LEGISLATIVE COUNCIL

Wednesday 2 June 1982

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

QUESTIONS

OVERSEAS TRIP

The Hon. C. J. SUMNER: In his recent trip overseas did the Attorney-General have discussions with the Attorney-General in the United Kingdom? If so, what was the nature of those discussions? Did the Attorney-General discuss the question of the constitutional relationship and legal ties which South Australia and the South Australian Parliament have with the United Kingdom Crown? Were procedures for appointing a Governor discussed? In particular, was the question of obtaining popular endorsement for a Governor, either by election or approval by Parliament, considered? What were the results of these discussions?

The Hon. K. T. GRIFFIN: Yes, I did meet the Attorney-General for the United Kingdom. I am not prepared to disclose the nature of the discussion that I had with him. The question of constitutional ties has been before the Premiers Conference since last year, as a result of recommendations from the Standing Committee of Attorneys-General. It is for the Premiers Conference to determine the course which should be followed in relation to residual constitutional links between the United Kingdom and the respective States of Australia.

I have not at any stage heard any discussions at Standing Committee level or in any other forum in relation to popular endorsement of a Governor. To me, that smacks very much of republicanism, and certainly my Party and the Government do not accept that as a logical course to follow. That question was certainly not discussed with the United Kingdom Attorney-General.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. In view of the fact that the Attorney-General took his six-week trip at the expense of South Australian taxpayers, surely he is obliged to disclose to Parliament, when asked, the matters he discussed with public officials in another country. Accordingly, will the Attorney-General outline to the Council the nature of his discussions, which apparently were official, with the Attorney-General of the United Kingdom?

The Hon. K. T. GRIFFIN: The trip was not for six weeks but for 4½ weeks, taking in a number of countries, mainly countries with a Federal system of Government, because one of the areas of considerable concern to this Government is the question of inter-governmental relations in Australia and the powers of a Federal Government, as opposed to State Governments, under the Australian Constitution, as well as the development of better mechanisms for consultation within the area of inter-governmental relations.

I also discussed with a number of persons in various countries the rights of persons with disabilities, remembering that 1981 was the International Year of Disabled Persons. This Government was anxious to ensure that it had adequate information available of the ways in which other countries adequately recognised the rights of persons with disabilities, and I must say that, having been in the United States, Canada, the United Kingdom, West Germany, and Switzerland, I found that South Australia was well in the forefront of those countries that place a special emphasis on the rights of persons with disabilities.

I was also looking at aspects of court management and law reform and, as I have already indicated publicly, a justice information system, because in this State we are moving towards implementation of a justice information system, being principally an offender-based tracking system. They are the broad areas on which I had discussions with well over 50 people in various parts of the world during that 4½-week trip. The officers that I met in the United Kingdom included the Attorney-General there, Lord Justice Lawton (Chairman of the Criminal Law Reform Committee in the United Kingdom), and officers of the Department of Local Government, which has a special interest not only in Government relations but also in the rights of persons with disabilities. With the officials and officers whom I met, particularly in the United Kingdom, I was able to pursue the areas of interest that were the principal reasons for my travelling overseas.

The Hon. C. J. SUMNER: In view of the fact that the Premier's travelling Schutzenfest throughout South-East Asia cost $200 000, will the Attorney-General say what his 4½-week trip to Europe cost?

The Hon. K. T. GRIFFIN: I shall be very pleased to provide that information when the final calculations are made. I will certainly make that available to the Council.

The Hon. C. J. Sumner: It might make the Premier's—

The PRESIDENT: Order!

The Hon. K. T. GRIFFIN: The cost of the Premier's journey took into account not only the travelling expenses and accommodation for his group but also for people involved in the investment seminars and the promotion of South Australian wine and food products and South Australia's attractions as an industrial centre for the purpose of attracting industry to this State. Although the Leader of the Opposition has referred in a somewhat off-hand manner to the Premier's recent visit to Asian countries, he has quite obviously chosen to misinterpret the information relating to the cost of the journey.

The Hon. C. J. Sumner: It was in the newspaper—$200 000.

The Hon. K. T. GRIFFIN: I am just saying that the Leader is misinterpreting the information and not recognising the extent of those things that were included in that cost.

RURAL ADJUSTMENT FUNDS

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before directing a question to the Minister of Community Welfare, representing the Minister of Agriculture, on the matter of rural adjustment funds.

Leave granted.

The Hon. B. A. CHATTERTON: Last week the Minister of Agriculture announced that further Commonwealth funds would be available this year for the rural adjustment programme, that is, debt reconstruction, farm build-up and farm improvement schemes. When the Minister made that announcement he said that the funds would be provided to farmers at 8 per cent interest, which is the interest rate that the Commonwealth charges the State.

That scheme has traditionally been a Commonwealth scheme in which the Commonwealth has paid the administration costs, or a large proportion of them, and the fact that the money is being handed on to farmers at exactly the same interest rate indicates that either the costs will be borne by the State or that the Commonwealth is making some separate arrangement to bear the costs of the scheme. Has the State taken over the cost of administering this scheme, or is the Commonwealth making a direct grant outside the interest rate? If so, what grant is being paid by the Commonwealth to cover administration costs?

The Hon. J. C. BURDETT: I will direct the question to my colleague and bring down a reply.

ASBESTOS DISPOSAL

The Hon. J. R. CORNWALL: I seek leave to make a short statement before asking the Minister of Community Welfare, representing the Minister of Health, a question about asbestos disposal.

Leave granted.

The Hon. J. R. CORNWALL: It has recently been brought to my attention that a company called Waste Management Services Pty Ltd has seriously breached the code of practice in disposing of large quantities of asbestos. I have documented evidence that the company has not complied with the South Australian Health Commission Technical Bulletin No. 22 concerning asbestos disposal. The Central Board of Health wrote to G. F. McMahon Demolition Pty Ltd, which is involved in a large asbestos removal contract, and Waste Management Services, which is responsible for disposing of the asbestos from that contract, on 10 May 1982. The board pointed out the following breaches of the code of practice: first, the South Australian Health Commission was not notified of the disposal of asbestos at the Garden Island tip; secondly, plastic bags of asbestos waste were not placed in a crate for final disposal as is required under the code; thirdly, the asbestos waste was not dumped in the area of the tip specifically designated for this purpose; and, fourthly, the requirement for a soil fill three metres deep was not complied with. The letter states:

> Concern is expressed at the improper disposal of this waste and the lack of safety precaution taken for employees handling uncrated bags of limpet asbestos.

In a letter from the South Australian Health Commission to the South Australian Waste Management Commission on the same date, it was stated that at the time of disposal Waste Management Services' approval, or at least previous approval, had lapsed, that Waste Management Services had not supplied details of their proposal to the commission, and that a location plan was submitted by Waste Management Services only after disposal had occurred. On investigation it was established that 20 plastic bags of asbestos waste had been buried at Garden Island tip on 3 March 1982 by Waste Management Services. The Health Commission also noted in that letter that notification had not been given, that the plastic bags of asbestos were not placed in approved crates for final disposal, and that the depth of soil cover was inadequate. The letter further states:

> This incident shows a disregard by Waste Management Services and G. F. McMahon Demolition for the safety of employees at both companies involved in asbestos procedures and the need to properly dispose of this hazardous waste.

The proprietor of both G. F. McMahon Demolitions and Waste Management Services, Mr Glen McMahon, claims that he did not know he was breaking the code. However, that is very hard to believe, because Mr McMahon is also a member of the South Australian Waste Management Commission. Not only would he be aware of the code of practice but, I submit, because of his position on the commission, he should have a special duty to scrupulously observe all the regulations. Indeed, he would have a further duty to ensure that he could not be accused in any circumstances of a conflict of interest. Does the department intend to prosecute Mr McMahon or his companies for the serious and flagrant breaches of the law and, if not, why not?

The Hon. J. C. BURDETT: I shall refer the question to my colleague and bring back a reply.

ROAD SAFETY EDUCATION

The Hon. L. H. DAVIS: Has the Attorney-General a reply to my question of 4 March on road safety education?

The Hon. K. T. GRIFFIN: Road safety education (including information on the danger of drinking and driving) is one of the many subjects listed by the Education Department for teaching in South Australian schools. Principals select from that list those subjects to be taught in their particular schools, on the basis of their particular priorities. Thus road safety as a subject is not taught in all South Australian secondary schools.

The Division of Road Safety and Motor Transport is represented on the Education Department Road Safety and Driver Education Curriculum Committee and participates in curriculum development and presentation. In its Syllabus Outline and Curriculum Guide, the committee points out that the contents have been designed to be integrated into other subject areas such as science, social studies, health and mathematics. The Curriculum Committee is aware that many of the secondary schools which do not show road safety as such on their timetables, deal with the topic in other subject areas.

Education on the way in which alcohol affects driver performance is stressed in all Student Driver Education Programmes, both those conducted at the Road Safety Instruction Centre and those presented in schools. Field Officers from the Division of Road Safety and Motor Transport are called upon by many secondary schools to present lectures (particularly to senior students) on alcohol and driving. The division's Road Safety Instruction Centre makes available on loan to schools, copies of the films 'Drinking, Driving and Surviving' (produced for Transport Australia) and 'Gasoline and Alcohol' (produced for South Australian Department of Transport). The South Australian Film Corporation Library also has these films on loan, and they are in great demand.

PORT PIRIE HARBOR

The Hon. C. W. CREEDON: Has the Attorney-General an answer to my question of 6 April on Port Pirie harbor?

The Hon. K. T. GRIFFIN: The Government currently has no plans for the closing of any South Australian ports. It is proposed to undertake a feasibility study into the need for and location of a major bulk grain loading facility to cater for the grain industry in the areas east of Spencer Gulf and capable of handling the larger bulk vessels expected to be introduced into this service in the future. However, that is a long-term project and it is not possible at this time to forecast the extent, if any, to which existing ports may be affected.

ADELAIDE HILLS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking the Attorney-General a question about the Adelaide Hills.

Leave granted.

The Hon. FRANK BLEVINS: On 20 May this year I was browsing through the Adelaide *News* and there appeared a strange photograph of part of the Adelaide Hills. Superimposed on this photograph were huge faces of Don Dunstan, Sir Thomas Playford, Sir Robert Menzies and Ben Chifley, looking down on the people of Adelaide.

The Hon. M. B. Cameron: Some of them are worthwhile.

The Hon. FRANK BLEVINS: I can only assume that the Hon. Mr Cameron supports the particular proposal, provided the faces are those he wants.

The Hon. Anne Levy: There are no women.

The Hon. FRANK BLEVINS: The Hon. Anne Levy supports the proposition, provided there are women. The photograph is accompanied by an article that is headed 'Giant sculptures "would boost tourism". Mount Rushmore plan for Hills'. The article says:

An adventurous businessman wants to see huge cement sculptures of famous Australian politicians set up on the Hills face as a major tourist attraction.

Mr Gordon Ingham, Australian Vice-President of the Flag Inns chain and managing director of a Glenunga motel, is trying to persuade State Government and private enterprise that Adelaide needs its own version of America's Mount Rushmore monument ...

Mr Ingham believes an Adelaide version of Mount Rushmore, with the heads of Australia's two most famous Prime Ministers, Ben Chifley and Sir Robert Menzies, would attract many overseas and interstate visitors.

As an alternative, Mr Ingham suggests that the heads could be of two famous South Australian political leaders, Sir Thomas Playford and Don Dunstan.

'It would be unique in Australia,' said Mr Ingham. 'It would be a beacon that tourists would see as soon as they landed at the airport.'

That is certainly true. Many comments have been made to me about this particular article and, on balance, the proposition has not met with overwhelming agreement from the people of South Australia. One would have thought that that would be the end of it. Towards the end of the article I became deeply concerned. The article says:

Mr Ingham has already had favourable verbal responses from both State Government and business circles ...

This was in a newspaper, so I can only assume that it has some credibility. Does the Government support the proposal by Mr Ingham for placing these huge sculptures on the face of the Adelaide Hills? What discussions have been held between Mr Ingham of the Flag Inns chain and the Government? Which Government officials were involved in the negotiations? What information was given to Mr Ingham regarding the particular sculptures?

The Hon. K. T. GRIFFIN: I have no knowledge of any discussions between that person and the Government with respect to this proposition. When I saw the reference to it in the newspaper I wondered whether the alleged proponent was serious. I really have some difficulty in seeing how those sorts of creations could be a boost to tourism if they were placed upon the hills face zone and observed from the Adelaide metropolitan area. I will certainly have some inquiries made. However, I wonder whether it was a serious proposition. I have no knowledge of the proposal other than what I have read in the press.

SEXISM

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General a question about sexism.

Leave granted.

The Hon. ANNE LEVY: Two days ago I attended a seminar which was conducted by the Technical and Further Education Department and which was addressed by both the Premier and the Leader of the Opposition. They discussed encouragement for girls to undertake non-traditional areas of education, particularly trade courses, courses in electronics, optics, metal work, and so on. So far, for a great variety of reasons, those areas of education have not attracted many girls. On that very same day a new magazine called *Motor Equipment News* (the abbreviation for which is M.E.N.) was drawn to my attention.

This magazine is designed to be a tabloid newspaper for the automotive repair and service industry and as such it will obviously reach many motor mechanics. It has a circulation of 100 000, which means that it will reach a large number of people. While supposedly containing information about the automotive repair and services industry, this journal also includes a photograph of a play-pet of the month and several nude photographs. There are also articles on a trade exhibition, including five photographs taken at the exhibition, every one of which has a very briefly clad female perched on the equipment displayed at the exhibition. The magazine also contains many advertisements for various automotive products; the advertisements include bikini-girls and girls in very brief swimwear adorning equipment such as tool chests, transmission gauges, abrasives and other similar mechanical items.

The second number of this journal contained several letters from readers of the first number who had objected to the photograph of the play-pet being displayed in a journal intended for this industry. However, it is fairly obvious that the whole tone of the magazine and its aim are not just devoted to the automotive repair and service industry. The highly sexist nature of the articles, the photographs and the advertisements would certainly deter any girls who had thought of entering this industry and who happened to see such a journal. This trade magazine is an example of the type of thing which would reinforce the image of male dominance in an industry which would appear not to welcome women to enter it and which would appear to make life very difficult for women who thought of entering this trade.

Will the Attorney-General, or perhaps more appropriately the Premier—in view of his remarks at the seminar on Monday, when he encouraged women to enter these non-traditional areas of the workforce—be prepared to say that he disapproves of such an approach being adopted by what is supposed to be a trade journal, in view of the discouraging effect that it will have on widening the educational horizons of those girls who wish to undertake such courses?

The Hon. K. T. GRIFFIN: There should certainly be no impediment to those women who wish to undertake courses and be involved in non-traditional areas of employment. I have not seen the newspaper referred to by the honourable member. I will certainly have the matter examined and I will refer it to the Premier who, after all, was the Minister who addressed the seminar at the Technical and Further Education College. I am prepared to closely examine the matter if the honourable member makes her copies or other copies available, and I will bring down a more detailed response.

S.A.J.C. LOTTERY

The Hon. R. C. DeGARIS: Has the Attorney-General a reply to a question I asked on 18 February about the S.A.J.C. lottery?

The Hon. K. T. GRIFFIN: The Minister of Recreation and Sport has received a full report, including an independent audit report, on the lottery conducted by the South Australian Jockey Club in conjunction with the Australasian Oaks Carnival. Both reports conclude there is no evidence of any kind of malpractice in relation to ticket control or lottery funds. Accordingly, no amendments to the Lottery and Gaming Act or regulations are proposed.

The Division of Recreation and Sport is responsible for the licensing and control of all fund-raising lotteries, conducted by approved associations, in this State. The South Australian Lotteries Commission is not equipped to perform

this task and this would be inconsistent with the present function of the commission.

ETHNIC AFFAIRS COMMISSION

The Hon. M. S. FELEPPA: I seek leave to make a brief explanation before directing a question to the Minister of Local Government as Minister Assisting the Premier in Ethnic Affairs.

Leave granted.

The Hon. M. S. FELEPPA: Signor Presidente, la mia domanda è rivolta all'onorevole Ministro responsabile per le amministrazioni comunali il quale rappresenta—

The PRESIDENT: I am sorry to interrupt the new member but I draw his attention to the fact that all speeches in the Council must be made in English.

The Hon. M. S. FELEPPA: I accept your ruling, Mr President. However, believing that I was sitting in a democratic Parliament here today as an ethnic representative, I was endeavouring only to let you realise how difficult it is to understand a foreign language and how difficult indeed it is for migrants to this State and how difficult it will be for me at times in this Chamber.

My question is related to the recent visit of the Minister Assisting the Premier in Ethnic Affairs, in company with the Chairman of the South Australian Ethnic Affairs Commission. The visit was made public by several ethnic newspapers in this State and, consequently, I was approached by several ethnic group leaders who asked me to put these questions to the Minister. I hope that the Minister will be kind enough to explain the following points: Why did the Chairman of the Ethnic Affairs Commission go overseas? Which organisations did he visit while in Italy and in Greece? Whom did he meet from those organisations? What information useful to the workings and development of the Ethnic Affairs Commission did he bring back? Will he compile a report based on his findings and make it available to interested parties? What future activity in this area does the Ethnic Affairs Commission envisage? What expenses were incurred as a result of the trip that must be paid by the State? Finally, from what departmental budgetary allocation were the funds drawn?

The PRESIDENT: Before the Minister replies, I would like to explain to the Hon. Mr Feleppa that I am sure that he will receive the utmost assistance from the staff, certainly from me, and, I feel, from all members here. If at any time there is any matter about which he is not quite conversant, we will help in any way we can.

The Hon. C. M. HILL: I think that the honourable member in his explanation directed the question through me to the Premier but later, I think, he sought information directly from me concerning specifically the visit by the Chairman of the Ethnic Affairs Commission. In view of his questions, I think I should refer them to the Chairman of the commission (and I am able to do this without reference to the Premier) and bring back a reply.

HEALTH AIDS

The Hon. G. L. BRUCE: I direct a question to the Minister of Community Welfare, representing the Minister of Health, regarding the charges for health aids, and I seek leave to make a short explanation before asking the question.

Leave granted.

The Hon. G. L. BRUCE: I have been approached by a constituent who has been on a full invalid pension for the past 10 to 11 years. He is a diabetic and lives in Bordertown, a country town in the South-East. Until recently, he used to travel to Adelaide on the train, not through choice but through necessity, where he would visit the Queen Elizabeth Hospital. There he would receive enough insulin and needles for his needs for a month at no personal cost to him other than for the train trip and the effort of getting from Bordertown to Adelaide in the one day, which to him, I assure you, was great.

Recently, however, he has found that the cost and effort involved for him to come to Adelaide once a month is proving too great a strain on him. He has endeavoured to secure his supply of insulin and needles through his local doctor, hospital or chemist, and he has been advised that there is no way in which he can obtain a supply of needles without cost. He will have to purchase them at a cost of from 25c to 30c a needle.

The Hon. J. R. Cornwall: These are syringes.

The Hon. G. L. BRUCE: Yes, and he needs a needle a day. He has to have a disposable needle and it is costing him 25c to 30c for each needle. If he is admitted to the Bordertown Hospital his treatment and hospitalisation are free. A discussion by me with an officer of the South Australian Health Commission confirmed that at present there is nothing that it can do to assist this person. I may add that I have never previously been through such a bureaucratic maze to get information. I would be happy to talk that through with the Minister. What happens when one tries to get information that one does not get anyway is unbelievable.

To me, this is blatant discrimination against a sick person who lives in a country area. Surely the machinery and goodwill of the Government should be able to ensure that a chronically sick person in the country should have at least the same access to basic medicine for his complaint as the city dweller has. Therefore, could the Minister, as a matter of urgency, take up this problem with the Health Commission with a view to removing this blatant discrimination against a sick person living in a country area and ensure that some simple process is evolved to give financial relief to chronic sufferers who must rely on medicine and syringes for relief, as applies to city dwellers?

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

SOCIAL WORKERS

The Hon. BARBARA WIESE: Will the Minister of Community Welfare say when I can expect to receive a reply to my question of 18 August 1981 regarding social workers?

The Hon. J. C. BURDETT: At the moment I am not aware of that question. If, in fact, a question was asked and not replied to, I will investigate the procedure. I will find out whether what the honourable member has said is correct. If it is correct and she has asked a question that has not been answered, it will be replied to promptly.

DISTRICT COUNCILS

The Hon. N. K. FOSTER: Has the Minister of Local Government a reply to my question regarding district councils?

The Hon. C. M. HILL: The replies are as follows:

1. Although the question relates to district councils, I supply the following information in regard to all councils in South Australia:

(a) There are 36 municipal councils.

(b) There are 91 district councils.

2. In regard to the number of electors in each council area, this information is not readily available without carrying

out an extensive survey of all council areas and I do not propose to take that action.

3. In regard to the number of staff in each council area, the information submitted concerns both administrative and outside employees. There are 1 893 full-time and 372 part-time administrative employees and 4 432 full-time and 619 part-time outside employees in local government.

QUARRY PRODUCTS

The Hon. C. J. SUMNER: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about the dramatic increase in the price of quarry products, in particular crushed rock prices, in the past 2½ years.

Leave granted.

