetise for an untrained G.P. doing a vasectomy.
>
> It is my belief that in Government hospitals where there are specialists available to offer a service they should be given priority, irrespective of whether the patients are insured or uninsured as this should make no difference to their standard of treatment.

I must say that I endorse that heartily. The letter continues:

> Furthermore, none of the appointed general practitioners would be permitted to operate at [better run] private hospitals such as St Andrews or Ashford. Certainly they would not [none of the appointed G.P.'s] be permitted into any of the other major metropolitan teaching hospitals.
>
> Unfortunately the whole setup stinks of corruption in its worst possible form.

Is the Minister aware of the allegations of corruption and irregularities in the new appointments? Will the Minister consider the urgent appointment of a public judicial inquiry into the alleged gross irregularities in the new appointments at the Lyell McEwin Hospital?

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

LOCAL GOVERNMENT

The Hon. N. K. FOSTER: Has the Minister of Local Government an answer to a question I asked yesterday about local government?

The Hon. C. M. HILL: Section 157 of the Local Government Act and clause 30 of the Municipal Officers (South Australia) General Conditions Award, 1981, set out powers and procedures for dismissal of a Clerk. Section 157 requires that, provided the Clerk has held office as clerk for a longer period than one year, he shall not be dismissed from office without at least six months notice, except on the grounds of his misbehaviour or incompetence or that he has been adjudicated bankrupt or made an assignment for the benefit of or composition with his creditors for less than 100 cents in the dollar.

Clause 30 of the Municipal Officers (South Australia) General Conditions Award, 1981, sets out a series of predismissal procedures. Thus a council cannot make a unilateral decision to dismiss a Clerk. If, after following the relevant procedures, the dismissal is made, the council is obliged to pay out accumulated annual leave and long service leave, if any, plus superannuation. I do not know what leave is outstanding for the District Clerks of Munno Para and Victor Harbor and it is none of my business. That is established by award. As I said yesterday, there is nothing to stop a Clerk and his council negotiating an early retirement and reaching agreement on a payout figure, but that is a matter between employer and employee and would of course vary according to circumstances.

The District Council of Munno Para had three tertiary qualified staff in 1977 (District Engineer, District Planner and Chief Librarian), a population of 25 000 and a total revenue from all sources of $1 700 000. It presently has eight tertiary qualified staff (District Engineer, Assistant District Engineer, Structural Engineer, Financial Controller, District Planner, Planner Development Control, Social Policy Planner and Chief Librarian), a population of 28 000 and a revenue of $3 960 000. I am advised it has no other graduate staff.

The Hon. N. K. FOSTER: The statement by the Minister that it is none of his business is, as an elected member of this Parliament and as an appointee to the Ministry by the Premier, the Leader of the Liberal Party in this Parliament, nothing short of absolutely disgraceful. I understand that

he has neglected to inform this Council that the Town Clerk of Munno Para (putting aside for the moment Victor Harbor) receives a percentage cut of the totality at the ratepayers expense—a disgraceful situation in a population growth area. It is not comparable with any country areas that I know of.

The PRESIDENT: Order! The honourable member is making an explanation. Does he want to ask a question?

The Hon. N. K. FOSTER: Thank you, Mr President, but I intend to raise this matter much more seriously at every opportunity. I will prevail on my Party members on this side of the Council to take a closer look at local government matters where ratepayers do not know of payout figures. This is a matter that I raised before and is the subject of my supplementary question. What is the payout figure? It is the business of this Council even if the Minister claims it is not his business. I refer to the payout figure for the Port Adelaide Town Clerk and his junior. Further, what is the payout figure for Victor Harbor. Also, what is the payout figure for that scoundrel who is the Town Clerk at Munno Para? I expect a reply.

The Hon. C. M. HILL: I rise on a point of order. I think it is very unparliamentary for the Town Clerk of Munno Para, without any real evidence being brought forward by the honourable member, to be named in this Council as a scoundrel.

Members interjecting:

The PRESIDENT: Order!

The Hon. C. M. HILL: I would like him to withdraw that reference.

The Hon. N. K. FOSTER: Mr President, I withdraw that remark and invite the Minister to examine papers in my office dating from 1970 to 1978 in relation to the building of an empire by this person. I so withdraw, Mr President.

GOVERNMENT PHOTOCOPIER CONTRACTS

The Hon. C. J. SUMNER: Has the Attorney-General a reply to questions I asked on 2 December about Government photocopier contracts?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. Pricing is only one of the considerations in the tender evaluation process. In this instance all tenders were assessed and evaluated by a Technical Advisory Committee comprising public servants with knowledge, expertise and experience in the photocopying field. Furthermore, where equipment is in general and frequent use in the public sector, it is ensured that the most suitable item for the required function is selected. On the basis of cost per copy and quality of copy, OCE Reprographics Ltd (Minolta) was considered by the Supply and Tender Board to represent the best value for money.

2. The machines offered by a number of tenderers met the minimum required volumes per month as detailed in the specification. However, a number of the machines could also achieve quite large volumes above the minimum required. Providing each machine could fulfil the minimum volume requirements, the Supply and Tender Board accepted that the machine had satisfied the specification in this requirement. Any greater capacity was considered a 'bonus'; however this 'greater capacity' was not a factor which won the contract for OCE or for that matter would alter the ranking of any other tenderer.

3. The contract was not let nor were tenders evaluated on the basis of machines in Category 2 being able to produce 20 000 copies per month continuously. Departments were advised that the machine was capable of producing up to 20 000 copies per month, although 12 000 per month was specified.

4. As stated in answer 2, this additional facility was not a contributing factor which won the contract for OCE.

5. The decision of the Supply and Tender Board to award a contract for the purchase only of photocopiers was made after careful analysis and comparison of the costs of renting versus the costs of purchase over the estimated life of the equipment (5-7 years). It was shown to be cheaper to purchase the machines and this principle has been supported by the recent Report of the House of Representatives Standing Committee on Expenditure on Commonwealth Government Purchasing in which it is stated as follows:

> Using DCF the committee concluded that, within the ranges of recommended usages for the two types of machines, it would be cheaper to buy than to lease all of them. Over the estimated machine lives of seven years, for various usage levels, buying is less than leasing. The savings that would result from buying amount to $1 400 000 for both machines. Even more significantly, the analysis disclosed that eight of the 3 600 and two of the 3 100 photocopiers had monthly usage volumes such that the leasing costs for one year were greater than the costs of buying the machines and operating them for a year. The particular machines are in the Departments of Health, Industry and Commerce, Social Security, Taxation, and Transport. The savings to the Commonwealth of buying these machines would be over $17 000 in the first year. These photocopiers should be purchased as soon as it can be arranged.

The Supply and Tender Board was concerned that some departments may find difficulty in funding the immediate outright purchase of the machines. Therefore, arrangements were made with OCE Reprographics for the purchase to be made on a 'purchase instalment' basis for the first year of ownership at no additional cost (that is, no interest charges). If a department wishes to rent a photocopier where special circumstances may exist, for example short term requirements, the justification for doing so must be submitted to the Supply and Tender Board for approval.

6. The Supply and Tender Board does not interfere with subcontracting of service agent arrangements. The tender of OCE Reprographics listed, amongst others, two service agencies, one for Whyalla and one for Mount Gambier, the arrangements for which at the time of tendering, apparently, were not complete or fell through at a later date. This matter was taken up with OCE Reprographics by the Director of State Supply and OCE Reprographics has since nominated different service agencies. In this case, the board holds OCE Reprographics responsible for providing repair and service support to country users. The manner in which OCE Reprographics arranges its country repair and service system is a matter for that firm to resolve. To date not one complaint of failure to service has been received by the Supply and Tender Board from a Government department or authority. The only complaints regarding OCE Reprographics service in country areas have come from competitors in the market place with obvious interests. Should OCE Reprographics fail to provide proper and efficient repair and servicing support to country clients, then the Supply and Tender Board will take the necessary and appropriate action.

WORD PROCESSORS

The Hon. C. J. SUMNER: Has the Attorney-General a reply to questions I asked on 1 December about word processors?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. The correspondence dated 15 June 1981 from Office Equipment Industry Association to the Hon. Dean Brown was referred to the Department of Trade and Industry for attention and, unfortunately, was misplaced within that organisation. The Director-General of Trade and Industry subsequently replied to Mr W. C. Clark, Secretary of Office

Equipment Industry Association of Australia (S.A. Division) on 28 September 1981, which was a few days after the correspondence had been located in the department.

2. Tenders were called under Tender 1099/81 for the supply, delivery, installation and testing of word processing systems to South Australian Government departments, statutory authorities and instrumentalities for a two-year period commencing 1 September 1981. It was stated in the specification accompanying the tender document that the tender 'is designed to attract quotations from the vendors capable of supplying stand-alone systems which may be expanded at a later stage'.

Tenders were called and advertised in the *Advertiser* on 13, 20 and 27 July 1981 and closed on 3 August 1981. Twelve tenders were received and then evaluated by a committee of five Government officers, four of whom were qualified and experienced to technically evaluate and assess word processing systems and equipment. The evaluation commenced on 4 August 1981 and was completed by 21 August 1981. The recommendation made by the Evaluation Committee supported Raytheon International Data Systems. The Supply and Tender Board approved the acceptance of the tender from Raytheon International Data Systems on 24 August 1981 for the supply, delivery and installation of the VT 1303 Work Station and the VT 1000 Printer. The Raytheon tender was the lowest priced tender which met the specification. There were a number of other tenders which met the specification but were higher in price and did not offer features which would justify the higher cost. All tenderers were advised by letter dated 27 August 1981 of the results of the tender call. While the Government had agreed to purchase from Raytheon a minimum of 50 per cent of its estimated requirements for word processors over a two-year period, it was conditional upon the purchases being achieved through the open tender system or by direct purchases by the Supply and Tender Board. The tender system was both open and fair and Raytheon was awarded the contract on its merits on the basis of technical performance and cost.

3. It is not 'standard' practice to test equipment in Government departments before a tender is accepted, although this has been carried out on occasions in the past with some equipment where it is considered appropriate and cost effective to do so. In this case, tenderers were not invited to supply machines for test because of the large number of machines offered and because it was considered inappropriate and time consuming and would involve considerable facilities and resources to conduct meaningful tests. All tenders were evaluated technically by a competent committee and word processors tendered which met the mandatory requirements of the specification were inspected, tested and demonstrated to the committee at the tenderer's premises and, in one case, at the 'COMTEC' exhibition. Hardware and software were evaluated by the committee for functional performance and suitability, ease of use, training, supportability, reliability, and cost.

4. In deciding the successful tenderer for the supply of goods and services to the State Government and its instrumentalities, the Supply and Tender Board may take into account a margin of preference in favour of goods and services of South Australian origin.

In November 1980, the South Australian and Victorian Governments announced an agreement, to apply for a trial period of 18 months commencing 1 January 1981, whereby purchases by either Government will not be subject to any automatic discrimination in favour of manufacturers in their respective States. Therefore, Government purchasing policy does not discriminate against manufacturers established in this State in favour of external manufacturers.

The Hon. C. J. SUMNER: Has the Attorney-General a reply to the question I asked about word processors on 3 December 1981?

