LEGISLATIVE COUNCIL

Thursday 18 February 1982

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

QUESTIONS

BANKCARD CHARGES

The Hon. C. J. SUMNER: My question is directed to the Attorney-General, as follows: Why did the Attorney assure the Council on 28 October 1981 that 'consumers will not be at risk' and that he 'does not see any disadvantage to the consumer' as a result of the Stamp Duties Act Amendment Bill that was being debated at that time, when it is now quite clear that stamp duty is being imposed on bankcard?

The Hon. K. T. GRIFFIN: I made the statement at that time because I believed it to be correct. The Premier has already made a statement in another place, and there is an urgency motion in the House on this subject. The Premier is interstate today and tomorrow at the Premiers' Conference and Loan Council meeting and on Monday—

The Hon. C. J. Sumner: He should be in Parliament where he belongs, answering questions.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: On Monday he will be meeting representatives of the banks and the finance industry, and I would expect that, after that meeting, he will be able to make a statement. I think the Leader's interjection is disgraceful. That is the sort of attitude that the Labor Party displays because it is prepared to neglect the interests of the people of South Australia.

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

Leave granted.

The Hon. C. J. SUMNER: It is quite clear that the Attorney-General, the second Minister in this Council in recent times to do so, has grossly misled the Parliament (and so has the Premier) over the stamp duty legislation that was passed last year. Last year, the Attorney said that the consumers would not be at risk, and that he did not see any disadvantage to the consumer in the amendments to the stamp duty legislation. He further gave this undertaking to the Council:

> Other credit-providing agencies have indicated that there will certainly not be an increase in payments due by debtors as a result of the passage of this legislation.

That statement is clearly untrue. The fact is that the Finance Conference of Australia gave no such assurances to the Premier or to the Government. I understand that local credit agencies and the retail stores did say that there would not be a specific charge added. The Finance Conference of Australia made clear that, where national interest rates are fixed and are concerned, such as with bankcard, the stamp duty would be imposed. That was the undertaking given to the Premier and the Attorney-General at the time this legislation was before the Parliament. Despite that and knowing that, they gave an assurance to the Parliament that the consumer would not be at risk, and the Attorney made a quite specific statement that credit agencies had indicated that there would certainly not be an increase in payments. As I have said, that was blatantly untrue. Why did the Attorney make that statement when he and the Government knew, from correspondence and consultations with the finance industry, that, as far as national credit charges were concerned, duty would be imposed?

The Hon. K. T. GRIFFIN: It was certainly the Government's intention (and it was expressed by the Premier and me) that consumers should not be disadvantaged by the legislation which came before us last year. When the Bill was before both Houses of Parliament, it was made clear by the Premier and by me that that was the position. As I have already indicated to the Leader, that remains the Government's intention. There was no misleading of either House of Parliament. The information which I had and which led to the statement I made to the Council was information which, I understand, was made available to the Government and which resulted from certain assurances received from the credit industry.

I have already indicated that the Premier made some statement yesterday on this subject. He will be meeting with representatives of the Australian Finance Conference, the associated banks and other credit providers on Monday. At that stage, I expect that a further statement will be made by the Premier to clarify the attitude and position of those agencies.

EGG BOARD

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Consumer Affairs a question on date stamping of egg cartons.

Leave granted.

The Hon. B. A. CHATTERTON: Some years ago date stamping was introduced for eggs in this State. I understand that all cartons of eggs now carry an expiry date by which date it is recommended that consumers use the eggs. My understanding from people within the egg industry is that the Egg Board intends to discontinue the use of date stamping on egg cartons in this State. If that is the case, it is rather disturbing. This additional information has been provided to consumers for some years, but it appears as though it will no longer be provided in future. Will the Minister investigate the situation to ascertain whether the Egg Board intends to discontinue date stamping of eggs in this State? If it does, could he, as Minister of Consumer Affairs, try to stop that change taking place and ensure that this information continues to be provided to consumers of eggs in this State?

The Hon. J. C. BURDETT: The date stamping procedures for food are administered by the Health Commission and not by my department. However, I will refer the question to the Minister of Health, and bring back a reply.

HOSPITAL DEBTS

The Hon. J. R. CORNWALL: I seek leave to make a brief explanation before asking the Minister of Community Welfare, representing the Minister of Health, a question about bad debts in hospitals.

Leave granted.

The Hon. J. R. CORNWALL: Before the last change in health insurance arrangements on 1 September last year, universal Government cover was still in force for uninsured patients. That had been the position since the original Medibank scheme was introduced, and it was retained through the first four changes the Fraser Government introduced. However, with the fifth change in six years, that universal cover was removed. From 1 September last year only the holders of pensioner health benefit cards and health cards for the disadvantaged—the so-called poverty cards—are eligible for this cover. Uninsured patients now have to

meet the full cost. I predicted at the time that, based on pre-Medibank experience, many people would not insure primarily because they would not be able to understand the system or, even more importantly, because those who were marginally above the so-called disadvantaged cut-off point would simply not be able to afford expensive insurance and would take their chance. I also said that this would result in a very large number of bad debts for hospitals. In the past two weeks (this new scheme having been going for five months), I decided that I should do some preliminary research on these subjects, and the figures which are beginning to emerge from that preliminary search are quite staggering.

At present there are more than 115 000 South Australians, or almost 10 per cent of the population, who have no hospital or medical cover whatsoever. This estimate has been arrived at by adding the total number of people covered by each of the health funds (and those figures are quite easy to obtain), the total number of people who hold pensioner health benefit cards (and again those figures can be obtained accurately) and the estimated number of people in the disadvantaged category who are eligible for a health card. One of the major results of this situation is that bad debts in hospitals are beginning to accumulate at an alarming rate. They are certain to distort hospital budgets and cause further staff cuts by the end of this financial year.

It is rather more difficult to estimate the total bad debts in the hospital system generally. However, in our Government hospitals (and I refer to the Royal Adelaide Hospital, Queen Elizabeth Hospital, Flinders Medical Centre, Modbury Hospital, Lyell McEwin Hospital, and the major hospitals at Mount Gambier, Port Pirie, Port Augusta, Port Lincoln and Whyalla), the amount of bad and doubtful debts already exceeds $800 000. The estimated amount for the first full year of operation of the scheme is expected to be in excess of $2 000 000. These estimates are based on financial reports from some hospital boards which have been given to me by concerned members of those boards.

For example, although the scheme had been in operation for only three months at the time and there had been the so-called period of grace up to 31 October, even in that relatively short time (and remembering that we are dealing with a relatively small hospital of 213 beds) the financial report of the Mount Gambier Hospital for December 1981 states, among other things, when referring to revenue:

> A greater effort is being taken to attain payment of accounts earlier. Collection letters—

not accounts, but collection letters—

> totalling $26 000 have been forwarded to inpatients, while letters totalling $12 000 for X-ray accounts have been forwarded. Collection letters will now be forwarded out on the 15th day of each month and legal action commences on the 22nd day.

That is only seven days.

The Hon. R. J. Ritson: You cannot call them bad debts: they are so fresh.

The Hon. J. R. CORNWALL: If the honourable member were still in practice I bet he would not like to be sending out collection letters for $38 000 for three months consultations. He is a better businessman than that or he would not be driving around in the big Jaguar that he has. That is just one hospital, but it gives some indication of how serious the situation is—more than $2 000 000 probable distortion in the hospital budgets. My questions are as follows: first, which debt collection agencies are the Government hospitals using; secondly, what amounts have been collected in the first five months of the new scheme; thirdly, what is the total amount of overdue accounts currently in Government hospitals; fourthly, how many Unsatisfied Judgment Summonses have been issued; fifthly, and this is one of the nubs of the whole issue, how many uninsured patients who have incurred bad debts either as outpatients or inpatients and defaulted on their U.J.S. have been imprisoned and how many are likely to be; and, finally, is it Government policy that defaulting debtors will be gaoled for the mandatory 10 days?

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

NAOMI WOMENS SHELTER

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Community Welfare a question about the Naomi Womens Shelter.

Leave granted.

The Hon. BARBARA WIESE: Yesterday I asked a series of questions about the Naomi Womens Shelter. Unfortunately, in his reply the Minister did not supply all the information that I requested. In fact, I think he answered only two of my questions. The first question that he answered related to allegations involving the misuse of funds and he said that the police had found nothing to indicate that charges ought to be laid. The second question that the Minister answered related to the amount of information contained in the Crown Law Department, which was actually supplied to the staff at Naomi for confirmation or denial.

It seems that very little information was supplied to those people. For example, in his reply yesterday, the Minister said:

> What did happen was that the Director-General wrote a letter to her.

He was referring to Mrs Willcox. The Minister continued:

> He did not refer in detail to the allegations made, for the reasons that I have given, that they were made in confidence. The letter was directed to the Chairman of the management committee, and it was suggested that, as there were certain problems there be a meeting at which those problems could be resolved. The problems have not been resolved.

A little later he also said:

> The position was simply that we were not satisfied that the large sum of money (about $90 000 per annum) being spent at the Naomi Womens Shelter was being spent in the best way.

He also said:

> These allegations and our misgivings had gone on for so long that we felt that the only way out was to cut off the funding on due notice to Naomi.

I think it appears from the Minister's statement that the management committee has received very little information about the allegations made against it. Therefore, one would assume that it has also been denied any real opportunity to confirm or deny those allegations.

It seems that the Minister has based his actions on unconfirmed information, combined with his general feeling of uneasiness about the individuals concerned. I do not think that the Minister's course of action can be regarded as natural justice. What opportunity have the staff or the management committee had to answer the specific charges contained in the Crown Law report? Why did the Minister decide to act so swiftly and so finally in this matter without even the benefit of a reply from the staff at Naomi to the letter from the Crown Law Department, which sought information about financial accounts (I understand that the letter was received only on 11 February, which is six days before the Minister decided to withdraw funds)? What was the purpose of the letter in the first place if the Minister had no intention of waiting for a reply? Will the Minister release to Parliament the Crown Law Department's report?

The Hon. J. C. BURDETT: Any action taken by the Crown Law Department in writing a letter was taken quite independently of me and, doubtless, was for its own purposes.

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: I have previously made perfectly clear that it is not a question of denial of natural justice. No charges have been laid and I did not lay any charges. I made clear yesterday and anyone who has any wit at all should understand this. The crux of the matter is this: in the Budget there was provision for womens shelters and it is the responsibility of my department, both to the Government and the taxpayer, to allocate these moneys. Therefore, it is not a question of my making allegations or having to prove them. The boot is on the other foot.

The Hon. N. K. Foster: But you did make allegations.

The PRESIDENT: Order!

The Hon. J. C. BURDETT: If a womens shelter wishes to apply for a part of those total funds allocated (and it is a fixed amount) the department has to be satisfied that the funds are being properly spent, first and most importantly, in the interests of the women and children who may be in the shelters, to ensure that their need is met in the most effective way. As I have said before, womens shelters carry out an important task indeed, and in general carry it out very well.

The task of my department is that we have a fixed amount of money to allocate to womens shelters and those shelters apply for those sums. It is the department's obligation first to make sure that those funds are spent in the best way in order to fill the need of women and their families who are in need of shelter. The second obligation of the department is to Parliament and the taxpayer to see that their moneys are wisely spent. It is not a question of the department having to prove allegations. The boot is on the other foot. Womens shelters which apply for funds have to be able to satisfy the department that the funds are being spent in the best way. It was not a sudden action, as the Hon. Miss Wiese suggested; it has gone on for years, as she well knows. Over a long period the behaviour in regard to accounting by the Naomi Womens Shelter has been very poor, to say the least. Obviously, the Government is accountable for the funds it spends on womens shelters and the shelters are accountable—

The Hon. J. R. Cornwall: They put a roof over the heads of a lot of women and children over a long period.