The Hon. C. J. SUMNER: There has been a dramatic increase in the price of crushed rock and other quarry products since September 1979, when the Liberal Government came into office. In August 1979, the price per tonne of crushed rock (20 mm quartzite screenings) was $4.02. This has now increased to $7.68 per tonne on 15 March 1982. For crushed rock, there has been an increase of 90 per cent. With respect to washed sand, the price in July 1979 was $3.77 per tonne. On 1 March 1982, it was $6.75 per tonne, an increase of 74 per cent.

Ready-mixed concrete has increased by 50 per cent from $36 in June 1979 to $54.80 in February 1982. For crushed rock, there has been an increase of 90 per cent since the Liberal Government came into office, for washed sand there has been an increase of 74 per cent, and for ready-mixed concrete there has been an increase of 50 per cent.

In fact, these percentage increases could be slightly greater than that because there may have been more recent increases than those to which I have referred. They are quite staggering figures, particularly the increase of 90 per cent in the price of crushed rock. This is a staggering increase in materials which are essential in the building industry, and there is a flow-on into the cost of building and construction because of these increases. The Prices Branch of the Department of Public and Consumer Affairs has been greatly reduced since September 1979; the number of staff in that division has been halved. There is a clear case for a thorough investigation by the Prices Commissioner into these increases. Will the Minister of Community Affairs investigate, as a matter of urgency, the dramatic increase in the price of crushed rock and other quarry products?

The Hon. J. C. BURDETT: I have been concerned about the increases and have already had them closely monitored. I will continue to do that. I think that is the formal answer to the question. The increases in the costs in that industry have been dramatic, particularly wages. The cost of crushed rock in South Australia is still among the lowest in the Commonwealth. For some time previously the price had been artificially held down. It is now reaching about the level in the Commonwealth, but I have been concerned about it. The justification procedure has been going ahead. From time to time, I have called in the people from the industry to discuss the matter with them, and I will continue to do that, but I repeat that the cost in South Australia is among the lowest in the Commonwealth.

The Hon. C. J. SUMNER: I desire to ask a supplementary question. What evidence does the Minister have that crushed rock prices were previously held at an artificially low level and, in particular, can he indicate whether the profit margin of Quarry Industries, which is the major supplier of crushed rock, was any less during the time he says that crushed rock prices were artificially held down?

The Hon. J. C. BURDETT: The basis of the justification procedure has related to the cost to the industry. Profit margins have not increased. If the Leader would like me to produce the details of the profit margins as far as they are available to the department for the period going back to the term of the former Government until now, I will do so.

The Hon. G. L. BRUCE: I desire to ask a supplementary question. Can the Minister also provide the ratio of wage increases to the cost of materials? The Minister indicated that wage increases were the most dramatic increasing factor.

The Hon. J. C. BURDETT: I would have thought that that was available anyway, but I will provide that information.

DINGOES

The Hon. B. A. CHATTERTON: I seek leave to make a short explanation before asking the Minister of Community Welfare, representing the Minister of Agriculture, a question about the keeping of dingoes.

Leave granted.

The Hon. B. A. CHATTERTON: My question relates to a particular person, Mr Morris, who has been in contact with me over a considerable period about the keeping of a dingo-cross dog at Berri. The dog concerned has been castrated, and obviously cannot breed, but his owner has been told by the Vertebrate Pests Authority, which is under the responsibility of the Minister of Agriculture, that the dog will have to be destroyed.

I was pleased to read in yesterday's *News* that the Minister of Agriculture has decided that he will give a reprieve to the dog, and allow Mr Morris to register his property as a zoo so that the dog can be kept. This is, however, a bureaucratic method of trying to solve a simple problem concerning a dog which is obviously domesticated, which cannot breed and which is not doing any harm to anyone. Why cannot people keep such dogs?

The Hon. M. B. Cameron: It is your Act, and you should have had some exclusions to cover that.

The Hon. B. A. CHATTERTON: I was about to say that an obvious solution is to amend the Act to allow for a permit in such cases. When the Act comes before Parliament, as it will do soon (the Minister has said that he will be amending the Vertebrate Pests Act to allow amalgamation of the Pest Plants Authority), will the Minister consider including an amendment which allows a permit to be granted to people and which will cover the sort of case that Mr Morris has experienced?

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

WAGE PAYMENT

The Hon. C. J. SUMNER: Has the Attorney-General a reply to my question of 6 April about wage payment?

The Hon. K. T. GRIFFIN: The Australian National Railways Commission appreciates that in any pay-roll distribution involving cheques, bank account credits, etc., there is a great deal of planning, staff information and education to be undertaken. The commission also recognises the fact that there are staff who are located in areas where it will not be possible to pay by other than cash distribution. The Chairman of the commission has advised that in its endeavours to comply with Commonwealth Government directions the commission will not be overlooking the realities and importance of ensuring that all staff are properly catered for with regard to payment of salary and wages. The Chairman has emphasised that no staff will be changed to other

than cash pay unless there are adequate facilities to cope with the alternatives and the commission has ensured that all concerned understand what is involved and are able to adapt to these circumstances.

PENSIONER PROSECUTION

The Hon. C. W. CREEDON: I seek leave to make a brief statement before asking either the Minister of Local Government, representing the Chief Secretary, or the Attorney-General a question concerning the prosecution of elderly people.

Leave granted.

The Hon. C. W. CREEDON: I bring to the Ministers attention the following article that appeared in yesterday's *News*:

The Australian Pensioners League has welcomed the decision in Queensland to 'counsel, instead of prosecute' elderly people who commit minor offences. The Police Commissioner, Mr Terry Lewis, said they would no longer be charged by police. Mr Lewis said police had decided to adopt a humane attitude towards minor offenders aged 60 or over.

It is certainly a humane attitude to adopt, and I hope it will be adopted by all other States. In the meantime, what does out State Government think of the action? Will the Government examine the Queensland decision with a view to adopting this humane attitude in regard to this State's population aged 60 and over?

The Hon. K. T. GRIFFIN: I did see that article in the newspaper yesterday. For some time, I have been concerned about the number of older people who are being prosecuted for what are, in some instances, relatively minor cases. I have asked for some report to be presented to me on that very question. It will necessarily involve the Chief Secretary because decisions to prosecute minor offences lie with the Police Department. There is some element of discretion exercised already but I am not sure of the extent to which that is exercised. I will give further consideration to the question and will bring back a reply.

RAINWATER TANKS

The Hon. FRANK BLEVINS: I seek leave to make a brief explanation before asking a question of the Minister of Housing about rainwater tanks.

Leave granted.

The Hon. FRANK BLEVINS: All members of the Council would be aware of the virtual necessity in South Australia to have domestic households installed with rainwater tanks. It is certainly desirable, if not an absolute necessity. It has been brought to my attention that the Housing Trust is no longer installing rainwater tanks in its new building programme. If that is the case, it is a retrograde step and very short-sighted.

Also, I have been asked by several constituents to approach the Minister to ascertain his views on whether the tenants in Housing Trust homes who do not have rainwater tanks could, by the Minister and the Trust, be assisted in having them installed either by way of variation of rentals or by the Trust's buying tanks in large quantities and having contractors install them in large numbers, thus reducing the cost. What is the present Government's policy regarding provision of rainwater tanks in new and existing Housing Trust homes?

The Hon. C. M. HILL: To the best of my knowledge, the Trust does not install tanks even in the country areas, such as Whyalla, at the present time.

The Hon. Frank Blevins: They do in Whyalla, but I have many other constituents.

The Hon. C. M. HILL: I understand there has been some differentiation in the areas in which it is done. The present decision in this regard was not taken lightly, and I have considered all aspects of the matter. I am the first to agree that initially the provision of a rainwater tank in public housing is an ideal arrangement. However, the aspects of cost and of how much water is actually conserved in the long term must be considered. Like other amenities, the provision of these facilities is being considered. I shall be pleased to obtain the latest thinking of the Trust board on this subject. At the same time, I will refer to the Trust the possibility of some partnership being fashioned between Housing Trust tenants and the Trust regarding the provision of these facilities and some kind of financial adjustment. I will bring back a report to the honourable member.

PARKING REGULATIONS

Order of the Day, Private Business, No. 2: **Hon. J. A. Carnie** to move:

That regulations under the Local Government Act, 1934-1981, in respect of parking (amendment), made on 23 December 1981, and laid on the table of this Council on 9 February 1982, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

TRAFFIC INFRINGEMENT NOTICES

Order of the Day, Private Business, No. 5: **Hon. J. A. Carnie** to move:

That regulations under the Police Offences Act, 1953-1981, in respect of traffic infringement notices, made on 23 December 1981, and laid on the table of this Council on 9 February 1982, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

POLICE REGULATION ACT

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

That regulations under the Police Regulations Act, 1952-1978, in respect of various regulations, made on 23 December 1981, and laid on the table of this Council on 9 February 1982, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

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

That regulations under the Police Regulation Act, 1952-1981, in respect of amendments to various regulations, made on 28 January 1982, and laid on the table of this Council on 9 February 1982, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

DANGEROUS SUBSTANCES

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

That regulations under the Road Traffic Act, 1961-1981, in respect of carrying of dangerous substances (amendment), made on 17 December 1981, and laid on the table of this Council on 9 February 1982, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

TRAFFIC INFRINGEMENT NOTICES

Order of the Day, Private Business, No. 10: **Hon. J. A. Carnie** to move:

That regulations under the Police Offences Act, 1951-1981, in respect of traffic infringement notices (on-the-spot fines), made on 26 November 1981 and laid on the table of this Council on 1 December 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

DANGEROUS SUBSTANCES

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

That regulations under the Road Traffic Act, 1961-1981, in respect of carrying dangerous substances made on 8 October 1981, and laid on the table of this Council on 20 October 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

MARINE ACT REGULATIONS

Order of the Day, Private Business, No. 15: **Hon. J. A. Carnie** to move:

That regulations under the Marine Act, 1936-1976, in respect of examination for certificates of competency and safety manning, made on 3 August 1981, and laid on the table of this Council on 4 August 1981, be disallowed.

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

That this Order of the Day be discharged.

Order of the Day discharged.

OFFENDERS PROBATION ACT AMENDMENT BILL

Read a third time and passed.

DAIRY INDUSTRY ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

It is principally concerned with amendments to the Dairy Industry Act. The amendments are designed to broaden the application of the Act to include milk from goats, sheep or other animals. The previous Act refers only to cows in some sections and to cows and goats in others. Development in dairy product processing indicates that goat and sheeps milk needs to be included in this legislation.

It is found more expeditious to set licence fees by Regulation than by changes to the Act and this will now be possible for dairy farms, factories, stores or milk depots. New technology has increased the capacity of dairy processors to analyse milk in order to determine the yield of its various components. The legislation enables these components to be measured and to form the basis of future payment if the industry so desires.

Improvements in technology have also increased the range of certificate courses that have been developed for dairy factory operatives. Consequently, the certification provisions of the Act needs to be expanded to cover these new developments. There is a need to set up a fund to receive the fees or penalties prescribed by this Act and this is defined as the Dairy Cattle Fund. This fund was previously prescribed under the Dairy Cattle Improvement Act which it is proposed to repeal, and the balance remaining will be transferred to the new Act, including the method of operating on the account.

During the mid-1970s dairy factories across the nation agreed to adopt a code of practice which sets out standards for manufacture which ensure the level of protection required by consumers of dairy products in both local and export markets. The Bill will make it possible for regulations to be made incorporating the standards required under the Code. The Bill also repeals the Dairy Cattle Improvement Act, 1921-1972, and the Dairy Produce Act, 1934-1974.

The former Act prescribed licence fees for dairy bulls. The system has been accepted as now inequitable and it has been agreed that the repeal of the Act as requested by industry should proceed. The latter Act is now redundant. It has been superseded by the Commonwealth Dairy Industry Stabilization Act and quota setting for the sale of butter and cheese is not now required. I seek leave to have the detailed explanation of clauses incorporated in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3. The 'Garden Suburb' is now defined as portion of the municipality of Mitcham and the wording is redundant. Clause 4 *(a)*. The definition of 'animal' is likely to be confusing in view of the new definition of 'milk'. The present definition is accordingly removed. *(b)* The new definition of 'dairy farm' broadens the concept to include other milk producing animals besides cows. *(c)* There is no need for a definition of 'margarine' as this is dealt with in the Margarine Act. The definition is accordingly removed. *(d)* The definition for milk is expanded to include the milk from any milk producing animal.

Clause 5. Licence fees are now set out in the associated Regulations. Clause 6. The heading for sections 9 and 10 is broadened to include milk producing animals other than cows. Clauses 7, 8, 9 and 10a replace the word 'cows' wherever it occurs in various sections of the principal Act with reference to milk producing animals. Clauses 10b and 10c update the title to the Act formerly known as the Stock and Poultry Diseases Act but now known as the Stock Diseases Act.

Clause 11. *(a)* Enables milk or cream to be analysed for components other than butter fat, and for records to be kept of these test results as well as the volume or weight of the milk or cream. *(b)* Provides that the basis of the payment for milk or cream shall be according to the components as prescribed by Regulation. *(c)* Deals with the method of component estimation. *(d)* Removes superfluous words.

Clause 12. The Margarine Act and the Food and Drug Regulations cover all of the requirements for margarine, consequently there is no need for this section. Clause 13. The clause makes a consequential amendment. Clause 14. The heading to section 24 is broadened to include the testing of milk as well as cream.

Clause 15. The heading to section 24a and the content is broadened to cover any certificate prescribed by Regulation. Clause 16 enables the maintenance of a fund—formerly covered under the Dairy Cattle Improvement Act—now to be repealed, for the receipt of fees or penalties applying under this Act, the transfer of any balance from the previous fund, and the use of the funds.

Clause 17. This clause amends the regulation-making powers. Most of the amendments are of a consequential nature. However, provision is made for the adoption in the regulations of standards, as they exist from time to time, fixed by the Standards Association of Australia or the Minister. Clause 18. The Dairy Cattle Improvement Act, 1921-1972, and the Dairy Produce Act, 1934-1974, are repealed by this clause.

The Hon. B. A. CHATTERTON secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW BILL

Adjourned debate on the question: That this Bill be now read a second time:

Which the Hon. C. J. Sumner had moved to amend by leaving out all the words after 'That' with a view to inserting in lieu thereof the words 'the Bill be withdrawn and the Public Accounts Committee Act, 1972-1978, be amended to include the objects contained therein'.

(Continued from 30 March. Page 3671.)

The Hon. J. A. CARNIE: On 30 March, some 64 days ago, I commenced this speech. This must be one of the longest periods in the history of the Council in which leave has been granted to conclude a member's remarks. I am sure that honourable members have been waiting with baited breath for me to conclude my remarks. On 30 March, I was speaking about the development of Parliamentary committee systems. My belief is that such a committee system could be applied to the Legislative Council in South Australia.

During my last speech, I said that I felt that the way in which some of the committees, the Budget Estimates Committees, for example, had been set up in the Lower House could well be followed by the Upper House. I will continue on that theme. The Budget Estimates Committees are simply an extension of forming the House of Assembly into a Committee of the Whole, as has always been done. This bears no relation to how I believe a Budget review committee should operate. I make the point that both of these committees, the Budget review committee and the Public Accounts Committee (with which I was dealing on 30 March), should be made up entirely from members of the Legislative Council. I believe that the House of Assembly should not be involved in this type of committee and that it is a function which can be more effectively carried out by the Legislative Council.

This Bill for the first time recognises the contribution this Council can make, and it provides that the Statutory Authorities Review Committee be composed entirely of members of the Legislative Council. I applaud the move, and I hope that this is but a first step in making use of this Council, in addition to its traditional role as a House of Review, in an investigative role. The subject of this first review committee of the Legislative Council, which is proposed to be set up is, in my mind, a fitting one; it is that of a committee to review statutory authorities in South Australia.

The history of the establishment of statutory authorities and the reasons for their establishment is an interesting one, but is rather too long to more than gloss over at this stage. Briefly, in the eighteenth century, public administration was usually centred in boards and commissions which were not accountable to the Minister. The Minister, in turn, was not responsible for their actions. All members will agree that there were obvious defects with this system. The first defect that springs to mind is the very strong possibility and probability of corruption. These defects led to the development of Ministerial departments. A department was accountable to a Minister, who was in turn responsible to Parliament and, through Parliament, to the public.

Despite frequent public derision of the bureaucracy and its anonymity, this system provides a good method of ensuring responsibility and accountability. Nevertheless, some Government operations require independence from the Minister. These are mainly operations in the commercial field—business operations that, of necessity, should be divorced from the possibility of Ministerial interference in day-to-day decision making. This system provides a good means of reconciling Government business activity in a free enterprise society.

Statutory bodies, as defined, can vary from a single departmental officer, who has a specific statutory function, to a huge organisation such as the Electricity Trust of South Australia. There has been a proliferation in recent times to the stage where there are now about 250 statutory authorities in South Australia. The Hon. Mr Sumner, in his contribution to this debate, used a figure which he quoted from the Hon. Mr Davis that there are 249 statutory authorities in South Australia. The Hon. Mr DeGaris said that there were more than 400 such bodies in South Australia. He also went on to say that there were 1 000 or more statutory authorities in Victoria, and that in the Australian Capital Territory there were 500 statutory authorities. The Hon. Mr DeGaris said that this illustrated that there could be 5 000 such bodies in Australia. The Senate Standing Committee on Finance and Government Operations, which is a very good example of what a standing committee can do, reported on statutory authorities in December 1978. Page 93 of that report states:

As the first step, the committee set out to identify those Commonwealth statutory authorities which are in existence. Surprisingly no comprehensive list was available and the committee compiled its own by examining each piece of Commonwealth legislation.

I am sure that all honourable members will agree that that must have been a monumental task. That committee found 241 authorities plus a large number of subsidiary authorities. I imagine that the Hon. Mr DeGaris came up with his figure of over 500 from this report. About 260 of those authorities were created by the Commonwealth Government in its capacity as the local government for the Australian Capital Territory. Whether or not they should be included as statutory authorities is an open question. Certainly, there is a wide variation in the understanding of how many statutory authorities actually exist; that is an indication of the difficulty facing this Government.

First, what is a statutory authority and, secondly, how many are there? I believe that a Statutory Authorities Review Committee would have to answer those two questions first. I believe that one reason for the high number of statutory authorities is that they are a means of circumventing the constraints of Loan Council. These bodies can borrow quite extensively without the authority of Loan Council. I know that many of these bodies were set up in South Australia for this reason. I do not criticise that, because I am sure all States adopted this practice to circumvent the constraints of Loan Council. I believe that these bodies can borrow up to $1 200 000 per year without the authority of the council. Nevertheless, even though the authority concerned does not need Loan Council permission to borrow, it is not widely known that the various State Governments guarantee these

borrowings. Therefore, it is essential that a watch is kept on their operation.

One of the first functions of this committee must be to determine how much the South Australian Treasury has guaranteed for statutory authority borrowings. Other statutory authorities have been established on an *ad hoc* basis to meet a particular need at the time of their creation. It may well be that some authorities have continued when the need for their creation has passed or when there is no longer a need for their separate existence. I mentioned earlier that some operations need independence from a Minister, but that does not mean that they should be answerable to no-one. Ultimately, they must answer to Parliament and the people. Unfortunately, of the 250 South Australian authorities I am sure that many never report or, at best, report rarely.

I am sure that many members of Parliament do not know of the existence of many of these authorities. I believe that the whole purpose of this Bill is to ensure that statutory authorities are accountable to Parliament through a Statutory Authorities Review Committee. I have no doubt that it will be found that most authorities are functioning usefully and are performing well. On the other hand, there could be many that have outlived their usefulness and could be disbanded altogether or have their operations merged into another organisation or department. That would be in line with this Government's policy of deregulation.

I know that some authorities abolished by the present Government have been replaced by others, and that fact was pointed out by the Hon. Mr Sumner, who spoke at some length about how this Government had not carried out its promise of deregulation. He said that 15 authorities had been disbanded but had been replaced by 37 new ones. I do not doubt that those figures are correct. I confess that that figure is more than I would like to see, because I am a firm believer that the best Government is the least Government. Nevertheless, I must query some of the figures used by the Hon. Mr Sumner, who said that in the 10 years from 1970, 122 statutory authorities were created. He said that an average of just over 12 statutory authorities each year were created during that 10-year period of the previous Labor Government. He also said that there had been a net increase of 22 statutory authorities during the Liberal Government's 18 months in office. The Hon. Mr Sumner was obviously trying to point out that the Liberal Government's average per year is higher than the previous Labor Government's average per year. However, at that time we had been in office for 2½ years, not 18 months. The Hon. Mr Sumner said that 22 statutory authorities had been created during the Government's 18 months in office.

The Hon. C. J. Sumner: I said an average of 11.

The Hon. J. A. CARNIE: At that time the Government had been in office for 30 months.

The Hon. C. J. Sumner: There's not much in it.

The Hon. J. A. CARNIE: It works out to about 25 per cent, which is quite a bit. I accept that many of the statutory authorities that have been abolished were not of very great moment. One very major authority which was abolished and which should not have been created dealt with Monarto. That authority was abolished as soon as possible after the Government came into office.