The Hon. K. T. GRIFFIN: In his questions as to whether or not the Government would request the Ombudsman to institute an inquiry into the Government's arrangements with Raytheon (the answer to which is 'no'), the Hon. C. J. Sumner made a number of allegations in his statement leading to the question. The answers to those allegations are as follows:

(i) From information available to the Evaluation Committee formed to assess the tenders for word processing systems Raytheon equipment is not obsolete.

(a) Raytheon equipment has two discs and 160 pages, not a single disc limited to 60 pages.

(b) Raytheon equipment does have 'old generation pagination'. Automatic pagination is available on the next model in the range but this was not set as an essential feature in the tender specification. This was not considered to be significant by the Evaluation Committee.

(c) The fact that Raytheon equipment does not have a 'search key' facility was not considered to be significant by the Evaluation Committee. The use of four keys does not make the word search system on the Raytheon equipment discernibly slower.

The only word processing system that has a fail-safe system in the event of power failure is one supplied by Remington.

(ii) Expertise and market shares are only relevant if organisations have been marketing in the same country for the same period of time. Whilst Wang and I.B.M. have been marketing in Australia for some time, Raytheon is a recent entrant to this field. Nevertheless, this does not detract from their expertise which is well substantiated in terms of market performance overseas. It is among the top group of manufacturers in the U.S.A.

Those industry sources that suggest Raytheon does not have expertise in word processors have obviously not gained an appreciation of Raytheon's proven track record in this field and I suggest that they do so. I feel sure that Raytheon would be keen to substantiate their expertise and repudiate this allegation outside this Council.

(iii) Employment: It is unreasonable to expect a company to reach its full employment level in a few months, particularly before full-scale production has commenced. Nevertheless, Raytheon have already employed 28 people at its South Australian plant and is currently interviewing for another five positions. That was the position a few weeks ago. Further jobs will be created in the new year.

(iv) Production: Raytheon have not commenced full scale production at its Hendon plant, although its first pilot production run has just been completed. Nevertheless, it is expected that Raytheon products produced at Hendon will have a significant local content increasing over the next 18 months. The local content is likely to exceed 70 per cent with some items being assembled and others manufactured.

(v) The Government established a Working Party to identify the planned purchases of word processors by Government departments and statutory authorities for the period ending 30 June 1983. As the approved supplier of word processors to the Government, Raytheon was advised of the level of demand it could expect from Government organisations over the next two years. Raytheon was not promised business 'well above the current amount of business done'.

REPLIES TO QUESTIONS

The Hon. K. T. GRIFFIN: I seek leave to have incorporated in *Hansard* without my reading them the answers to seven questions without notice, copies of those answers having been supplied to honourable members by letter.

Leave granted.

AUSTRALIAN LEGAL WORKERS GROUP

In reply to the **Hon. L. H. DAVIS** (27 August 1981).

On making inquiries I can confirm that it is true that the Australian Legal Workers Group, through the agency of two Legal Services Commission employees, have been using two Government telephones as contact points. One of these phones was located in the Children's Court and the other was the general switchboard number for the Legal Services Commission.

On 2 September this year I wrote to the Chairman of the Legal Services Commission, Mr M. F. O'Loughlin, drawing to his attention your question and expressing my concern that Government phones could be used for such a purpose. On 10 September Mr O'Loughlin replied saying that the Director, Ms Susan Armstrong, had personally spoken with one of the officers involved informing her of the provisions of the Public Service Act regulation 18 (7). He also informed me that a circular was sent to all staff members from the Director of the Legal Services Commission pointing out this provision in the Public Service Act regulations, and reiterating that no staff member is permitted to use commission telephones for private calls except with the permission of the person in charge of the office.

Mr O'Loughlin also assured me that the Legal Services Commission neither expressly nor by application supports the Australian Legal Workers Group. On the other hand, the commission recognises the rights of members of its staff to participate, personally, in organisations of their choosing but remains conscious of the necessity for officers to restrict their involvement to their personal time.

BUDGET PAPERS

In reply to the **Hon. C. J. SUMNER** (30 October 1981).

It is difficult to give a precise answer to the question as much will depend on:

(a) the attitude of the Commonwealth Government to general purpose tax sharing grants provided to the States.

(b) the attitude of Loan Council to general purpose capital funds provided to the States.

(c) the final outcome of the Commonwealth Grants Commission review of relativities between the States.

Each of those factors could influence significantly the flow of funds between the State's recurrent and capital activities in future years.

Within those constraints, the emphasis will be to reverse the present trend, as far as it is practicable to do so, and to increase the funds available to capital works, particularly those which will assist the building and construction industry and employment and which will have limited adverse effect on the State's recurrent activities. Two important ingredients in the achievement of that objective will be:

(a) the containment of the Government's recurrent expenditures.

(b) the expected increase in royalties arising from the development of the State's natural resources.

(c) the containment of excessive and unreasonable wage claims.

ADELAIDE LOCAL COURT

In reply to the **Hon. F. T. BLEVINS** (17 November 1981).

I refer to a question asked in the House on 17 November 1981 on the Adelaide Local Court. The plaintiff was not in the Magistrate's chambers prior to commencement of the hearing. A court orderly recalls that he conducted all parties from court to chambers and that the plaintiff (Ms McMahon) entered the chambers at the same time as the defendant. Although all parties were conducted to chambers at the same time, the orderly cannot recall which of the parties physically proceeded through the door first. The only person in the magistrate's chambers prior to commencement of hearing was another Magistrate's clerk and she had positioned herself to the immediate left of the Magistrate on the opposite side of the return portion of the Magistrate's desk. It could be perhaps that Mr Alexandrides has confused the Magistrate's clerks's seating position with the plaintiff.

Another Magistrate's clerk recalls being with Ms McMahon in the body of the courtroom when the list was being called through by Mr Brown, SM, prior to his retiring to chambers to hear contested matters. The fact that the presiding Magistrate called through the list on that morning has also been corroborated by the court orderly. As indicated in paragraph 1 above, it would appear that Mr Alexandrides may have confused Mr Brown's clerk with the plaintiff. The only person seated adjacent to the Magistrate was his clerk. In fact the layout of the particular chambers in question would make it exceedingly difficult for a second person to be seated on the same side of the desk. Mr Brown recalls the plaintiff entering chambers and taking up a position on the northern side of the bar table at the north-western extremity. It was from that position that she gave her evidence in the usual manner.

The defendant's companion, Mr Alexandrides, was not ordered from chambers. The Magistrate only has a vague recollection of his presence but he recalls the court orderly questioning him as to his identity. Mr Brown has also advised that he is not certain what is meant by references in the question to 'the wire will come through the wall' and 'on his own to be mauled'. He reiterates that there was never any request from the defendant or his companion Mr Alexandrides for an interpreter to be present. It is alleged that the time for appeal has run out. Pursuant to sections 58 (3) and 59 of the Local and District Criminal Courts Act, there is no time limit on a party seeking to move a judge of the Supreme Court for leave to appeal to that court. The suggestion therefore that time for appeal has run out is not factual. The Magistrate advises that perusal of the transcript of evidence reveals significant concessions on behalf of the defendant and that further negatives any suggestion of language difficulties. The Magistrate is of the view that the letter from Mr Alexandrides to you is highly defamatory and objectionable. He has however agreed not to take further action at this stage.

PETROL RATIONING

In reply to the **Hon. G. L. BRUCE** (29 September 1981).

I referred the question to the Minister of Mines and Energy and he has supplied the following answer:

The Department of Mines and Energy is currently carrying out a review of the procedures used during the

administration of the recent petrol restrictions. The suggestion that everyone who has a motor vehicle should have a ration card which allows them to purchase a set number of litres overlooks the fact that the type of short-term rationing which was introduced was to maintain supplies to essential users and, in the first instance, to allow people to get to work when no alternative transport was available. The cost of the system proposed in the *Sunday Mail* article would be very substantial and could not be justified for a short-term emergency. However, the National Petroleum Advisory Committee has devised a somewhat similar system which might be brought into effect in the event of a protracted national emergency.

The system of odds and evens which was used in the first 14 days of the restrictions was successful in that it constrained demand to an acceptable level. This can be viewed as successful because it was expected that petrol sales would have increased significantly in the absence of any restrictions. A similar system has been successfully used in New South Wales.

COMPANY AUDITORS

In reply to the **Hon. C. J. SUMNER** (22 October 1981).

An auditor is subject to the ordinary operation of the criminal law. Thus he could be charged with the common law offences of conspiracy to perform an illegal act in concert with company officers or conspiracy to defraud. Similarly, an auditor could be charged with a breach of section 269 of the Criminal Law Consolidation Act, 1935-1980, for aiding or abetting the commission of the misdemeanors set out in sections 184 to 192 of the Criminal Law Consolidation Act regarding frauds by trustees, agents or company officers.

Apart from the potential for conventional criminal prosecutions, section 9 of the Companies Act, 1962-1981, makes special provision for action by the Companies Auditors Board to discipline auditors. If an inquiry is held and a registered auditor is found guilty of discreditable conduct, then the board may punish or deal with that auditor in the manner set out in section 9 (12) and in particular:

(a) cancel his registration and remove his name from the register;

(b) suspend his registration for a period not exceeding one year;

(c) fine him up to one thousand dollars.

Therefore, in cases of serious malpractice an auditor could find his livelihood at risk.

It would not be proper for me to comment on any investigations of auditors by the Companies Auditors Board or inspectors from the Corporate Affairs Commission which are either pending or under way.

The role of a company auditor is defined by section 167 of the Companies Act. An auditor's function is to report on the state of a company's accounting records. It is not the function of an auditor to act as a business consultant either to the directors or the shareholders of a company. Under section 167 (2) and (3) an auditor has to form and give his opinion as to whether company accounts give a true and fair view of the company's affairs, and whether the company's records have been properly kept.

If an auditor foresaw a future defect in a company's accounts he might comment on the matter, although such a comment would not be incumbent upon him under the terms of section 167 (2) and (3). Under section 167 (9) an auditor must report to the Corporate Affairs Commission any breaches or non-observance of the Companies Act not adequately dealt with in his report on the accounts or capable of being dealt with by report to the directors. Such a report is quite distinct from a warning on future financial difficulties which an auditor might foresee for a company, and on which it is not his function to report.

The thrust of current policy is to provide for more accurate and meaningful financial disclosure through tighter accounting standards. This exercise will be undertaken by the proposed new Accounting Standards Review Board in conjunction with the National Companies and Securities Commission.

SOUTHERN FARMERS

In reply to the **Hon. B. A. CHATTERTON** (9 December 1981).

As a result of a scheme of arrangement approved by the Supreme Court, Southern Farmers Holdings Limited became a subsidiary of Consortium Investments Limited (CIL) on 1 July 1981. CIL, which is incorporated in Victoria, is a wholly owned subsidiary of Industrial Equity Limited (IEL). (Mr Ron Brierley is Chairman of IEL.)

The former minority shareholders in Southern Farmers since 1 July 1981 are minority shareholders in CIL and consequently could be disadvantaged if CIL made interest-free loans to IEL. An officer of the commission has interviewed the Group Secretary of CIL and examined the financial statements and minute books of the company. Prior to 1 July 1981 and the introduction of minority shareholders into CIL there were a number of loan transactions and capital rearrangements which are common within groups. Since 1 July 1981 there is no evidence of interest-free loans by CIL to IEL or any other group company and the commission is not aware of any other action by CIL which would disadvantage its minority shareholders. It seems to me that the Hon. B. A. Chatterton's informant has based his remarks on the activities of CIL prior to the scheme of arrangement and the introduction of minority shareholders.