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: It should be perfectly obvious that, when large sums of money are spent by the Government on womens shelters, the Government has to know, as part of its duty of accountability to the people, how the money is being spent. In excess of $90 000 per annum is granted to the Naomi Womens Shelter.

The Hon. N. K. Foster interjecting:

The Hon. J. C. BURDETT: Surely it can give us some detail as to how it spends the money.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: I rise on a point of order. I suggest that the Minister's attitude now is quite unparliamentary. His manner is semi-hysterical; he is screaming at the Opposition.

The PRESIDENT: Order! There is no point of order.

The Hon. J. C. BURDETT: In view of the numerous interjections that are out of order and were made while I was giving this answer, if I became a little impatient it was perfectly justified. The point I was making was that the Naomi Womens Shelter has not been accountable. Its returns have always been late and it has not always given details of the number of accounts kept and of the transfer of funds between those accounts. The format in which the quarterly reports are presented has been changed, with changes in accounting and auditing staff. Three changes have occurred within five years. It is not only these mechanical problems. Obviously, the department, which has the duty of allocating the amount available for womens shelters, ought to know the means of the shelters.

There is for Naomi shelter a donations account into which funds are paid, presumably donations, and also, as I understand it, payments from some of the residents. We were never able to obtain any information at all as to the amount in that account.

The Hon. Anne Levy: Why should you have that information?

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: There is no suggestion that it is our money. I did not say that. In funding any voluntary agency, whether it be a womens shelter or any other kind of voluntary agency, it is relevant to know what sources of funds are available to it in order to make a just and equitable distribution of the limited funds that we have available. I made clear yesterday that I do not propose to disclose what the allegations were in the Crown Law inspector's report, and I gave reasons for that. I do not see why I should give them again, but I will do so. The reason is—

The Hon. N. K. Foster interjecting:

The PRESIDENT: Order! If the Hon. Mr Foster does not desist from continually interjecting, I will name him.

The Hon. J. C. BURDETT: The reason is quite simple. Many of the persons who made statements did so on the specific understanding that their statements were to be confidential, that they could be disclosed to the Minister but were not to be used for any other purpose.

The Hon. Frank Blevins: Star Chamber tactics.

The Hon. J. C. BURDETT: No. We are approached for money and the Government has a duty to decide how the money is to be distributed.

The Hon. Frank Blevins: They have the right to know of what they are accused. That is natural justice.

The Hon. J. C. BURDETT: Let me be clear about this. There is no question of natural justice—

Members interjecting:

The PRESIDENT: Order!

The Hon. J. C. BURDETT: The question of justice does not arise—

Members interjecting:

The Hon. J. C. BURDETT: The situation is this: the Government has a duty to divide up the available money, and the boot is on the other foot. We have to be satisfied that the money has been properly spent and that the organisation is accountable. This organisation has been most unaccountable. It has been late in its returns. Trying to get anything from that organisation has been like pulling teeth. For those reasons we cannot be satisfied that taxpayers' money has been properly spent or, more importantly, that the women and children in need are being properly serviced.

SHARE DEALINGS

The Hon. R. C. DeGARIS: I seek leave to make a brief statement before asking the Attorney-General a question about a Queensland Supreme Court judgment.

Leave granted.

The Hon. R. C. DeGARIS: In a recent Queensland Supreme Court judgment the National Companies and Securities Commission was ruled to have no power to hold a public hearing into share dealings. That ruling has dealt a severe blow to the hopes of the National Companies and Securities Commission of fulfilling an important position in company law processes in this country.

The Hon. C. J. Sumner: The judge said he could not understand the legislation.

The Hon. R. C. DeGARIS: Yes. This judgment marks a major erosion of the commission's powers, or a change in the powers that the Commission was thought to have had. It is fair to say that there has always been difficulty in the relationship between various Government commissions and the courts.

While the National Companies and Securities Commission has extremely wide powers, particularly those of a discretionary nature, the courts take a literal view in interpreting legislation under which the commission operates. The Supreme Court ruling in Queensland is not the only ruling that has been given recently against the wide discretionary powers of that commission. My question is one of a general nature and I ask the Attorney-General whether he has seen the report of the Queensland Supreme Court ruling, what are his views in relation to the powers of the commission, and whether any real problem is seen in the question of achieving a strengthening of the commission's position, particularly as it is what one may term co-operative legislation dealing with all States and the Commonwealth.

The Hon. K. T. GRIFFIN: I have not yet seen the judgment of the Supreme Court of Queensland but it is not, as I understand the position, a threat to the national scheme. In fact, the National Companies and Securities Commission's proposed hearing in relation to share trading in Cowells Limited, I am informed, will continue and will not be held up by that decision. I also understand that the national commission is giving consideration to whether an appeal against the Supreme Court of Queensland judgment in this matter should be lodged and that some decision on that will be made in the near future.

I really do not see the court cases that have been taking place, such as those concerning I.E.L., Huttons, the Queensland case and others, as creating any real problems for the scheme or the commission. We have to expect that this scheme legislation would be tested at an early stage by that part of the community affected by it if the course of action that is being charted does not suit the interests of those parties, so court challenges in the early stages are not unexpected.

There has been a view expressed that perhaps courts are taking too literal a view of the legislation and that perhaps we ought to be considering a proposition that requires the courts to consider the purpose and effect of legislation rather than the literal interpretation. That, of course, is a proposition that is already embodied in Federal legislation but, again until that is tested, I have not reached a concluded view on whether that sort of proposal ought to be embodied in either the South Australian legislation or the national legislation. I must say that I am a little uneasy about giving the court such wide power to make judicial law when it is Parliament that ought to have final responsibility for deciding what should or should not be the law and for expressing it in clear terms.

The matter raises fundamental questions as to where responsibility for legislating should be and, for that reason and because it is relatively untested at Commonwealth level, at this stage I have not reached a concluded view on whether that sort of proposition should be included in national or State legislation.

HOSPITAL DEBTS

The Hon. J. R. CORNWALL: I seek leave to make a brief statement prior to directing to the Minister of Community Welfare, representing the Minister of Health, a question regarding hospital bad debts.

Leave granted.

The Hon. J. R. CORNWALL: This question relates directly to the earlier statement and the question I asked and it is prompted to a significant degree by the accountant's approach to compassion shown by the Minister in relation to Naomi shelter. Will the Government make an immediate and urgent announcement as to whether it intends to gaol defaulters in regard to unsatisfied judgment summonses? It is an important point, because if the Government does not intend to gaol people against whom unsatisfied judgment summonses are issued, there is no need for them to pay the hospital bill and people ought to know whether they can thumb their noses at the debt collectors. Will the Minister make an urgent statement on that matter?

The Hon. J. C. BURDETT: I did not display an accountant's approach to compassion. On the other hand, when I answered the question I made perfectly clear that the principal consideration was the proper and best interests of the welfare of those women and children who are in the shelter. I will refer the question to my colleague and bring back a reply.

HILLS FIRE

The Hon. C. J. SUMNER: I seek leave to make a statement prior to directing a question to the Attorney-General on the subject of the Ash Wednesday bush fire.

Leave granted.

The Hon. C. J. SUMNER: Almost two years have passed since the disastrous Ash Wednesday bush fire and it has been alleged in the local press in the Hills that victims of the fire have been unable to proceed with legal action against the firm F. S. Evans and Sons. I understand that a number of victims of the fire have formed an organisation to represent their interests. That organisation is known as FLASH and I understand that it decided some time ago to launch a test case in court, but it has been alleged in this report that legal aid has been withdrawn from the person who was taking the test case.

It is a quite disgraceful situation, if the Government in some way or other will not make funds available to enable a test case to be taken against F. S. Evans and Sons and the Stirling council. Will the Government ensure that financial support is available to the person or organisation wishing to take a test case against F. S. Evans and Sons and the Stirling council following the Ash Wednesday bush fire of two years ago?

The Hon. K. T. GRIFFIN: It was the previous Government that established the Legal Services Commission and wrote into the Statute that the commission was to be independent of Government and not an instrumentality of the Crown. It was also the previous Government that provided that that commission should take over the responsibility for providing legal aid to members of the community who had previously been serviced by the Law Society assistance scheme and the Australian Legal Aid Organisation. That is all that it is doing. The responsibility for providing legal aid lies with the Legal Services Commission and I interfere in no way with the manner in which that commission dispenses legal aid and makes decisions as to who should or should not receive it.

The Hon. C. J. Sumner interjecting:

The PRESIDENT: Order! The honourable Leader should listen to the answer. He asked the question.

The Hon. C. J. Sumner: Does he provide the funding?

The PRESIDENT: You can ask another question at some other time.

The Hon. K. T. GRIFFIN: The Legal Services Commission has its own established criteria for determining who should or should not receive legal aid.

The Hon. C. J. Sumner: You're impossible, absolutely impossible. You provide the funds.

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The Commission has its own criteria for determining who should or should not receive legal aid and, if a person has applied for legal aid and has not received it, one would presume that that has been determined by the commission in accordance with its guidelines. If an applicant for legal aid is not prepared to accept that decision, there is a right of appeal in the Legal Services Commission Act to the full commission to have that decision of the Director of the commission reviewed.

I would suggest to the Leader that, if a person has drawn his attention to a particular difficulty in respect to legal aid, that person ought to consider a request to have a decision of the Legal Services Commission Director reviewed by the full commission. The State Government, along with the Commonwealth Government, provides over $4 000 000-worth of funding each year to the Legal Services Commission for administration and for aid to those who seek legal aid and fall within the guidelines. It is not for me to interfere in that process.

BANKCARD CHARGES

The Hon. L. H. DAVIS: In view of the action taken by banks in passing on stamp duty charges to bankcard holders, can the Minister of Consumer Affairs advise whether this may be a breach of the constraint imposed by the Trade Practices Act in respect of certain financial transactions?

The Hon. J. C. BURDETT: The point is well taken. It is not the action of Bankcard in this case—it is the action of the banks. The bankcard organisation is merely a vehicle. The notices were sent out by the banks. If one bank decided to pass on the stamp duty charges and did so by notice, that would be entirely proper—if it did that without collusion with other banks. If there was collusion with other banks, a different situation arises. It would appear most likely that there has been collusion because all the notices were identically worded and all of them were sent on the same date. Therefore, on the face of it there could be an infringement of section 45 (2) of the Trade Practices Act.

In regard to the Trade Practices Act and bankcard, the Trade Practices Commission made certain exemptions in respect of the Bankcard system to cover particular arrangements which might otherwise be considered to involve restricted trade practices. However, the authorisation does not permit the banks to agree on fixed terms or conditions or uniform rates or charges for bankcard transactions.

Last week, when the notices had been issued, the Commissioner of Consumer Affairs, observing that the notices were in identical terms and that there could appear to be a question of collusion, referred the matter to the Trade Practices Commission. It has been confirmed that the Trade Practices Commission is considering this question whether or not there has been an infringement.

METROPOLITAN TRANSPORT

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

Leave granted.

The Hon. N. K. FOSTER: Anybody who has visited most capital cities over the past 12 months, however staunchly loyal he is to South Australia, will have made two observations: first, within the next two or three years Adelaide will be the worst city in the Commonwealth in regard to traffic flows in the inner city and inner urban areas on the basis of population and traffic density, and also in relation to getting from outer areas, such as Waterloo Corner (which marks the northern fringe of suburban development) to Morphett Vale in the southern region.

The Hon. C. M. Hill: You should stay in Sydney for a while.

The Hon. N. K. FOSTER: I have. I am using as a basis population and traffic density. One can leave Sydney and take a freeway system that clears the inner suburbs in a northern direction. One can take the Cahill Expressway north and south, or get to the eastern suburbs or right through to Kingsford. We have no such similar access in Adelaide.