There has been criticism from some quarters that the Government has not moved quickly enough. However, the simple compilation of a list of statutory authorities has been a monumental task. As I have already mentioned, the Senate Standing Committee found it to be a tremendous task and had to go through every piece of Commonwealth legislation to determine the number of statutory authorities in existence. Compiling such a list is bad enough, but then it must be determined whether each authority has corporate or non-corporate status, under which Act of Parliament it was created and the portfolio that it operates under. I am sure that everyone would agree that this Government has acted as quickly as it could in carrying out this particular election promise.

The question of sunset legislation was also raised, and it was promised in the Liberal election policy speech. I do not deny that, and I am sure that no member on this side would deny it. I am sure that the Government should apologise for not proceeding with this particular part of its policy. As the Attorney-General said, from the time the Government took office a detailed investigation has taken place into the best means of reviewing the operations of statutory authorities. This investigation included the question of sunset clauses in those Acts which created statutory authorities. However, the Government did not confine the investigation to this one area.

It also looked at alternatives that included setting up an independent review body, doing it by administrative action of the Government, expanding the powers of the Auditor-General, or setting up a Parliamentary committee. After a lot of consideration the Government decided, correctly in my view, that sunset legislation would be unworkable and opted for a Parliamentary committee. As I have said, there are about 250 statutory authorities in South Australia and, as the Attorney-General has said, a five-year review period would mean the introduction of 50 Bills a year just to deal with those.

Further, those responsible for the running of the authority would know when their time for review was coming up and would make sure, in the year running up to that time, that a good case could be made out for the continued existence of the authority. There are other reasons why sunset legislation is not the answer, but these were detailed by the Attorney-General in the second reading explanation and I will not go over them again. It could be that occasionally there may be a need for a sunset clause but the setting up of the committee will not affect that matter.

One case that comes to mind is the Darwin Reconstruction Commission. In the Act that set up that commission there was a termination date, which was five years after the cyclone. I have not checked but I assume that that commission was disbanded in accordance with the Act. There was also the random breath testing legislation. That has a life of three years and will have to be debated in Parliament again as to whether it continues. There are occasions when sunset legislation can be all right and the cases that I have quoted are more one-off situations that, in my view, cannot be taken as a precedent.

Dealing with the Bill, there are some matters that I want to raise. Some have been raised by previous speakers but I do not think it does any harm to raise them again. The first is clause 3, which deals with the definition of statutory authority. Both the Hon. Mr Sumner and the Hon. Mr DeGaris expressed their concern at the fact that only authorities designated by regulation would be subject to review, and I must say that I shared that concern when I first read the Bill. The same concern was expressed in the House of Assembly and I draw attention to the reply given by the Premier. I think it is important that this matter be raised again. The Premier said:

> Therefore, the general intention is that bodies will be listed rather than not listed. The provision is not there simply to exempt the bodies, but is there to bring bodies into the inquiry.

The Hon. R. C. DeGaris: It could be used to exempt.

The Hon. J. A. CARNIE: Yes. The point I make is that an assurance has been given. The Premier continued:

> The problem that arose which drew the Government's attention to the need for this requirement was quite clear when one considered the experience of Victoria, because there is some difficulty

there about deciding exactly what is a statutory authority and what is a public body. Rather than have people using some legal loophole to exempt them from review by that statutory review authority, it was decided there that it would be better not to have an open-ended body, but to have the ability to put those bodies in by regulation so that there is no confusion, no room for argument, and indeed, they are there to be investigated.

I would imagine that when it comes to the point the Government will be relying very heavily on the committee or on the Parliament, so that if Parliament or the committee decides that a body ought to be looked at, then it will move to put that body in the regulations. As I say, certainly, the emphasis is very much on bringing people into the ambit of review rather than excluding them from it. As I say, I just cannot see how there would be very many bodies that were excluded.

The fears that I had about clause 3 have been allayed and I am sure that the practicalities, as experienced in Victoria, are such that it is very wise to deal with the matter in this way. I think that the same assurance should be given in this Council and I ask the Attorney-General to give the assurance during his reply to the second reading debate or in the Committee stage.

Another query that I have refers to clause 6, which deals with allowances and expenses and provides that a member of the committee is entitled to receive such allowances and expenses as the Governor may from time to time determine. All other committees, such as the Public Accounts Committee and the Public Works Committee, have a set amount for allowances specified in the Statutes Amendment (Renumeration of Parliamentary Committees) Act or under the committee's own Act. These amounts are indexed to Parliamentary salaries and I ask the Attorney-General why there is a variation in this Bill.

I next refer briefly to clause 12, which deals with the powers of the committee in carrying out the review. This matter was raised by the Hon. Mr DeGaris and, I think, the Hon. Mr Sumner and it refers to witnesses before the committee. It specifically excludes a Minister of the Crown from being able to be called before the committee. I compare this to the Public Accounts Committee Act, section 14, which gives the committee the powers of a Royal Commission. I feel that there would be many occasions when a Minister should be required to testify.

The final matter I wish to raise concerns clause 16, which deals with staff and other resources of the committee and provides:

> The Governor may appoint, upon such terms and conditions as he thinks fit, a secretary to the committee, and such other officers or employees as may be necessary or desirable for the purposes of this Act.

I compare that to section 12 of the Public Accounts Committee Act, which provides that the Governor may, on the recommendation of the Speaker of the House of Assembly, after consultation with the committee, appoint a secretary and such other officers of the committee as are required for the performance of its function. Such officers shall, if they are not already officers of the House of Assembly, become officers upon appointment. There is this basic difference between this Act and the Public Accounts Committee Act regarding officers.

I believe that officers of a Legislative Council committee should be officers of the Council and answerable to you, Mr President, in the same way as officers of the Public Accounts Committee, a House of Assembly committee, are answerable to the Speaker. I ask the Attorney to explain why the matter has been dealt with as it has been in this Bill. I am sure that satisfactory answers can be given and these matters are not of sufficient importance to warrant amending or defeating the Bill, but I ask for replies to them.

The Hon. Mr DeGaris has amendments on the file but I will not deal with them now. That would be more appropriate in Committee, but I just make the point that I am of the very firm belief that, no matter what the composition of the Legislative Council is, whether the Government has a majority or the Opposition has a majority, the Government of the day should have the right to have the majority on committees and to nominate the Chairman of the committee.

I believe that the amendments proposed by the Hon. Mr DeGaris would give the Opposition the opportunity to have a majority on the committee, which is completely wrong in principle. It is certainly against what is done in the Senate where, under conventions, strongly held conventions, the Government of the day always has a majority and provides the chairman for all standing committees. Finally, I refer to page 95 of the Senate Standing Committee on Finance and Government Operations to which I referred earlier. Paragraph 8.6 states:

> The committee considers that the direct link which exists between the Parliament and the statutory authorities which it creates requires that the Parliament should institute satisfactory procedures to ensure that authorities are properly accountable for their actions. If these procedures do not operate, then the authorities may well, in effect, be accountable to no-one—neither to the Minister nor to the Parliament. We consider that the taxpayer is the 'universal guarantor' of authorities and that authorities should therefore be accountable to the taxpayer (through the Parliament) in at least the same way as a company is accountable to its shareholders. A primary method of ensuring this accountability is the presentation to Parliament of a comprehensive annual report.

That was done in regard to the establishment of a statutory authority review committee. Finally, I applaud this initiative of the Government. I hope that it is just the first step in recognising the important contribution that this Council can make to Parliament in an investigative role.

The Hon. R. J. RITSON: The question before the Council is the Opposition's amendment which seeks to totally emasculate and destroy this Bill and replace it with a bigger and better Public Accounts Committee which is empowered to look into statutory authorities. I oppose this amendment, because it represents a complete failure of understanding by the Opposition as to the nature of the problems besetting what is known as the subsystem. It indicates that the Opposition believes that the question is only one of book-keeping, accounting and auditing. The amendment indicates that the Opposition has failed to read any of the many texts and papers which have come to grips with the problem of the subsystem.

Without wishing to insult members of the Chamber by placing the matter in the context of the main system of government and its three branches, I nevertheless wish to go through an analysis of the main system of government for the benefit of *Hansard* readers—both of them. As honourable members are aware, there are three branches of government: Parliament makes the law; the Administration or Executive, commonly known as the Government, administers that law within the bounds of the legislation; and then there are the courts, which stand quite apart with their own set of rules and methods of accountability in performing the functions of determining disputes.

As government becomes more and more complex it becomes increasingly difficult for Parliament to encompass all foreseeable circumstances in its legislation, and so it casts its legislation in broader and broader terms and allows more and more government discretion and flexibility as a matter of necessity. As the number of disputes and the complexity of disputes began to bedevil the court system, as a matter of sheer necessity the subsystem arose. That is, the area of administrative law in which boards and officers acting with discretion and a whole manner and number of people with statutory authority arose to deal expeditiously with matters that might otherwise clog up the courts, or to deal expeditiously with matters requiring professional or technical expertise.

In many cases these bodies were set up outside the three main systems, that is, outside Ministerial control, outside

appeal to the courts and outside the Public Service. The question which arises in modern society is not the question of whether there is a subsystem or not—there has to be one. It is not a question of whether there are statutory authorities—there have to be statutory authorities. It is not even a question of how many. I was so disappointed when the Hon. Mr Sumner set the level of this debate at about high school level of 'You did—you did not', when he started to enumerate without looking at the quality of statutory authorities, seeming to be obsessed with the task of demonstrating that Governments of either Party create them.

Of course they do, and later I will be discussing the historical attitude of the two major Parties, and their attitude from year to year on this matter. Suffice to say, the nature of the problem is not whether a subsystem exists, but whether a subsystem exists under democratic control and whether it has escaped that control and become, not a subsystem, but an alternative system of government—an alternative system which grants or withholds benefits to the citizens and which is run by people who are appointed and not elected, by people not subject to questions in Parliament and by people whose records and books are not examined, so that the public dealing with the subsystem no longer have any say about how they are governed or by whom they are governed. That is the nature of the problem.

The term 'statutory authority' is not a useful term for the purposes of the argument. This Parliament itself is a statutory authority, an authority set up by an Act of the British Government and entrenched by its own acts. The proposed committee will be a statutory authority. The courts are statutory authorities, and so the list goes on, but it cannot be said that Parliament or the courts have the ability to escape from democratic control.

It was because of this difficulty of definition that the term 'QANGO' was coined. The letters in the word stand for 'quasi autonomous non-government organisation'. That means a body which is almost completely a law unto itself and which is non-government; that is, which is set up outside the main system of government. Indeed, a QANGO may perform useful purposes, but a QANGO has a certain potential to escape from public control and a potential for being abused rather than being used.

A man called Philip Holland, a member of the House of Commons, wrote an article published in the *Parliamentarian* in October 1979 called 'Hunt the QANGO'. I will quote from that article to demonstrate the sort of things that can happen to a QANGO. He makes the following remarks in this article:

> However, in the first three months of 1979, research using a variety of Government, Parliamentary, and privately financed sources revealed the names of a total of 3 068 bodies to which Ministers had made 9 644 paid appointments at a cost in fees alone of £7 285 000 and 30 980 technically unpaid appointments at a cost in expenses paid that is apparently not ascertainable.

Further in the article he remarks:

> In recent years Ministers have discovered that qango creation can be used for shedding personal responsibility, rewarding friends, expanding the corporate state, diminishing the authority of Parliament, and enabling them to retain a measure of control over the interpretation and enforcement of the provisions of their own Statutes.

Further on he made a remark which is indeed partisan. Governments of all Parties have, from time to time, held simultaneous and opposite views about the QANGO but his remarks are about the British Labor Party and he states:

> . . . and it was noticeable that after five years of Labour Government all the important Quan-guru appointments were held by dedicated supporters of the Labor Party. The Council of the T.U.C. held 200 appointments between them.

He further states:

> Thus, if undetected, a political Party can perpetuate its control over large and expanding areas of human activity even though it is defeated at the polls.

It is an interesting article and I recommend it to all members of the Opposition. It is referring to the QANGO proper, which is not synonymous with statutory authorities but is a word used to describe those statutory authorities which appear to have escaped the usual democratic controls of the Parliament, the Ministers or the courts. When we look at our list of statutory authorities in South Australia (and the most easily obtainable one is one which the former member for Mitcham managed to extract from the former Premier and is recorded in *Hansard*), it becomes very obvious. One finds advisory boards which are clearly part of the main system of Goverment. It includes the Children's Court, which clearly has its own separate method of accountability, and it names a number of bodies which are probably QANGOS.

But, in drafting this Bill, quite obviously the Government was unable to draft a definition which would pick out the QANGOS and leave the courts and the Parliament to their own system of accountability. It is because of the enormous difficulty in creating a legislative definition of a QANGO that the Government was very wise in doing two things: first, by definition it excluded the main system of Government and these provided for a listing of QANGOS as they are discovered. I want to emphasise that the purpose is to enable additions to the list as bodies are discovered to be QANGOS. If the Opposition is seriously suspicious that the list will be used to protect bodies from investigation I ask that it consider this factor: at the moment the Opposition has little or no forum for examining the subsystem. The creation of this committee not only creates the list and the examination of those QANGOS listed but also creates a marvellous political forum for the Opposition, either in public or through its membership on the committee, to place pressure on the Government to add to that list. This Bill quite clearly gives the Opposition a new political forum, a soap box on which it can stand.

The Hon. C. J. Sumner interjecting:

The Hon. R. J. RITSON: This Government is clearly offering that forum. The Hon. Mr Sumner regrettably was not listening in the Chamber when I explained to the Council the initial approach in respect of the difficulty of defining statutory authorities. He is without any understanding of the difference between the main system and the subsystem. Regrettably he reduces the debate to a school-boy level. What sort of problems are we likely to encounter in investigating the subsystem? First, the word 'system' is probably not a good word because these bodies have not grown systematically. I submit that they suffer from the Topsy syndrome of just growing without any planning. For example, we can look at statutory provisions for some of those bodies.

The statutory provisions are the only guideline we have as to how they perform. We find that the Dried Fruits Board is not required to report annually but the Metropolitan Milk Board is required to do so. We find that the Metropolitan Milk Board is audited by the Auditor-General but the Potato Board is not. We find that if one has a dispute with the Architects Board one has access to the courts but if one has a dispute with the Land Brokers Board one does not have access to the courts. One can go through great lists of these statutory authorities and discover that they do indeed suffer from the Topsy syndrome, having grown over many years. I do not think that any Government is going to abolish the subsystem. I do not think that any Government or any Party is going to stop creating statutory authorities and abolishing old ones. However, I do believe this Government, for the first time, is going to propose a system of review to try to un-topsy this system. That is very clear from the terms in which the Bill is drafted.

The Bill does not merely provide for financial inquisition and auditing. If that was all that the Government wished to do then indeed the amendment proposed by the Hon. Mr Sumner might make some sense; certainly it would give the Public Accounts Committee more staff and more power to move into QANGOS with the auditors. However, the Bill provides not merely for auditing these bodies but for investigation of a large number of other matters at the discretion of the proposed committee, which could indeed have a look at democratic controls and all manner of avenues by which these bodies can escape from the process of democracy.

Clearly the Opposition's amendment is one of the silliest bits of wordsmithing that this Chamber has seen for a long time. I am surprised that it chose to oppose the Bill using that technique. I would have thought that it would be glad to come to grips with the subsystem. I thought members opposite might have read a very good analysis of it by their former Labor Treasurer, Mr Crean. However, they chose to ignore all those issues, perhaps just to throw spanners in the works and simply attach increased auditing powers to the Public Accounts Committee.

The Hon. C. J. Sumner: It is the weakest committee that the Parliament can possibly set up. The Government determines which statutory authorities will be investigated. The Minister can refuse to give evidence and the Minister can withhold evidence from the committee. It is a joke.

The Hon. R. J. RITSON: The committee has much greater effective powers than a committee of the House would have.

The Hon. C. J. Sumner: Its powers are nothing like the Public Accounts Committee's powers.

The Hon. R. J. RITSON: The Hon. Mr Sumner is dragging red herrings across the path. He refers to the limitations of the listing system, but without wishing to consider this committee as his new-found forum, he would nevertheless be given the opportunity to put enormous political pressure on the Government, both through public statements and for his Party's membership of the committee, to ensure—

The Hon. C. J. Sumner: Is that the way you see the system operating? You see the committee as a forum for the Opposition to make political capital? That's all you think it is?

The Hon. R. J. RITSON: No.

The Hon. C. J. Sumner: That's what you just said.

The Hon. R. J. RITSON: No. It is an opportunity for you to carry out your duty to criticise the Government of the day. Are you afraid of your duty? We are giving the Opposition this forum. If that duty frightens the honourable Leader, I am sorry.

The question of Government control of the committee in terms of its numbers takes nothing away from what I have said, and it would naturally follow a large number of conventions. Unfortunately, the Opposition, while being very proud of the process of cementing convention, has, since I have been a member, demonstrated its willingness to use its numbers in this Chamber to frustrate certain measures of Government representation on committees. Some of my colleagues will be dealing in depth with that subject later in the debate. Under the Labor Government, committees such as the Public Accounts Committee followed that convention. Whether that convention will be followed in this case is in the hands of the Hon. Mr Sumner.

The Leader of the Opposition began this debate not with just one red herring, but with a sackful of red herrings which he dragged across the path at frequent intervals. He spent a good deal of time during his speech swapping numbers with members on this side of the Chamber without distinction, as to whether the statutory authority referred to was indeed a QANGO or was not a QANGO. He then spent a good deal of time finding fault with the system of Ministerial responsibility. Without wishing to follow that red herring, I point out that the question of whether the system of Ministerial responsibility is, in this day and age, a satisfactory control of the Public Service is quite a separate question from the question whether those QANGOS which are not part of the Public Service are under satisfactory democratic control. We will be dealing with this question later in the consideration of this Bill. I do not want to hear much more about the defects of responsible government in this debate, although people concerned about that might give us the benefit of their thought in some other debate when the matter is under discussion.

What the Government proposes is a systematic review of the sub-system. It will willingly list any body that it considers to be a QANGO. I am sure that it would willingly respond to any pressures by the Opposition to list an additional qango and that it would righfully resist any attempts to place the courts or the major court-like bodies, such as the arbitration and conciliation mechanism, under the scrutiny of committees such as this, as they have their own system of accountability. Their system of accountability includes the observance of precedent, the provision of legally qualified commissioners and counsel, their being open to the press, and peer group criticism in legal journals. There is quite a different system in that judicial branch of government.

I concur with the need to exclude, by provisions in the Bill, those clearly court-like judicial bodies. There is no technical definition I can cast easily that will pick up all of the sub-systems. The Government will list plenty for the committee to start on. The Government wants open government.

The Hon. C. J. Sumner: The Goverment controls the statutory authorities which can be investigated. You know it is farcical.

The Hon. J. A. Carnie: Obviously you didn't listen to me. An assurance was given by the Premier.

The Hon. C. J. Sumner: I am interested in what is in the Bill. The fact is that the committee itself cannot decide what authorities to investigate. It makes the whole thing a farce.

The Hon. R. J. RITSON: It's a fact of political life that the committee should surely be able to make enough noise and bring enough influence to bear on the Government to investigate—

The Hon. C. J. Sumner: With a Government majority on the committee?

The Hon. R. J. RITSON: I cannot rehash the argument of the political realities any further, except to restate flatly that the intention of the Government is to identify the sub-system by listing it, by adding from time to time to the list such bodies as would appear to be newly identified QANGOS. It would, as a fact of political life, respond to any reasonable and correctly-founded pressure from the Opposition to expand the list further. For those reasons, this Bill provides an exciting, new and systematic review of the system of QANGOS. It has substantial powers, whatever its defects.

The most sensible thing would be to get it up and running and for the committee to find its way. The committee can make recommendations in its report for modification of its powers. That report then becomes a public document. The Hon. Mr Sumner can appear on television and quote from the committee's first report and do all manner of things, but he does not want to do that because, for some reason, he has decided to play games with this Bill. I do not know what has been going on, but for some funny reason he is playing little power games with this.

This Bill is a good Bill. I do not believe that any Bill is perfect or that any Bill foresees everything. Doubtless there will be problems. Let us get the committee up and running and fine-tune it from there.

The Hon. L. H. DAVIS: The first time that anyone had any idea of how many statutory authorities existed in South Australia was on 31 July 1979 when the then Premier (Hon. J. D. Corcoran) set out the information as reported on page 207 of *Hansard*. That information clearly indicates that the Labor Party had little or no collated information on statutory authorities at that time. The debate that has taken place in this Chamber and in another place since that date suggests that the Labor Party is still endeavouring to get its thoughts together on this very important issue.

I believe that the report by the Public Bodies Review Committee in Victoria is a pace-setter for Australia and should be very helpful to the South Australian Government in relation to this Bill. There are many matters in that report with which I do not agree in relation to that committee's powers and authority to summarily wind up a public body. However, that report contains many worthwhile statements, particularly in relation to accountability. That committee's first report to the Victorian Parliament in 1980 stated:

> That lack of attention to the concept of accountability in a parliamentary democracy is itself cause for serious concern. But, what is even more disconcerting is the failure of those few who have addressed the question of accountability in Australia to clearly distinguish between the accountability of Parliament to its constituency (the public) and the accountability to Parliament by its agencies or the instruments through which it effects policy and raises and expends public funds. The distinction between accountability of Parliament and the accountability to Parliament is neither abstract nor merely conceptual; on the contrary it is both real and profoundly important.