HILTON HOTEL COMPLEX

In reply to the **Hon. N. K. FOSTER** (18 November 1981).

1. The hotel site is owned by the Corporation of the City of Adelaide and the Minister of Public Works. Upon completion of the construction of the hotel the balance of the long-term lease will be held by the Commonwealth Superannuation Fund Investment Trust. Sub-lease to operate the hotel will be held by Hilton Hotels of Australia Pty Ltd.
2. Not known.
3. Not known.
4. Ten cents per annum, if demanded.
5. Yes.
6. The Government has not brought any pressure to bear on anyone.
7. No. Section 855b of the Local Government Act, 1934-1981, presently empowers the Adelaide City Council to acquire land for a scheme of development approved by the Minister of Local Government. The Hilton Hotel development was a scheme approved under that section.
8. Undoubtedly South Australian business will be involved in supplying goods and services to the hotel after completion.
9. There is no proposed casino.
10. Not known.
11. The developer has borrowed funds for the purpose of construction of the Hilton Hotel complex. Upon completion of development the Commonwealth Superannuation Fund Investment Trust will purchase the balance of the long-term lease.

Supplementary Question: The previous Government ceased negotiations no later than 15 September 1979. I

suggest that the honourable member consult his colleagues for further details.

ORANA INCORPORATED

The Hon. C. J. SUMNER: Has the Attorney-General a reply to questions I asked on 10 December 1981 about Orana Incorporated?

The Hon. K. T. GRIFFIN: The replies are as follows:

1. I am aware that the activities of the review committee have temporarily been suspended to allow for the resolution of some issues raised by the board of Orana Incorporated. It is my understanding that the review will proceed.

2. I do not propose any actions at this time. Appropriate action is being taken by the Commonwealth Minister for Social Security, who has the major funding responsibility for Orana Incorporated.

3. No. This is a matter for the Commonwealth Minister for Social Security and would be presumptuous on the information available and in view of the fact that Senator Chaney has appointed a committee to conduct a review.

4. This can only be achieved by Orana Incorporated.

5. I do not believe such an assurance is necessary. Nonetheless, I do assure parents that necessary services will be maintained.

The Hon. N. K. FOSTER: I rise on a point of order. I asked a question of the Minister of Local Government and he has not indicated whether he is prepared to answer it. The question was about the Port Adelaide, Victor Harbor and Munno Para councils. Is the Minister willing to answer the question, perhaps tomorrow?

The PRESIDENT: Is the Minister aware of any question?

The Hon. C. M. HILL: No; I was asked questions yesterday, which I answered.

The Hon. N. K. Foster: You didn't answer correctly.

The PRESIDENT: I do not take that as a point of order. The honourable member can ask another question.

REPLIES TO QUESTIONS

The Hon. C. M. HILL: I seek leave to table and have incorporated in *Hansard* replies to three questions which were unanswered when Parliament rose last year and which have since been answered by letter.

Leave granted.

ETHNIC TELEVISION

In reply to the **Hon. C. J. SUMNER** (22 September 1981).

The Federal Minister for Communications has informed me that the Comnmonwealth Government is yet to consider the extension of the multicultural television service beyond Sydney and Melbourne, although it is conscious of its success and of the demand from other areas for a similar service. However, before the service could be introduced to South Australia or elsewhere, considerable economic, social and technical planning and research will need to be undertaken. As part of this process, the Commonwealth Government will also have to balance the competing claims of a variety of areas for the new service.

HOOLIGANISM

In reply to the **Hon. J. E. DUNFORD** (12 November 1981).

My colleague the Chief Secretary has provided information to your specific questions:

Despite the impression one might gain from the *Advertiser* article, reported acts of hooliganism in the Hackney area are no more common than in the vicinity of other similar licensed premises in the metropolitan area. Police regularly monitor activities at such centres in an effort to curb lawlessness and during the past six months there have been very few calls for police attention to the vicinity of the Hackney Hotel. It would appear that the writer of the newspaper item is endeavouring, for reasons of his own, to attribute to the Hackney area an incidence of crime involvement which is not statistically supported by reported offences to police.

The closing of a hotel, or cancelling of the licence, would not solve problems of this nature. It must be expected that, whenever large numbers of young people congregate at functions such as licensed discos, a certain amount of unruly behaviour will occur wherever the location may be. Based on reported complaints the Hackney situation is not as serious as suggested by the newspaper. Finally, for the six months ended 30 September 1981, 34 offences related to supply/sell liquor to 'minors' on licensed premises are recorded for the whole State.

GRADUATE DIPLOMA

In reply to the **Hon. ANNE LEVY** (18 November 1981).

The Council of the Adelaide College of the Arts and Education, which in 1982 will become the Underdale campus of the South Australian College of Advanced Education, has agreed, in principle and under certain conditions, to the introduction of a Graduate Diploma in Teaching (Catholic Education). The conditions include the provision of teaching staff acceptable to the college by the South Australian Commission for Catholic Schools. The arrangement has the support of the Principal-Designate of the South Australian College of Advanced Education.

The proposal for the course is now to be put to the Tertiary Education Authority of South Australia, which will submit it to its usual approval and accreditation procedures. Subject to the authority's approval and that of the council of the South Australian College of Advanced Education, when it is appointed, the course could begin in 1982.

In principle, the introduction of the Graduate Diploma in Teaching (Catholic Education) would make it possible for a substantial body of teachers in this State to pursue a range of studies already available to their counterparts in other States. No proposal for similar courses has been received to date on behalf of any other group of teachers in non-government schools.

There is to be no additional funding for the course next year. The council of Adelaide College has proposed that the tertiary Education Authority of South Australia should consider recommending special funding arrangements for subsequent years. This matter will be taken up with the South Australian College of Advanced Education Council when it assumes its task in 1982. The Commonwealth Minister for Education has been informed that South Australia will expect in future to raise with him the inequitable financial provision among the States for the education of teachers in non-government schools.

WHYALLA EMPLOYMENT

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Premier, a question regarding employment levels in Whyalla.

Leave granted.

The Hon. FRANK BLEVINS: My attention was drawn to an article in the *Sunday Mail* of 24 January under the headline 'Whyalla jobs to be slashed'. The basis of the article was that there appeared to be a move by B.H.P. over the next three years to reduce employment levels in Whyalla by a further 598 jobs. The article was based on statistics which I seek leave to have incorporated in *Hansard.*

Leave granted.

THE B.H.P. CO. LTD., WHYALLA

Estimated Labour Wastage With Minimal Recruiting Activity*

	Y/E Nov. 1982	Y/E Nov. 1983	Y/E Nov. 1984	Y/E Nov. 1985
1. *Monthly Staff*				
Est. no. at start of period	97	94	91	89
Est. losses (assume ave. retirement age = 61)	−14	−11	−11	−11
Est. *essential* appointments (from other grades of staff or other centres)	11	+8	9	8
Est. no. at end of period	94	91	89	86
2. *Degree Qualified Staff* (Excluding Monthly Staff) (If records are insufficiently segrated, combine this group with staff)				
Est. no. at start of period	153	150	146	141
Est. losses (all causes inc. promotion)	−22	−25	−28	−32
Est. trainee graduates (assume all competent performers appointed)	+7	+11	+17	+24
Est. graduates recruited externally	+12	+10	+6	+6
Est. no. at end of period	150	146	141	139
3. *Staff*				
Est. no. at start of period	1 205	1 159	1 127	1 105
Est. losses (all causes inc. promotion)	−96	−93	−90	−88
Est. certificate trainee graduates appointed to staff	+7	+5	+5	+2
Est. *essential* appointments to fill vacancies	+43	+56	+63	+71
Est. no. at end of period	1 159	1 127	1 105	1 090
Est. certificate trainees who would be offered wages jobs only	—	—	—	—
4. *Trades*				
Est. no. at start of period	1 241	1 267	1 203	1 163
Est. losses (all causes inc. promotion)	−186	−188	−178	−173
Est. apprentice graduates (assume normal retention rates)	+119	+124	+138	+144
Est. U.K. recruits (already committed)	+93*	—	—	—
Est. no. at end of period	1 267	1 203	1 163	1 134
5. *Unskilled and semi skilled wages employees*				
Est. no. at start of period	2 643	2 296	2 122	2 026
Est. losses (all causes inc. promotion)	−397	−344	−318	−304

THE B.H.P. CO. LTD., WHYALLA

Estimated Labour Wastage With Minimal Recruiting Activity*—*continued*

	Y/E Nov. 1982	Y/E Nov. 1983	Y/E Nov. 1984	Y/E Nov. 1985
Est. *essential* recruitment (e.g. ticketed workers)	+50	+170	+222	+243
Est. no. at end of period	2 296	2 122	2 026	1 965
6. *Trainees* (Degree)				
Est. no. at start of period	124	143	154	157
Est. losses (all causes other than graduation)	−10	−12	−13	−13
Est. graduates from scheme	−11	−17	−24	−26
Est. recruits	+40	+40	+40	+40
Est. no. at end of period	143	154	157	158
7. *Trainees* (Certificate)				
Est. no. at start of period	12	7	2	—
Est. losses (all causes other than graduation)	—	—	—	—
Est. graduates from scheme	−5	−5	−2	—
Est. recruits	0	0	0	—
Est. no. at end of period	7	2	0	—
8. *Apprentices*				
Est. no. at start of period	597	603	590	571
Est. losses (all causes other than graduation)	−20	−25	−25	−25
Est. graduates from scheme	−124	−138	−144	−147
Est. recruits	150	150	150	150
Est. no. at end of period	603	590	571	549
9. *Total employees/ using above estimates and adjusted for internal promotions and transfers*				
Est. no. at start of period	6 072	5 719	5 435	5 252
Est. losses (all causes)	741	710	664	641
Est. external recruitment	388	426	481	510
Est. no. at end of period	5 719	5 435	5 252	5 121
Est. percentage deducted for the period	6%	5%	3%	3%

*Includes 28 who were offered in excess of nomination and are inc. as 'committed'. To gauge the real effect of this, refer to Appendix I.

These estimates are aimed at giving an indication of what might be achievable by way of labour force reduction through natural wastage. The following assumptions should be made—

- we are following a policy of maximum possible attrition through natural wastage
- plant operations are being continually modified so as to make it possible to work with the reduced numbers, e.g. closure of obsolete plant, elimination of non-essential activities, etc.
- some key positions cannot be left vacant, e.g. key operative, shift foreman, plant superintendent, manager engineering, etc.
- training of skilled and qualified people for the future should continue at levels aimed to match say a 20 per cent reduction in labour force in four years time.
- activity in some key areas will not decrease, e.g. data processing, energy conservation, etc.

It may be useful if centres record for their own purposes basic assumptions they make in arriving at their estimates.

RWB:SPL Melbourne 9.11.1981

NOTES ON ESTIMATED LABOUR WASTAGE

1. *Monthly Staff*

(i) Appointments would only include Superintendent and Manager positions.

2. *Degree Qualified Staff*

(i) Losses are expected to increase as more Trainee Graduates enter the system.

(ii) Note increase in Trainee Graduate being appointed to Staff and consequent decrease in external graduate recruitment. (Policy initiative as per Engineering Manpower Planning Meeting.)