Adelaide will also be the worst city in regard to open space. However, that is a matter for another Minister and another question. One can travel to the southern-most regions of this city and not go through any form of park land. Adelaide is fast becoming one of the worst cities in this respect in the Commonwealth, yet it should be one of the best. I criticise both major political Parties in regard to their attitude to the MATS plan. The Minister interjected, implying that the position is worse in Sydney, but I have refuted that. I suggest that the Minister go to Perth. I had a look at Perth in 1953. There was a furore when the road scheme was proposed about what it would do to the Swan River. I was there in the early 1970s and again quite recently, and it is an eye-opener. A similar situation applies in Brisbane. If we took those systems away from Brisbane and Perth both cities would be in trouble.

I refer also to the freeway out of the city of Melbourne to the western suburbs. The only city that is worse than Adelaide is Darwin, and that is almost a peninsula. It is one of the worst cities, the most urbanised and motorised—it is a rat race as far as traffic is concerned. If one is in a motor vehicle in Adelaide and wants to get from the north to the south one has to travel through hundreds of electronic devices, since those devised are erected at every other intersection. The journey takes hours and hours. In fact, General Motors-Holden's must transport its goods from Elizabeth to the southern-most regions; it has a plant at Woodville in between. That is not an isolated situation in relation to industries. I am concerned because most of the goods going to the national railway come from our mid-centre and southern regions to the northern-most region of the city and costs will be large, if not prohibitive, in relation to industries in this State competing when those industries have spread beyond Keswick.

The Hon. C. M. Hill: Would you support a north-south freeway?

The Hon. N. K. FOSTER: Yes, although it is 10 years too late. There was an over-political reaction in 1968 to the proposed plan; there is no doubt about that. I said so at the time and I still believe that to be true. The lost years have been costly. It is not too late, now, even though the cost of establishing such a freeway will be 25 times the price it would have been in 1968, if not more. The comparative cost of fuel is such today that it is still worth while.

Will the Minister say whether the Government will undertake its responsibility in regard to providing adequate and economic road transport systems for business and private use in this State? Will the Minister have the Department of Transport undertake a study in respect of a through traffic system from the northern outskirts at Bolivar and Virginia to the southern developed areas? Finally, will the Minister have a cost analysis made to ascertain the savings

on an annual basis of the costs incurred because of the total lack of an uninterrupted traffic flow from the north to the south outer suburban areas?

The Hon. K. T. GRIFFIN: I will refer those questions to the Minister of Transport and bring back a reply.

PARLIAMENTARY STAFF

The PRESIDENT: The Hon. Mr Blevins and the Hon. Mr Foster asked a series of questions on 11 February and I give the following replies, which I hope answer those questions. The first question was: Who instigated the review committee? The answer is as follows: As I have said previously, although I am not sure who initiated the first move, it was authorised by the Presiding Officers. It was outlined to members of staff on 20 November 1981 and referred to again when the matter was raised in the Chamber last Thursday—a review team comprising Public Service Board officers is conducting the investigations. It reports to a steering committee comprising the two Presiding Officers attended by their Clerks, the Attorney-General and Dr Corbett of the Public Service Board. (The Leader of the Opposition, at this stage, has declined an invitation to be represented on the steering committee.)

Arrangements are also being made for staff to be represented on the steering committee. The review team is acting as external consultants and liaising with Clerks and other senior staff of the Parliament. The Public Service Board provided this team of officers at the request of the Presiding Officers.

The second question was: Is the review still continuing? The answer is as follows: The review team is still conducting interviews to obtain factual information on the organisation and operation of the various support services. A letter will be forwarded to members inviting them to participate in the review and to give evidence if they so wish.

The third question was: When can a report from the review committee be expected? The answer is as follows: The Presiding Officers will be discussing progress of the review with members of the team later this week, after which it should be possible to give some idea of the anticipated time when a report might be available to the steering committee. Members will recall that I indicated that there were two committees, the review committee, which is taking evidence, and the steering committee, which is the one that will be putting the recommendations that are accepted into practice.

The fourth question was: Were all organisations representing employees in Parliament House notified of the inquiry or given the right to be represented on it? The answer is as follows: The two employee organisations representing staff working for the Parliament (including *Hansard* staff) are the Public Service Association and the Liquor Trades Employees Union. Both were notified of the review by the Presiding Officers in terms similar to those covered in the 20 November 1981 letter to members and staff. The staff has since requested representation on the steering committee through the Public Service Association. This is at present being arranged with the association.

The fifth question was: Have all members of Parliament been circularised as to the intent of the review committee and steering committee, their area of involvement, inspection and examination? The answer is as follows: The 20 November 1981 letter from Presiding Officers to members and staff indicated the scope and method of the review. The Presiding Officers are responsible for final decisions on any action to be taken as a result of the review.

The sixth question was: What members of the Parliamentary staff have been instructed to appear before either one or both of these committees? The answer is as follows: No staff have been instructed to appear before either the review committee or steering committee, nor will they be. The review committee approach is to invite staff to participate in discussions with one or two members of the team. It is entirely up to staff whether they wish to participate. The steering committee has not been taking evidence from staff.

CORRECTIONAL SERVICES

The Hon. FRANK BLEVINS: I seek leave to make a short explanation before asking a question of the Attorney-General in relation to correctional services.

Leave granted.

The Hon. FRANK BLEVINS: In the report of the Royal Commission into prisons, the Director of the Department of Correctional Services, Mr Stewart, was the subject of some criticism by the Royal Commissioner, Mr Clarkson. In fact, he described Mr Stewart's position as 'untenable'. A report in the *Advertiser* on Wednesday said Mr Stewart's future as Director became uncertain last month when the Attorney-General, Mr Griffin, said that the Chief Secretary, Mr Rodda, would consider the matter in the light of the Royal Commission report. In that same report, Mr Stewart was quoted as saying he planned to retire early next year and that the retirement had been planned some years before he became Director in May 1980. Can the Attorney-General tell me whether the Government knew Mr Stewart would hold the position for only a short time when he was appointed and, in the light of his plans for an early retirement, does the Government still plan to take any action against him over the Royal Commission report?

The Hon. K. T. GRIFFIN: Under the Public Service Act, it is not the Government that takes action: it is the Minister to whom the permanent head is responsible. I make that clear when I talk to the media periodically about this matter. This matter is within the responsibility of the Chief Secretary. I did indicate that he is seeking advice from the—

The Hon. N. K. Foster: They all seek advice from you. They—

The PRESIDENT: Order!

The Hon. N. K. Foster: You run the band.

The PRESIDENT: Order!

The Hon. N. K. Foster: They should call you the boy with the band.

The PRESIDENT: Order! I have warned the Hon. Mr Foster and intend to take action if he continues.

The Hon. K. T. GRIFFIN: Accordingly, so far as the action that the Chief Secretary may or may not take, I will refer that question to him. In relation to the question of knowledge of the Director's intention to retire early, again that is not within my knowledge, but I will refer the question to the Chief Secretary.

S.A.J.C. LOTTERY

The Hon. R. C. DeGARIS: I seek leave to give a brief explanation before directing a question to the Attorney-General, representing the Minister of Recreation and Sport, about the South Australian Jockey Club lottery.

Leave granted.

The Hon. R. C. DeGARIS: A number of complaints have come to me regarding the operation of the recent lottery conducted by the S.A.J.C. or interests associated with the S.A.J.C. The matter was reported in the *Advertiser* this week by Ian Thomas, and the article has sparked much

interest in the matter. It appears that a licence was granted for a lottery to assist those who were underwriting the Oaks carnival. Tickets numbered 50 000 at $2 each. Ticket sales were approximately 20 000, leaving 30 000 unsold tickets. Those tickets were taken out by a syndicate called 'In to win' with an address given as 37a South Terrace, Adelaide, an address that is difficult to find. Ticket No. 44860 in the name of that syndicate was the winning ticket of the $20 000 lottery.

If the tickets were taken out by the promoters, as indicated in the newspaper article, it means that they were in the lottery to win $20 000 to nothing. Will the Minister inquire into the operation of the lottery and report on all matters connected with it? Will he examine the provisions of the Lottery and Gaming Act to see whether any amendment is required to overcome any practice that can cause public disquiet? Also, will he consider whether, in lotteries of such size, the operation should be under the direct control of the Lotteries Commission?

The Hon. K. T. GRIFFIN: I will refer that question to the Minister of Recreation and Sport, who has responsibility for small lotteries, and bring back a reply.

ELECTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2908.)

The Hon. R. J. RITSON: I support this Bill and, in so doing, I propose to make the world's shortest Parliamentary speech, because the Bill consists entirely of minor changes that will make the operation of the Act more efficient. It is extremely difficult to make any sort of argument out of this Bill, although the Hon. Mr Blevins attempted to do that yesterday. However, he could go for only about seven minutes. I promise not to speak for that length to this very insignificant Bill.

The Hon. Mr Blevins was quite concerned about expiation fees for non-voters. It was not at all clear why he was so paranoid about this proposal, which he saw as a revenue-raising move. I rather suspect that the Hon. Mr Blevins has a fixation about expiation fees in general. However, the matter was clarified for the Council by the Hon. Mr Cameron who, in a series of interjections and exchanges with the Hon. Mr Blevins, revealed the matter for the trivial issue that it is. Because of the relative lack of consequences contained in this Bill, I support it and commend its passage without delay.

The Hon. K. T. GRIFFIN (Attorney-General): There are two major issues which have been exposed as causing concern to some members of the Council, and I will deal with them fully. The first matter relates to expiation fees. All States and the Commonwealth have expiation fees for non-voters. In practice, South Australia has an expiation fee, but it is not backed up by legislation. In fact, a further penalty could be imposed if the Electoral Commissioner felt that it was appropriate to proceed against a non-voter. At present, if a person in South Australia has not voted a please explain notice is sent out by the Electoral Commissioner. If an adequate explanation is given, that is the end of the matter. If not, the Electoral Commissioner may impose a fee of $3, which is not fixed by Statute. Non-voters can pay the fee if they so wish or, if not, a summons can be issued.

Under the Act, there is no protection for the non-voter if the fee is paid, because the Electoral Commissioner still has the capacity to issue proceedings, notwithstanding the fact that the $3 fee may have been paid. There is no statutory provision for the expiation fee to be a final resolution of the failure to vote. Accordingly, the Government seeks to give statutory recognition to the practice which has been followed in South Australia for a long time, that is, to provide for an expiation process. Therefore, if an expiation fee is paid by a non-voter, that will be the end of the matter. That will provide safeguards for the non-voter which are not contained in the present legislation, and it would not preclude the current preliminaries—the please explain notice and, if a satisfactory explanation is received, the dispensation that the commissioner may grant, or the decision to send out a notice that a fee may be paid in expiation of the offence and, if not, a summons will be issued. All of the safeguards are there and are practised at the moment, but they are not recognised in the legislation. I believe that this provision is important in the context of the Electoral Commissioner's current practice, because it gives it statutory force and it will provide the non-voter with statutory protection.

The Hon. Mr Blevins also referred to the availability of electoral rolls. Access to electoral rolls is essential if electors are to be able to satisfy themselves that their enrolment details are accurate. In addition, I think the public has a right to object to the enrolment of others if they believe that they do not possess or have lost the necessary qualifications to be enrolled. If those principles are to be adhered to, electoral rolls must be available for perusal. Full sets of electoral rolls are supplied free of charge to libraries and post offices. In addition, members of the public may attend at any one of the 13 electoral offices (the State Electoral Department, the offices of the Registrars, and the Australian Electoral Office) to peruse the roles.

Inevitably, when documents become public they are sometimes used for reasons other than those for which they were made public. Insurance companies, trustee organisations, debt collectors, missing persons bureaux, mail order houses and many others find the rolls indispensible. In fact, they prefer to purchase the rolls rather than peruse them in public. Consequently, supplies were exhausted within three months of the last election. Therefore, reprints are mandatory under the present legislation. However, reprints are exactly that—they are reprints of the electoral roll, whether it be the Commonwealth or State electoral roll, whichever is the most recent. Therefore, the information contained in the rolls is not up to date. The rolls are reprinted as at the date of the most recent State or Federal election.