The extent to which public bodies in Victoria dominate the total framework of the Victorian public sector is reflected in the fact that 60 per cent of all State capital expenditure in Victoria in the year 1978-79 was off-budget; in other words, it appeared not in the State Budget figures but in the financial statements of statutory authorities.

I have endeavoured to ascertain the position in this State. Data for South Australia in an Australian Bureau of Statistics publication indicates that the South Australian Government does not produce a consolidated table of financial statistics covering statutory authorities in South Australia. However, information gathered from various tables suggests that in 1978-79 over 34 per cent of expenditure on new fixed capital assets in the public sector was incurred by statutory authorities. Over one-third of all State fixed asset expenditure in 1978-79 was undertaken by public statutory authorities.

The accountability of statutory bodies is best manifested, at least in the eyes of the public, in the annual reports which the major public bodies are required to produce. The Victorian Public Bodies Review Committee, in its third report to Parliament on Audit and Reporting of Public Bodies, stated:

> Public body annual reports should be designed to provide information concerning the effectiveness, efficiency, comparability, finance and compliance of the body concerned. The information on efficiency and effectiveness should include reference to performance criteria and quantified targets[1].
>
> Each Minister tables in Parliament both the Annual Reports, where relevant[2], and a summary of financial and performance information for all the public bodies for which he or she is responsible.
>
> Where, for whatever reason, a public body is unable to report within four months of the required date, it should be obliged to lodge a statement explaining the reasons which prevent it from so reporting.

[1] Sample Annual Performance and Financial Reports proposed by Touche Ross for a hypothetical Waterworks Trust will be found at Appendix 3. The Committee intends to further discuss this matter in more detail in its Final Report.

[2] The Committee considers that major public bodies should be required to report to Parliament, but very small bodies, of which there are thousands, should be required to lodge an annual report at some specified public office, e.g. that of a Registrar of Public Bodies. All such returns and reports should as a matter of course be open to public inspection.

I am pleased to report that this Government has been upgrading the standards and reporting time for public bodies and this provides Parliament and the public with a reasonably contemporaneous idea of the financial performance and activities of major statutory bodies in this State. In July 1979, as I have already mentioned, Mr Corcoran listed some 249 statutory authorities, including all Government bodies, committees, tribunals, authorities, and officers. That list included, for example, the Commissioner of Highways, the Commissioner of Police, the Electoral Commissioner, the Ombudsman, the Solicitor-General and many other single statutory authorities.

On other occasions I have said in this Chamber that during the 1970s the Labor Government increased the number of statutory authorities by 119 to a total of 249. In his second reading contribution the Hon. Mr Sumner claimed that the Liberal Government's record was very similar to the previous Labor Government's record in relation to the creation of statutory authorities. In fact, on page 3456 of *Hansard*, he is reported as follows:

> In fact, its record of regulation in the area of statutory authorities in the last 2½ years is about the same as that of the Labor Party in its 10 years of office in the 1970s.

He then listed the number of statutory authorities created by the Tonkin Government and those proposed. He also listed those that have been abolished or proposed to be abolished by the Liberal Government.

I do not want to take too much time debating the definition of a statutory authority. Several bodies mentioned in Mr Corcoran's list could not be regarded as being worthy of primary consideration by a Statutory Authorities Review Committee. The Hon. Mr Sumner's list abounds with errors. He mentioned the Correctional Services Advisory Council in two places. In listing those statutory authorities abolished or proposed for abolition by the Liberal Government he omitted the following: the Constitutional Museum Trust, the South Australian Development Corporation and the Levi Park Trust.

The Hon. Anne Levy interjecting:

The Hon. L. H. DAVIS: He included the History Trust. He did not know that the Constitutional Museum Trust had been abolished. The Hon. Mr Sumner counted the Correctional Services Advisory Council twice and omitted to mention that the Liberal Government had abolished the other bodies.

In addition, at the time he made his second reading speech, the Hon. Mr Sumner should have been aware that the Government had proposed the abolition of eight governmental boards. These will be progressively abolished following the commencement of operation of the Commercial Tribunal.

So suddenly the scoreboard looks quite different. In two years and nine months the Tonkin Government has proposed and created 36 statutory authorities, not 37 and, instead of abolishing just the few that the Hon. Mr Sumner mentioned, we have abolished some 11 more than he claimed, so we have abolished, in total, 25 and created 36, a net gain over nearly three years of only 11, compared to the Labor Party's 119 in 10 years. Perhaps it is more pertinent—

The Hon. C. J. Sumner: This is a puerile argument.

The Hon. L. H. DAVIS: Perhaps it is, but I do not want to rest the case on numbers. There are plenty of other arguments to support this legislation, but in another place the Leader of the Opposition said that there had been a net increase of only three statutory authorities since this Government came to office. Mr Bannon, as reported at page 3292 of *Hansard*, said that there had been a net increase of three statutory authorities since this Government came to

office, and in this place the Hon. Mr Sumner has said something quite different. What the Hon. Mr Sumner has said is totally wrong on both the additions and the abolitions.

The Hon. C. J. Sumner: That's just not true.

The Hon. L. H. DAVIS: *Hansard* is there for all to see and I suggest that, before the Leader interjects like that, he check what his Leader in another place said and what he has said. However, the point I wish to make is that it is not a matter of numbers so much as a matter of philosophy. There is no doubt that statutory authorities *per se* are not necessarily bad. We are not saying that they are harmful. We are saying that there should be recognition of accountability and financial responsibility in this area.

The Labor Government abolished none. At the eleventh hour it proposed to abolish four very minor statutory authorities and it had no substantial election commitment to a major programme such as the one we proposed at the election and which is now manifested in this Statutory Authorities Review Committee. This legislation reflects an election commitment by the Liberal Party to bring statutory authorities under Parliamentary scrutiny, and it is fallacious for the Hon. Mr Sumner to claim, as he did at page 3456 of *Hansard,* that there was a programme produced by the previous Government for Government control and review of the statutory authorities.

The Hon. C. J. Sumner: What did I say?

The Hon. L. H. DAVIS: In his second reading speech, the Hon. Mr Sumner spent some time developing the argument that, rather than having a separate Statutory Authorities Review Committee, this proposal should be brought within the ambit of the existing Public Accounts Committee. I will dwell on this point for a time. There was quite clearly some misunderstanding of how the Public Accounts Committee operates in this State and how the committee operates in Victoria. In another place Mr Keneally, as reported at page 3295 of *Hansard,* claimed that in Victoria there was a committee of 12 members that broke down into subcommittees and that this was the scheme that the Labor Opposition here felt appropriate to implement, rather than have a new committee.

Quite clearly, Mr Keneally did not appreciate that Victoria, in creating the Public Bodies Review Committee, abolished the existing Public Accounts Committee, and created a Public Accounts Expenditure and Review Committee of 12 members. This was in addition to the creation of an eight-member Joint House Public Bodies Review Committee. The Victorian Government, having looked at the matter closely and in a bipartisan way, re-formed the Public Accounts Committee and also created the Public Bodies Review Committee.

I reject very strongly the argument that the Public Accounts Committee can simply be increased in size and the functions proposed for the Statutory Authorities Review Committee injected into that committee. There are not identical roles for the two committees. The difference between the existing functions of the Public Accounts Committee and the proposed functions of the Statutory Authorities Review Committee can be clearly seen. One can imagine the Public Accounts Committee looking, as it does, at accounts of a particular department, and I refer to the Hospitals Department, on which it produced a major report. What point would there be in expanding the Public Accounts Committee to eight members and half the committee working on looking at the accounts of a department and the other half looking at a statutory authority?

I suggest strongly that this legislation is proposed to complement the Public Accounts Committee, not to duplicate it or to compete with that committee. It will be looking at statutory authority review. The Hon. Mr Sumner claimed that the Labor Party had a strong policy in this area, yet in his second reading speech he was saying that the Labor Party really was not sure whether, on this enlarged Public Accounts Committee, members should come from the Council. That was reflected by his Leader in another place. Having said, as reported at page 3291 of *Hansard,* that it was proper for the Government to have a majority of members on an enlarged Public Accounts Committee as proposed by the Labor Party, Mr Bannon was not sure whether it should be a Joint House Committee or not—yet this is 2½ years after the Labor Party has been in Opposition. It still has not formulated a policy in this important area. That is reflected in what was said in another place, and it is reflected already in the debate that we have had in this Council.

The Bill has been described largely as a window-dressing exercise, but that is a preposterous allegation to make. It gives the committee broad powers indeed. It has the powers as set out in clause 14 of recommending the abolition of an authority. It has far greater powers than the Public Accounts Committee has in the sense of what it can recommend. Certainly, there have been arguments from the Opposition that the power to investigate any authority that it may wish to is limited; I will turn to that argument of definition shortly.

Putting aside the arguments that have been put to date in this debate and looking more specifically at the Bill itself, firstly, I point out that in clause 3, as both the Hon. Dr Ritson and the Hon. Mr Carnie have observed this afternoon, there is the initial problem of the definition of a statutory body.

The fact that it is difficult to define a statutory body is not to say that we should not have legislation to investigate such bodies. For instance, the third report to Parliament by the Victorian Public Bodies Review Committee claims that there were more than 9 000 public bodies in Victoria, and probably 1 000 could be regarded as significant. These public bodies can be divided into two categories: statutory and non-statutory bodies. In Victoria, it was claimed that there were 349 public statutory bodies, but there were many thousands of public bodies which were not created by Statute but rather were formed pursuant to Statute. This is the problem of definition.

The definition unquestionably is difficult, and so the Government, quite reasonably I would argue, in regard to clause 3, has said that, rather than attempting to define what is a statutory authority, specifically excludes such bodies as the House of Assembly or the Legislative Council or bodies wholly comprised of members of Parliament or courts, and then designated by regulation the other bodies that can be within the ambit of investigation by the Statutory Authorities Review Committee.

The Hon. Mr Sumner says that that is not acceptable. At first glance it seems to be a reasonable argument, but the fact is that it is difficult to define specifically, in terms that would provide a consensus, what would be a statutory body. Ultimately, Parliament will put pressure on the Government of the day if, for example, a statutory authority has not been included by regulation as one of those that can be investigated by the Statutory Authority Review Committee.

Parliament itself or the review committee will ultimately put pressure on the Government of the day if a major or minor statutory authority which may be the subject of some current financial controversy has not been designated by the Government as a statutory authority. Although at first sight a limited definition of statutory authority, if one looks at it realistically it becomes acceptable and is certainly a much more appropriate way to define a statutory authority than was the case in Victoria, where everything and the kitchen sink could be investigated by the appropriate committee. About 9 000 public bodies could have been investigated by the Public Bodies Review Committee in Victoria.

Secondly, I refer to the membership of the committee as set out in clause 4, which proposes that, as with the Public Accounts Committee, the committee membership shall be five in number, with three to be nominated by the Leader of the Government and two to be nominated by the Leader of the Opposition. I find that acceptable and appropriate. Certainly, I do not know of one Federal or State standing committee in Australia where the Government does not have a majority on the committee. Therefore, I simply cannot agree with the proposed amendment of the Hon. Mr DeGaris, who seeks to insert in lieu of the existing clause the identical wording that applies to the composition of the P.A.C. It is simply not appropriate to insert that wording here, because the Government of the day, as we all know from experience on both sides of the Council, does not necessarily have control of this Chamber.

Thirdly, clause 11 specifically provides the powers of the committee in terms of what it should look at—to examine the relevance of the statutory authority, whether the cost involved in maintaining the authority and its functions is warranted, whether the authority and its functions performed provide the most effective, efficient and economic system for achieving the purpose for which it was established, whether there is any duplication or overlap with existing authorities, and whether the structure of the authority is appropriate.

The committee thus has far-reaching powers and, if one reads clause 11 in conjunction with clause 14 (which provides that the committee has the power to recommend the abolition of a statutory authority, to designate the time and the method by which the authority can be abolished, to make recommendations to change the structure, membership and staffing of the authority and to improve the quality of the financial reporting of that authority), one can see that this Bill is far from being a toothless tiger, as has been alleged by the Opposition, which is still not certain of what alternative measures it will propose 2½ years after being given notice that the Government intended to proceed with implementing its election promise.

Finally, I see this as an important piece of legislation which will underline the importance of accountability to Parliament, something already reflected in the approach to the Public Accounts Committee. It is instructive in looking at the P.A.C. to note that since it was established in 1973 it has made 22 reports, and some have been significant. Eight of those reports have been made during the 2½ years of the Tonkin Government.

The Hon. C. J. Sumner: When are you going to implement your promises about an independent chairman?

The PRESIDENT: Order!

The Hon. L. H. DAVIS: The Public Accounts Committee is now more active and better equipped to fulfil its important role in reviewing departmental accounts and reports of the Auditor-General. The Government's programme on deregulation is well advanced. The third prong in its election promises on statutory authorities review is contained in this legislation, which I think will not only result in savings to the taxpayer of South Australia but also result in greater efficiency and effectiveness within the statutory authority field.

The Hon. M. B. CAMERON: I wish to strongly support this Bill, which I regard as the first step towards a committee system of this Chamber, which could be very useful indeed. Members may be aware that I was a member of the Federal Senate for a short period, during which time there were beginnings of a move towards the committee system. That committee system now operates extremely well and is regarded, both by the Federal Parliament and by people of this country, as a very important part of the Parliamentary system. In regard to this Bill it seems that the majority of members would not disagree with the need to review statutory authorities. It is a fundamental principle that must surely be agreed to not only by all members of this House but also by all members of the Parliament. There is no doubt that there is a need to look at all these bodies and subject them to some scrutiny.

I know of some statutory bodies which I consider to be either irrelevant or in need of scrutiny because they have outgrown their initial role. In fact, their role has become, in some cases, regressive. However, I do not wish to go into that sort of detail because I do not believe that that is a principle that is disagreed with by anybody in relation to this Bill. What is obviously in argument is whether this Council should have such a role. The move by the Leader of the Opposition appears to be designed either to take away the role from this Chamber or to share it with the other place. That is not a view that I would subscribe to because I believe this Chamber is perfectly capable of fulfilling the role of scrutinising statutory authorities. The second argument, and the one which I believe will be advanced if this Bill passes the second reading stage, is in regard to the composition of the Committee. We need to look at that carefully because we will be setting up a standard procedure for any other committees set up by this Council. It is the beginning of a committee system that could be quite useful.

However, if this base is not set up correctly in the beginning we will have problems forever with this type of committee. I have looked carefully at the Bill. It is obvious that it is designed to provide first an advisory role. It is not going to have a legislative role. Its findings will not be binding on this Chamber or the Government; that is important to remember. Some believe that, if the Government of the day has a majority on this committee, that will automatically bring to pass any of the committee's findings. That is not the case. If the Opposition has a majority in this place it will be able to reject the findings, which will not be binding.

The important aspect is whether the committee should work on the basis of the Opposition having control of the committee. It is important to look at the Senate system as it has been in operation successfully for some time. Before we move away from that general principle set down by the Senate we should be very careful. I refer to the Odgers Report on the committee system in the Senate. He has written a lengthy treatise on how the Senate operates and how it should operate. I refer to page 468 where he states:

> The Senate's committee system is possibly unique in that the party composition of standing and select committees does not necessarily reflect voting strength in the Senate. It is a long-standing convention that the Government provides the chairmen of committees and enjoys a majority of votes in committees, even if the Government may be in a minority on the floor of the Senate.

He further states:

> The Senate adopted a very deliberate policy of gradualism in order to gain experience of committee operation. It has worked well. The Australian Senate is now a much more effective Upper House and it can go forward with confidence in the further development of its committee system.

I have inquired as to what has happened since there was an Opposition majority in the Senate. The set-up is that in Select Committees that varies considerably. There have been Government majorities, there have been equal numbers, and so on. The basic committees of the House, that is, the Legislative and General Purpose Standing Committees, include the following:

(a) The Standing Committee on Constitutional and Legal Affairs;
(b) The Standing Committee on Education and the Arts;
(c) The Standing Committee on Finance and Government Operations;
(d) The Standing Committee on Foreign Affairs and Defence;
(e) The Standing Committee on National Resources;

(f) The Standing Committee on Science and the Environment;
(g) The Standing Committee on Social Welfare; and
(h) The Standing Committee on Trade and Commerce.

The following Standing Order applies to the above Committees:

(2.) The Standing Committees appointed pursuant to paragraph (1.) shall be empowered to inquire into and report upon such matters as are referred to them by the Senate, including any Bills, Estimates or Statements of Expenditure, messages, petitions, inquiries or papers, and, in addition, where applicable, have power to inquire into and report upon such matters as were referred to the Legislative and General Purpose Standing Committees appointed during previous Sessions and not disposed of by those Committees.

(3.) In considering matters referred to the Legislative and General Purpose Standing Committees during previous Sessions, the Committees shall have power to consider the Minutes of Evidence and records of those Committees.

(4.) *(a)* Unless otherwise ordered, each Standing Committee shall consist of six Senators, three being members of the Government to be nominated by the Leader of the Government in the Senate, and three being Senators who are not members of the Government, to be nominated by the Leader of the Opposition in the Senate or by any minority group or groups or Independent Senator or Independent Senators.

(b) The quorum of a Committee shall be three.

(c) A Standing Committee shall have power to appoint sub-committees consisting of three or more or its members, and to refer to any such sub-committee any of the matters which the Committee is empowered to consider. The quorum of a sub-committee shall be two Senators.

(5.) The particular Standing Committees in respect of which the Opposition or any minority group or groups or Independent Senator or Independent Senators make nominations shall be determined by agreement between the Opposition and any minority group or groups or Independent Senator or Independent Senators, and, in the absence of agreement duly notified to the President, the question as to the representation on any particular Standing Committee shall be determined by the Senate.

(6.) Each Standing Committee shall elect a Government member as Chairman.

(7.) The Chairman may from time to time appoint a member of the Committee to be Deputy-Chairman and the member so appointed shall act as Chairman of the Committee at any time when there is no Chairman or the Chairman is not present at a meeting of the Committee.

(8.) In the event of an equality of voting, the Chairman, or the Deputy-Chairman when acting as Chairman, shall have a casting vote.

(9.) A Senator, though not a member of a Standing Committee, may participate in its public sessions and question witnesses, unless the Committee orders otherwise, but shall not vote.

(10.) Unless it be otherwise specially provided by the Standing Orders, the reference of a matter to a Standing Committee shall be on Motion after Notice. Such Notice of Motion may be given—

It goes on to list a number of matters which are already provided for in this field. Exactly the same procedure is part of the procedure for the Estimates Committee. In each of those cases there are three members of the Estimates Committee in the Senate who are nominated by the Leader of the Government and three nominated by the Leader of the Opposition or minority groups and the Chairman of that committee is a Government member.

In other words, there are three members from each side, but the Chairman is a member of the Government. The people on the committee are nominated by the Leader of the Government and the Leader of the Opposition. They are not subject to a ballot of the Chamber. That procedure has not changed, even though the composition of the Senate has now changed from that applying when that particular Standing Order was first brought in, and that particular procedure—

The Hon. C. J. Sumner: It was three each, though.

The Hon. M. B. CAMERON: I agree with that. But they have 60 members and we have 22 members, so there is probably a very good reason for watching the numbers. Let us be quite frank. In looking at matters in this Chamber we have to look at the number of people who are on the back bench, particularly on the Government side, whichever Party may be in Government. I am sure that the Leader of the Opposition would consider that to be a relevant factor. The committee's findings do not become binding on the Government.

I have listened to the Hon. Mr Sumner and the Hon. Mr DeGaris and it appears to me that they have gone right away from the system that has operated in the Senate. I believe that that is a dangerous move for this Chamber to make. It is one that will be fraught with difficulties. The Leader of the Opposition at some stage in the future may well be the Leader of the Government. He may regret this move if he tries to force it on the Council.

He is setting about destroying the system before it even gets off the ground if he agrees to the amendments that are foreshadowed to this particular Bill. I do not believe that he understands the problems but, if he does, he is doing it for political reasons only.

To say that we should operate on the same basis as the Public Accounts Committee shows that he does not appreciate the point of the Public Accounts Committee. The numbers from the Lower House on the Public Accounts Committee are there because the Government automatically has the numbers in the Lower House. A Party is out of Government if the Opposition starts forcing numbers on it in any motion that comes before the Chamber. It then becomes a farce. In normal circumstances the situation is that the Government has the majority, whereas in this Chamber that is not necessarily the case and on many occasions in the future I am sure that that is not going to be the case, because of the way the system operates.

What we see here is an attempt to set up a second Government in this Chamber. According to the amendments I have read, we are going to have draft Bills presented to us from a potentially Opposition-dominated committee. I do not think that that is on. We have to look at this committee as an advisory committee, as a committee that will provide a very useful role—one that will be the beginning of a system similar to that introduced by Senator Murphy, a former member of the Labor Party in the Senate, and one which will operate to the betterment of this Chamber. I urge members to support the Bill.