3. *Staff*

(i) Losses based upon 8 per cent projected turnover.

(ii) Certificate Trainee figure based upon those currently under training.

(iii) Essential appointments includes projection of authorised positions plus projections of wages to staff. This figure increases over time as more vacancies will be deemed essential as the number of unnecessary positions is reduced.

4. *Trades*

(i) Losses are based upon a 15 per cent turnover. The turnover is not expected to drop as the influence of the Stony Point development should continue to hold turnover at that level.

(ii) The committed figure for United Kingdom recruits includes all tradesmen who have received offers less 19, who are already in the workforce and included in 'Est. No. at start of Period'. Refer Appendix.

5. *Unskilled*

(i) Losses are based upon 15 per cent turnover. This figure is low but is thought to reflect the fact that many unskilled transients have already left the workforce and those remaining tend to be the longer stayers.

(ii) The essential recruitment figure increases over a period of time as more vacancies will be deemed essential as the number of unnecessary positions is reduced.

6. *Trainees (Degree)*

(i) The Trainee (Degree) Graduates increase over a period of time as per previous commitment. The policy is to increase Degree Staff through Trainee Scheme and reduce Graduate recruitment accordingly.

7. *Trainee (Certificate)*

(i) Scheme is presently being phased out and will be replaced by an approved student wages scheme.

8. *Apprentices*

(i) Losses are projected to increase in future years, as apprentices have increased demands placed upon them.

(ii) Increasing graduation figures reflect increased intake in recent years.

(iii) Recruitment intake has been dropped to reflect latest decision.

R. J. P. SHAW

APPENDIX I

OVERSEAS RECRUITING DETAILS

Trade	Nominations to Immigration	Offers made	Arrived
Electricians	20	43	6
Roll Turners	4	4	
Instr. Mechanics	9	4	
Fitters	25	44	8
Moulders	1	1	
1st Class Machinists	25	16	5
Total	84	112	19

The Hon. FRANK BLEVINS: On examination of the material I have incorporated in *Hansard,* honourable members will see that B.H.P. has forward planning to reduce its work force by approximately 600 people, on top of the 350 or more reduction in jobs in 1981. The Council will agree that this reduction of 1 000 jobs over such a short time in a small city like Whyalla will be traumatic. Since the report, B.H.P. has made a statement on the matter and has not denied that this is its intention. Has the attention of the Government been drawn to the report? What will be the effect on Whyalla of a reduction in the B.H.P. work force of this magnitude? What action has the Government taken in attempting to persuade B.H.P. not to go ahead with this large reduction in employment?

The Hon. K. T. GRIFFIN: The Government is certainly concerned to maintain employment levels. It has encouraged the Stony Point development, and the Roxby Downs development will mean jobs in that northern part of the State. I will refer these questions to the Premier and bring back a detailed reply.

Members interjecting:

The PRESIDENT: Order! If the Hon. Mr Foster and the Hon. Mr Davis—

The Hon. N. K. Foster: Toss him out.

The PRESIDENT: Order! I am not saying who will be tossed out, but action will have to be taken if honourable members persist in interjecting.

EQUAL OPPORTUNITIES

The Hon. ANNE LEVY: Has the Attorney-General a reply to my question of 22 October 1981 about equal opportunities?

The Hon. K. T. GRIFFIN: Officers of the Equal Opportunities Unit, South Australian Public Service Board, have been in close liaison with officers of the New South Wales Public Service Board regarding the progress of the New South Wales initiative. In October 1980, a two-day working consultation was organised by the Public Service Board in order to review the New South Wales anti-discrimination legislation and its implementation and, further, to report on the broad options that may be considered for the introduction of equal opportunities management plans in South Australian Government departments. The report of the working party was given to the Premier and one of the options was chosen for further development.

The Public Service Board's Equal Opportunities Unit has subsequently examined existing structures and procedures within the Public Service to provide a basis for the implementation of equal opportunities management plans, utilising resources currently available. A decision on this matter will be made within the next few weeks.

The Hon. ANNE LEVY: Does the Attorney-General also have a reply to my question of 27 October 1981 about equal opportunities?

The Hon. K. T. GRIFFIN: The South Australian Public Service Board has recently initiated one training programme and is participating with Commonwealth Government departments in two other programmes especially designed to assist two disadvantaged groups in Public Service employment.

Programmes: The first is a vocational training programme for the physically disabled which was commenced by the Public Service Board in August 1981. Since that time, eight trainees have been placed in training positions covering a range of clerical classifications, job skills and departments. The Government is committed to maintaining this programme in the next financial year. The Public Service Board continues to encourage departments to engage Aboriginal people under the Commonwealth funded N.E.S.A. (National Employment Strategy for Aboriginals) scheme. Since inception of the scheme, some 247 trainees have been involved in the scheme; 72 are currently in training.

Concomitant with the N.E.S.A. training programme is the N.E.S.A. support programme which was devised by the Commonwealth Department of Employment and Youth Affairs, the Department of Further Education and the Equal Opportunities Unit, to assist trainees in the development of skills which will enable them to more effectively compete for employment either within or outside the service. To date, 29 workshops have been held both in the metropolitan area and in country centres: by the end of the year, 29 workshops will have been completed. Eighty-two trainees have attended the workshops, the topics of which have included job seeking skills, communications and confidence building. In September 1980 the Public Service Board issued an updated policy statement regarding equal opportunities which included particular reference to Aboriginals, ethnic minorities, disabled people, as well as women. Departments are encouraged to provide appropriate staff development and training opportunities, so that members of these groups may compete on merit for promotional positions. The Equal Opportunities Unit of the Public Service Board provides information in this area.

An overall strategy to further systematise departmental programmes relating to equal opportunity policy, in the form of equal opportunities management plans, is currently being researched by officers of the Equal Opportunities Unit, prior to submission to the Public Service Board. The Public Service Board is conducting a research project in order to estimate numbers, location and needs of public servants of ethnic background, employed under the Public Service Act. Following submission to the Public Service Board in December 1981 the Equal Opportunities Unit will formulate and develop policies and programmes appropriate to the needs demonstrated by the survey.

The Aboriginal Employment Committee, which was convened by the Public Service Board to submit detailed proposals as a basis for consideration for future Government policy in relation to the employment of Aboriginals in South Australian Government departments, is due to report to the Public Service Board in December 1981. To date, the committee has reviewed and updated the comprehensive discussion paper 'Employment of Aboriginals in the Public Service of South Australia' prepared for the Public Service Board in 1980, and has engaged in extensive consultation with departments and other agencies. The purpose of the committee's report will be to recommend appropriate actions and mechanisms necessary to provide equality for Aboriginals currently engaged or seeking employment in the Public Service of South Australia.

Information Exchange: In an attempt to maintain contact and current information on major issues, interstate equal opportunities officers/operatives are contacted whenever practicable by letter or telephone by officers of the Equal Opportunities Unit. National Conferences for Equal Opportunities Officers have been held annually since 1978. The South Australian Public Service Board has been represented by one or two officers at each of these conferences. These forums have proved invaluable for maintaining contact with the latest developments in the area. The Public Service Board has been invited to be represented at the fifth National Conference of Equal Opportunities Officers to be held in Melbourne in 1982. Details of the delegation to that conference will be decided when the dates and programme have been confirmed.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 9 December. Page 2467.)

The Hon. M. B. CAMERON: I oppose this Bill.

The Hon. Frank Blevins: Tell us about Monarto and Windy Point.

The Hon. M. B. CAMERON: I will refer to the previous occasion when a similar measure was introduced for the same reason, that is, an attempt to supposedly embarrass the Liberal Party in relation to Liberal members' supposed interests that they held as individuals. It was clear when this matter was first introduced to Parliament by the Hon. Mr Duncan that he had only one thing on his mind—to embarrass members of the then Opposition, and to disclose them as great capitalists in this State owning three-quarters of it.

Members interjecting:

The Hon. M. B. CAMERON: Interestingly, a member of the media approached all members of this Council and, I suppose, members of another place, including Ministers of the Crown and members of the Liberal Party. It was strange that the only members who refused to disclose their interests were Ministers and members of the Labor Party. Liberal members did not know why this was. One can only presume that they had something to hide, because their stock answer given on every occasion was, 'We will disclose our interests when the Bill passes.'

I found that a rather surprising answer. If they believed in disclosure, surely they would have been prepared to disclose the information immediately. I now quote Mr Duncan. On 21 March 1978, he was reported as follows:

> Mr Duncan said he did not see the legislation as an invasion of privacy or as Draconian. 'I think that by becoming a public figure you lose your right to a great deal of the privacy that a normal citizen enjoys and MPs make a calculated decision to forgo that right,' he said.
>
> 'If people want to run for Parliament then they ought to be prepared to go before the public with clean hands.'

What happened was that there was an interview on television and at that stage Mr Duncan had not disclosed his interests. He had refused to do so and, when asked to disclose, he made a disclosure but it was only a part disclosure. The interviewer had done his homework and he pointed out that Mr Duncan had not disclosed that he had an interest in a radio station. Mr Duncan then looked very embarrassed. This measure is designed to try to embarrass members of the present Government.

The Hon. N. K. Foster: Rubbish!

The Hon. M. B. CAMERON: That is not rubbish. If members of the Opposition want public disclosure, they should include members of the Public Service, who make

far more decisions than we ever will and who have far more influence over money matters in terms of Government business than we ever will have. However, the Opposition has left public servants out because it does not want to lose friends outside.

A Standing Order covers pecuniary interests, and what we need is for the Presiding Officers to have a register of pecuniary interests, so that they can determine whether members are transgressing that Standing Order. If they are, the members are at fault, but I do not believe that the privacy of a member and his family should be invaded by people outside for no good reason. I say 'for no good reason' because I do not believe that people should be entitled to scrutinise every detail of the life of the member and his family.

The Hon. C. J. Sumner: Will you support the Bill if we include public servants?

The Hon. M. B. CAMERON: You know our feelings on this. If you had put forward a measure of that sort, you might have got more support for it, but now you will be faced with a proposal from the Government that will be fair and reasonable, and you will be happy with it, because I notice that members will not have to disclose income from superannuation. I am sure Opposition members would not be happy if we had to disclose that.

The Hon. N. K. Foster: Who are they?

The Hon. M. B. CAMERON: I do not invade the privacy of members of the Opposition.

The Hon. C. J. Sumner: Do you support the principle of public disclosure?

The Hon. M. B. CAMERON: Not public disclosure as such. I believe that members should give the Presiding Officers a list of their interests so that the Presiding Officers, whom I trust and whom I am sure members opposite trust, can decide whether members are transgressing Standing Orders. This is another cheap political stunt by the Opposition, which is devoid of ideas on how to attack the Government. The Opposition is scraping the gutter to try to find a way to embarrass the Government.

The whole history of the Opposition in this matter is one of declining to disclose interests. When Ministers in the Labor Government put forward a Bill and were asked by the media to disclose their interests, they refused, unless they were forced by their own Bill to do so. It was a real political stunt, like this Bill. I look forward to the reasonable and proper proposal that will come from the Government.

The Hon. L. H. DAVIS secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Evidence Act, 1929-1979. Read a first time.

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

That this Bill be now read a second time.