Reprints of the electoral roll are available through both the Commonwealth and State electoral offices. The honourable member should recognise that today there are more than 100 000 electors whose enrolment details have changed since the last Federal election. That shows how out of date a reprint would be. Immediately following the last reprint the price of a set of Commonwealth electoral rolls rose from $13.20 to $91.30. Those rolls contain all of the Federal electoral divisions and State subdivisions. The same State rolls cost $132 a set, and that does not cover the cost of production. A consequence of the price is that few are interested in purchasing at that price.

The Hon. Frank Blevins: They don't have to purchase a set; they can purchase individual divisions.

The Hon. K. T. GRIFFIN: What I am saying is that few people are interested in that; it is the business houses and mail order firms that purchase the full set. As a result of the price, the Australian Electoral Office has sold three of its 200 sets and the State Electoral office has sold none.

The Hon. K. L. Milne: This is the second print?

The Hon. K. T. GRIFFIN: Yes, this is the second print. It has cost the State Government $20 000 and is now out

of date. It is currently occupying 300 cubic feet of warehouse space and when it is pulped it will return to the revenue approximately $17.

If the mandatory requirement to have the rolls available for sale is removed, that situation will not occur again and there will not be prejudice to those citizens who have a legitimate interest in those rolls. I should also add that information about electoral rolls is made available to members of Parliament on a constantly updated basis. This is a legitimate use of the electoral rolls, and that information will continue to be available to members of Parliament. It is important to recognise that members of Parliament will not be prejudiced by this amendment.

I doubt whether there are any disadvantages in the amendment that the Bill proposes. I repeat that the current price of rolls is likely to be beyond the means of the private citizen, so that availability for sale is not a significant issue. Some business houses may be unable to purchase rolls if they are not quick off the mark when the rolls are printed at election time. However, they could be accommodated by supplying the rolls in fiche format for the same price, but at a greatly reduced cost to the electoral office. Micro-fiche copies can be produced in small numbers when required, at a very small cost.

The other point to recognise is that, irrespective of the State amendment, the Commonwealth will still be obliged to provide rolls for sale with exactly the same information, in accordance with Commonwealth legislation. As I mentioned earlier, the Commonwealth rolls are currently cheaper than the State rolls. I do not know of any Commonwealth amendments that relate to such a reprint of the rolls. So, I would suggest to honourable members that, whilst at first view this amendment may appear to be a substantial departure from past practice and may cause some hardship, the information that I have given to the Chamber must surely allay members' fears and indicate that there is really no good purpose served in a mandatory reprint of the rolls by the State Electoral Commissioner when the last set is out of print, particularly in the light of the out-of-date information which is contained in those rolls. I ask honourable members to give careful consideration to this matter and to support the Bill, not only in those other respects in which honourable members have indicated support, but also in those two areas to which I have just referred. I thank honourable members for their general indications of support for the Bill.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Amendment of s.26—Public inspection of rolls.'

The Hon. FRANK BLEVINS: The Attorney-General gave a reasonable explanation of the present position and what he hopes the position will be after this amendment is passed. I want him to be more specific than he was. Two points arise out of what he said. I will deal with the relatively minor one first. The Attorney-General was talking of private citizens purchasing the electoral roll for about $100 a set. That, of course, was for a full set of rolls for every subdivision within the State. Electoral rolls are available for purchase separately for individual subdivisions at a very reasonable cost. While I am not surprised that only three entire sets of the electoral roll have been sold, I am sure that many more electoral rolls detailing the enrolment of individual subdivisions have been sold. This is the type of accessibility to the electoral roll that is being reduced by this amendment. I am certainly not convinced that that is a particularly good thing.

Another very useful place for the electoral rolls is at elections. Before the Attorney-General gets up and states the obvious, I tell him that I completely understand that there is an electoral roll available within the polling booths. I know that; it is not necessary to state it. Political Parties purchase electoral rolls so that scrutineers and party helpers at polling booths can, before electors go into polling booths, advise them if they are on the particular roll or not. This speeds up significantly the flow of people into polling booths. If a person comes up to a polling booth that I may be on and says, 'Am I on the electoral roll for this polling booth?' I can tell that person straight away, so that he knows before he goes into the polling booth. There is a place for electoral rolls in this area.

I want an assurance, before I am completely satisfied, that political Parties will be able to purchase the same number of electoral rolls as is available now, and that they will be available for purchase by political Parties before an election, at approximately the same price. If the Attorney-General can give me that assurance, then, while still having some reservations, because the individual citizen's access to this material is being restricted, however slightly, I do not suppose there is any point in maintaining the opposition to it.

The Hon. K. T. GRIFFIN: I reassure the honourable member that at election time sets of rolls will be available to political Parties for a very reasonable price, if not for nothing. Two sets are made available through the State Electoral Commissioner to each political Party at the time of a State election. Those rolls, I am informed, are generally available within one week after the writs are issued.

This amendment will have no impact at all on people campaigning at election time. Polling booth helpers will have access to this information and presiding officers will have it available within the polling booth. Party assistants will also have them available in booths. That all remains unchanged.

At the time of an election, prints of the roll are available for sale to others who are interested. It is just between elections when the print has run out, that the Government seeks to avoid the mandatory requirements to reprint at a cost of $20 000. In regard to individual subdivisions, the present State price is $2, and the Commonwealth price is 80c. Therefore, the Commonwealth's generous offer can be seen to be more readily accepted by the public who wish to purchase a Commonwealth subdivisional roll in preference to that of the State. The demand for subdivisional rolls is minimal, and I doubt there will be any prejudice to anyone in regard to accessibility to information, because post offices, libraries and electoral divisional offices have them.

The Hon. K. L. MILNE: I do not understand what the Hon. Mr Blevins is saying about cost. Anyone could buy a roll from the Commonwealth Government for about $13, although the price has recently been increased to $91, and the South Australian Government sells them for $132. I understand that the reason is that people who need them are given them in regard to political purposes and that business people who really want them can afford to pay that sum, because it is not a big cost for them to cover. The Government should look at the number of copies that it gives to political Parties. There should be one copy of the roll at each polling booth. The money involved would not be great. It costs about $70 000, of which about $35 000 is paid by the State at the first printing of about 200. The Hon. Mr Blevins has demonstrated a shortage for political Parties.

The Hon. Frank Blevins: No, I want to ensure that there is not a future shortage.

The Hon. K. L. MILNE: I think there possibly is a shortage. From discussions with electoral officers I understand that there can be a shortage of up to 10. Not many people want an electoral roll after the first printing. I do

not know for how long 200 have been printed, but perhaps the Government should consider printing a greater number at the first printing. It costs only $35 000 to print the first 200 and perhaps the Government should go to 300. Will the Government consider increasing the number at the first printing, because that is when they are most valuable, most accurate, most needed, and most reliable? If the Government would consider increasing the number included in the first print I, like the Hon. Mr Blevins, would be relatively happy.

The Hon. FRANK BLEVINS: I am not sure that the Attorney understood me correctly. I was not complaining about a shortage, as the Hon. Mr Milne suggested, because, as far as I am aware, electoral rolls are always in plentiful supply, and available at reasonable cost to political Parties at each polling booth on election day. I appreciate that two sets are given to political Parties. The service given in the past in regard to electoral rolls and how-to-vote cards has been admirable and has never been questioned. The service has been cheap, and political Parties have been able to buy additional rolls reasonably. I merely seek an assurance that, however the situation is organised by the electoral office, which has done an extremely good job, it will continue and people will not be disadvantaged by the amendment.

The Hon. K. T. GRIFFIN: There is no intention at all of changing the practice at election time. At the last State election about 400 sets were printed. About 100 of those were for the benefit of the Commonwealth and about 300 were for the benefit of the State. There was not an insufficient supply at the last election—it was after the election when there was a demand from business houses and mail order groups. At that time the Act required the Commissioner to undertake a mandatory reprint; even if he did not think he would sell them, but he had to order a reprint. At that stage 200 sets were printed. There is no prejudice to any candidate or political Party at election time. The practice that has been followed in the past with respect to electoral rolls at election time will continue, as will the practice of making available regular updates to members of Parliament between elections. In fact, in the last two years there has been an upgrading of the information that has been available. Nowhere will members of Parliament or their organisations be prejudiced by the decision which I hope the Committee will make in supporting this amendment.

The Hon. K. L. MILNE: I believe I will support it, but the Attorney referred to the micro-fiche service, which is modern, sensible, and practical. I ask whether the Attorney-General will give an assurance that he will favourably consider requesting the Electoral Commissioner to provide a micro-fiche copy service at a very reduced cost. I am not saying that the department should not make a profit out of it: it probably could, but it would not cost anything like $132 to make a copy and it would cost the recipient about $100 to buy a micro viewer. I think it would be a good service to offer and a sensible compromise. After an election, only comparatively few people want these things and they want them for commercial purposes, not electoral purposes. Will my suggestion be seriously considered?

The Hon. K. T. GRIFFIN: Certainly, I give an assurance that it will be considered seriously but I cannot give an assurance that it will be implemented. There may be reasons why it cannot be done but I will consider it and let the Hon. Mr Milne know the result of that consideration.

Clause passed.

Clauses 4 to 7 passed.

Clause 8—'Duty to vote.'

The Hon. FRANK BLEVINS: I get something of a nervous twitch every time I see the word 'expiation'. The word did not affect me at one time but I now think it is something that we have to watch very carefully. The explanation given by the Attorney at the conclusion of the second reading debate was plausible and very reassuring. The explanation about on-the-spot fines was equally plausible. I need more assurance before I will be happy about this clause. One aspect that concerns me is the manner in which the form is drawn up and the presentation of the rights of the elector to vote. The form can be drawn in a manner that invites $3, in which case it would be a clear revenue raiser for the Government. If that is the case, let us know that it is intended to raise revenue and we will deal with it on that basis to find out whether it should be supported.

On the other hand, the notice can be very much in the form that applies now, where the main thrust of it is to ask the elector to please advise why he did not vote. If the form is presented in that manner, it will be clear to the elector that he can give an explanation and that that explanation may be satisfactory. However, if the form is in the manner of 'Pay $3 and you will hear no more about it,' that, in my opinion, would be quite wrong. I want the Attorney to detail how the form will be rearranged. Will it come before Parliament by regulation, or has the Minister the right to approve it and gazette it and that will be the end of it? I ask him to give an assurance on the matter of raising revenue.

The Hon. K. T. GRIFFIN: This is an amendment to section 118a of the Act, which starts with subsection (1) declaring the duty of every Assembly elector to record his vote at every election for the Assembly district for which he is enrolled. Then it sets out a mechanism for identifying those who do not vote and sets out the procedure that must be followed by the Electoral Commissioner in dealing with people who fail to vote. The structure of the section is that the present power in the Electoral Commissioner to ask for an explanation will remain. The present provision that creates an offence where there is a failure to vote without a valid and sufficient reason for the failure remains, but interposed is the expiation fee.

The current notice that first goes out when an elector fails to vote will continue to be sent out in the same form as it is in at present. The elector may then respond, with a reason. If the person responds and the reason is adequate, that is the end of the matter. That is the current practice and it will continue to be the practice. If the elector does not respond, the Electoral Commissioner has the power to proceed to prosecute under later subsections. That will remain but, if the elector does not give a satisfactory explanation or fails to respond, a second notice would be sent out indicating that an offence had been committed under subsection (11) and that a fee of X dollars may be paid to expiate the offence.

Under the new subsection, if the fee is paid, no other proceedings may be instituted against that person for the offence of failing to vote. There is the first notice to please explain and the second indicating that the person can expiate the offence by payment of a fee and will not have to go to court, and if that is not expiated a summons can be issued. The second form, that in respect of expiation, is one that the Electoral Commissioner, under this section, will devise and send out. It is the responsibility of the Commissioner, who has a statutory obligation under the Act. The Minister is not involved and there are are no regulations. It is a form sent out by the Commissioner under his responsibility, because he ultimately has responsibility for deciding whether there should be a prosecution. If he decides that there should be, he sends out the expiation notice.