The Hon. N. K. FOSTER: I have not been in the Chamber for the whole debate on this matter. As I understand the Bill, it envisages some sort of change in procedure. I have been in Parliament since 1975 and at times have taken it rather lightly and treated it as a joke. That is because of the role that this Chamber played for 120-odd years before I entered Parliament. It then used to decide its own hours and the length of sitting time in any one-year period (which was something like 30 hours or 30 days). The Chamber would meet at 2 o'clock in the afternoon and the Adelaide Club would decide that the sitting would conclude at 4 o'clock the same afternoon.

It has been a long time in political terms since 1975, although it is an incredibily short period. Any of us who have been in this Chamber or who have been in politics since 1975 would understand the frustration that is now felt in the general community of this State, in that they are no longer able to relate to or convey messages to the Parliament. That is tragic and is one of the reasons why politicians in this State are held as living a life of ill-repute.

The systems of this Chamber allow it, on its motion, to have people brought before the Bar of the Chamber. The Chief Justice of this State can be imprisoned for the life of the Parliament without being allowed to utter a word in his defence. That is a constitutional possibility and is an extreme example. We do not accord the people the right to put a point of view before this Chamber. That is only possible at

the instigation of this Chamber; with Select Committees and other forms of committees, the public has a right to make submissions.

Regarding the previous and present Governments, constitutional changes have been brought about over the past 10 years in South Australia in relation to the number of Ministers this Parliament can have. We have reached a stage in this State, on both sides of the political spectrum, where the people at the last two elections and the next one (as I see the polls of both Parties to date) have the right to elect no more than an Executive-type Government.

I analyse that in this fashion. When considering measures in this Chamber on extreme lines, I point out that the procedures show that one can enter into a better system of Parliament. It encroaches on the system which we have now. There are 47 House of Assembly seats. Half of that plus one is 24 members, which is a majority in the House of Assembly, and confers a right to govern. Of those 24 members, both Parties have decreed that under the Constitution 13 shall be Cabinet Ministers.

The Hon. J. C. Burdett interjecting:

The Hon. N. K. FOSTER: That does not matter. I am referring to the Government. The Government is not me and it is not the Hon. Mr Burdett. The Hon. Mr Burdett did not become a part of the Government until he was made a Minister. When the Prime Minister was challenged recently he met with his 27 Ministers in the Party room—

The PRESIDENT: Order! I ask the Hon. Mr Foster to refer to the Bill.

The Hon. N. K. FOSTER: I am referring to members of Parliament. Once a Government is elected the public thinks that the Party in office is the Government. That is not true. The Government is the Ministry, fullstop.

The Hon. J. C. Burdett: That's right.

The Hon. N. K. FOSTER: I am glad that the Hon. Mr Burdett agrees with me. Once a Government is elected it is administered by 13 Cabinet Ministers, the Government Whips and the Presiding Officers. That is Executive control, and we should be fearful about that.

The Hon. J. C. Burdett: What system do you want?

The Hon. N. K. FOSTER: There should be no more than 10 Ministers. I believe that that would cure a few ills, but it would also frustrate some members. It is interesting to note that the new Premier of Tasmania reduced the number of Cabinet Ministers from 10 to eight. We should develop a system which will allow this Chamber to exist into the next century.

The Hon. J. C. Burdett: It would if you left.

The Hon. N. K. FOSTER: I do not know where the Hon. Mr Burdett has been this afternoon. His moving from the sticks to the suburbs does not give him the right to breach Standing Orders. I object when that breach is in the form of an insult. It makes no difference whether the Hon. Mr Burdett or I leave this Chamber—the elected members of Parliament must get together in relation to this point. The luxury of playing Party politics in relation to many important matters arising in this State can no longer be enjoyed. I refer to the Dartmouth dam and the Redcliff proposals, which were treated as Party political matters.

The Hon. K. T. GRIFFIN (Attorney-General): A number of matters have been raised by honourable members which are irrelevant to this debate and extraneous to the subject of the Bill, which is to establish a Parliamentary mechanism to review statutory bodies. I do not propose to deal in any way with those extraneous matters. A number of comments have also been made about specific provisions of the Bill that are more appropriately dealt with in Committee, if we reach that stage. I draw honourable members' attention to the object of the Bill, which is to establish a committee of this Chamber to periodically review certain statutory authorities and for other related purposes. It is an initiative designed by the Government to ensure that there is some Parliamentary review of statutory bodies.

The Hon. C. J. Sumner: We don't disagree with that aim.

The Hon. K. T. GRIFFIN: I simply bring members back to the point of the Bill, rather than dealing with the extraneous matters addressed by some speakers during the course of this debate. One of the difficulties discovered by the Commonwealth and Victorian Parliaments has been an appropriate definition for 'statutory authority'. In essence, the focus has been on statutory bodies with a corporate status. The definition has been confused by a much broader reference to committees, whether advisory or otherwise, and other bodies established by Statute which have no corporate status.

The Government aims to focus on those bodies which have corporate status, although the Bill also extends to bodies established by Statute that do not have corporate status. Those bodies have a wide range of functions which impinge on the public and private sectors. The definition in clause 3 of the Bill is specifically designed to focus on bodies which ought to be reviewed, without casting the net so wide as to bring within the scope of the authority of the committee those bodies, however small, established by Statute, even if they have a merely advisory function. It is with that objective in mind that the definition of 'statutory authority' was arrived at in clause 3.

Several speakers asked why such statutory bodies should not be reviewed by the Public Accounts Committee. The Public Accounts Committee has been established for another purpose. The duties of the Public Accounts Committee are outlined in section 13 of the Public Accounts Committee Act as follows:

(a) to examine the accounts of the receipts and expenditure of the State and each statement and report transmitted to the Houses of Parliament by the Auditor-General, pursuant to the Audit Act, 1921-1966, as amended[1];

(b) to report to the House of Assembly with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the House should be directed;

(c) to report to the House of Assembly any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys;

and

(d) to inquire into and report to the House of Assembly on any question in connection with the public accounts of the State—

The emphasis of the Public Accounts Committee, by virtue of its Statute, is on finance in relation to the public accounts of this State.

The Hon. C. J. Sumner: We suggested that most of the objectives of this Bill be incorporated in the Public Accounts Committee.

The Hon. K. T. GRIFFIN: The Public Accounts Committee operates in another place and has a different function and responsibility from the focus of this Bill, which is to review the function of statutory authorities; that is quite different from reviewing the public accounts and finances of this State. I suppose it is unnecessary to do more than draw attention to the matters covered by clause 11 of the Bill when distinguishing between the responsibilities of the two committees. The emphasis of that clause is on function and performance and not on finance and public accounts.

It is my view and the Government's view that the two functions ought to be separate responsibilities of different committees and, if the Public Accounts Committee remains a committee of members of the House of Assembly, it is appropriate that this body should consist of Legislative Councillors. The Hon. Martin Cameron has made compar-

isons between the proposal in this Bill and the operation of certain committees in the Senate, regardless of who has control of the Senate, and I think that the emphasis that he has given is important to remember, considering the balance of the Statutory Authorities Review Committee, which, as that member has said, is an advisory committee, not an executive committee.

The Public Accounts Committee is not such an executive committee either; it is investigative and advisory. Comment has been made as to the powers of the Statutory Authorities Review Committee. The powers are adequately set out in clause 12, which to a large extent mirrors the powers of other boards set up by Statute in recent years. The option, I suppose, is to merely refer, as the Public Accounts Committee Act does, to the Royal Commissions Act and confer on the committee the powers exercised by a Royal Commission pursuant to the Royal Commissions Act, but I believe that it is important for this to be backed by the Act, with all the powers and functions of the committee expressly set out in the legislation so that anyone who wants to know the powers and functions does not have to go to a set of Statutes to get the total picture.

If one looks at the provisions in clause 12, one sees that the powers of the committee are almost identical to the powers conferred by the Royal Commissions Act. It is correct to say that in two areas there has been clarification. The first is the provision in the Bill that the committee may not summon a Minister of the Crown. There is some doubt about whether the Royal Commissions Act allows a Royal Commission to summon a Minister of the Crown. I know that it has been an issue on occasions but the real crunch has always been avoided. There is a strongly held view that legally the Royal Commissions Act cannot be used to compel a Minister of the Crown to give evidence, particularly if that evidence relates to a matter for which he is the Minister responsible.

The matter related to that is the power in the Bill for the Minister responsible for the administration of the particular Act to certify that production of a document or paper is against the public interest. That is akin to the concept of Crown privilege, which I think was most recently discussed in the context of the Salisbury Royal Commission. There is an interesting comment made there by the Royal Commissioner about Crown privilege, particularly in the context of the disclosure of Cabinet discussions and Cabinet information by several witnesses who appeared at the Royal Commission and gave evidence. There was certainly no obligation on them to disclose the Cabinet discussions relating to the dismissal of the then Police Commissioner.

So, it is with a view to clarifying these matters that the Government has included in the clause relating to the powers of the committee those two exceptions to its powers. There is nothing new, so far as I can see, in including them and making the position as clear a position as many believe it should be in relation to the Royal Commissions Act.

There are some other matters which have been raised by honourable members and which I think could be more appropriately raised during the Committee stage of the Bill. Suffice it to say now that this Bill is an important initiative of the Government, that it is a genuine attempt to bring statutory authorities under Parliamentary review, independent review, with a view to honouring the commitment which was given by the Government at the last State election that we would introduce a mechanism for reviewing statutory authorities. Certainly, sunset legislation was considered as one means by which statutory bodies could be reviewed, but I hasten to add that, in the place of origin of sunset legislation, the United States of America, in certain States it has in fact fallen into disrepute.

The Hon. C. J. Sumner: Why did you advocate it at the last election?

The Hon. K. T. GRIFFIN: It has been in recent times only that that has become obvious. In legislation which the Government brings before Parliament, where it is appropriate to fix a sunset clause, it will certainly do so. There is some legislation where it is appropriate that there be termination by a sunset clause.

The Hon. D. H. Laidlaw: We are a flexible Party.

The Hon. K. T. GRIFFIN: Flexible and pragmatic.

The Hon. D. H. Laidlaw: Not a mob of sticks in the mud.

The Hon. K. T. GRIFFIN: There is no doubt about that at all. We believe that this Bill will provide an effective means for reviewing significant statutory authorities in their operations and in determining whether or not they are relevant, desirable and performing a useful public function.

The Council divided on the Hon. C. J. Sumner's amendment to the question 'That this Bill be now read a second time':

Ayes (9)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, M. S. Feleppa, Anne Levy, C. J. Sumner (teller), and Barbara Wiese.

Noes (10)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, R. C. DeGaris, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, K. L. Milne, and R. J. Ritson.

Pair—Aye—The Hon N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 1 for the Noes.

Amendment thus negatived; Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. R. C. DeGARIS: I move:

Page 1, line 13—Leave out 'and' and insert 'or'.

This amendment concerns the question of the definition of a statutory authority. I listened with interest to the reply of the Attorney-General. I do not accept his arguments in relation to this clause. I also listened to the arguments of the Hon. Mr Carnie and the Hon. Dr Ritson in the second reading stage. I want to point out to them that the amendment does not in any way restrict the power of the Government in relation to expanding by regulation the list of authorities. The definition of 'statutory authority' is as follows:

> Statutory authority means a body of persons, whether incorporated or unincorporated, that—
>
> *(a)* was, or is, before or after the commencement of this Act, established by an Act (not being a private Act), or by regulations under an Act;
>
> and
>
> *(b)* is designated by the regulations under this Act as a statutory authority subject to review,

Does that not mean that the Government is in complete control of what the committee can examine, even having regard to clause 10, which provides that the committee shall review each statutory authority referred to the committee by the Governor, the House of Assembly or the Legislative Council. This means that not even the Parliament could refer a matter without the Government's agreeing by regulation that that body should be investigated.

I believe that should not be the position. If we are going to appoint a committee (and I support the concept), then for goodness sake let us have some confidence in the ability of that committee to do the job. We should not have a position whereby the Government is able to stifle any inquiry simply by not regulating or by repealing regulations in relation to statutory bodies that have already been regulated for. By substituting the word 'or' for 'and' in the definition, as proposed by my amendment, it would allow the Govern-

ment then to expand the definition where it is necessary to do so. As a number of members have pointed out, there are several groups which I have called the 'interstitial' groups and which are not established by statute. They do handle large sums of public money. Under the definition of statutory authorities, they cannot be investigated by the committee. It may well be, in the opinion of the committee and the Government, that the committee should investigate and report on those authorities.

The Hon. K. T. Griffin: Which ones are they?

The Hon. R. C. DeGARIS: I refer to the S.A.J.C. for one. That body expends large sums of money that comes from the public, and the Government may believe that it should be inquired into by the committee. The Government can then, by regulation, allow that to happen. The committee cannot do it itself. That interstitial group is a large one, and there are many groups other than the S.A.J.C. that fall into that category. The Government may wish to have them examined but it cannot do so without this regulation. That is where I see the Government's power should rest: to expand the area under investigation. I do not believe that this committee, when established, will do anything foolish in regard to what it will investigate. I suggest that the Government should have confidence in this committee's investigations, particularly when one looks further and sees that the nominations can be made by the Government itself, by the House of Assembly, or by the Legislative Council.

The Hon. B. A. Chatterton: What about charitable organisations?

The Hon. R. C. DeGARIS: The same applies.

The Hon. J. A. CARNIE: I referred to this matter in my second reading speech. I also stated that I was concerned about this clause. I considered that it would be possible to prevent the committee from examining a particular statutory body. I suppose that technically that could be done, although, as the Hon. Mr DeGaris has just said, we should rely on the competence of the committee to use its common sense about what it is going to investigate. I accept that, but I believe that we should also rely on the common sense of the Government about what is and is not going to be regulated.

It would be foolish for any Government to refuse to allow the committee to investigate a statutory authority. I accepted the explanation given by the Premier in the House of Assembly. (I read it this afternoon so I will not go through what he said) that the reason for this clause is to bring things in rather than leave them out.

The Hon. C. J. Sumner: Then agree with the amendment. That is exactly what the amendment does.

The Hon. J. A. CARNIE: So does the clause.

The Hon. C. J. Sumner: Rubbish!

The Hon. J. A. CARNIE: The clause does bring it in. It is in light of the Victorian experience that the clause is there. I will not accept that any Government, whether it be of our persuasion or of the Opposition's persuasion, will act irresponsibly. The clause allows a Government to do that and clears up any doubts that may exist about whether a particular body is a statutory authority or a public body. If there is any doubt or this is a grey area, the Government can regulate it in. That is what the Premier said in another place and that is what I asked the Attorney-General to give an assurance on in my second reading speech.

The Hon. C. J. SUMNER: I support the amendment. The whole thrust of my second reading speech was that the proposal that the Government brings before Parliament to review statutory authorities is a very weak proposal in terms of the basic principle which I was espousing and which was for Parliamentary scrutiny of Executive action. In my speech I developed a large number of arguments surrounding this general topic. I should say that I did it in a reasonable and rational way. I found that the responses that it evoked from, in particular, the Hon. Dr Ritson, the Hon. Mr Davis and the Hon. Mr Cameron were quite unsatisfactory. Indeed, from my view point they were very disappointing.

They did not attempt to come to grips with the issues that I had raised. They somehow accused me of some kind of political motive in wanting, in effect, to strengthen the capacity for Parliamentary review of Executive action. The point that I was making about this committee proposal was that it was a very weak proposal in terms of that objective and that no-one who had looked at the Act in any rational way will deny that. The fact is that its powers, compared to those of the Public Accounts Committee, are very weak, and our proposal was to have this function carried out by the Public Accounts Committee. It was not going to be a Public Accounts Committee in the same structure or form as exists at the moment. The Opposition proposed an expansion of the Public Accounts Committee's powers and its membership because we felt that it was the appropriate body, with the powers of a Royal Commission, to carry out the scrutiny that is, I believe, desirable, not just of statutory authorities but also of other organisations of the Executive arm of Government.

The Council has defeated the proposition that the Public Accounts Committee should carry out that function, and I accept that that is the position at present. However, the question now arises whether or not we are going to make this committee an effective body or whether we are going to accept what is a very weak, and I believe virtually useless, committee that is being proposed by the Government. The whole thrust of my second reading contribution was to support Parliamentary scrutiny of the Executive to ensure that that was effective, either through the Public Accounts Committee or now through this committee. Quite frankly, I was disappointed by the contributions that the Hon. Dr Ritson, the Hon. Legh Davis and the Hon. Martin Cameron made, because they distorted and misrepresented the genuine beliefs that I have in this area.

The Hon. Mr Davis chose to misrepresent the general point which I was making about statutory authorities and the increase of Government activity but it still stands. He had some quibble about the list of statutory authorities that had been created under the Liberal Government that I had inserted in *Hansard* as a result of research that I had done.

The Hon. L. H. Davis: You raised the point.

The Hon. C. J. SUMNER: I agree, and it was quite a valid point.

The Hon. L. H. Davis: It was wrong.

The Hon. C. J. SUMNER: It was not wrong, and I resent the honourable member's misrepresentation of my argument in that area. The honourable member picked out one or two things in the table which was prepared by the research service of the Parliament, and chose to criticise it. I was not attempting to mislead the Parliament over the issue at all.

The Hon. L. H. Davis: You made a big point of it.

The Hon. C. J. SUMNER: I still make a big point of it, and repeat the point, because it is a very valid one, namely, that under this Government there has been a substantial increase in the number of statutory authorities. I was making the quite legitimate and reasonable point in my second reading explanation (which the Hon. Mr Davis probably did not read) that today's society is more complex than was society 30, 40 or 50 years ago. As it becomes more technologically advanced, more mechanised and urban, there is a need for greater regulation and, whether one is a member of a Liberal Government or a Labor Government, one finds that to be the case. The figures that I put into *Hansard* when I debated this matter earlier were to indicate just that.

They proved that point conclusively, that there has been a large increase in statutory authorities under the Liberal Government. Not one speaker opposite attempted to come to grips with the issues I raised. They attempted to misrepresent the position I was putting, which was for greater control by Parliament of executive activity. The proof of our position in this matter will come in the vote on this clause.

This is one of the clauses which the Opposition says renders the Bill and the committee ineffective. The Hon. Mr DeGaris's amendment is perfectly reasonable. The Hon. Mr Carnie indicated that this clause, allowing regulations to be promulgated indicating what statutory authorities come within the purview of the committee, was included because there was a problem with the definition of 'statutory authorities'. That is a ludicrous argument. The Hon. Mr DeGaris's amendment does not preclude the Government, by regulation, from stating that certain bodies are statutory authorities.

The Hon. J. A. Carnie: So does this clause as it stands.

The Hon. C. J. SUMNER: Of course it does, but it does the other important thing: it says that the only bodies this committee can consider are those that are declared by regulation to be statutory authorities. If the Government declares no authorities, the committee has no work to do.

The Hon. J. A. Carnie: No Government would do that, and you know it.

The Hon. C. J. SUMNER: I am not suggesting that the Government would do it. I only have to state the proposition in that form as an indication to the Chamber of how much control the Government has over the committee. The Government can completely control the activities of the committee and can completely control what authorities are to be investigated.

The Hon. J. A. Carnie: Do you suggest that it would stop the committee investigating authorities?

The Hon. C. J. SUMNER: Of course it can; that is what the Bill says.

The Hon. J. A. Carnie: That is what I said: would it?

The Hon. C. J. SUMNER: It may well do so. I suspect that that is what the Government has in mind.

The Hon. J. A. Carnie: Do you disbelieve what the Premier says?

The Hon. C. J. SUMNER: I am afraid I do. I will not take the Premier's word on anything. Over the past 2½ years the Premier has been totally discredited as an individual.

The CHAIRMAN: Will the honourable member come back to the amendment?

The Hon. C. J. SUMNER: If the Premier acts in the way he says he will, that will not negate the need for this amendment. If this committee is to have any authority, it ought to be able to decide, as the Public Accounts Committee can decide, what authorities it should be looking at. That should not be a matter for the Government to decide. Under this clause, that is the position.

The thrust of my argument in the second reading debate was that the proposal in this Bill was not strong enough in terms of the basic principle that we are looking to. For that reason, clause 3 is one of the clauses which makes the committee a prisoner of the Government. I support the Hon. Mr DeGaris's amendment, because that will enable the committee to investigate what statutory authorities it wants to investigate and will enable the Government, if it feels that there is some doubt about whether a statutory authority is properly defined as such, to provide by regulation for that organisation to be deemed a statutory authority and, thereby, the committee can come under it.

The Hon. R. C. DeGaris: The Government could also regulate the bodies, which are not statutory authorities at all, under that regulation-making power if it so desired.

The Hon. C. J. SUMNER: It is a very broad regulation-making power, and it is entirely up to the Government as to what authorities it wishes to add to those authorities that could quite properly be characterised as statutory authorities. It seems to me that the amendment the Hon. Mr DeGaris has put up is perfectly reasonable. All I can say is that, if the Government and its members oppose the amendment, they are not serious about the committee being able to do its job of scrutinising authorities.

The Hon. K. T. GRIFFIN: I oppose the amendment. If one of the consequences of the amendment is as the Hon. Ren DeGaris suggests—that the Government would be able, by regulation, to prescribe groups that have received public funds—I would be most alarmed.

The Hon. R. C. DeGaris: The Government can do it now.

The Hon. C. J. Sumner: It can do that under your amendment.