It amends the Evidence Act on two separate subjects. First, it reintroduces (with minor modifications) amendments relating to banking records which were originally introduced in 1980 but which failed to pass into law when the Bill lapsed in consequence of disagreement between the Houses on the question of abolition of the unsworn statement. Secondly, it revises the penalties that can be imposed for disobeying an order suppressing publication of evidence or of material tending to identify a party or witness.

The present provisions of the principal Act relating to banker's books are very antiquated and do not take account of modern photographic and electronic methods of storing accounts and information. The amendments are designed to bring the present provisions up to date and to achieve a degree of consistency between the provisions of the Evidence Act on this subject and the provisions of the new legislation which is to control companies and securities. A provision is included empowering a judge or special magistrate to authorise a member of the Police Force to inspect banking records if satisfied that it would be in the interests of the administration of justice to do so. Presently, any party to a legal proceeding may apply to a judge for an order to inspect and take copies of any entries in a bankers book for the purposes of such proceedings.

The Bill also deals with the enforcement of orders suppressing the publication of evidence, witnesses' names, and so on, under Part VIII of the principal Act. In *Attorney-General v Kernaham* the Full Court decided that Part VIII constitutes a complete code on the subject of suppression orders and that there was therefore no room for the court to punish disobedience to such an order by invoking its inherent jurisdiction to punish for contempt. This means that disobedience to such an order must be punished as a summary offence (carrying at present a maximum penalty of $200 or imprisonment for six months) or not at all. The Government believes that the possibility of bringing contempt proceedings in cases of non-compliance with a suppression order should remain open and the present Bill contains amendments to give effect to that view. The monetary penalty for the offence of disobeying a suppression order is also increased from $200 to $2 000. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 makes an amendment which is consequential upon the amendments to Part V. Clause 5 alters the heading to Part V. Clause 6 repeals several provisions of Part V and substitutes new provisions. A new definition of 'bank' is included. The conventional definition is expanded to cover building societies, credit unions and other bodies that accept money on deposit from the public. New definitions of 'banking records' and 'copy' are included to take account of contemporary accounting practices and photographic and electronic methods of storing information. New section 47 sets out the matters that must be proved if a banking record is to be admitted in evidence. New section 48 sets out a method by which it may be established that a certain person is not a customer of a bank.

Clause 7 empowers a judge or a special magistrate to authorise inspection of banking records by a police officer. A police officer, who divulges information obtained by virtue of the authorisation otherwise than in the course of his official duties, will face a substantial penalty. Clauses 8 and 9 make consequential amendments.

Clause 10 amends section 71 of the principal Act. The amendment makes it clear that a breach of any order under section 69 constitutes a contempt of court. Subsection (2) is redrafted to make it clear that summary proceedings may be taken either in addition, or as an alternative, to proceedings for contempt. The monetary penalty for disobedience to a suppression order is increased from $200 to $2 000. Clause 11 increases the penalties for breaches of section 71a (which restricts premature publication of evidence relating to sexual offences) from $1 000 to $2 000. This amendment brings the penalties into line with the proposed amendment to section 71 (2).

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

ELECTORAL ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Electoral Act, 1929-1981. Read a first time.

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

That this Bill be now read a second time.

It amends the Electoral Act on a number of miscellaneous subjects. The requirement that the Electoral Commissioner should have the last print of the roll for any subdivision or district available for sale at a prescribed price is removed. There is minimal public demand to purchase these prints and the cost of producing copies for sale does not seem justified. In future, the Minister will determine whether copies are to be made available for sale and, if so, at what price. An amendment is proposed by the Bill relating to objections to enrolment. The period of non-residence in a subdivision that may justify such an objection is reduced from three months to one month. This brings the State legislation into line with the relevant Commonwealth provisions.

A new provision is proposed under which the death of two or more candidates for election to the Legislative Council on or before polling day would render the election invalid. An amendment is proposed under which powers and discretions of the returning officer in relation to the preliminary scrutiny of postal ballot-papers may be exercised on his behalf by a deputy returning officer. The present requirement of the Act that groups of candidates for election to the Legislative Council be arranged from left to right across the ballot-paper has resulted in a physically cumbersome ballot-paper. The Bill proposes an amendment under which all groups comprising only one candidate can be listed vertically in a position to the right of all other groups. Provision for expiation of the offence of failing to vote is included in the Bill. The Bill provides for the address of the printer to be included in certain published electoral material. This proposal is consequential upon the proposed repeal of the Imprint Act. 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 removes the requirement that the last print of each electoral roll should be available for sale. Clause 4 reduces from three months to one month the period of non-residence on which an objection to enrolment may be based. Clause 5 renders invalid any election for the Legislative Council where two or more candidates die on or before polling day. Clause 6 provides that the deputy returning officer may exercise on behalf of the returning officer certain powers and functions in relation to the preliminary scrutiny of postal votes.

Clause 7 provides for the vertical grouping of candidates for the Legislative Council where each candidate constitutes a group. Clause 8 provides for the expiation of the offence of failing to vote. Clauses 9 and 10 provide for the inclusion of the name of the printer in electoral material. This requirement does not apply in relation to newspapers, magazines, journals and similar publications that are issued at periodic intervals of less than one month. Clause 11 amends section 182 of the principal Act. The amendment merely brings the wording of this provision into consistency with other provisions relating to onus of proof in cases of disputed elections.

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

CONSTITUTION ACT AMENDMENT BILL

The Hon. K. T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Constitution Act, 1934-1981, and to make consequential amendments to the Electoral Act, 1929-1981. Read a first time.

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

That this Bill be now read a second time.

There has been for many years a degree of confusion and debate surrounding the issue of public servants standing for State elections. There is no requirement in the Public Service Act that a public servant resign prior to contesting a State election. A public servant may resign prior to an election in which he is a candidate and be reinstated if unsuccessful. This is not merely a matter of policy. Section 44 of the Public Service Act obliges the Public Service Board to recommend the reappointment of the officer. A similar provision is made in respect of teachers by regulation 143 of the Education Regulations.

There are, however, some constitutional difficulties. Section 45 of the South Australian Constitution Act provides that a member of Parliament cannot accept any office of profit or pension from the Crown. There is then a difficulty: if a public servant did not resign and found himself elected, there would then be an argument that his seat should be immediately declared vacant.

A further difficulty arises in the interpretation of section 49a of the Constitution Act, which provides, in essence, that a person who holds a contract entered into with any person or on account of the Government of State 'shall be incapable of being elected . . .' The view may be taken that employment by the Crown constitutes a contract within section 49 of the Constitution Act. If a contract within the meaning of section 49 does exist in such circumstances, then the section in all probability precludes a public servant from even nominating for an election. In the view of the Crown Solicitor, the expression 'shall be incapable of being elected . . .' must be construed as meaning taking part in any election process (which includes nomination). It is therefore desirable that a public servant who is to contest a State election should resign. But the question then arises as to when this resignation should take place.

It is proposed that the last date for resignation should be the day prior to the declaration of poll. This means that a successful candidate who resigns before the declaration of poll will not be in any danger of having his seat declared vacant. It should be noted that the Bill leaves open the question of the effect of section 58 *(i)* and *(j)* of the Public Service Act in relation to a public servant who is a candidate for election. This question is complex: the Crown Solicitor has expressed the opinion that it is difficult to escape from the dilemma that the nature of the employment of a public servant (particularly a public servant employed in a senior or sensitive position) is inconsistent with his running for election as a member of Parliament. That fundamental dilemma in the Crown Solicitor's opinion cannot be resolved by legislative means. It will remain a question for determination by the Public Service Board in each individual case whether a public servant can properly perform his duties and at the same time stand for election.

The present Bill amends the Constitution Act and the Electoral Act to make clear that, so far as those Acts are concerned, there is no obstacle to a public servant standing

for election and that, provided he resigns before the date of declaration of poll, he may, if successful at the poll, be duly elected as a member of Parliament. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 45 to deal expressly with the case of candidate for election who holds an office of profit from the Crown. It provides that he must resign the office before the date of the declaration of poll if he is to be elected. Clause 3 inserts a similar amendment in section 49 which deals with contracts with the Crown. Clause 4 amends the forms prescribed by the Electoral Act to make clear that the declaration of qualification for election which must be made by a candidate is unrelated to the question of whether or not the candidate holds an office of profit from the Crown.

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

EXPLOSIVES ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

The purpose of this Bill is to give the Governor power to make regulations under the Explosives Act, 1936-1974, to control the use of fireworks and other explosives for the purposes of entertainment. At the moment the Government has no power to control the use of fireworks. A person purchasing fireworks must hold a permit and it has been the practice to issue safety guidelines to applicants for permits. However, these are guidelines only and are not enforceable. Fireworks displays, by their nature, attract large numbers of children, and the Government feels there is a need to control the use of fireworks in these situations. The Government hopes that incidents such as the injury recently of a boy at Loxton and a fire at Glenelg following fireworks displays will be avoided by the implementation of safety regulations.

Clause 1 is formal. Clause 2 amends section 52 of the principal Act. Subclause *(a)* makes consequential amendments to a number of paragraphs of the section to provide uniformity of expression. Subclause *(b)* inserts a new paragraph giving the Governor power to make the desired regulations.

The Hon. G. L. BRUCE secured the adjournment of the debate.

IMPRINT ACT (REPEAL) BILL

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

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

That this Bill be now read a second time.

This Bill provides for the repeal of the Imprint Act, 1951. The Imprint Act requires printers in South Australia to print their name and address on all non-exempt material printed in this State. A penalty not exceeding $200 is provided for non-compliance. Historically, this requirement represented an attempt to stamp out secret presses used for the printing of seditious material by providing a means of tracing such material back to the printer. Once the printer was traced, action could be taken against him.

The existence of this provision has little practical value, because a person who wished to print seditious or defamatory material would not put his imprint on the material. The existence of the penalty has very little deterrent effect because the Act is very difficult to police, except at a prohibitive cost. The variety of modern techniques of reproducing words and pictures make the tracing of a printer very difficult.

The most likely effect of the provisions of the Act is that a printer will become liable for a technical breach, when he produces something that in common sense, should not require an imprint, but is not within the exemptions set out in the Act. My colleagues have had several discussions with the Printing and Allied Trades Employers Federation of South Australia, which initiated the review of the Act, and that body supports the repeal. Clause 1 is formal. Clause 2 repeals the Imprint Act, 1951.

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

COMPANIES (ADMINISTRATION) BILL

Adjourned debate on second reading.

(Continued from 9 December. Page 2468.)

The Hon. C. J. SUMNER (Leader of the Opposition): Orders of the Day No. 3, Companies (Application of Laws) Bill, and No. 4, Companies (Consequential Amendments) Bill, and this Bill all form part of a package of legislation which is designed to provide for a uniform national companies and securities scheme in Australia. There have been previous Bills before this Parliament on this topic, and the Council has debated the history of the package on those occasions. The first set of Bills was introduced by the Attorney-General in 1980. I spoke to the second readings on 24 September 1980. Those Bills were subsequently withdrawn and a revised set of Bills introduced in, I think, early 1981. I made a second reading contribution in relation to those Bills on 4 March 1981. I do not intend to repeat what I said on that occasion. On that occasion I did not go into a detailed analysis of the Bills or the scheme, and I certainly do not intend to do that on this occasion. The scheme is complex in a very specialised area of the law. Apart from that, the South Australian Parliament is faced with a *fait accompli* in dealing with these Bills. An agreement was signed between the States and the Commonwealth by the Premiers and the Prime Minister in 1978. The legislation is based on that Commonwealth-State scheme for a Co-operative Companies and Securities Regulation Agreement.