The Hon. FRANK BLEVINS: I thank the Attorney. That was a clear explanation of the present procedure and of what will ultimately be the procedure if this Bill is passed. If the intent is not to raise revenue and not to change the procedure other than in a way that simplifies matters, we could reasonably expect that about the same number of

people would be paying expiation fees as were previously summonsed.

The Hon. K. T. Griffin: That does not follow.

The Hon. FRANK BLEVINS: Just a moment. If you are going to send out 'please explain' notices, some of the forms will come back with whatever reasons and be accepted by the Electoral Commissioner and that will be the end of those. There is no reason at the moment or in the future why any more or less people would respond. The same numbers should respond. Does the Attorney-General agree that there is no reason why that will not be the case after this amendment is passed? The Electoral Commissioner is making judgments now as to whose reason is valid and whose is not. I am assuming that his judgment has been made in a reasonable and rational manner.

The people who do not respond at the moment are in breach of the Act and those people are then issued with a summons. In the future, if this amendment is passed, instead of being issued with a summons they will be issued with an expiation notice. So, the number of people who are issued with a summons prior to this should equal the number who are issued with an expiation notice followed by a summons for those who do not wish to expiate the offence. If that is not the case, would the Attorney-General explain why? I am asking because it seems that there are a large number of people who do not vote, who do not receive a summons and who, under this legislation, will pay expiation fees. That would then be a revenue raising measure.

The Hon. K. T. GRIFFIN: I am informed that approximately 33 000 'please explain' notices were sent out by the Electoral Commissioner after the last election. Of course, that number may vary from election to election depending on a variety of factors; for example, the issues at election time. Those people who do not vote receive such a notice. Of that number approximately 1 000 receive a summons. As a result of this legislation, if it passes, the 1 000 people will get expiation notices first. If they pay, that is the end of it. If they do not pay they go to court.

The Hon. K. L. Milne: Isn't that the same now? They can pay it now.

The Hon. K. T. GRIFFIN: Not really. One of the difficulties of the present practice is that—

The Hon. K. L. Milne: They could pay the expiation fee and still be summonsed.

The Hon. K. T. GRIFFIN: That is right. That does not happen but it is important to put it in as a statutory safeguard to ensure that a person who pays the expiation fee is not liable to be summonsed later. I do not expect it to happen but it is an important safeguard which tidies up the Act.

The Hon. FRANK BLEVINS: I believe that the amendment is more important for the electoral office than the Attorney-General has said. Will the Attorney-General obtain for me the number of 'please explain' notices that went out after the last State election? How many were returned and how many summonses were issued? Would the Attorney-General agree that, if the number of summonses increased to any significant degree, the measure would not be a simple administrative matter and would be designed to ensure that more people reply if they do not vote?

The Hon. K. T. GRIFFIN: I cannot accept that. That does not follow at all. In fact, the honourable member seems to be relying on newspaper talk about another expiation scheme based on information which is quite erroneous and is totally unrelated to the matter currently before us. The information I have is that there were some 33 000 'please explain' notices sent out. There were something like 9 000 returns unclaimed, which lead to other consequences in regard to purging of the roll. There were about 2 500 who paid $3 and the rest were satisfactory. They are the rough figures but they are adequate for the purpose of discussing details of this clause.

The Hon. K. L. MILNE: I do not think for one moment that this a revenue raising exercise as the amount is so small that it is not fair to consider the matter in that light. I see it simply as a protection for the person paying an expiation fee under the present system to make certain that it is final. At the moment it is not and the Government wants to make it final. I approve of that. The Hon. Mr Blevins raised the matter of the letter sent to the people who do not vote. Will the Attorney-General provide a copy of the letter sent to electors who do not vote, along with any proposed forms for the future if they are to be altered?

The Hon. K. T. GRIFFIN: I can make available to those members who want some more paper, copies of the present 'please explain' notices and let them have copies of the expiation notices currently issued by the Commonwealth and all other States. I doubt whether it is going to serve any useful purpose. However, if the honourable member wants it I am happy to ensure that he gets a copy. I hope that the honourable member does not receive a copy in the form of an official notice as a result of failing to vote at the next election.

The Hon. K. L. MILNE: I do not wish to have copies of forms from other States. I want to see what we do—whether it is courteous or explanatory enough. It is only by the grace of God that I have not received them from the electoral office in the past.

The Hon. FRANK BLEVINS: There is no need to send me a copy of the 'please explain' form because after the 1975 election, when I was elected to this place, the electoral office actually sent me one, much to my astonishment. The temptation to vote more than once when I was on the ballot-paper was enormous. I was very quickly able to persuade the honourable gentleman's predecessor that I had voted. All the assurances have been given; there is no doubt about that. The Attorney has been given every assurance that no more people will be summonsed or will be paying expiation fees in lieu of fines with this procedure than with the other. We have no option but to take the Attorney-General at face value about that.

The Hon. J. E. Dunford: What about last year in the bank case?

The Hon. FRANK BLEVINS: Yes, I dealt with a matter in the Stamp Duties Act and the Minister gave me assurances and the Hon. John Burdett gave me some. I am a trusting soul, so I accepted them. I accepted them for on-the-spot fines legislation and I am accepting them again now. I do not know whether I am just a mug, as the Hon. Mr Sumner says. It is quite clear—the Government has said its intentions are entirely honourable.

The Hon. J. E. Dunford: Turn it up.

The Hon. FRANK BLEVINS: I will accept that while saying that, if after the next State election, when I will ask for the figures and go through the whole process again, there is a significant increase in the number of people who are being fined by one means or another for not voting, I will be very, very annoyed indeed.

The Hon. K. L. MILNE: Just to show how careful we have to be in this matter, the Hon. Mr Blevins is quite right. I have just received a message to the effect that an old timer, when confronted with an expiation notice, wrote across it 'Deceased' and heard no more until he tried to get back on the roll.

The Hon. K. T. GRIFFIN: I have no way of looking into a crystal ball to predict what non-voters will do after any election. I have given the Committee details of what happened at the last election. I have no reason to doubt that that will be the pattern at any subsequent election. All I can say is that in good faith I bring this matter to the

Council believing that it will not dramatically alter the pattern of previous elections. Earlier I indicated that there might be a variety of reasons why figures and proportions might change and I have no control over that.

Clause passed.

Remaining clauses (9 to 11) and title passed.

Bill read a third time and passed.

CONSTITUTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 February. Page 2910.)

The Hon. J. A. CARNIE: I rise to support this Bill. Like the Leader, I congratulate the Government on bringing this measure forward. The Leader said that it was not often that he could bring it upon himself to congratulate the Government, but even then he had to qualify that remark by saying that the Government was a little tardy in bringing the measure forward. I remind the Leader that his Party was in Government for some nine years during which time he was Attorney-General (for a short time, I admit) and nothing was done about this matter during that time, either.

The whole reason that nothing was done was that it is really a very grey area. Problems have not really arisen in the past on this matter. Although there is no requirement that a public servant resigns when he stands for Parliament it has become the practice and then an automatic reinstatement has taken place if he has been unsuccessful. I raise a point that the Attorney-General made in his second reading explanation where he said, when speaking about the reinstatement of a public servant that, if he is unsuccessful, it is not merely a matter of policy but that section 44 of the Public Service Act obliges the Public Service Board to reappoint the officer. Certainly, the Public Service Board may be obliged to recommend the reappointment of an officer, but section 44 also states that the Governor may, on application, reinstate that particular person to the stage where he was before he resigned to contest an election. I wonder why the Attorney-General said that it is obligatory that that person be reinstated.

I know that that normally does happen; there is no question about that, and it is quite correct that it should happen, but as I read section 44 it is not obligatory that such a person be reinstated. As the Attorney-General said, really no problem has arisen regarding the Public Service Act or the Education Act with regard to public servants or teachers standing as candidates. The real problem comes in the Constitution Act where a member of Parliament is forbidden to hold an office of profit under the Crown. Now, as the Attorney-General said, it could be taken that as soon as that person is elected, if he is still a public servant, then it could be said that his election is invalid and that the seat should immediately be declared vacant.

I ask the question: when is a person elected? Is it on polling day? We all know cases where it has been several days and sometimes weeks, because of recounts and the closeness of the vote, before the result of a poll has become known. There could be a Court of Disputed Returns, in which case it could be a month or two before it is really known who has won an election. Or, is it at the declaration of a poll when a person finally becomes an elected member of Parliament? The questions arising from these matters have caused this Bill to be brought in because it quite clearly sets out that a public servant or a teacher does not have to resign to contest an election. If a public servant is unsuccessful then that person is still a public servant who has never left his or her job. In effect, that person may have taken leave, of course, to fight the election, but if that person wins the election provided the person resigns from whatever office he or she holds within the Public Service on the day before the declaration of the poll then that clears up the whole matter and the whole matter is perfectly legal.

Both the Attorney-General and the Leader of the Opposition raised a question about section 58 *(i)* and *(j)* of the Public Service Act, which deals with public servants who divulge information in their possession by virtue of their positions. I concede that this can present some difficulties. The Attorney-General pointed out that the best way of dealing with this problem is to leave it until a case arises and then allow the matter to be tested in the courts. I venture to say that such a situation will probably involve only a very senior public servant who handles policy matters. I do not believe the problem would arise at the normal level of the Public Service.

In conclusion, I refer to the matter raised by the Leader of the Opposition, that is, when a person works for the Commonwealth Public Service or the State Public Service. The Attorney has said, quite rightly, that we are not able to do anything to bind the Commonwealth Government. I ask the Attorney-General to confer with his Federal colleagues to see whether the matter can be settled at Commonwealth level. I can see difficulties arising, and the Leader gave the example of a State public servant who stands for a position in Federal Parliament. I can also see the reverse case happening, too, if a member of the Commonwealth Public Service wanted to stand for a seat in this Parliament. Would he be able to be reinstated if his election attempt was unsuccessful? I think that area needs to be clarified. I urge the Attorney to confer with his Federal colleague to see whether the matter can be sorted out. With those comments, I support the second reading.

The Hon. K. T. GRIFFIN (Attorney-General): I appreciate the fact that honourable members support the second reading of this Bill. It is an important piece of legislation for public servants. The Leader of the Opposition has raised a question about the position of employees of statutory authorities. I interjected at one stage and said that it depended on whether or not the statutory authority was an instrumentality of the Crown. The Legal Services Commission Act specifically states that it is not an instrumentality of the Crown. However, a body such as the Australian Mineral Development Laboratories is an instrumentality of the Crown, notwithstanding the fact that members of that body come from the Government and from the private sector. A substantial number of employees of statutory bodies, which are instrumentalities of the Crown, will have their positions clarified by this legislation.

The Leader of the Opposition referred to section 58 of the Public Service Act. Of course, that section deals specifically with public servants covered by that Act. The Education Act, through teachers regulations, deals with members of the teaching profession. Section 58 of the Public Service Act will still apply to public servants in relation to their political activities leading up to an election. This Bill seeks to ensure that public servants or employees of instrumentalities of the Crown, who are thus employees of the Crown, know for certain the date on which they must resign if they are elected to Parliament, and if they do that they do not stand in any danger of being disqualified from taking their seat in Parliament because they are either a public servant or hold an office of profit under the Crown. Whilst the question of the Public Service Act is indirectly related, it does not impinge on the ability of a public servant to hold Parliamentary office.

The Leader also raised a question about the Crown in right of the State and the Crown in right of the Common-

wealth. I repeat that I do not believe that the Crown can be divided between the State and the Commonwealth, because it is indivisible. Therefore, the amendment protects the position of all those who may hold an office of profit under the Crown, whether in right of the Commonwealth or the State. However, Commonwealth public servants will not be able to take advantage of this position unless there are amendments at Commonwealth level to allow Commonwealth public servants to stand for election in State Parliament under the same terms and conditions as members of the State Public Service.