The Hon. K. T. GRIFFIN: It cannot. It is not a statutory authority. The Hon. Brian Chatterton interjected at one stage and asked whether that extends to charitable bodies, and the Hon. Mr DeGaris said 'Yes'. If that is one of the consequences of the amendment, I believe that the whole matter must go back to base one for a total rethink, because it has never been the Government's intention to provide this sort of mechanism to get into the affairs of any private organisation, even if that organisation accepts large sums of public money. The intention of the definition of 'statutory authority' is not to exclude but to provide a greater certainty as to the specific bodies that can be investigated by the committee.

The Leader of the Opposition made some comments about a Government frustrating the work of the committee. Any committee of the Parliament can be frustrated by either the Government or the Opposition. To operate and work effectively, it needs goodwill. The Opposition can frustrate this committee as it can frustrate other committees by not participating and thus frustrating the quorum requirements. The Government can frustrate it by not being present and therefore not allowing a quorum to be constituted. So it is all very well to be theoretical, but one must look at this Bill in relation to the real world. I would suggest that, if the definition stands as it is, the statutory bodies that are established by Statute will be clearly indentified by regulation for all to see, and there will be no doubt at all as to what should or should not be subject to review by this committee.

The Hon. C. J. SUMNER: The Hon. Mr Carnie sought an assurance from the Attorney-General along the lines of the undertaking that the Premier apparently gave in another place. For some reason, the Attorney-General has refused—

The Hon. K. T. Griffin: That's not true.

The Hon. C. J. SUMNER: The Attorney-General has overlooked the question.

The Hon. K. T. GRIFFIN: I thought that I dealt with this in the way in which I answered the question. It is not designed to exclude: it is designed to specifically identify statutory bodies. If it does not do so to the satisfaction of the Leader of the Opposition, all I have to do is say that I endorse the remarks made in the House of Assembly by the Premier.

The Hon. R. C. DeGARIS: I refer to the question raised by the Hon. Mr Griffin in relation to interstitial groups. There are many of these groups in the community. They are not statutory authorities, but they use public money. Under the Bill it would be possible for the Government, if it so desired, to examine authorities that used public moneys but which did not come under the pure definition of a 'statutory authority'. The Government could, by regulation, ask the committee to do that.

The Hon. K. T. Griffin: It cannot do that under the present definition.

The Hon. R. C. DeGARIS: Maybe not. Whether or not it can do so under the present definition does not make much difference. The committee could be requested to look at a particular authority only by regulation. There are authorities which could not be described as statutory authorities, but the Government might want to look at them through the Statutory Authorities Review Committee. That could be done through my amendment. It is up to the Government whether or not the committee is given that power.

The Hon. D. H. LAIDLAW: I am disturbed that the Hon. Mr DeGaris's amendment could allow the Government to pry into private authorities that are receiving grants under the Industries Development Act. I expect that a number of high technology companies which are willing to sign contracts in this State may, without reason, be concerned that their affairs and activities could be investigated. I am concerned about that matter because of my involvement with the Industries Development Committee.

The Hon. L. H. DAVIS: I believe that the Hon. Mr DeGaris's amendment will expand the scope of the definition of 'statutory authorities' to include bodies which are unincorporated and which are not established by Act or by regulation. The Hon. Mr DeGaris referred specifically to the South Australian Jockey Club. If his amendment is passed, the committee could investigate the S.A.J.C. The committee could use the powers contained in clauses 11 and 14 of the Bill to recommend the abolition of bodies under review. That is quite beyond the purport of the legislation proposed by the Government.

The Hon. C. J. Sumner: The Government does not have to promulgate the regulation.

The Hon. L. H. DAVIS: I am looking ahead to a situation where a body such as the S.A.J.C. could be brought within the ambit of this Bill. Taking that example further, the S.A.J.C. already comes under the ambit of the Industries Development Committee. It is well covered by that committee, as demonstrated in recent developments within the S.A.J.C. I do not believe that it is at all necessary to extend the definition of this clause.

The Hon. R. J. RITSON: Very briefly, I wish to speak against the amendment on grounds similar to those which have already been canvassed. One of the consequences of the amendment would be that, by designating any body, whether by Statute or not, as a statutory body for the purposes of this Act there would be a general social effect, anxiety, and resentment, I suspect, amongst a large number of citizens who may be members of a private organisation that is receiving Government funding.

I wonder whether there is any interpretative problem in designating an authority that is not a proper statutory authority to be a statutory authority. I am not a lawyer, as members know, but I wonder whether that may produce a nightmare of problems in the court if it is challenged. The whole thing seems to be fraught with considerable anxiety and uncertainty. I would have thought that, if the Parliament intended to extend the powers to non-statutory authorities that are in receipt of Government funding, it ought to say so and not do so by implication. That worries me.

Regarding the question of the strength of the committee, if Parliament ultimately felt that there ought to be strict control of the list, it may look to better ways than this amendment because of other difficulties that the amendment creates, so I think that, if we were going to look to ways of expanding the list so that the committee was going to investigate private bodies, that ought to be stated.

The Hon. C. J. SUMNER: Organisations such as those that the Hon. Mr DeGaris has mentioned would only come within the ambit of the committee, first, if the Government made a regulation to that effect and, secondly, if this section was interpreted as being broad enough to cover those sorts of organisations.

The Hon. L. H. Davis: You're getting into more problems, though.

The Hon. C. J. SUMNER: I am not. I am accepting what the Government has said, namely, that designation by regulation under this Act as a statutory body is to overcome the problem of what is a statutory authority. That is the basis of it. I am accepting the definition in clause 3. All I am saying is that that should not be the only way in which the committee can investigate a statutory authority.

I am saying that where they are statutory authorities in effect, there may be legal problems about whether they are characterised as such, and the Government ought to make a regulation bringing them within the purview of the legislation. The Government's proposal is that no authority can be investigated by this committee unless the Government includes it within the authority of the committee by regulation, and it could presumably take the statutory authority out also by regulation, so it has complete control. I am surprised that members opposite cannot see this. Under the Bill, the Government has complete control, by regulation, to bring statutory authorities within the authority of the Act and to take them out of the authority by another regulation.

The Hon. Frank Blevins: Legislative Councillors are supposed to be great Parliamentarians and checks on the Government.

The Hon. C. J. SUMNER: Yes. What seems odd is that members opposite seem not able to understand that what I have said is the reality of the clause we are discussing. The Hon. Mr DeGaris' amendment is to overcome that simple problem. For that reason and on that basis, namely, that this clause is to overcome certain definitional problems, I support the amendment.

The Government could establish its *bona fides* in this situation. It could back up the Premier's statement by agreeing with the amendment. If what the Premier said in another place is what has now been endorsed by the Attorney-General—that the definition is not meant to exclude bodies but to bring them into the control and authority of the Act—then that is exactly what the Hon. Mr DeGaris's amendment does. If that is what the Premier wants, which he says he wants, and if that is what the Attorney wants, which he now says he wants, then the way that they can achieve that is by voting for the Hon. Mr DeGaris's amendment. If they do not want to achieve it, they can stick with their Bill.

Why do they have to do it by statement from the Premier when members of the Government can indicate their *bona fides* to the Committee by voting for Mr DeGaris's amendment? I support the amendment, which I believe is good.

The Committee divided on the amendment:

Ayes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris (teller), M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Progress reported; Committee to sit again.

[Sitting suspended from 6.16 to 8 p.m.]

CARRICK HILL VESTING ACT AMENDMENT BILL

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

STATUTES AMENDMENT (PLANNING) BILL

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

CONSTITUTION ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

STATUTORY AUTHORITIES REVIEW BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 4220.)

Clause 4—'The Committee.'

The Hon. R. C. DeGARIS: I move:

Page 2, line 2—After 'Council,' insert 'appointed by the Legislative Council,'.

This clause deals with the manner in which the committee is selected. If one looks at the Public Accounts Committee Act one will find that the committee consists of a certain number of members elected by the House of Assembly. I believe the same procedures should be followed in regard to this Bill. The Bill provides that the committee shall consist of five members of the Council. It then states the means by which they will be elected: three shall be nominated by the Leader of the Government in the Legislative Council or his nominee, and three shall be nominated by the Leader of the Opposition in the Legislative Council or his nominee.

I believe the committee should consist of a certain number of members but that they should be elected by the Legislative Council to fulfil that role. I do not wish to debate the next amendment, but I believe that in this clause there is what I consider to be an instance closely related to what I have referred to in two Address in Reply speeches, namely the growing dominance of the Executive over the Parliament. If we are to have a Parliamentary committee, it should be appointed by the Chamber in which that committee is established. A lot has been said in relation to how the committee is to be formed.

I agree that in the committee system in the Senate a convention has been agreed to whereby the standing committees comprise six members, three from the Government and three from other Parties, and the Chairman has the casting vote. I considered that there was a strong argument to say that this committee should have six members and follow that procedure.

The Hon. C. J. Sumner: The Chairman has a vote also.

The Hon. R. C. DeGARIS: He has the casting vote.

The Hon. C. J. Sumner: He has a deliberative vote and a casting vote.

The Hon. R. C. DeGARIS: That is right. Six members would enable the committee to break up into two subcommittees and handle quite a lot of minor work, without the necessity of the whole committee being involved. I do not entirely agree with the question of the convention adopted in the Senate. Whilst in Australia a certain policy has been followed, it is not necessary that this Council should follow the same convention. In fact, we have already established our own convention in this Chamber whereby, in relation to Select Committees, there is an equality.

The Hon. M. B. Cameron: The Senate does that, too.

The Hon. R. C. DeGARIS: Yes. We have established a clear policy and a clear convention that on Select Committees there shall be an equality. Elsewhere in the world the question of Government dominance on committees is not accepted. I refer to probably the most important committee amongst Western democracies and the first established—the Public Accounts Committee in Great Britain which is, by convention, under the chairmanship of the Opposition.

The Hon. C. J. Sumner: That's what the Government here proposed at the last election. It wanted an independent chairman, but it has not done that.

The Hon. R. C. DeGARIS: No, it has not done that. In Australia we have adopted this procedure of giving the Government dominance on committees. I do not accept that. I think that the procedure we have adopted in this Chamber already in relation to committees of this type, where there is an equality between the Government and Opposition, is fair, just and reasonable given the way this Chamber operates and the way in which it is presently elected. As I pointed out previously, the Public Accounts Committees in Great Britain is, by convention, under the Chairmanship of the Opposition. I will be quite frank about this matter: with regard to this committee, it would not worry me in the slightest if a Labor, Liberal, Democrat, or any other person in this Chamber was Chairman of the committee, because it has a specific role to perform that I think is totally outside the scope of politics.

What we are looking at here is a committee of this Chamber that is required to report to this Chamber on the question of the effectiveness and the efficiency of statutory authorities that have been established. Quite candidly, I do not think that there is any politics in that at all. Indeed, I would say that any member who served on that committee would not be interested in the political ramifications of that inquiry but would be interested in doing the best thing as far as the State is concerned. If one looks at the committees established in the American system, of course, one finds that they are equally divided right through the whole of the American Parliaments and, very often, the chairmanship of the committee is in the hands of the Party that is not at that stage in Government. I really think that it is time we broke down this attitude that is being adopted that Governments dominate entirely the committee structure.

I also point out that this Chamber will probably be equally divided between the Labor Party and the Liberal Party for some time and that we will have minority groups in this Chamber. As the clause is presently drafted, it completely denies the ability off any minority group to serve on this committee. So far as this Chamber is concerned, we should not consider that possibility. Every member in this Chamber who has an ability to serve on this committee should be considered for it, and I have sufficient confidence in the members of this Chamber to make the right decision rather than have the matter permanently in the hands of the Government or the Opposition.

The Hon. M. B. CAMERON: I wish to indicate my total opposition to this amendment. I think I indicated earlier what my views are. I indicated what is the situation in the Senate, which has a very successful committee system, one that I think, in these formative stages of a new type of standing committee in this Chamber, we ought to follow.

The Hon. R. C. DeGaris: What standing committee?

The Hon. M. B. CAMERON: Whatever one calls it. We ought to follow that system. I think that we would break away from it at the risk of jeopardising the system. I am rather surprised that my colleague has stepped into this arena of changing a Government Bill, which I think is very reasonable indeed. This is a system I have supported in the past when I was on an Opposition bench. At the request of

the Labor Party, might I say, I supported a move for the Government of the day to have a majority on all the standing committees of this Chamber.

The Hon. R. J. Ritson: It's a consistent principle.

The Hon. M. B. CAMERON: Totally consistent. That has been my view for the whole of the time I have been in this Chamber; this is not a new thing. When we held the numbers in this Chamber as an Opposition, I quite deliberately agreed to the Government's having a majority on standing committees because I strongly believe that the Government should have that majority.

As I said earlier, that does not mean that the Opposition does not have a voice. If the Government uses its numbers in an irregular fashion, or in a way that cuts across what should be the proper thing for the Chamber to decide, it comes back to this Chamber and the Chamber can reject that and debate the matter, and the public can reject it, also. That is the important thing—that after it has been through all the system of the Parliament the public, which is not stupid, can decide whether what we are saying is right or wrong.

The important thing is that we should not step away from an established system which exists in the Federal Parliament and which is working. If we do, we are stepping into unknown territory which, in the formative stages, would be a pity, as it could jeopardise the potential movement of this Chamber towards a committee system. I say again that I reject absolutely this move and trust that my colleague will see the error of his ways and not proceed with his amendment.

The Hon. D. H. LAIDLAW: In part, I support the amendment of the Hon. Ren DeGaris and refer to the Industries Development Act as introduced in 1941. The relevant provision states that the members of the committee shall be two members of the Legislative Council, one of whom shall be selected by those members of the Legislative council that belong to a group led by the Leader of the Opposition in the Council. As this Bill is drafted, the thing I do not like is that they shall be nominated by the Leader of the Government. I believe that the Party rooms ought to have the right to elect the people who will represent the Government and the Opposition. It states here that three members of the committee shall be nominated by the Leader of the Government and not elected by the Party room.

The Hon. Frank Blevins: It's the same thing.

The Hon. D. H. LAIDLAW: I do not think it is the same thing.

The Hon. C. J. Sumner: It is in ours.

The Hon. D. H. LAIDLAW: I ask the Attorney-General to consider using the same wording as is used in the Industries Development Act.

The Hon. J. A. CARNIE: I reiterate what I said in my second reading speech, that I strongly believe that the Government of the day has the right to have control of committees. I support the Hon. Martin Cameron in saying that we have been consistent in this. I have been in this Chamber since 1975 and have always said that the Government should have control. I said in my speech this afternoon that Senate committees have, by convention, had the majority on committees and, also, the chairman. That was quoted from Hodges *Australian Senate Practice* of 1976. Apparently, since then, it has altered a little, since there is an equality of members but with the Chairman, who is also a Government member, having the deliberative vote.

The Hon. R. C. DeGaris: Will you move an amendment along those lines?

The Hon. J. A. CARNIE: I do not intend to move an amendment along those lines, because this Bill provides for a Government majority on the committee. It is done in a slightly different way from the Senate, but the Senate has altered its original method. Originally, it had a majority of Government members and a Chairman. Now it has an equality of members, but the Chairman has a deliberative as well as a casting vote. I make the point that the Hon. Mr DeGaris said that, under the Bill as drafted, minority Parties can have no say.

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

The Hon. J. A. CARNIE: I do not think that is correct, because subclause (2) *(a)* provides:

> three shall be nominated by the Leader of the Government in the Legislative Council or his nominee;

That does not mean that all three shall be Government members. Subclause (2) *(b)* provides:

> two shall be nominated by the Leader of the Opposition in the Legislative Council or his nominee;

How do we know they will both be—

The Hon. C. J. Sumner: Grow up!

The Hon. J. A. CARNIE: The Leader was saying earlier this afternoon in regard to clause 3 that he accepts that that is the definition of statutory authority. He accepted that the Government would probably not deliberately regulate out statutory authorities, and that it would, in most cases, be regulated in, rather than out. I am sure that at some stage during his rather long speech he said that. The point is that it is possible. If one is to talk about what is possible in a Bill, then that is written in.

The Hon. Mr Laidlaw raised the question about the Leader of the Government and referred to the Industries Development Act. I imagine that in most cases it is not the Leader of the Government or the Leader of the Opposition who makes the nomination; it is in the Party room that decisions are made as to what is done, and this applies equally to both sides of the Chamber.

The Hon. C. J. SUMNER: I accept what has been said by honourable members, namely, that there is a provision in Federal Parliament, and certainly in this Parliament, that on standing committees there is an inbuilt majority for the Government, either because there are more Government members than Opposition members or because the Government has, as in the Senate, an inbuilt majority because the Chairman has two votes, both a deliberative vote and a casting vote, if he needs it. There is no question that that has been, to my knowledge, both in the South Australian Parliament and in the Federal Parliament, a tradition which has been built up.

In building up that tradition, Governments probably have been somewhat over-sensitive. It may be that a case can be made out for committees which do not necessarily have an inbuilt Government majority, but that certainly has not been the tradition. In the United Kingdom, a more open view of the situation is taken in relation to this matter and, as the Hon. Mr DeGaris pointed out, the Public Accounts Committee there must be chaired by a member of the Opposition.

The United Kingdom also takes a different view, for instance, on the position of Speaker or President. In the House of Commons, once a Speaker is elected to that position, there is then a convention that his seat is not contested at a subsequent election and he holds that position while he has the confidence, as he generally does, of the House. That may be possible in a House with 630 members. It is much more difficult to try to create such a tradition in a House the size of this or the size of the House of Assembly, or possibly even the size of the House of Representatives.

Different traditions operate. There is no question that in the Australian Parliament and South Australian Parliament in respect of standing committees, there has been an inbuilt Government majority. That applies to the Industries Development Committee. It applies by convention to the Subordinate Legislation Committee. There was an attempt some years ago by the Opposition to try to get away from putting

a Government majority on the Subordinate Legislation Committee. That, in fact, did happen.

The Hon. R. C. DeGaris: That is not quite true.

The Hon. C. J. SUMNER: There was an equality—

The Hon. R. C. DeGaris: The Chairman of the committee had a casting vote.

The Hon. C. J. SUMNER: Whatever it was. There was an attempt by this Chamber to provide the Opposition with a majority on the Subordinate Legislation Committee by increasing the numbers of the Opposition on that committee. Eventually that proposal was not proceeded with, and the general proposition that the Government have the majority on that committee was reasserted. The Public Accounts Committee has an inbuilt majority of Government members. Section 3 (2) of the Public Accounts Committee Act provides:

> The committee shall consist of five members of the House of Assembly who shall be appointed by the House of Assembly and of whom not less than two shall be so appointed from the group led by the Leader of the Opposition.

So, if the Government wants to have a majority on the Public Accounts Committee, then it obviously can. If it were generous enough to put a minority Party person or an Opposition Party person on, that is within the capacity of the Government in the House of Assembly with respect to the Public Accounts Committee. In practice, that is most unlikely to occur. In those three committees I mentioned, there is an inbuilt Government majority. That has been the tradition in this State.

The question is whether or not that tradition should be broken in this Bill. On balance, I do not believe that it should be. The convention has altered to some extent in this Chamber with respect to Select Committees where it has now been established over some time that Select Committees of this Chamber are constituted by equal numbers from the Government and the Opposition. That practice developed during the time of the Labor Government and, despite the fact that there have been one or two attempts to alter it since the 1979 election, the position has always been upheld that there should be equal numbers. On all the Select Committees that have been set up since September 1979, there have been equal numbers of members from the Opposition and Government Parties.

The Hon. R. C. DeGaris: Before that.

The Hon. C. J. SUMNER: Yes, I know, but I am saying that at least since 1979 that has been the case, despite the fact that during that period there were attempts to build in a Government majority on Select Committees established in this State. Since 1979, it has been three-all and before 1979 for some time it was also three-all.

The Hon. K. T. Griffin: A gesture to the Government by the Opposition in 1975.

The Hon. C. J. SUMNER: That may well be, and gestured perhaps by the Opposition to the Government in this case. The only significant Select Committees set up in this Chamber since 1979 have been promoted by the Opposition, with the support of the Australian Democrats. The Government has not promoted one Select Committee in this Chamber of any great significance since 1979, apart from the odd Select Committee dealing with local government boundaries or a Select Committee on a hybrid Bill, where it was forced to establish a Select Committee.

The Hon. K. T. Griffin: The previous Government did not establish any.

The Hon. C. J. SUMNER: I am not interested in that issue. All I am saying is that this particular group of people opposite, when they were in Opposition, talked about Select Committees a lot and wanted Select Committees set up. Now that they are in Government, they do not want Select Committees, even when it is perfectly reasonable that—

The Hon. M. B. Cameron interjecting:

The Hon. C. J. SUMNER: I am not trying to make a political point about the situation. Whether honourable members like it or not, since 1979 there has been not one Select Committee of significance established as a result of a move by the Government.

The Hon. G. L. Bruce: It even boycotted one.

The Hon. C. J. SUMNER: Indeed, it even boycotted one.

Members interjecting:

The CHAIRMAN: Order!

The Hon. C. J. SUMNER: The point I was making was that the tradition in relation to Select Committees seems to have settled down on equality of numbers. That has been the situation now, for whatever reason, since before 1979, certainly since 1979. It may be that the reason is that—

The Hon. Anne Levy: Since 1975.