The important point is that, if a State decides to participate in the scheme pursuant to that agreement, as all States in the Commonwealth have, once that decision is made and supported by Parliament, Parliament's scope to amend the package of legislation before us is very limited, if not completely non-existent. I repeat that the Labor Party believes that a uniform system of companies and securities law throughout the nation is desirable. The Labor Party, when in Government, participated in the development of this scheme. The Opposition supports this Bill and the other Bills on the Notice Paper, which I will not speak to specifically. I will treat the whole matter as a cognate debate.

When the previous set of Bills were debated in March 1981, I raised the question that the South Australian law could be changed without reference to the South Australian Parliament, without the South Australian Parliament know-

ing anything about it. Indeed, it could be changed against the wishes of the South Australian Parliament or the South Australian Government. At that time I moved an amendment to one of the Bills requiring the Attorney-General or the Minister responsible to provide reports to Parliament on what was happening in the Ministerial Council, which is responsible for decisions under the national scheme. The amendment provided:

That where a proposal to amend the Commonwealth Act is put to the Ministerial Council the Minister shall as soon as practicable report to both Houses of Parliament—

(a) details of the proposed amendment; and

(b) whether he intends to support or oppose the proposal.

At that time the Attorney-General opposed that amendment and said that if the amendment was made the Bill would not be acceptable to the Ministerial Council and it would provide some problems in the early implementation of the scheme.

I am not entirely sure that my amendment would have disrupted the scheme. I believe that the Attorney-General could have accepted the amendment, because it really related to what he had to do and it did not impinge in any way on the operations of the Ministerial Council. Nevertheless, being in a co-operative mood on that occasion I did not proceed with the amendment, because the Attorney gave an undertaking that he would discuss the proposal with the Ministerial Council and report its response to Parliament. I do not believe that the amendment really did upset the scheme, because it only related to actions to be taken by the Minister of Corporate Affairs. It did not impinge on the operations of the Ministerial Council or the scheme's operation in other States or the Commonwealth. I believe that my amendment could have been made to the Bills.

It is 12 months since the Attorney-General gave that undertaking. I would like the Attorney-General to assure the Council that he raised this matter at the Ministerial Council, and I would like a report on the response. Subject to hearing that report I may move a similar amendment, if that is possible. I would have thought that the amendment was a reasonable proposition—something that really only impinges on the State Minister. It is something that the Minister should accept. If nothing arises out of the Attorney-General's negotiations at a national level, after taking this matter up with the Ministerial Council, I feel sure that a separate Bill could be introduced requiring the Attorney to do what is set out in my amendment.

The Opposition supports these Bills and the scheme. However, there is no doubt that there are certain difficulties that could potentially arise under the scheme. I indicated in previous debates that the Labor Party's preferred approach was for national legislation. Such national legislation was prepared during the period of the Whitlam Government, but it was not passed before that Government was removed from office. I indicated in the previous debate that I think the Rae Senate inquiry into securities during the early 1970s recommended, in effect, national legislation to deal with this problem, that is, the problem of achieving uniformity in this area in Australia. This Government decided against that course and has opted for this particular scheme.

Certain things about the scheme need to be pointed out to the Council. First, it is incredibly complex. Any honourable member who has studied the Bills, the previous Bills and the history of how this scheme came about must concede that it is incredibly complex. The scheme is subject to collapse on a national scale if one State withdraws. From a national point of view the whole thing would then be rendered useless. One State or even the Commonwealth can withdraw from the scheme simply by giving 12 months notice. One of the problems with these so-called 'new federalism initiatives' is their enormous complexity and the doubts about their constitutional validity. Perhaps there is less doubt about the constitutional validity in this case than in the case of the seas and submerged lands package we were dealing with yesterday. Nevertheless, there are constitutional doubts about the validity and there are incredible complexities.

I pointed out yesterday that, in the seas and submerged lands situation in relation to petroleum, we had three sets of legislation dealing with the position in South Australia and in the coastal waters adjacent to South Australia: one for the land or the territory within the base line; another from the low-water mark (or the base line) to the three-mile limit; and another (this being Commonwealth legislation) for the area beyond the three-mile limit. There was an example of complexity in that area and, similarly, this scheme is an incredibly complex set-up; it is unwieldy and somewhat cumbersome, and is vulnerable to collapse if one State withdraws.

Will the Attorney-General turn his mind to the problem that will arise if there is resistance by the State Corporate Affairs Commission to intervention by the National Companies and Securities Commission? In August last year there was a protest by the Queensland Corporate Affairs Commission over action by the National Companies and Securities Commission in a case of Walter Reid (a Queensland company), where the Queensland Corporate Affairs Commission objected to the National Companies and Securities Commission exercising its authority in relation to that case. I am not sure how the matter was resolved. Can the Attorney-General state whether problems—if there are any problems—regarding demarcation in those areas have now been overcome and whether the Queensland Corporate Affairs Commission will submit to the National Companies and Securities Commission?

I mention here the constitutional difficulties. It may be that there could be a challenge to the State Corporate Affairs Commission, acting for the National Companies and Securities Commission, for interstate purposes (the State Corporate Affairs Commission under the scheme acting as delegates for the national commission). Again, here is another area where there could be constitutional difficulties.

One area not canvassed previously (which perhaps should have been) is that this scheme sets up the Ministerial Council, which comprises the appropriate Ministers from each of the States and the Commonwealth. No amendment can be made to the Commonwealth legislation (and thereby to the State legislation) unless there is a request from the Ministerial Council (that request being decided upon by majority vote in the Ministerial Council).

One now moves on to the quite unique situation under our system of government whereby there is a body, the Ministerial Council, having no responsibility to any one Parliament; further, the national commission has no responsibility to any one Minister. That raises important questions about the lines of responsibility and raises the question, particularly when one considers the amendment I moved on the last occasion, of the attempt to get some responsibility on behalf of the Parliament from the Minister in this area. As I understand, that has not yet come to anything.

The problem that this Parliament has in calling on its Minister to act in this area is a problem that every State Parliament has and, indeed, it is a problem that the Federal Parliament has. Can the Attorney-General say, if the Ministerial Council approves an amendment to the legislation, whether there can then be any opposition in the Commonwealth to move for the appropriate Bill in the Federal Parliament, that is, whether the Federal Government can ignore the Ministerial Council? What happens in a situation where the Commonwealth is in a minority in the Ministerial Council and is not happy with the proposal? Could the

Commonwealth Minister then ignore the request or is it obligatory, once a decision is made by the Ministerial Council, for the legislation to be put before Parliament?

If the last is the case, although that may be more efficient, it highlights the problem that there is no direct line of Ministerial responsibility for the commission. Certainly, the Federal Parliament still has the ultimate control over the legislation and could reject it and decide not to proceed with legislation recommended by the Ministerial Council. Perhaps there is then some semblance of responsibility. I would like to know how this particular issue is to be resolved in the Ministerial Council with the Federal Government and I would like a response to my earlier points concerning how this Parliament can retain some measure of control over the responsible Minister.

The final problem that I can see with this complex scheme is that it can lend itself to not particularly effective action on reform in this area. One here is dealing with a Ministerial Council of seven Ministers. Decisions on reform tend to be made on the basis of the lowest common denominator. That would certainly be the situation if unanimity was required in the Ministerial Council. Thankfully decisions can be made by a majority but, because a Government or State can always withdraw from a scheme, reform would be slow and the pace of any reform or change would be governed by the speed at which the slowest or the least reform-minded Government moves. That is a disadvantage with this sort of scheme.

Can the Attorney-General say what has happened within the commission on the reform of the law? There was certainly some reform of the law in the area of take-overs, but in the area of the companies code, with which we are now dealing, there is virtually none. This Government apparently withdrew a reference to the Mitchell Committee on corporate crime because it thought that this area could be taken up by the National Commission. Has anything been done about that? Can the Attorney-General provide a report?

I noticed from the second report of the National Companies and Securities Commission that there is a position in the commission dealing with the reform of company law in the Corporate Law Division for a senior director, but the position is still vacant. I would be interested to know, in view of this Government's unacceptable attitude in withdrawing the reference on corporate crime to the Mitchell Committee, what is happening at the national level on corporate law reform and, in particular, what is happening in the corporate crime area. I would like the Attorney-General to detail what other matters for reform are presently under consideration.

In reply to previous questions particularly regarding building subcontractors that have been asked in this Council in this area by the Hon. Mr Dunford and myself, the Attorney has said that he has had some concern about people establishing building companies, undertaking work and then going into liquidation, leaving subcontractors as creditors, and then shortly afterwards establishing another company and commencing business again. He said he was concerned about the fact that the law protected people from personal liability. I would like to know what proposals exist to try to overcome this problem.

Finally, it is a matter of drafting in clause 6 of the companies application of laws legislation that provides that the provisions of the Commonwealth Act apply as laws of South Australia. I understood that the scheme was to mean that, if there were ever any amendments to the Commonwealth Act, those amendments would automatically apply as law in South Australia as well. I wonder whether the drafting in clause 6 covers that or whether it could be argued by someone who wanted to argue it that clause 6 referred only to the Commonwealth Act as it was at the time that the Bill passed this Parliament. With those general comments, I support this Bill and the following two Bills listed on the Notice Paper.

The Hon. K. T. GRIFFIN (Attorney-General): The Co-operative Companies and Securities Scheme has evolved over the past five years from a desire by the Commonwealth and the State to ensure that co-operative federalism works. Although the scheme is complex, it is probably no more complex by virtue of the emphasis on co-operative federalism than if we had a national companies and securities law imposed from Canberra with the consequent establishment of Commonwealth bureaucracies in each of the States to administer that scheme.

The Hon. C. J. Sumner: We could still have delegation under that.

The Hon. K. T. GRIFFIN: At least under the present scheme the States have substantial responsibilities and participate in the administration of the scheme as well as in the policy-making whereas, under a national scheme, that just would not occur. Although the Leader has interjected that there could still be a delegation of responsibility, the States then have a purely mechanical administrative involvement, with no real say in the direction of national companies and securities legislation, and no real involvement in development of policy and its implementation.

The present co-operative scheme legislation enables the State to be involved in decision-making as well as in administration. That decision-making is not only at the policy level but also at the administrative level. The corporate affairs officers in the various States are the delegates of the National Companies and Securities Commission. They have responsibilities, some specifically defined, and others more general, to the national commission, but a substantial amount of the local work is done by the State corporate affairs officers.

The National Companies and Securities Commission is subject to the overriding responsibilities of the Ministerial Council. Whilst the Leader has referred to the fact that the commission is not responsible to any one Minister, there is a corporate Ministerial responsibility exercised through the Ministerial Council, which has periodically considered a means by which there can be closer oversight of the commission by the Ministerial Council while the scheme is at an early stage of development. There are developing mechanisms by which the national commission reports on a more frequent basis to the State Ministers as part of the Ministerial Council, and mechanisms are developed under which a closer oversight will be achieved on policy decisions.