In relation to the State Constitution and Federal aspirants for public office, that is really a matter for the Commonwealth Parliament and Government. I will certainly refer the honourable member's questions to the Federal Attorney-General and draw his attention to the fact that we are legislating in this State to correct an area of considerable uncertainty to give employees of the Crown an unfettered opportunity to stand for Parliament, subject to the provisions of, say, section 58 of the Public Service Act. I believe that this is an important piece of legislation. It clarifies a very different area of the Constitution of this State. It is one of many different areas which need to be addressed over the next few years.

The Hon. C. J. Sumner: Will the administrative direction remain?

The Hon. K. T. GRIFFIN: The administrative direction will remain; it is not intended to remove it at all. In relation to the Public Service Act, I said earlier that this legislation has no direct impact. It clarifies the position of a public servant who, under the administrative direction contained in the Public Service Act, seeks election to the Parliament of this State. It ensures that such a public servant is not disqualified because a grey area of the law is relied on before the declaration of the polls.

Bill read a second time.

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause disqualifying Ministers of the Crown from membership of the Legislative Council.

The Hon. C. J. SUMNER (Leader of the Opposition): I second this motion as a matter of form rather than anything else, so as not to leave the Hon. Mr Milne sitting like a shag on a rock or appearing like a pimple on a pumpkin, with no support. I find his action somewhat extraordinary. I do not believe that it is appropriate for this matter to be canvassed at this stage, and I assure the Chamber that I intend to give it very short shrift when it is discussed in Committee.

The Hon. K. T. GRIFFIN (Attorney-General): I am surprised that the Leader of the Opposition would even second it as a matter of form. The issue is an important one, but I am surprised that it should be raised in relation to a totally unrelated amendment to the Constitution Act. If the Hon. Mr Milne wants to have that issue explored, I suggest that he bring in a private member's Bill and then we can debate the issue in its proper context. That he tries to tack this on to a matter relating to public servants surprises me. It is a matter of some significance and has considerable constitutional implications, not only for the Crown, but for the Parliament and the Government, and is a matter that ought to be dealt with in that way. I oppose the motion that the Hon. Mr Milne has moved because I believe it to be a totally inappropriate method for debating this proposition.

The PRESIDENT: The question is 'That the motion be agreed to'. Those in favour say 'Aye'; those against 'No'. I think the Noes have it.

The Hon. K. L. Milne: Divide!

The PRESIDENT: There being only one voice for the Ayes, I declare the motion negatived.

Motion negatived.

Bill taken through Committee without amendment; Committee's report adopted.

Bill read a third time and passed.

LONG SERVICE LEAVE (BUILDING INDUSTRY) ACT AMENDMENT BILL

In Committee.

(Continued from 17 February. Page 2913.)

Clause 13—'Repeal of sections 27 to 30 and substitution of new sections.'

The Hon. FRANK BLEVINS: The debate on this clause finished yesterday rather suddenly because of the time, when I had advanced all the arguments that I could think of in support of my amendments. The Minister did not appear to be convinced. I understand that the Hon. Mr Milne is not convinced. That is a great pity because much work was put into this argument. However, we do not have the numbers and I recognise that fact.

The Minister said that the Trades and Labor Council did not support this amendment. I have had discussions with the Secretary of the Trades and Labor Council this morning because I thought that that statement was completely untrue. It was completely untrue; the Trades and Labor Council does support this amendment. Apparently confusion has arisen in the Minister's mind, or the minds of his advisers, that, because the Trades and Labor Council was not prepared to go to the barricades on it, this was not important. The Trades and Labor Council thinks it is important, and the Workers Industrial Union (an affiliate of the Trades and Labor Council) also thinks that it is important. It is perhaps not the most important item in the Bill, but it is certainly an important one, and in moving it I have the full support of the Trades and Labor Council. However, there is no point in canvassing the whole debate. I urge the Chamber to support my amendment.

The Hon. J. C. BURDETT: In the same spirit as the Hon. Frank Blevins, there is no point in rehashing what has gone before. To summarise the points I put yesterday, the whole basis of the Long Service Leave (Building Industry) Act is to provide portability of service for workers within the building industry and between employers in the building industry. That was the point I stressed yesterday.

This concept is quite the opposite of what is the normal practice under the State Long Service Leave Act, and indeed the Public Service Act so far as long service leave is concerned. Under the State Long Service Leave Act, if the employee terminates his service for any reason before he qualifies for long service leave with that one employer he loses his credit. If the Government accepted the present amendment it would be agreeing to portability between employers not necessarily in the building industry, because there is no guarantee in the amendment that the employee who resigns immediately takes up duties with another employer in the building industry. Connotations in the amendment are very wide ranging, and for that reason I oppose the amendment.

The Hon. J. E. DUNFORD: The Hon. Mr Blevins indicated that, if a cleaner worked for a building firm and after 12 months decided to change his classification to a building worker while employed by the same employer, he would be included in the scheme.

The Hon. J. C. Burdett: He would come under the existing Act anyway, and get the 12 months credited.

The Hon. J. E. DUNFORD: If he goes into the building industry the period should be counted.

The Hon. FRANK BLEVINS: Where a person works as a cleaner for a building company and changes his classification while still working for that firm to that of a building classification, for the 12 months that he was not actually working as a building worker he is credited with long service leave. I have no argument with that. The problem arises if he changes from being a cleaner to a builders labourer with another firm, if that change is prompted through no fault of his own. In that case, the 12 months should transfer with him. If the employer has to make a payment anyway, it should be possible to transfer to another employer. Although it would affect few people in the industry, and therefore perhaps others do not put such a high priority on it, whether it embraces one person or many is not the point; if the principle is sound then it should apply to one person equally as much as to many thousands. Having restated the case and apparently not persuaded the Committee, I am happy for the amendment to go to a vote.

The Hon. J. C. BURDETT: I wish to reassure the Hon. Mr Dunford. The situation raised by him is covered presently and would remain covered. The Government's objection to the amendment is that it would provide portability of long service leave even where the employee was not employed by the same employer, and not even in the same industry.

Amendment negatived; clause as amended passed.

Remaining clauses (14 to 21) and title passed.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL

(Second reading debate adjourned on 16 February. Page 2842.)

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

LAND SETTLEMENT ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 2843.)

The Hon. R. J. RITSON: I support the second reading of this Bill, and I must say that I am surprised that the Opposition so far is withholding its support for the measure. In speaking to the Bill, I want to draw on the arguments of the Hon. Mr Chatterton which, indeed, lend substantial support to the Bill. In his opening remarks last week he demonstrated a very fallacious style of reasoning, almost bordering on the intellectually dishonest. He stated that the Minister cannot be claiming to work for small government by abolishing this committee, because the Government is already proposing to establish another Parliamentary committee.

I presume that the Hon. Mr Chatterton was speaking of the proposed Statutory Authorities Review Committee, and this is where I find difficulty with his reasoning, because there is no way that one can argue that a committee that is proposed to be set up to examine and perhaps abandon some of the QANGOS is in any way inconsistent with this Bill to abolish just such a committee. It is a committee that has outlived its usefulness and, indeed, drawing from the Hon. Mr Chatterton's speech, if there was any doubt that the committee had outlived its purpose, that doubt has been dispelled by the Hon. Mr Chatterton himself, who spent most of his speaking time explaining, with great eloquence and clarity of thought, exactly how and why the committee has outlived its usefulness.

We heard from the Hon. Mr Chatterton exactly how the run-down of the soldiers settlement scheme has reduced the workload of the committee. We heard from the Hon. Mr Chatterton exactly how the Land Settlement Act, by promoting close settlement, is in conflict with the modern concept of farm build-up, and we heard from him that the committee's residual function is confined to the oversight of the Rural Advances Guarantee Act. The net result is that committee members are receiving additional salary for signing 12 or so dockets a year. It probably amounts to about $90 a signature, and I think it is eminently sensible for the Government to transfer this remaining function to the Industries Development Committee, with consequent savings of Government money.

I wonder why the A.L.P. is withholding support for this measure. The stated reason given by the Hon. Mr Chatterton was that the committee's role could be expanded to examine wider aspects of land management. He saw Parliament investigating and advising on land management of arid zones, and he then went on to explain further that he would like to see the committee renamed and reorganised. He put this forward as an argument against the abolition of the committee. If one is going to change its name, role and structure, and presumably its membership, I would have thought that the very first thing one would do would be abolish it rather than commence such a massive operation by a million amendments. To propose such a massive transmogrification of the committee is itself an argument that one should begin by abolishing the existing structure, but then the question arises whether, even given that these other functions should be expanded, they should be expanded within a Government department or within a new committee.

I believe that strong arguments exist for these activities to take place within Government departments. In the first place, the Department of Agriculture and the Department of Lands have greater expertise available than has a Parliamentary committee. I am sure that there are a number of members of Parliament who have training and experience in these matters. I doubt that they are the people holding positions on the Land Settlement Committee. If it is to be a joint committee between the Houses, a bipartisan committee balanced between the Parties, this will impose constraints that make it difficult to select people on qualification alone.

The departments have available the funds and outlets for education and research and Ministers have a high degree of accountability. They are questioned regularly in Parliament and by the media. They are subject to dismissal via the ballot-box. Statutory authorities are often furtive little creatures that avoid the glare of such examination. I am sure that, when the Hon. Mr Chatterton was Minister of Agriculture, he had the expertise and power to carry out the functions that he now proposes for the committee. I am sure that when he was Minister he gave full and frank answers to the media. I am sure that he answered questions in Parliament in a detailed and accurate manner. Certainly, when he was Minister he never felt the need for a committee to deal with dry land farming or with Iraq. He did it all himself.

Now he withholds support for the Bill. There must be another reason. I do not know what it would be. I would not suggest that there was back-bench pressure to preserve the salaries. I would not say that for a moment. I am speaking as a member of the committee and one who, as a human being, has a love of money. However, I also have a love of small government and I do not mind if I am abolished.

The Hon. K. L. MILNE: I think the principle that the Hon. Mr Chatterton has put before us has a great deal of

merit but I am not sure that the actual amendment that he has proposed would do what we intend. I think that perhaps it may be better to look at what happens when the committee is disbanded and, if there is a gap or if something is going wrong, I would certainly support the reappointment of the committee. I realise that, while the number of land settlement instances is almost nil and the committee has little to do, the settlers on those lands, most of which are Crown leases, are still there, so there is an obligation on someone to see that they are managing their land properly and in the interests of the State.

Nevertheless, I think that there are sufficient bodies to watch over them already. They are not Parliamentary committees but we have the Department of Lands dealing with Crown lands, and the Pastoral Board, which is interested in stocking, overstocking or understocking, and is extending its area to arid land. There is the Land Board, dealing in land under the Crown Lands Act. Marginal lands are under the Minister of Lands. We have the Water Resources Committee, the Cabinet subcommittee on land management, the Environment Protection Council, the Coast Protection Board, and the State Planning Authority, which deals with arid lands outside councils. There may be more. If that is not enough to look after the matter, there is something wrong with the Government, the Public Service, or both. The situation now is that the Land Settlement Committee is redundant and, in my view, has been for some time.

The Hon. C. M. HILL (Minister of Local Government): I thank honourable members for addressing themselves to this debate as they have done. I apologise that the second reading explanation was not as lengthy as it ought to have been. Indeed, I realised that much attention could be given to the Bill but I did not realise at the time that some members have served for a considerable period on this committee and that others are serving on it at the moment. One must appreciate that they have some intimate knowledge of the committee and its workings and I can now understand their deep interest in the measure.

The Hon. M. B. Dawkins: The Minister himself served on the committee.