The Hon. C. J. SUMNER: Yes, it may be since 1975. That may be because the Opposition has granted the Government that indulgence. This will be a standing committee and, as is traditional, it will have a majority of Government members. I believe that this committee should follow the formula used for the establishment of the Public Accounts Committee, which has an inbuilt majority of Government members. There should be five committee members: three appointed by the group led by the Leader of the Government in this Chamber and two appointed by the group led by the Leader of the Opposition in this Chamber. Members of this Chamber elect the membership of Select Committees in the ratio prescribed by the legislation.

The Hon. R. J. Ritson: That excludes the Democrats.

The Hon. C. J. SUMNER: At this stage that excludes the Democrats. There is only one Democrat in this Chamber, so it is most unlikely that, without the consent of one of the major Parties, the Democrat would be represented on a committee.

The Hon. D. H. Laidlaw: Who wants them, anyway?

The Hon. C. J. SUMNER: That was suggested by the Hon. Dr Ritson. It could be that he is thinking of changing his allegiance.

The Hon. R. J. Ritson: It was not a suggestion—I was referring to one of your earlier objections, which you have now changed.

The Hon. C. J. SUMNER: What is the earlier objection that I have now changed? The Hon. Dr Ritson obviously does not listen—he rarely does. I oppose the Hon. Mr DeGaris's amendment.

The Hon. R. C. DeGaris: Surely you will support the first one.

The Hon. C. J. SUMNER: I oppose the Hon. Mr DeGaris's overall amendment. In due course I will move an amendment to provide that the committee will consist of five members—three will be appointed by the group led by the Leader of the Government in this Chamber and two will be appointed by the group led by the Leader of the Opposition in this Chamber. That formula is in line with the formula used by the Public Accounts Committee. I do not know how members opposite elect their members to various committees. The Leader of the Labor Party in either House would not nominate anyone without some kind of Party election. It may well be that the Leader of the Government, the Hon. Mr Griffin, takes it upon himself to appoint members without any election in the Party room. The difference may not seem to be very great, but I believe that it is significant. I do not believe that the Committee should support the Hon. Mr DeGaris's amendment.

The Hon. FRANK BLEVINS: For the sole reason of practicality, I regret that this Bill and the various amendments do not provide for six members of this committee. The argument that a committee of six members could split into two groups and deal with separate issues or parts of the same issue in a more efficient way is overwhelming. It

is a pity that the various competing Parties and individuals within this Chamber have decided not to go ahead with that eminently reasonable and sensible proposition. If the Government is so paranoid that it must have a majority on this committee, it could give the Chairman a deliberative as well as a casting vote.

The sheer mechanics of this committee demands six members. If this committee is established I hope that its membership will be reconsidered in the future. The Government, the Opposition and the Hon. Mr DeGaris obviously want a majority of Government members on this committee because, quite frankly, we are not mature enough as political Parties to trust our members of Parliament. We are scared that members of Parliament will act irresponsibly on these committees and use them to embarrass the Government. Opposition members may see their role on this committee as a means of embarrassing the Government.

In the seven years I have been a member of Parliament I have seen no evidence to suggest that that will occur. I may be naive, but I certainly have enough confidence in my fellow members of Parliament to be quite certain that that will not occur. Apparently, everyone is scared that it will occur. Several highly contentious issues have come before this Parliament which have resulted, metaphorically speaking, in members being at each others throats. I have been a member of about 10 or 20 Select Committees since I entered this Chamber (in fact, they seem to be never-ending since this Government came to power). I have not seen one member of any of those Select Committees play politics during a committee hearing. I note that the Hon. Mr Cameron is smiling. I point out that I was not a member of the uranium select committee, so I believe that my statement stands. I have never been a member on a Select Committee with the Hon. Mr Cameron.

The Hon. M. B. Cameron: What about the random breath test committee?

The Hon. FRANK BLEVINS: Yes, I forgot about that. That was a highly contentious committee which was forced on the Government by the numbers in this Chamber.

The Hon. M. B. Cameron: It was well led.

The Hon. FRANK BLEVINS: In spite of the leadership of that committee it acted in a non-political way and I believe came up with a far better Bill than the original Government proposal. I totally support the concept of the Bill. I would like to have been in a position to support the concept of six members, with or without a Government majority. If members were so paranoid as to think that that were necessary, I would put up with that. This committee will have to do an awful lot of detailed work and, in my opinion, the practicalities demand six members so that they can be split into two committees. In the wash up of this Bill before it is disposed of, if that sensible suggestion is made again, I hope that the Government will consider it. Obviously, I will be supporting the amendment moved by the Hon. Mr Sumner. There is a precedent for it in the Public Accounts Committee Act.

The Hon. R. C. DeGaris: He hasn't moved the amendment.

The Hon. FRANK BLEVINS: We are dealing with the clause. I do not believe that there is a significant difference between the amendment moved by the Hon. Mr Sumner and the one moved by the Hon. Mr DeGaris, or, indeed, that there is a difference between them and the provision in the Bill. It seems to me that perhaps it could have been easier to say 'elected from a group'. That would have been far less offensive to the Council, but I am convinced that it means the same thing and that is why I am voting for it. If the word 'elected' could have been used, I would not have had this wrangle with myself. I am convinced by the Hon. Mr Sumner but I would hate to check the matter in the dictionary for confirmation.

Obviously, there would certainly be a Party room election for members on this side, so the Labor Party members will be elected by one means or another. I feel that, in establishing a committee like this, we are in danger of losing an opportunity to do something worth while in a non-Party-political way that would have assisted the taxpayers of this State to perhaps get better value for the tax dollar. I suspect that soon after the next election we will be able to sit down in a calmer atmosphere and improve on what goes through the Council, if anything does.

The Hon. L. H. DAVIS: The unusual number of speakers on this clause reflects the novelty of the amendment moved by the Hon. Mr DeGaris in that it introduces a possible Government minority on the committee.

The Hon. R. C. DeGaris: I have only moved one amendment so far.

The Hon. L. H. DAVIS: Most members have been addressing their remarks to the amendments to the clause proposed by the Hon. Mr DeGaris. Far from broadening the possible composition of the committee, those amendments narrow the clause regarding the membership of the committee. The Government proposal enables the Government and the Leader of the Opposition to include a member of a minority Party in their nominations if they wish. However, by the Hon. Mr DeGaris's amendment, not fewer than two members shall be nominated from the group led by the Leader of the Opposition in the Legislative Council. I would suggest that the Hon. Lance Milne could not be included in this group, and I support the Government proposal.

The Hon. R. C. DeGARIS: The first amendment I have moved is to provide that the committee shall consist of five members of the Legislative Council appointed by the Council. I think that that is an important principle that should be adopted. It is exactly the same as the provisions in the Public Accounts Committee Act and the Industries Development Act.

The CHAIRMAN: I have allowed discussion of the whole clause and I hope that the whole matter will not have to be rehashed on the second amendment.

The Hon. C. J. SUMNER: That was a very sensible course of action, Mr Chairman. I ask the Hon. Mr DeGaris what he means by 'appointed by members of the Legislative Council'. What is the mechanism by which that would be carried out and does he think that that is different from my amendment, which talks not about being appointed by the Legislative Council but only about being appointed from the group led by the Government or that led by the Leader of the Opposition in the Council?

The Hon. R. C. DeGARIS: Candidly, I do not think there is any difference but I am following the same drafting as that in the Public Accounts Committee Act and the Industries Development Act. That is that the committee shall consist of five members appointed by the Legislative Council.

The Hon. C. J. Sumner: How will they be appointed?

The Hon. R. C. DeGARIS: I cannot answer that.

The Hon. C. J. Sumner: Will there be a ballot?

The Hon. R. C. DeGARIS: It will be by nomination. Nominations will be made by the Opposition and by the Government but they will be appointed by the Legislative Council, and I think that that is important.

The Hon. C. J. Sumner: By a motion, or by the Government?

The Hon. R. C. DeGARIS: It depends on whether anyone else stands. If anyone else stood, there would be a ballot.

The Hon. C. J. SUMNER: I am looking for information rather than trying to upset the Hon. Mr DeGaris or anyone else. What is the practice, with this form of words in the Public Accounts Committee Act, adopted in the House of Assembly? Is there a ballot or is the matter dealt with by motion? Does the Leader of the House move that the five

members be appointed to the Public Accounts Committee, or is there an actual ballot?

The Hon. R. C. DeGARIS: I would think that, in regard to the Public Accounts Committee, what happens is as the Leader has said, that the nominations are made by the Leaders and the motion is carried, but if there are more nominations than the required number there must be a ballot.

The Hon. K. T. GRIFFIN: I have been interested to allow the debate across the Chamber to flow backwards and forwards. A number of interesting concepts have been raised by members and probably there are numerous others if one cares to stretch one's mind to other alternatives. If the first amendment moved by the Hon. Mr DeGaris is carried, the present clause 4 (2) *(a)* and *(b)* would remain. It raises further difficulties as to how the membership of the committee could be established if members of the Council decided that they would not appoint.

I have considered the amendment which the Hon. Mr DeGaris has moved in the context of all his amendments affecting this clause, as I have also been considering the points made by the Leader of the Opposition, that it is all part of a package. Either one package falls and the other stands or both packages fall; otherwise we have some complexity in drafting, which means that the whole thing may ultimately be meaningless.

I still believe that there is merit in the Government's proposition which is embodied in this Bill and, accordingly, I would want to maintain my support for what is in the Bill. I concede that the Hon. Mr Laidlaw's points are worth considering, but it was always intended that the nomination by the respective Leaders would be after consultation with respective Parties. Certainly, with respect to the Leader of the Government, whilst I am Leader of the Government I would have envisaged that that would be in full consultation with and with the support of the Government Legislative Council Party room.

The Leader of the Opposition indicates that that is going to be the same on the Opposition side whilst he is Leader of the Opposition, so we seem to be of the same mind and, in fact, the spirit of what the Hon. Mr Laidlaw has referred to will be honoured if the Bill is passed as it stands. I imagine that what ultimately comes out of this clause and the various amendments before us, if not in the form which is presently in the Bill, may be the subject for further discussion at a later stage.

The Hon. R. C. DeGARIS: As I see my amendment, it is applicable to the amendments that I will be moving subsequently, and it is also applicable to the amendment to be moved by the Hon. Mr Sumner. If both our amendments are defeated we will have to look at the situation again. If either of our subsequent amendments is carried, then the clause as it stands will be a reasonable clause.

The Committee divided on the amendment:

Ayes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris (teller), M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon M. B. Dawkins.

Majority of 3 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

Page 2, lines 3 to 7—

Leave out paragraphs *(a)* and *(b)* and insert paragraphs as follows:

(a) not less than two shall be appointed from the group led by the Leader of the Government in the Legislative Council;

and

(b) not less than two shall be appointed from the group led by the Leader of the Opposition in the Legislative Council.

From the discussion so far on this clause it is clear that the Opposition will not support my amendment.

The Hon. C. J. Sumner: That's right.

The Hon. R. C. DeGARIS: I am equally certain that the Government will not support it, yet I believe that it is reasonable and just. For the benefit of the Hon. Mr Milne my reason is that, under the Government's Bill and the Opposition's amendment, there is exclusion from representation on the committee of any person who is not an A.L.P. or Liberal Party member.

The Hon. C. J. Sumner: He can join up.

The Hon. R. C. DeGARIS: From the way the Leader has been talking I doubt whether the Opposition would have him. It cannot and should not be supported that a person who does not belong to one of the two major Parties is excluded by the actual wording of the Bill.

The Hon. J. A. Carnie: That's not so.

The Hon. R. C. DeGARIS: It is, and the honourable member knows it.

The Hon. L. H. Davis: They're excluded under your amendment.

The Hon. R. C. DeGARIS: No. At least in my proposal it gives the minor Parties a chance of being represented if the Government supports the question of a minority Party member on the committee. The point that I make is that it would be foolish if I persisted with my amendment because of the attitude that has been expressed. I agree that the wording of the Hon. Mr Sumner's amendment is preferable to that which is in the Bill and, if he moves it, I will support that change. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Page 2, line 3—Leave out 'nominated' and insert 'appointed from the group led'.

I am disappointed that the Hon. Mr DeGaris is not insisting on his amendment. I was looking forward to seeing him and the Hon. Mr Milne doing a glorious tandem on the benches opposite but apparently he is going to deprive us of that enjoyable sight. In those circumstances I move my amendment which will replace the method proposed in the Bill with the method used for appointing members of the Public Accounts Committee. The arguments have been canvassed.

The Hon. K. T. GRIFFIN: I formerly indicate that my preference remains with the provisions in the Bill before us. For that reason I will be opposing the amendment.

The Committee divided on the amendment:

Ayes (12)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris, M. S. Feleppa, D. H. Laidlaw, Anne Levy, K. L. Milne, C. J. Sumner (teller), and Barbara Wiese.

Noes (7)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 5 for the Ayes.

Amendment thus carried.

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

Page 2—

Line 4—Leave out 'or his nominee'.

Line 6—Leave out 'nominated' and insert 'appointed from the group led'.

Line 7—Leave out 'or his nominee'.

The Hon. K. T. GRIFFIN: In most respects I disagree with the Leader. For the sake of moving the matter along I indicate that if these amendments are carried on the voices I do not intend to call a division although I certainly oppose the amendments.

Amendments carried; clause as amended passed.

Clause 5—'Removal from, and vacancies of, office.'

The Hon. R. C. DeGARIS: In regard to my foreshadowed amendments I point out that the philosophy has already been established by the amendments carried. The first amendment refers to lines 38 and 39 in accordance with subclause (4) which deals with the question of appointments upon the nomination of the Leader of the Government in the Legislative Council. I believe this amendment fits in with the general philosophy already established.

The Hon. C. J. Sumner: No, it does not.

The Hon. R. C. DeGARIS: Perhaps the Leader could explain where it does not.

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

Page 2, line 41—Leave out 'upon the nomination of' and insert 'from the group led by'.

I believe Mr DeGaris's first amendment to clause 5 is inconsistent with what we have already passed. I put it in the same category as the consequential amendments which we have just dealt with. My amendments to clause 5 should be passed because my amendments substitute the words 'upon the nomination of' with the words 'from the group led by' wherever that appears in subclause (4). Subclause (4) deals with the membership of the committee and the method of replacing a member. The replacement of the member under my amendment is from the group led by the Leader of the Opposition or the Leader of the Government.

The Hon. R. C. DeGARIS: It is quite unusual but the Leader is absolutely correct.

The Hon. K. T. GRIFFIN: The Leader's amendments are consistent with the amendments he moved in relation to clause 4. I have already spoken at length on the Government's attitude to the amendments. Accordingly, I indicate that, as the Leader's amendments have been carried on clause 4, whilst I oppose the amendments to clause 5, we will not divide.

Amendment carried.

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

Page 2, lines 42 and 43—Leave out 'upon the nomination of' and insert 'from the group led by.'

Amendment carried.

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

Page 3, lines 1 and 2—Leave out 'upon the nomination of the Leader of the Opposition in the Legislative Council' and insert 'from that group'.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—'Chairman.'

The Hon. R. C. DeGARIS: As the Bill does not follow the general philosophy that I foresaw in the amendments I drafted, I think I should defer to the Hon. Mr Sumner at this stage so that his philosophy for this Bill should follow through to clause 8. From what we have done so far, clause 8 would not follow the amendments previously passed and I think that Mr Sumner should look at amending clause 8. I point out that, as far as the Public Accounts Committee is concerned, the Chairman of that committee is appointed by the committee itself and I am in favour of that position.

The Hon. C. J. SUMNER: The Hon. Mr DeGaris had proposed an amendment to clause 8 the effect of which would have been to provide that the Legislative Council may from time to time as required appoint a member of the committee to be Chairman of the committee. His amendment would have meant that any member of the Council who was on the committee could be the Chairman of the committee. The scheme I put up had as its basis a majority of Government members on the committee. That has now been carried, as were all the subsequent amendments concerning the filling of casual vacancies. The only question is whether or not in clause 8 there is a need for some amendment which is consequential upon the earlier amendments carried on my motion. Rather than hold the Committee up at this stage, I ask the Attorney whether he is prepared to pass over this clause to enable me to decide whether there is any need for a consequential amendment and to allow me to recommit the clause at some later time.

The Hon. K. T. GRIFFIN: I am prepared to do that, although, personally, I see no difficulty with clause 8 as it stands. It does ensure that the Chairman will come from the Government group on the committee and the appointment is, of course, formally made by the Council even though it is on the nomination of the Leader of the Government. I would have thought that it is an effective mechanism, but I am prepared to move that consideration of clause 8 be postponed until after clause 20 if that will assist the Leader.

Consideration of clause deferred.

Clause 9—'Meetings of the committee.'

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

Page 3, line 20—Leave out 'upon the nomination of' and insert 'from the group led by'.

Clause 9 deals with meetings of the committee and the quorum that is necessary. It provides for a quorum of three members, one of whom must be a member who is appointed to the committee by the Leader of the Opposition. There should be a consequential amendment to that to provide that at least one of the members constituting the quorum should be from the group led by the Leader of the Opposition and it is consequential upon an earlier decision that the Council took.

Amendment carried.

The CHAIRMAN: Does the Hon. Mr DeGaris wish to proceed with his amendment?

The Hon. R. C. DeGARIS: Yes. I move:

Page 3, after line 28—Insert new subclause as follows:

(6a) The Committee may establish subcommittees consisting of members of the committee for the purpose of assisting the committee in carrying out reviews under this Act.

I feel that there should be a power for the committee to allow it to establish subcommittees consisting of members of the committee for the purpose of assisting the committee and carrying out moves under this Act. There are a large number of small statutory authorities that possibly could be examined by a subcommittee. This is one reason why there is some merit in the suggestion made by the Hon. Mr Blevins that the committee should consist of six members so that subcommittees could then consist of three members. Nevertheless, I do not see why a subcommittee of two members could not be established I do not think that the investigation of small statutory authorities should take the time of the whole committee and the power should exist to appoint subcommittees. I think that there should be a power for the committee to form itself into subcommittees to deal with matters involving statutory review committees.

The Hon. R. J. RITSON: Perhaps the Hon. Mr DeGaris could enlighten me as to whether a subcommittee of two people would be exercising the powers of the committee as a whole or whether the subcommittee would, as envisaged by the Hon. Mr DeGaris, merely be an unofficial body which would have to go back and report to the committee as a whole? Perhaps he will give an explanation of the whole of the powers of the subcommittee. Perhaps the legal situation of such a committee can be explained. Perhaps the legal situation of such a committee can be explained.

The Hon. R. C. DeGARIS: The only power that a subcommittee has is to report to the committee as a whole.

The Hon. K. T. GRIFFIN: Regarding the question of the extent of the authority of a subcommittee, there are no rules for proceedings and no provisions as to a quorum. Whilst on a much bigger committee one could expect and appreciate the need for subcommittees for minor administrative matters, on a committee of five it is unworkable. I do not believe that in the early stages of development of the concept of the Statutory Authorities Review Committee, there ought to be any power to establish subcommittees in this legislation.

The Hon. J. A. CARNIE: I wish briefly to support what the Attorney-General has said. A small committee is now established. There has been no enlargement of the committee, which is still a committee of five members. I do not think it is practical to form subcommittees from that committee, nor do I see the need for them. There is nothing whatever to stop individual members or two members of the committee examining the sort of thing that the Hon. Mr DeGaris raised, and report back to the committee. There is no power given for subcommittees in any way; they are just to look at various aspects and to report back to a committee. I do not see any need for this sort of thing at all. The type of thing that the Hon. Mr DeGaris envisages with subcommittees can be done by the committee, anyway.

The Hon. M. B. CAMERON: We should be careful in passing this provision. We have a fairly clear requirement for a quorum for that committee. It is important to look at clause 12 of the Bill, which provides:

> (2) Subject to this section, if a person—
> *(a)* who has been served with a summons to attend before the committee neglects or fails to attend in obedience to the summons;
> *(b)* who has been served with a summons to produce any books, papers or documents neglects or fails to comply with the summons;
> *(c)* misbehaves himself before the committee, wilfully insults the committee or a member of the committee, or interrupts the proceedings of the committee;
> or
> *(d)* refuses to be sworn or to affirm, or to answer a relevant question, when required to do so by the committee,
> he shall be guilty of an offence and liable to a penalty not exceeding one thousand dollars.

Paragraph *(c)* is the important paragraph. What one will have is two or three members of the committee going back and telling the full committee what a fellow has done. I do not see that one can operate under these powers. One can run into all sorts of bother. The committee will be able to operate, and a subcommittee should be able to operate on an unofficial basis. I have grave doubts about making it an official part of the Bill.

The Hon. C. J. SUMNER: I can see, in principle, some merit in a committee's being able to divide itself into subcommittees and carry out some non-contentious investigations or inquiries on behalf of the committee. Since we have decided that the committee should have only five members, there are considerable practical difficulties with having a subcommittee set up within a membership of only five members. It is not an idea that I close my mind to; it may well be that it is a sensible suggestion. I understand that the Public Accounts Committee on some occasions did carry out what were referred to as informal inquiries and that these were criticised, particularly by the committee of which I was a member, a committee that reviewed the guidelines that there should be for public servants appearing before Parliamentary Committees. The problem was that apparently some of the discussions, which only one member of the Public Accounts Committee had with that departmental officer, found its way into the report, although it did not have the status of formal evidence being given before the committee.