The Ministerial Council meets regularly. Under the formal agreement, it is required to meet on not fewer than four occasions each year. Over the past several years it has met more frequently than that. There are administrative provisions for telephone hookups between Ministers and for decisions by telex. There is regular contact in that way. All State Ministers are regularly advised of policy decisions that the national commission takes or wishes to take, and all Ministers have an opportunity to be involved in decision-making at the policy level. The formal agreement was signed in December 1978, and all the States and the Commonwealth were signatories to it. There is a provision for the Northern Territory to become a party to the agreement if certain conditions are met. Certainly, it is the desire of South Australia that the Northern Territory become a party to the scheme as soon as possible.

It is a correct observation by the Leader that that formal agreement provides a mechanism for implementing decisions legislatively which, to a large extent, removes Parliament from the decision-making process. That is one of the sacrifices that one must make to a concept of uniformity. In

the early 1970s, we had what purported to be uniform company legislation whereby each State was able to legislatively enact its own amendments to what started off as uniform legislation. Quickly that element of uniformity was lost, with consequent disability to the commercial and business community in Australia.

If the States and the Commonwealth were to retain that legislative supremacy, I suggest that quickly there would be the same movement away from uniformity that we saw in the early 1970s. It concerns every person that we move away from the legislative involvement of the State and the Commonwealth, but that decision was made about three or four years ago at least and, as far as this Government is concerned, we are complying with that agreement, and accept the decision that was taken by the previous Government to become a party to that formal agreement to enable the co-operative scheme to get off the ground.

When the scheme is up and running and when the Ministerial Council makes a decision by a majority (other than for the initial legislation, which must be agreed on unanimously) to amend the legislation, the Commonwealth is obliged to pass that legislation and automatically, when it is passed by the Federal Parliament, that will become law in the respective participating States. I do not think that clause 6, to which the Leader has referred, will create any difficulty, because the scheme is designed to apply the Federal enactments as State legislation, both for the principal legislation and amending legislation some time in the future.

The Hon. C. J. Sumner: It doesn't say that.

The Hon. K. T. GRIFFIN: I am certainly prepared to look at the matter but until now I have been satisfied, because of certain translator provisions in the scheme legislation, that the enactment of legislation for the scheme legislation, when passed by the Federal Parliament, will be the law of the States. However, there will be some time to examine that question and I will arrange for that to be looked at. During the Committee stage, I will arrange for the Leader to have an answer to that question.

As to the question whether the Commonwealth can decline to enact amending legislation, technically the Commonwealth could, in breach of the agreement of 1978, decline to pass the legislation. If it does that, the scheme stands a very real chance of collapsing, as the Leader has said, and, if any participating party decides that it wants to withdraw from the scheme, it can do that by passing its own State legislation. The whole spirit of the scheme legislation is that all parties want it to work. It is co-operative and provides a scheme that is much to be preferred to national legislation enacted in and controlled from Canberra.

It very much is a matter for co-operation between the State and the Commonwealth and any other participating States and, whilst in theory one could be concerned about the prospect of a collapse, the work that has gone into the scheme over the past four or more years indicates a willingness by all Governments, whether Liberal or Labor, to make this uniform scheme work effectively.

The Leader referred to some difficulty between the State Corporate Affairs Commissions and the national commission. That matter received considerable publicity in the daily press last year. I think most of it, if not all, was misplaced public comment. One has to expect that, in this sort of scheme, Corporate Affairs Commissions, as well as the national commission, are experiencing a new relationship but, from the point of view of my own officers, they are working well and effectively within the scheme legislation and there is an excellent relationship between this State's Corporate Affairs Commission and the national commission.

The Hon. C. J. Sumner: What about Queensland?

The Hon. K. T. GRIFFIN: From the information I have, there is no difficulty between Queensland corporate affairs officers and the national commission. There was, as the Leader has said, some publicity about the company Walter Reid, but that largely arose, as I understand, from some misunderstanding. Whilst one can understand that difficulties will arise from time to time, the important emphasis of the scheme requires frank and open discussion about any difficulties, real or imagined, and in the Walter Reid case any difficulties were overcome at an early stage. I understand that there is no difficulty between the State corporate affairs officers and the national commission.

The Hon. C. J. Sumner: Can the national commission direct local officers?

The Hon. K. T. GRIFFIN: The national commission can give directions under its powers for State corporate affairs officers to undertake certain tasks, but the whole development of the scheme legislation has been directed towards working out guidelines for the way in which the scheme will operate administratively. Guidelines have been established and delegations have been made to State Corporate Affairs Commissions and, once certain policy decisions are taken in areas where the national commission has to exercise discretion, the State corporate affairs officers will be given greater autonomy than they have at present. They have a significant amount of autonomy now but that autonomy will grow as the areas of specific responsibility that ought to be exercised at a national level are identified and worked through by the national commission in consultation with the State officers.

It should be recognised that there are regular meetings between the national commission and State Corporate Affairs Commissions. Officers at various levels meet on a regular basis in relation to different areas of concern to the national commission and those officers. In the early stages of this scheme there is an attempt for administrators to be as open as possible with each other and to work out a mechanism to ensure that the scheme does work. I have the utmost confidence in the scheme. I am not concerned about occasional difficulties, because one would expect them in the initial days of the settling down between the national commission and State corporate affairs officers.

The Leader refers to the situation where the Ministerial Council effectively has no responsibility to any Parliament. I have already touched on the other part of his comment that the National Companies Commission has no responsibility to any one Minister. The Ministerial Council is aware of that, and is trying to maintain as close a contact between Ministers and itself, as well as between Ministers and the commission, as it can. So far as the Ministerial Council is concerned, each Minister is sensitive to the fact that it is a unique body not only in the companies and securities field but also in any other field in the Australian legal system. The Ministerial Council is still considering appropriate mechanisms by which it will be able to be seen to be accountable to the public of Australia.

No final solution has been reached but the matter to which the Leader referred last year and again this year is an area which is receiving attention. As soon as some solution has been reached, I will let him know the position.

The Hon. C. J. Sumner: Did you take up my amendment with them?

The Hon. K. T. GRIFFIN: No Minister underestimates the weight of responsibility which he has in this scheme. As I started to say earlier, that was accepted when all Governments, through their Premiers and the Prime Minister, signed a formal agreement in December 1978. The proposal to which the Leader of the Opposition has just referred by way of interjection is one of the mechanisms which has been considered, but no decision has been reached. As soon as it is reached, I will let him know.

The Hon. C. J. Sumner: Why didn't you take up my amendment?

The Hon. K. T. GRIFFIN: The Leader of the Opposition has suggested that a reform of company law is not an essential ingredient of the scheme. One of the proposals which is to be given further consideration once the whole package of scheme legislation has been implemented is a company law review committee. The Ministerial Council has not formally implemented that possibility, because officers' time has been taken up in getting the national scheme legislation implemented. It is not correct to say that the scheme legislation contains no reforms. The companies acquisition of shares legislation is a major reform of company take-over law. Its provisions are very much stronger than those which existed under the so-called uniform Companies Acts of the States. It places heavier burdens on companies that desire to engage in take-over activity. It gives to the national commission greater powers to get to the facts in any company take-over situation. Thus, that was a substantial reform of company take-over law.

In the Companies Code, in many areas reforms have been achieved. The National Companies and Securities Commission will be looking at other areas when the Companies Code is implemented. The old section 124 of the Companies Act, which requires a director to act honestly and diligently, has been amended in a way which is a reform, by splitting the two offences and providing substantial increases in penalties. The area relating to registration of charges has been the subject of major reform. The change resulted largely from South Australia's involvement.

Other areas include companies which have become insolvent, and this affects the shareholders of companies. To give further detail of that will require my obtaining information from the Corporate Affairs Commission officers. I will let the honourable member have it, because it does tighten up the provisions of the present Companies Act, which are largely ineffective. A number of reforms are incorporated in the uniform scheme and, when it is implemented, there will be a continuing review of corporate law and progressively changes will be approved by the Ministerial Council and will be implemented.

The Hon. C. J. Sumner: When is it due to be brought into operation?

The Hon. K. T. GRIFFIN: The Securities Industry and Companies (Acquisition of Shares) Code was brought into effect last year. The Companies Code is due to be brought into operation on 1 July of this year, so progress is being made towards implementation of the whole scheme legislation. Once that is in place questions of continuing reform will be picked up and processed. I have dealt with all of the matters raised by the Leader.

The Hon. C. J. Sumner: You didn't say why you didn't take up my amendment. You said last time it was a matter you would have to take up at the Ministerial Council meeting. You weren't prepared to give an unequivocal undertaking.

The Hon. K. T. GRIFFIN: The Leader obviously did not listen to what I was saying: I said that it was one of the matters being considered.

The Hon. C. J. Sumner interjecting:

The Hon. K. T. GRIFFIN: My statement has been clear and unequivocal. Despite the Leader's interjection, I have dealt with all the matters that he raised. I appreciate that he will be giving support to this important piece of legislation.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. K. T. GRIFFIN: There is a Ministerial Council meeting at the end of this week. There may be several relatively minor amendments to this legislation and, accordingly, I do not want to have this Bill passed through the Committee stage until the possibility of any further amendments have been dealt with at the Ministerial Council meeting.

Progress reported; Committee to sit again.

COMPANIES (APPLICATION OF LAWS) BILL

(Second reading debate adjourned on 9 December. Page 2478.)

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

COMPANIES (CONSEQUENTIAL AMENDMENTS) BILL

(Second reading debate adjourned on 9 December. Page 2470.)

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL (No. 2)

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

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

That this Bill be now read a second time.

This Bill is designed to correct anomalies found to exist in several provisions of the principal Act, the Parliamentary Superannuation Act, 1974-1981. The Bill proposes amendments relating to the component of pension that is based upon additional salary earned by a member through holding Ministerial or other prescribed office. The existing provisions relating to this matter (sections 17 and 24) do not provide for the case where a member has held simultaneously two or more offices that attract additional salary. The amendment is designed to make it clear that it is the aggregate of the amounts of additional salary earned where two or more such offices are held simultaneously that is to be taken into account in determining the component of pension based upon additional salary.

The Bill proposes an amendment relating to the provision for calculation of the amount of pension payable to the spouse of a deceased member. Section 24 of the principal Act presently uses a factor in that calculation that is defined in terms of the pension payable to the member when he became a pensioner. This definition does not provide for the case where part of the pension has been commuted. The amendment makes proper provision for that case.

The Bill proposes amendments to section 36 of the principal Act. This section provides that, where a person has had a previous period of service in this Parliament or in the Parliament of the Commonwealth or another State or Territory, that previous service may be taken into account for the purposes of the Act if the person, after becoming a member of this Parliament, makes a payment to the Fund in respect of that previous service. The section presently provides in relation to previous service in this Parliament that the payment to the Fund must be made within three

months after the member became a member or such further time as the trustees may allow.

Where the trustees allow further time for the payment, they are empowered to require interest to be paid on the amount of the payment. Under the amendments, this three month time limit and the power to require payment of interest would also apply in any case where a payment is made in respect of previous service in the Parliament of the Commonwealth or another State or Territory. The Bill also proposes amendments designed to make it clear that the references in the Act to salary and additional salary are references to the amount payable annually as salary or additional salary. I seek leave to have the detailed explanation of the clauses incorporated in *Hansard* without my reading them.

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 5 of the principal Act which provides definitions of terms used in the Act. The clause amends the definitions of 'salary' and 'additional salary' so that they are expressed in terms of amounts payable annually.