The Hon. C. M. HILL: Yes, I served on it for a while. I found the work interesting. I cannot say that I was overworked. I was involved in the 1975 inquiry on Kangaroo Island. I found that inquiry very challenging. I gained from that experience on the committee an appreciation of the fact that back in the early years from 1944 onwards when this Act was first passed by Parliament, the work of the committee and the importance of the Act was very great indeed. However, with the passing of time and without the need in recent years to help soldier settlers in that way, the work of the committee has decreased considerably. The statistics indicate that, especially when one looks at the number of meetings which have taken place as time has passed since 1944. The last three formal meetings of the committee were held in October 1978, August 1979 and July 1980 but these meetings were involved with matters dealing with the Rural Advances Guarantee Act. That work is going to continue because of the measure on our Notice Paper amending the Rural Advances Guarantee Act.

One can see that certain matters which would have been dealt with solely within the Land Settlement Committee's activities are simply not there to be referred to this committee. So, the Government wishes to dispense with the committee and repeal the Act. We are doing it in the cause of good housekeeping. We believe that, if Acts can be repealed and we can reduce the number of laws in this State, it is all in the cause of small government and I am grateful that, in this instance and in most areas where we have reduced the size of the Statute Book, we have a great deal of support within the Parliament.

The Hon. Mr Chatterton proposed that the committee be retained and given a new function. I put it to him and to the Council that, if Parliament or he wishes to set up a committee on this quite wide subject that he is now introducing through the amendment that we will be debating shortly, it will be much better for the merits of establishing a committee of that kind to be argued separately, at the appropriate time and after proper research. The Hon. Mr Chatterton suggested that the Government proposes to water down existing controls over the intensity of arid land use. There are no dilemmas or problems posed in relation to marginal lands through the abolition of the Land Settlement Committee. Only 10 per cent of the land in South Australia which could be classified and considered under the Marginal Lands Act is controlled by that piece of legislation.

Ninety per cent of South Australia's marginal lands are controlled under the Crown Lands Act. In relation to the percentage of marginal land, it does not have the protection afforded by the Marginal Lands Act. Cabinet has approved amendments to land tenure legislation which will strengthen the powers of the Minister of Lands to control arid land use by extending to other legislation many of the management measures contained in the Marginal Lands Act. The Hon. Mr Chatterton expressed the view that a conflict exists between the objectives and application of the rural adjustment and assistance legislation and policies of the Department of Agriculture on the one hand and the application of the Rural Advances Guarantee Act by the Department of Lands on the other hand. The former activities are aimed at establishing rural enterprise through a farm build-up programme and the latter activities are aimed at closer settlement of rural lands.

I think the honourable member is misinformed or is labouring under a misapprehension. The Rural Advances Guarantee Act is a rural lands statute used for purchasing rural land subject to certain specifications of fair and reasonable value of the land and productive and economic viability of the enterprise and its capacity to service and repay the advances sought. The Rural Advances Guarantee Act is thus not utilised to subdivide land into uneconomic or inadequate areas.

The Hon. B. A. Chatterton: I did not say 'subdivide'.

The Hon. C. M. HILL: That is the impression I gained from the honourable member's speech. It is in fact complimentary to the Rural Industry Assistance Programme and legislative measures.

Finally, the sum that could be saved by the abolition of the committee is $5 500 per annum. This saving is not of immense significance in its own right. However, as I mentioned earlier, the Government believes that the salient fact is that the committee is now redundant and, as a good housekeeping measure, should be abolished. If the Government is to be responsible in cutting back on the number of statutory authorities in this State that have long ceased to perform, it is also obliged to ask Parliament to follow through this principle in areas of Parliamentary involvement. I thank honourable members for supporting the legislation, albeit that one or two supported it with some reluctance.

Bill read a second time.

The Hon. B. A. CHATTERTON: I move:

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause dealing with the terms of reference of the Land Settlement Committee.

Motion carried.

In Committee.

Clause 1—'Short title.'

The Hon. B. A. CHATTERTON: I move:

Page 1, line 3—Leave out 'Repeal' and insert 'Amendment'.

Mr Chairman, I seek your guidance. The substantial amendment is to clause 3, but my remarks relate to all the clauses.

The CHAIRMAN: If the honourable member speaks to his amendment to clause 1, that will be taken as referring to all of his amendments. The vote on the amendment now before the Chair will be regarded as a test case for the remaining amendments that the honourable member has on file.

The Hon. B. A. CHATTERTON: The purpose of my amendments is to retain the Land Settlement Committee and to provide that committtee with the task of providing policy assistance and information on management of land resources in this State. All persons who have spoken in this debate have agreed that the existing committee is no longer needed, that the period of land settlement in this State is over and that there is not any more land available to settle. I do not believe, as the Hon. Mr Dawkins quoted me as saying, that there is even marginal land available. In fact, there is probably a good case for it to be said that the marginal lands should not be settled as intensively as they are. I think that everyone in this Chamber has agreed that the existing committee is no longer needed to carry out its original task. However, the management of the land resources in this State is an important task and a task that should have Parliamentary oversight. The settlement phase is over, but the management phase continues. I do not agree with the Hon. Dr Ritson when he says that Parliamentarians are incapable of providing any advice in that area.

The Hon. R. J. Ritson: I did not say that.

The Hon. B. A. CHATTERTON: The departments have technical expertise, but management of the land resources is not purely a technical matter. People living on the land make their living from it, but surely it is the role of people who have been elected to Parliament to make judgments on the various matters such as to how much weight shall be given to technical matters produced by technical experts, how much given to social matters put forward by people who live on the land, and how much weight should be given to economic matters.

The Hon. R. J. Ritson: How much Parliamentary control did you institute over your department when you were Minister? Did you try to form a committee on this matter when you were Minister?

The Hon. B. A. CHATTERTON: I was not the Minister responsible for this committee, nor was I the Minister responsible for lands. However, this particular committee, as I said, I think has a useful task to carry on in terms of management of land resources. I might just make a further comment on the particular example that I used, which was the arid zone of this State, and I use that only as an example. It is not the only area where a committee of this type would be able to function. There are, of course, other land management problems that it would have to look at, but that particular arid zone is an area that should cause us all grave concern.

There is mounting evidence that the vegetation in that zone is not being replaced and that a number of the tree species, in particular, are just not being replaced at all. People who have done thorough research programmes in that area have been able to show that in many cases the youngest trees in areas of many hundreds of square miles are 30 to 40 years old. In other words, for the past 30 or 40 years there has been no replacement at all of the tree population. In other areas that same sort of research work has been done with regard to some of the bushes, fodder bushes in particular.

If there has not been any replacement of vegetation for 30 or 40 years, that must be of grave concern, because it demonstrates that in perhaps another 30 or 40 years, when the existing vegetation has died through natural causes of long life, there will be no vegetation there at all. If that is the situation we are heading for in some of the arid zones it is surely something of grave concern. It is not purely a technical question; it is a question of what we as members of Parliament should do about it, what sorts of legislation should be introduced to try to remedy that sort of situation, whether funds should be introduced to try to remedy that sort of situation, whether funds should be made available, and whether leases should be altered or conditions on leases altered—a whole wide range of possible remedies. That is the sort of work that a Parliamentary committee could undertake and undertake very successfully.

I believe that it is an appropriate forum, because most Parliamentary committees can function in a manner that does not highlight Party political divisions, but tend to come up with solutions that are the best for the management of a particular resource or area and I think that that is appropriate to these problems. It is not a question of Party political policies: it is a question of coming up with some sort of solution to the problems of land management in this State. I think that the amendments that I have put forward to carry this committee into this area are very appropriate and that is why I have moved these amendments.

The Hon. C. M. HILL: I do not in any way question the good faith of the honourable member and I appreciate that he has a deep interest in this particular subject. However, his amendments, if accepted, would extend both the life and the functions of the Land Settlement Committee. The section of the principal Act which establishes the duty of the committee, section 22, would be amended by this insertion giving this committee the new duty of inquiring into and reporting to both Houses of Parliament on any matter relating to the management or protection of lands in this State. I stress the word 'lands', because the honourable member has not narrowed or defined it: he has given the broad description 'lands'. The committee would be able to inquire into and report on its own initiatives, or as resolved by either House or on the basis of references by the Governor or the Ministers. It would have, indeed, exceptionally wide powers, as one can gauge by reading the amendment.

The amendment that has been proposed is, in fact, a reaction to the Government's proposal to amend the Land Settlement Committee legislation. It cannot have been given a proper examination or due consideration of its feasibility or practicality and, without such an examination and such consideration, Parliament should not be expected to establish what is basically a new committee. Committees of a comparable nature, namely, the Public Accounts Committee, which can be cited as an example, took years and years to be considered before they finally came to fruition. Secondly, the existing committee's membership may not be appropriate to the new task assigned to it. This might well be arguable, but certainly the committee has no pretensions towards the expertise on land management matters because, of course, it has been concerned in the past decade principally with rural financial matters of a limited nature. Thirdly, the honourable member should be made aware of the difficulties of grafting on to an Act a clause which establishes new functions for a body established by that original Act. The body would be designed to carry out the proposed functions and may not be able to carry out the functions as efficiently as a body designed to perform those functions from the very outset. Fourthly, the honourable member has not been able to demonstrate either specific areas of sufficient major concern or a significant need for the proposed new function of the existing committee.

I think the honourable member referred to perceived problems in the land management area: first, south-eastern

drainage problems and their effect on the Coorong; and, secondly, the arid or marginal lands of the State.

The Hon. B. A. Chatterton: That was in another place.

The Hon. C. M. HILL: I thought I read that in the honourable member's second reading speech. However, I think it is of interest to know that the Engineering and Water Supply Department has conducted extensive studies over a number of years and has found little evidence that the drainage of the South-East has any influence whatever on the Coorong. In any case, work is proceeding and a significant amount of money has been allocated to the establishment of variable adjustable weirs controlling the height of water in the South-East and the level of ground water.

I think claims have been made about the inadequacies of marginal land management techniques. Cabinet has approved amendments to land tenure legislation which will strengthen the powers of the Minister of Lands to control arid land use by extending many of the measures contained in the Marginal Lands Act to the Pastoral Land Tenure Act. The Government has already moved to remedy problems in the areas mentioned both in this Council and in another place, which warrant investigation.

The honourable member should also be aware that there already exists a number of bodies established by statute which are charged with similar tasks. Most of them report to Parliament annually. I refer to the State Planning Authority, the Coast Protection Board, the Land and Pastoral Board, the Heritage Committee, the Environment Protection Council and others. If one looks carefully at the honourable member's amendment it can be seen that he expects the new functions to include many of the functions which are already carried out by those statutory bodies. Indeed, considerable duplication would follow. Represented on those particular authorities are members of the conservation movement and special interest and land user groups. Those people can be considered to be authorities or forums for debates on significant land management issues.

The establishment of what could be deemed to be a new committee through this amendment would therefore duplicate activities and information sources. If the honourable member wishes to establish a standing committee with such a vast brief, he should give proper consideration to researching and preparing a private member's Bill rather than relying on this particular machinery. I submit that it would be far more efficient to approach this matter through a private member's Bill or by advocating the establishment of a Select Committee to look into the wide area encompassed in the amendment. I stress that the Government cannot support the honourable member's amendment for the reasons that I have outlined. It is in the cause of good housekeeping that the Government wants this original measure repealed. Therefore, I urge the Committee to oppose the amendment.

The Hon. B. A. CHATTERTON: The Minister said that my amendment had not been fully investigated, researched and so on. I point out that, if that criteria were applied to every amendment, no member of this Committee would be able to move any amendments, because the Minister mentioned a period of five years research. In particular, the Minister referred to the Public Accounts Committee. This Bill is now before the Committee so it is appropriate to move amendments. The Labor Party has been thinking about and discussing this matter for some time. It has not been put together hastily. Many people in the community are also concerned about land management and have said that there is a need for greater oversight of the whole question of policies relating to land management. Therefore, it cannot be dismissed as something that was thought up on the spur of the moment.