Clause 4 amends section 17 of the principal Act which provides for the calculation of the amount of pension on retirement. The clause replaces the definition of 'HS' in subsection (2) with a definition under which it is made clear that, where a member has held two or more prescribed offices at the same time, the aggregate additional salary is taken into account in calculating the factor designated by the symbol 'HS'. The clause inserts a new subsection (2b) which makes provision for the case where it is necessary to apply in a calculation under subsection (2) the rate of additional salary for a particular higher office as at the date of retirement of a member but that higher office no longer exists.

Clause 5 amends section 24 of the principal Act which provides for the calculation of the amount of pension payable to the spouse of a deceased member. The clause amends the definition of 'appropriate factor' in subsection (3) so that, where part of a pension is commuted, the appropriate factor is based upon the amount of pension payable immediately after commutation. The clause also makes amendments to the section that correspond to those made by clause 4 in relation to section 17.

Clause 6 amends section 36 of the principal Act which provides that previous service in the Parliament of this State or the Parliament of the Commonwealth or another State or Territory may be counted as service for the purposes of the Act if the member makes a certain payment to the fund. The clause amends the section so that payments in respect of previous service in the Parliament of another place will be required to be made (as is presently the case with payments in respect of previous service in the Parliament of this State) within three months after the member became a member or within such further time as the trustees allow. Under the amendment, where further time is allowed, the trustees may impose conditions relating to the payment including conditions requiring the payment of interest on the amount of the payment.

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

PETROLEUM (SUBMERGED LANDS) BILL

In Committee.

Clauses 2 and 3 passed.

Clause 4—'Interpretation.'

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

Page 6: Lines 8 to 11—Leave out these lines.
Lines 15 to 18—Leave out these lines.

The first amendment I am moving is technical. It involves the omission of the definition of 'the applied provisions'. The definition is used only once in the Bill and the appropriate change will be made in the relevant provision.

I foreshadowed yesterday that there were a number of amendments to this Bill. These amendments come from one State, Western Australia, which insisted on including the amendments we now have to consider in this Bill. It is for the sake of uniformity that most of these amendments have been agreed to by the other States, including South Australia. They are relatively minor and we should be able to support them.

In relation to the second amendment, the definition of 'Continental Shelf' is not used in the Bill, and for that reason it is deleted. Apparently, its inclusion is a carryover from previous legislation.

Amendments carried.

The Hon. K. T. GRIFFIN: One other comment I would like to make about this clause relates to a question the Leader asked yesterday about the effect of an amendment to extend the territorial sea from three nautical miles to, say, 12 nautical miles. That matter is referred to in subclause (2) as follows:

> If at any time the breadth of the territorial sea of Australia is determined or declared to be greater than three nautical miles, the definition of 'the adjacent area' in subsection (1) continues to have effect as if the breadth of the territorial sea of Australia had continued to be three nautical miles.

Therefore, whatever changes are made to the breadth of the territorial sea, three nautical miles, which is the subject of this Act, remains.

Clause as amended passed.

Clause 5—'Construction of Act.'

The Hon. K. T. GRIFFIN: I oppose this clause. The Acts Interpretation Act adequately covers the matter referred to in this clause. Section 22 *(a)* of the Acts Interpretation Act is the relevant section.

Clause negatived.

Clause 6 passed.

Clause 7—'Petroleum pool extending into two licence areas.'

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

Page 8, lines 28 and 29—Leave out these lines.

This is a drafting amendment.

Amendment carried; clause as amended passed.

Clauses 8 to 16 passed.

Clause 17—'Graticulation of earth's surface.'

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

Page 14, line 8—Leave out the passage 'the block' and substitute the passage 'a block'.

As honourable members will see, this is a minor amendment.

Amendment carried; clause as amended passed.

Clauses 18 to 32 passed.

Clause 33—'Conditions of permit.'

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

Page 23, lines 40 to 42—Leave out these lines.

This amendment seeks to omit subclause (3). Although this provision was necessary in the Commonwealth legislation, it is not necessary in this Bill. The Commonwealth legislation provides for royalties in a separate Act, and it is for that reason that this clause is necessary in the Commonwealth legislation. The Bill before us provides for royalties in a later clause.

Amendment carried; clause as amended passed.

Clauses 34 to 55 passed.

Clause 56—'Conditions of licence.'

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

Page 39, lines 18 to 20—Leave out these lines.

This amendment deletes subclause (2) for the same reason that subclause (3) of clause 33 was omitted.

Amendment carried; clause as amended passed.

Clause 57—'Works to be carried out.'

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

Page 40, lines 9 and 10—Leave out these lines and substitute the following subclause:

(5) For the purposes of this section—

(a) the quantity of any petroleum recovered by a licensee from a well during a year shall be ascertained in accordance with Division VII; and

(b) the value of any petroleum is the value at the well-head of that petroleum ascertained in accordance with that division.

This amendment will maintain uniformity with Western Australia and the other States. There is no change in concept or in substance.

Amendment carried; clause as amended passed.

Clauses 58 to 71 passed.

Clause 72—'Variation of pipeline licence by Minister.'

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

Page 52, lines 12 and 13—Leave out the passage 'or a Territory'.

Only authorities of the Commonwealth or South Australia should be able to make a request under this section, and that is why reference to a Territory is excluded.

Amendment carried; clause as amended passed.

Clauses 73 to 88 passed.

Clause 89—'Minister not liable to certain actions.'

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

Page 58, lines 14 and 15—Leave out the passage 'nor a person acting under his direction or authority' and substitute the passage ', his delegate, nor a person acting under the direction or authority of the Minister or his delegate'.

This change follows the wording in section 54 of the Commonwealth Minerals (Submerged Lands) Act 1981. There is a need for consistency between the States' legislation and the Commonwealth legislation. A delegate of the Minister should have the same immunity as the Minister.

Amendment carried; clause as amended passed.

Clauses 90 to 100 passed.

Clause 101—'Directions.'

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

Page 64, line 15—Leave out the passage 'the applied provisions' and substitute the passage 'in the Off-shore Waters (Application of Laws) Act, 1976-1980, as modified by regulation under section 14 and as applying in the adjacent area'.

This change is consequential on the deletion of the definition of the applied provisions to which I referred in the first amendment I moved to clause 4.

Amendment carried; clause as amended passed.

Clause 102 passed.

Clause 103—'Exemption.'

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

Page 65, line 33—Leave out the word 'Where' and substitute the passage 'Notwithstanding subsection (2), where'.

This amendment is merely a minor drafting change.

Amendment carried; clause as amended passed.

Clauses 104 to 123 passed.

Clause 124—'Interference with other rights.'

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

Page 81, line 20—Insert after the word 'section' the passage '60 (2) or (3) or under section'.

Clauses 60 (2) and (3) of this Bill provide for the carrying out of work with the written authority of the Minister, and it is important for the sake of completeness to refer to those provisions in this clause. The amendment achieves that objective.

Amendment carried; clause as amended passed.

Clauses 125 to 129 passed.

Clause 130—'Determination to be disregarded in certain cases.'

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

Page 83, line 13—Leave out the figures '143' and substitute the figures '144'.

This amendment corrects a cross-reference and is a matter of drafting.

Amendment carried; clause as amended passed.

Clauses 131 and 132 passed.

Clause 133—'Prosecution of offences.'

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

Page 84, lines 5 and 6—Leave out these lines and substitute the following subsection:

(5) An offence against this Act that—

(a) is not a prescribed offence;

or

(b) is a prescribed offence that is heard and determined by a court of summary jurisdiction,

shall, unless the contrary intention appears, be disposed of summarily.

This change provides for prescribed offences that are to be dealt with by a court of summary jurisdiction to be disposed of summarily. It is a tidying up amendment.

Amendment carried; clause as amended passed.

Clauses 134 to 152 passed.

First, second and third schedules passed.

Fourth schedule.

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

Page 96, clause 10 *(a)*—Leave out the passage 'or licence' and substitute the passage 'or pipeline licence'.

This amendment is a minor drafting change.

Amendment carried; schedule as amended passed.

Fifth schedule.

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

Page 96—

Clause 1—Leave out the passage 'those circumstances' in the last line and substitute the passage 'that circumstance'.

After clause 3—Insert new clause as follows:

4. In this schedule 'subsisting permit' has the same meaning as in the fourth schedule.

These amendments are minor drafting changes.

Amendments carried; schedule as amended passed.

Preamble passed.

Title passed.

Bill reported with amendments. Committee's report adopted.

HIGHWAYS ACT AMENDMENT BILL

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

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

That this Bill be now read a second time.

This short Bill has two objects. Under section 32 (1) *(m)* of the Highways Act, 7.5 per cent of the fees received by the Registrar of Motor Vehicles by way of motor vehicle registration fees are allocated to the Police Department for the purpose of defraying the expenses of providing road safety services. This provision presently results in the application of about $3 266 000 towards the cost of those services. The Government has recently reviewed the cost of providing road safety services and concluded that a further $1 000 000 should be applied from the Highways Fund towards defraying that cost. The Bill therefore increases the proportion of registration fees that is to be applied towards road safety services from 7.5 per cent to 9.8 per cent.

The second object of the Bill is to remove the present onerous obligation upon the State Transport Authority to contribute to the Highways Fund for the maintenance of roads, as well as paying fuel tax for the same purpose. The road maintenance contribution is calculated on the basis of

.95 of one cent for each kilometre travelled on roads by State Transport Authority buses, and amounts to approximately $350 000 per year. The additional burden of fuel tax, imposed in 1979 when the road maintenance charges legislation was repealed, amounts to approximately $270 000 per year. The Government believes that this double liability is an unwarranted imposition. Under the new State Transport Authority Act provisions, the Minister can require special contributions from the authority for road maintenance, where appropriate. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the amendment is to operate from the commencement of the present financial year. Clause 3 strikes out from the list of moneys that must be paid into the Highways Fund, the reference to State Transport Authority road maintenance contributions. Clause 4 increases the percentage of registration fees that is to be applied towards the maintenance of road safety services from 7.5 per cent to 9.8 per cent. Clause 5 repeals the section that presently obliges the State Transport Authority to pay to the Highways Commissioner a monthly road maintenance contribution.

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

LAND SETTLEMENT ACT REPEAL BILL

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

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

That this Bill be now read a second time.

The Land Settlement Act was enacted in 1944 at a time when there was a need, following the Second World War, to assist in developing and further utilising land in South Australia. To facilitate this, the Act established a Parliamentary Committee, the Land Settlement Committee, which was to inquire into and report to the Governor on land settlement questions and to make recommendations on land acquisition.

The need for the Act has now disappeared. The last formal reference to the committee was in the mid-1970s and concerned soldier settlers' land on Kangaroo Island. Therefore, in accord with the Government's policies of repealing unnecessary legislation and abolishing unjustified statutory authorities and committees, the Government now proposes to repeal the Act.

Since the Land Settlement Committee also has responsibilities under the Rural Advances Guarantee Act, the Government proposes to amend that Act so that all future applications for guarantees will be referred to the Industries Development Committee.

Clause 1 is formal. Clause 2 provides for the Act to come into operation on a day to be proclaimed. Clause 3 repeals the Land Settlement Act.

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

ADJOURNMENT

At 5.20 p.m. the Council adjourned until Thursday 11 February at 2.15 p.m.