The Minister also said that members of the committee might not have the expertise appropriate for this new task. It is up to Parliament to select members of the committee, and it could select new members who were appropriate for this particular task. I believe it is a fairly feeble argument to say that the existing members of the committee are not appropriate for the task being allocated to it. It is up to Parliament to choose suitable members. The Minister also said that this is something completely new and different from what is being done at the present time. I do not accept that argument. The principal factor of land management, up until a few decades ago, was the settlement of land. That factor changed the land use, and it was changing the landscape of South Australia. One need only look at the vegetation clearance report that was produced 40 years ago to see how rapid the change was in South Australia due to land settlement. I am not only referring to land settlement schemes sponsored by the Government but also land settlement sponsored by insurance companies and private capital. That is the major factor that changed the face of the South Australian landscape. It was a major factor that changed land use and land management in this State.

Now that the period of land settlement is over we have to responsibly look at the management of that land resource. It is appropriate for a Parliamentary committee to continue to investigate work which has entered a new phase of management rather than settlement. The Minister also indicated that he believed that there was no real demonstrated need. In moving this amendment I explained the demonstrated need in the arid zone and the quite disturbing research work that has indicated the deterioration of vegetation in that area. There are many other examples in other areas of land management where there are environmental and management problems in South Australia. Those problems will probably not become acute for perhaps a decade or more. However, if we continue to ignore them it is probable, when they do become acute, that we will not be able to do anything about them. If we continue to ignore them we could end up with large areas of desert, dust bowls and many adverse environmental effects. It is only if we take appropriate action before things get too bad that we will be able to reverse that particular trend. Finally, the Minister claimed that the Government's action was intended to strengthen the Pastoral Act and the Marginal Lands Act to improve land management.

Everyone I have spoken to sees the intentions of the Government as being exactly the opposite. The Government's announcement made by the Minister of Lands on T.V. programmes shows that there will be a considerable weakening of the power of the Government to manage those lands because, in many instances, the Government's power will only be exercised after long and costly court action. The sort of direct control that is provided by a covenant and the direct control that was provided by the Minister of Lands in other ways on leases will, in many instances, be removed and will be put into other legislation which has proved to be difficult to enforce in the past and will no doubt be equally difficult to enforce in the future.

Much of this was raised in the debate when we had before us the Planning Bill and it was admitted that that legislation was almost useless in tackling land management in marginal or arid zones. Yet the Government has still put forward in many of its press releases its intention to use the planning legislation in that way. Again and again it has been demonstrated that there are huge problems. It is appropriate that a Parliamentary committee should look at them and that that committee have the relevant expertise to be able to balance, not just the technical factors, the research into the botanical composition of pastures (the vegetation), but also the social and economic factors that

are important in policies that are going to be developed and are appropriate for those areas. I urge honourable members to support the amendment.

The Hon. C. M. HILL: I am unconvinced by the arguments of the honourable member. I again point out to him that the new duties he is proposing for this committee in his amendments are extremely wide. Let me remind the Chamber of what he is trying to do. He is trying to give this committee the duties of looking into any matters relating to the management or protection of lands and any matters relating to the resources or environment of lands in this State. It completely covers the natural resources of the State as they relate to land, either on or within land. It deals with environmental matters in totality. In my view—

The Hon. J. E. Dunford: It should.

The Hon. C. M. HILL: Well, particularly as they relate to land. It impinges upon almost every portfolio and to cast one's net that wide is something that needs a great deal of consideration.

The Hon. C. J. Sumner: This is a Parliamentary committee; it is not a Government committee.

The Hon. C. M. HILL: That is all right; but it still needs a great deal of consideration by Parliament. As I suggested a few moments ago, let the honourable member raise it as a separate issue. Let it stand on its own feet. Let Parliament look at all the possible consequences and then Parliament can decide whether it wants a committee of that kind, and if Parliament wants a committee of that kind it may well place on that committee members other than members who happen to be on the Land Settlement Committee. I appreciate the good faith of the honourable member. He has now indicated that this is a policy of his Party, that there be a committee of this kind. It is completely inappropriate to try to graft it on to this particular legislation, particularly in the dying moments of the Act.

The Committee divided on the amendment:

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

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

Majority of 1 for the Noes.

Amendment thus negatived.

Clauses 2 and 3 passed.

Title passed.

Bill reported without amendment. Committee's report adopted.

COMPANIES (ADMINISTRATION) BILL

In Committee.

(Continued from 10 February. Page 2728.)

Remaining clauses (2 to 18) and title passed.

Bill read a third time and passed.

COMPANIES (APPLICATION OF LAWS) BILL

In Committee.

(Continued from 10 February. Page 2728.)

Remaining clauses (2 to 45), schedules and title passed.

Bill read a third time and passed.

COMPANIES (CONSEQUENTIAL AMENDMENTS) BILL

In Committee.

(Continued from 10 February. Page 2728.)

Clauses 2 to 7 passed.

Clause 8—'Amendment of schedule 1.'

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

Page 4, lines 10 to 12—Leave out paragraph *(d)* and substitute the following paragraph:

'(d) in clause 13, for the passage "(other than section 269) of the Criminal Law Consolidation Act, 1935-1980" there shall be substituted the passage "(other than sections 269 and 270a) of the Criminal Law Consolidation Act, 1935-1981 or of the provisions (other than section 53) of the Justices Act, 1921-1981".'

The amendment merely picks up some minor drafting changes to refer to the Criminal Law Consolidation Act as well as the Justices Act.

Amendment carried; clause as amended passed.

Remaining clauses (9 to 26), schedule and title passed.

Bill read a third time and passed.

CORRECTIONAL SERVICES BILL

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

HAIRDRESSERS REGISTRATION ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 16 February Page 2848.)

The Hon. J. E. DUNFORD: I have had a fairly good look at this Bill, and I am fortunate enough to be on our industries committee. We can see nothing wrong with the Bill. However, I have a few comments to make about it. In the earlier debate, it was indicated that the parties had been consulted. It was spelt out by the Hon. Mr Allison in the other place that the Hairdressers Association had been consulted, and that all the parties that are affected are in favour of the Bill, so we feel that as an Opposition we should not oppose it. We, in fact, support it. The Bill deals with two or three changes. The one that I see as important is the registration of teachers. It appears that there are people teaching hairdressing, some of whom are not registered. I am a great believer in people in responsible positions being registered—plumbers, builders, tow-truck operators are all registered and under the control of a particular Act.

In this case (but not in all cases) the retrospectivity of registration is agreed to, because, as I said before, some teachers are registered and some are not. If we did not agree to this retrospectivity, we might find that some teachers could be discriminated against and this could affect their job security or other entitlements. The Bill will provide that apprentices can practice their trade after their indentures, provided that they work for a registered hairdresser. I looked at this closely because I was concerned about apprentices practising their trade in a backyard capacity after doing their course. I would like the Minister's assurance that this part of the Bill will be strictly policed and adhered to. People working at General Motors-Holden's, for instance, might work as hairdressers at weekends, taking the livelihood away from registered barbers and hairdressers who rely on the hairdressing industry for their occupation and livelihood. They are the three main factors in the Bill. I believe it is a necessary piece of legislation and the Opposition supports the Bill.

The Hon. J. C. BURDETT (Minister of Community Welfare): I thank the honourable member for his contribution. I give him the assurance that the Act will be properly policed.

Bill read a second time.

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider a new clause amending section 4 of the principal Act.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—'Interpretation.'

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

Page 1—After clause 2 insert new clause as follows:

2a. Section 4 of the principal Act is amended—

(a) by striking out from paragraph *(a)* of the definition of 'hairdressing' and 'the practice of hairdressing' the word 'cleansing,';

and

(b) by inserting in paragraph*(a)* of the definition of 'hairdressing' and 'the practice of hairdressing' after the passage 'or other treatment' the passage '(not including cleansing)'.

It has been put to me by a group of hairdressers that the definition of 'hairdressing' contains the word 'cleansing', meaning shampooing, washing hair, and so on, work that is not actually the skilled work of a hairdresser. The people concerned say that it would be a great help if they could have permission to employ people, such as people who clean their salons, who are not hairdressers and who do not want to be registered hairdressers, to perform this task as extra work, because they are not presently fully employed.

I said that I would raise the matter for consideration by the Committee. I believe it is a reasonable suggestion. Another advantage would be that prospective apprentices could be judged on their ability to handle clients if they could be observed working with a client. In that way one could judge whether people were fit to be apprentices or not. I hope the Committee will give my proposal proper consideration.

The Hon. J. C. BURDETT: The Government opposes the amendment. To change the word 'cleansing' would simply not allow unqualified people to be in a salon, but would allow unqualified people to cleanse the scalp. The present definition was included in 1976 when the Act was amended by the previous Government. That was done at the request of the Hairdressers Registration Board. The effect and intent of that definition was to prevent unqualified people from cleansing, washing and rinsing hair. It is very necessary to have qualified people with proper experience to carry out this operation, because they understand the nature of cleansing lotions and so on.

The board has received complaints that some scalps have been damaged or injured by unqualified persons carrying out this work in unhygienic conditions. I am further informed that the majority of the association supports the Act in its present form and would not support this extension. I oppose the amendment because it would allow unqualified persons to carry out the cleansing of hair.

The Hon. J. E. DUNFORD: The Opposition vigorously opposes the amendment. Our opposition is even more vigorous now that the Hon. Mr Milne has explained just who he wants to cleanse hair. He said that cleaners could cleanse hair to see whether they would be fit to become apprentices. I do not know where the Hon. Mr Milne has his hair done, but I could not imagine a cleaner at say, Myers, who had been cleaning latrines, cleaning scalps in a hairdressing salon.

An amendment such as this could only come from a Democrat. The amendment was so badly put that I think those people who put the proposition to the Hon. Mr Milne were having a lend of him. I agree with the Minister's remarks; qualified people must be used to apply cleansing lotions to people's scalps. I have heard of people who have developed rashes after being treated by unqualified people. It is for that reason that an amending Bill was introduced in 1976. The Hon. Mr Milne would like to take us back to the days of his grandfather and the risky propositions that applied in those days. If the Hon. Mr Milne was fair dinkum and respected this Committee and both of the major Parties he would withdraw his amendment. I am not trying to be hard on the Hon. Mr Milne—I will leave that to the front bench. I have very good relations with the Hon. Mr Milne, but he will lose me if he continues to put forward propositions such as this. I oppose the amendment.

New clause negatived.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

RURAL ADVANCES GUARANTEE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 2849.)

The Hon. B. A. CHATTERTON: The Opposition supports this Bill. As I have already said, I think that everyone agrees that the present functions of the Land Settlement Committee are redundant. The Minister referred to remarks that I have made on this particular legislation. I think that the Government should look more closely at this legislation instead of simply repealing provisions relating to the Land Settlement Committee. In spite of what the Minister said during his second reading explanation, the operation of the Act is having the opposite effect on the farm build-up provisions of the rural adjustment programme. I am not suggesting that this Act provides for rural subdivision. However, it certainly provides for closer settlement. It provides assistance for small farmers who would not receive that assistance otherwise. One need only examine the applications before the Land Settlement Committee to see the finance that was provided through the State Bank or the Savings Bank to those people who would have been deprived of a farming operation.

It is having the opposite effect on other Government programmes. They are trying to build up properties to achieve economies of scale, but this is not doing that at all. It is assisting people who would not otherwise get into farming because they are not normally viable. It seems that there is a contradiction between the two pieces of legislation. I suggest that the Government should look more closely at the legislation before repealing the provision relating to the Land Settlement Committee. We support this Bill and see no reason why it should not pass swiftly.

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

RIVERLAND CO-OPERATIVES (EXEMPTION FROM STAMP DUTY) BILL

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

ADJOURNMENT

At 6.7 p.m. the Council adjourned until Tuesday 23 February at 2.15 p.m.