That situation was not viewed favourably by the committee which reviewed the guidelines for public servants appearing before Parliamentary committees. It may be that that sort of informal inquiry or inquiry by two or more members of the committee is appropriate in some circumstances. It may well speed up the work of the committee. It may mean that non-contentious material can be collected by a subcommittee in that way and then brought before the full committee for ratification and consideration.

I do not believe that it should be left informally for the committee to do. If it is going to be done, there is a need for guidelines in the way in which it is done. If the committee is going to do that, there should be established a formal procedure for that to be done and possibly a formal procedure involving the power of the committee to divide itself or establish within itself subcommittees. In principle I am not completely opposed to the proposition. However, I believe that it needs to be given more thought. Has any honourable member informaton as to what applies with Senate committees, which have at least six members? Do they divide themselves into subcommittees of three?

The Hon. R. C. DeGaris: It is established under Standing Orders that there is no power for subcommittees.

The Hon. C. J. SUMNER: Then at this stage, given that we have agreed to a committee of only five—

The Hon. R. C. DeGaris: It is written into the Public Accounts Committee Act.

The Hon. C. J. SUMNER: That is something I would be prepared to consider. I am still of the view that there are some difficulties when there are only five members. I do not close my mind to the proposition of six members, which was canvassed earlier in the debate. If we get to that point at some time, then I think that we could further consider the proposition of subcommittees. My basic point is that the way in which the subcommittee would operate needs further consideration. We should keep an open mind on subcommittees. For those reasons, at this stage I am not prepared to support the amendment.

The Hon. M. B. CAMERON: The information that the Hon. Mr DeGaris gave may be correct, but it would have had to have happened after 28 April 1981. In relation to Standing Committees of the Senate, paragraph *(c)* of the Standing Orders provides:

> A Standing Committee shall have power to appoint subcommittees consisting of three or more of its members, and to refer to any such subcommittee any of the matters which the Committee is empowered to consider. The quorum of a subcommittee shall be two Senators.

That is the situation; it does have that power.

The Hon. C. J. SUMNER: I am pleased that the Hon. Mr Cameron has provided me with that information. The Senate Committees have six members and it may by appropriate to have subcommittees with—

The Hon. R. C. DeGaris interjecting:

The Hon. C. J. SUMNER: With six members one has a greater scope to deal with problems. Often a member of the committee is not there and there are difficulties of this kind. This is exacerbated with a membership of only five. We may consider at some stage that six is an appropriate number and for that reason or other reasons decide that the establishment of subcommittees is justified. I am prepared to consider it.

The Hon. Mr DeGaris said that the Senate committees could not divide themselves into subcommittees, and the Hon. Mr Cameron corrected that. On the other hand, the Hon. Mr DeGaris said the Public Accounts Committee could divide itself into subcommittees. I have the Act before me and I inform the Chamber that I cannot find anything in that Act which allows it to divide its five members into subcommittees. Unfortunately, I must inform the committee

that the Hon. Mr DeGaris's information on both counts was completely incorrect.

The Hon. R. C. DeGARIS: On the contrary, I made a mistake by putting it the wrong way around.

Amendment negatived; clause as amended passed.

Clause 10—'Statutory authorities may be referred or nominated for review.'

The Hon. R. C. DeGARIS: I move:

Page 4, lines 3 to 5—Leave out ', but shall not commence any such review unless it has first consulted with the Minister responsible for the administration of this Act on the question of determination of priorities'.

I object to this committee's being under the direction of a Minister in the same way as I would object to the Public Accounts Committee being under the direction of a Minister.

The Hon. J. C. Burdett: An Act has to be.

The Hon. R. C. DeGARIS: Does a Minister direct the Public Accounts Committee about its deliberations? If this provision was part of the Public Accounts Committee Act there would be an unholy row.

The Hon. K. T. GRIFFIN: It is not a power of direction. It is a matter of consultation to establish priorities. It would be a massive task for the committee to review the operation of statutory authorities. I believe it is quite proper for this legislation to require consultation. It does not require the Minister to give directions. In fact, if, after consultation with the Minister, the committee decides that other priorities are appropriate it can proceed as it thinks fit. There should be an additional requirement for consultation with the Minister, who will probably have a better view about priorities than the committee will ever have. I strongly support this clause.

The Hon. M. B. CAMERON: I believe that the Hon. Mr DeGaris has become a little paranoid about this committee. As the Attorney has pointed out, the Minister will not have any power of direction. In my view it is eminently sensible for the committee to consult with the Minister, because he may well have information about certain statutory authorities that may lead to the committee's reviewing some of its decisions. At least the committee will have access to information held by the Minister, and that information will probably be more up to date and more relevant than some of the committee's information. Where will the committee obtain its information? Surely the best place to get it will be from the Minister. The Minister will have no power of direction. I think that the Hon. Mr DeGaris said that the Chairman will have control over the committee. That is not the case. Obviously, the Hon. Mr DeGaris has not read the clause.

The Hon. C. J. SUMNER: I support the amendment. My support is consistent with the Opposition's approach to this Bill. To be effective as a Parliamentary review of Government activities this Bill must not be a prisoner of the Government.

The Hon. M. B. Cameron: It's not.

The Hon. C. J. SUMNER: Any reasonable person looking at the Bill introduced in this Chamber would come to no other conclusion but that the committee would be hamstrung by Government control and, in effect, would be a prisoner of the Government. This clause provides a statutory obligation (not a discretion) that, before the committee even begins to look at any statutory authority, it notifies the Minister. In other words, the committee will tip him off that it is carrying out some kind of inquiry. That is another aspect of this Bill which places the committee in the hands of the Government. There can be no dispute about that.

This clause provides that the committee may from time to time determine the order in which it will carry out its reviews. That is fair enough. The committee should determine the statutory authorities to be reviewed and the order in which it conducts those reviews. The obnoxious part of this clause is the mandatory direction to the committee. The committee shall not commence any review unless it first consults with the Minister responsible for the administration of the Act on the question of determination of priorities. In other words, the Minister will have a say in relation to the priorities and about which statutory authorities should be investigated.

The Hon. M. B. Cameron: You're a better lawyer than that.

The Hon. C. J. SUMNER: I am explaining the clause to the Hon. Mr Cameron.

The Hon. M. B. Cameron: I am surprised that you are, if that is the only argument you can put forward.

The Hon. C. J. SUMNER: There is no doubt about my argument. The committee cannot even inquire about the position of a statutory authority until it has consulted with the Minister. If the Hon. Mr Cameron believes that I do not understand the clause perhaps he will explain his understanding of it and we can then amend it. At the moment the clause provides quite clearly and quite categorically, with no equivocation at all, that the committee can do nothing until it has consulted with the Minister. The Minister must be consulted on the question of the determination of priorities.

We have already agreed that there should be a Government majority on the committee. The committee now has to consult the Government about priorities. The Government will give the committee its priorities and, because it has an inbuilt Government majority of members, it will follow what the Government says. This provision further ties the committee into Government control. I do not believe that that is desirable. At this stage the Opposition has conceded that a Government majority on the committee is desirable. That has been approved by this Chamber this evening. However, I think that is as far as we need go. Given that situation, I think that the committee should then be free to carry out its inquiries into statutory authorities as it sees fit, without an obligation to consult the Minister.

The committee probably will, when it looks at a statutory authority, as a matter of practice get in touch with the Minister to discuss the situation with him, but there may be situations where grave allegations are made to the committee, possibly about malpractice or financial management within a statutory authority, and the committee may want to investigate those allegations. It may need to investigate them, at least initially, without the Minister's being consulted about the inquiry. I cannot see why the Government wants this clause unless it wants to put the committee completely under the Government. I support the amendment.

The Committee divided on the amendment:

Ayes (11)—The Hons. Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris (teller), M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons. J. C. Burdett, M. B. Cameron, J. R. Carnie, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 3 for the Ayes.

Amendment thus carried; clause as amended passed.

Clause 11 passed.

Clause 12—'Powers of the Committee in carrying out review.'

The Hon. R. C. DeGARIS: I move:

Page 4—

Line 31—Leave out '(other than a Minister of the Crown)'.

Line 39—Leave out '(other than a Minister of the Crown)'.

Page 5—

Line 1—Leave out 'a Minister of the Crown, or'.

I have dealt with this matter in the second reading debate. I do not see any reason why a Minister of the Crown should be excluded from giving evidence to the committee on a matter before the committee.

The Hon. K. T. GRIFFIN: I have spoken on this matter, too, in my reply to the second reading debate. Essentially, what the Government was seeking to do in the clause was to give some recognition to the long-established principle of Crown privilege, which is recognised, in essence, in the law generally but not specifically. I indicated in my reply that the question of privilege did arise in the Salisbury Royal Commission when Ministers volunteered to give evidence and did give evidence but were not required to give information that was subject to Crown privilege.

The Hon. C. J. Sumner: The same situation would apply.

The Hon. K. T. GRIFFIN: I think the Leader was out of the Chamber at the time but I said that the reason for including the powers of the committee in the legislation is to avoid the need for anyone who wants to know the powers to run around looking at a lot of Acts. The question of privilege is a difficult one. There is real doubt whether Ministers can be required to give evidence before Parliamentary committees. There is also a strong view that Crown privilege applies to committees such as the Public Accounts Committee, and the Government was seeking to spell the matter out so that there would be no doubt that, with this committee, Crown privilege was expressly provided for.

The Hon. R. J. RITSON: I wish to support the Attorney and argue that there is little necessity for powers to compel Ministers to give evidence. The question of Crown privilege before the courts has given rise to a number of cases that have spelt out some sorts of rules regarding privilege, but the Attorney has pointed out that this is unclear in relation to Royal Commissions and Parliamentary committees.

The question is really why at this stage we need to buy into that legal argument when there would be plenty for the committee to do without that. I support the Government's wisdom in taking this line at the beginning. There is very little necessity in the context of statutory authority review to have these powers to compel Ministers to give evidence, because what we would be basically doing is looking for QANGOS.

The Hon. R. C. DeGaris: Some are QANGOS themselves.

The Hon. R. J. RITSON: Ministerial responsibility belongs to a different debate. In the case of bodies under the control of a Minister the procedure of Parliamentary questioning and the political forces which are appropriate to such questioning would come into effect. Such bodies are far less Qango-ised than the independent statutory authorities—it is the independent ones which lack Ministerial control about which the Government is concerned. It is merely academic to believe that Ministers would have much to contribute to investigations of bodies which, by virtue of their independence, are a matter of concern. I was somewhat puzzled by the Hon. Mr DeGaris's opening remark that he saw no reason why Ministers should be excluded from giving evidence. The exclusion merely makes clear the limits in regard to compulsion. Of course, if a Minister wishes to give evidence, he is not excluded. I oppose the amendment for those reasons.

The Hon. R. C. DeGARIS: I would like to ask the Attorney what would be the position if the committee asked for a direction from this Council to direct a Minister to give evidence. If the Council agreed, what would be the position in those circumstances?

The Hon. K. T. GRIFFIN: It is a difficult question to answer. If it were a Minister in another House, I would conclude, without any research, that it would not be possible for the Minister to be compelled by this Council to give evidence. If it were a Minister from this Council, that raises other questions which would need more time to research.

The Hon. C. J. SUMNER: I support the amendment. This is another clause which excludes a Minister from compulsory attendance. It is another clause of the Bill which has been designed by the Government to make the committee ineffective.

The Hon. K. T. Griffin: Nonsense!

The Hon. C. J. SUMNER: One cannot come to any other conclusion as a result of the sorts of propositions that we have considered tonight. First, to make the committee completely a creature of the Government, we have dealt with that aspect and now, secondly, we are seeking to eliminate from scrutiny a Minister of the Crown who is, after all, responsible for the statutory authority. The P.A.C. does not have a similar clause and, if it chooses (although I do not believe it has done so yet), it could require the attendance of a Minister of the Crown under its powers. Why does the Attorney want to make this committee less powerful than the P.A.C.? It is extraordinary.

The Hon. K. T. Griffin: It is questionable whether the P.A.C. has any power—

The Hon. C. J. SUMNER: It has the powers of a Royal Commission. If it has the same powers as a Royal Commission, I believe it would subpoena witnesses to attend before it.

The Hon. K. T. Griffin: That's a matter of debate.

The Hon. C. J. SUMNER: The Attorney says it is a matter of debate, but I doubt that. It has been my impression that the P.A.C. has the power to summons witnesses. Section 14 of the Public Accounts Committee Act provides:

> The committee shall have the same powers to summon and compel the attendance of witnesses and compel the production of documents as a Royal Commission has under the Royal Commissions Act, 1917, and sections 10, 11, 12 and 15 of that Act, shall, with such adaptations as are necessary, apply and have effect in relation to the committee and its proceedings and witnesses or intended witnesses before the committee.

On the face of it, it has the same powers as a Royal Commission to compel the attendance of witnesses and the production of documents. Now the Attorney-General is saying in regard to this committee that it can compel the attendance of any person except a Minister of the Crown. It is legitimate to ask why the Government did not adopt the formula that applies to the P.A.C., which gives the committee the powers of a Royal Commission.

The Hon. K. T. Griffin: I have already explained that to you, but you weren't listening.

The Hon. C. J. SUMNER: You have not. One can only conclude that the Government does not want the committee to scrutinise Government activity effectively. My point is this: the Minister is the representative of the Government who is part of the Executive and who has the responsibility to Parliament, to the people, for the administration of an Act which is committed to him, and thereby he has the responsibility for an organisation which is created by an Act of Parliament.

Surely in principle, if the Minister has the responsibility, it ought to be possible to get the Minister to explain his action before a Parliamentary committee in relation to the philosophy behind it, as is covered by this Bill, and the policy of the Government in relation to it. That is only reasonable. Otherwise the committee would be thrashing around in the dark. The committee should be able to get a definite statement of the policy of the Government in relation to a statutory authority.

It may be that considerations of Crown privilege would operate, but they are not relevant to this situation of whether a Minister of the Crown should be compelled to attend. It may be that he should be compelled to attend but still claim Crown privilege in relation to certain, and only certain,

communications or evidence in accordance with the general law. The Attorney is taking the proposition further and saying that there is nothing that a Minister of the Crown can be compelled to put to the committee. He is broadening the principles of Crown privilege beyond what they legitimately are.

If the Attorney is worried about questions of Crown privilege, that is something we can look at if he gives us the opportunity to consider that proposition further. Considerations of Crown privilege do not compel me to support a proposition which means that a Minister cannot in some circumstances be compelled to attend before the committee. For those reasons, I support the amendment.

The Committee divided on the amendments:

Ayes (11)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, R. C. DeGaris (teller), M. S. Feleppa, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (8)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, L. H. Davis, K. T. Griffin (teller), C. M. Hill, D. H. Laidlaw, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 3 for the Ayes.

Amendments thus carried.

The Hon. R. C. DeGARIS: I move:

Page 5, lines 21 to 28—Leave out subclauses (4) and (5).

Subclauses (4) and (5) are a further restriction on the power of the committee to get to the bottom of any matter with which it is dealing.

The Hon. K. T. GRIFFIN: I strongly support the inclusion of these subclauses. It partly relates to Crown privilege but there is a more significant reason. In a number of statutory bodies highly confidential information has been made available by, in many instances, the private sector. One can think of the Pipelines Authority or some similar body with respect to which highly sensitive papers have been made available. In many instances they have been made available by bodies dealing with the Pipelines Authority. To have them made available to any committee might be highly prejudicial to both the interest of that authority and to the body which made the information available on a confidential basis. It may also prejudice the public at large. I believe that there has to be some mechanism by which that sort of information can be refused to the committee. Whether or not this is the appropriate mechanism is a matter which can be debated. Certainly there has to be some mechanism which provides for that information to remain confidential to both the authority and the body or the person which made the information available to that authority.

The Hon. C. J. SUMNER: One way of achieving that would be for the committee to keep such information confidential. That, of course, is something which applies to the Public Accounts Committee.

The Hon. R. C. DeGaris: And the Industries Development Committee.

The Hon. C. J. SUMNER: That is quite right. If the consideration which the Attorney-General has put to the Committee is valid then it surely is just as valid in relation to the Industries Development Committee and probably more so in that case as very sensitive financial information on the company is often given. There does not seem to be any objection to that. Likewise in the Public Accounts Committee there is no similar provision. The Public Accounts Committee has been in effect since 1972 and I do not know of any problems which have developed.

The Hon. K. T. Griffin: It does not have access to that sort of information.

The Hon. C. J. SUMNER: It does. It has the powers of a royal commission and can subpoena that sort of information if it wants to. The Attorney-General cannot deny that that sort of information available within a statutory authority would also be available to Government departments and therefore be liable to production to the Public Accounts Committee. If there is a problem in this area it needs to be looked at from the beginning. It needs to be considered completely from scratch.

We may need to look at the question of Crown privilege if that is what the Attorney-General is worried about. To put a blanket clause into this Bill which gives the Minister absolute authority, if he deems it to be in the public interest to withhold material from the committee, I do not believe is justifiable. This is part of a series of clauses which renders the committee virtually ineffective. If we allow the Bill to go through in the form in which the Government has prepared it, there would be no point in anyone in this Chamber serving on it, apart from the obvious advantage of the financial gain they would get for it. This is another argument which I developed in my second reading speech. I emphasise that the clause which the Government has in the Bill talks about a discretion of the Minister. The Minister has only to say that it would be against the public interest for a book, paper, or document to be produced. There is no review of that situation by anyone. There is no appeal to anyone. Parliament cannot force him to produce the information. The Minister only has to declare that it is against the public interest. If a statutory authority has information which is embarrassing to a Government, or if that authority is not doing its job—

The Hon. B. A. Chatterton: Like the Bureau of Animal Health.

The Hon. C. J. SUMNER: That is right. I am surprised that the Government would consider this sort of proposition, particularly as there is no come-back at the Minister from anyone—the committee, Parliament, or the courts. The Minister has absolute authority to determine what is the public interest. On that basis, I support the amendment, but I am certainly prepared, in the context of this committee, the Public Accounts Committee, the Subordinate Legislation Committee and the other committees of the Parliament to look at the question of Crown privilege and whether there do need to be some rules that apply.

The Hon. D. H. LAIDLAW: I support the amendment for the same reasons as the Leader. Take the Industries Development Committee as an instance. I can think of 80 or 100 occasions in the past 2½ years on which that committee has examined the viability and solvency of witnesses and has had to have the right to delve into, examine and cast judgment on whether the people running it are competent or otherwise. I know of no instance where there has been a leakage of information which could be regarded as confidential.

The Committee divided on the amendment:

Ayes (13)—The Hons Frank Blevins, G. L. Bruce, B. A. Chatterton, J. R. Cornwall, C. W. Creedon, L. H. Davis, R. C. DeGaris (teller), M. S. Feleppa, D. H. Laidlaw, Anne Levy, K. L. Milne, C. J. Sumner, and Barbara Wiese.

Noes (6)—The Hons J. C. Burdett, M. B. Cameron, J. A. Carnie, K. T. Griffin (teller), C. M. Hill, and R. J. Ritson.

Pair—Aye—The Hon. N. K. Foster. No—The Hon. M. B. Dawkins.

Majority of 7 for the Ayes.

Amendment thus carried.

The Hon. R. C. DeGARIS: I move:

Page 5—

Lines 34 and 35—Leave out paragraph *(b)*.

After line 37—Insert new subclause as follows:

(6a) The committee may allow a statutory authority that is being reviewed, and the Minister of the Crown who has the administration of the Act under which the statutory authority was established, access to any evidence taken by the committee during the review.

Subclause (6) states in part:

In the course of a review of a statutory authority by the committee, the statutory authority, and the Minister of the Crown who has the administration of the Act under which the statutory authority was established, are each entitled—

(a) to appear in person before the committee;

(b) to have access to any evidence taken by the committee during the review;

Once paragraph *(b)* is struck out I would like to insert new subclause (6a) as I have moved it. I envisage that there may be times when access may be requested to evidence given before the committee.

The Hon. K. T. GRIFFIN: I can take the hint from the way the divisions are going. I will not divide on this clause because I suspect the numbers are against me. I believe that it is fair, when a statutory authority's future is on the line, that it has access to all evidence given for or against it and it is for that reason I believe that the provision in the Bill is the fairer and more appropriate one.

The Hon. C. J. SUMNER: I support the amendment. To put the Attorney-General out of his misery, he will lose if he calls too vigorously against the amendment. Basically, this is in the same category as the other amendments we have discussed. The Bill, as it stands, makes the committee a captive of the Government.

The Hon. K. T. Griffin: It does not.

The Hon. C. J. SUMNER: It is part of that pattern. It may be that it is not appropriate for the evidence to be made available as it is tabled to the Minister. Obviously, the evidence will be made available at some point in time and a report will be tabled and the evidence will be tabled as that is the normal procedure in respect of Government committees, unless for some particular reason that evidence was taken *in camera* and was of a highly confidential nature.

This clause provides that the evidence as it is taken by the committee should automatically be made available to the Minister and thereby to the statutory authority being inquired into. I think that that would unduly hamper any investigations that the committee might be undertaking. It may be that the committee would make evidence available to a statutory authority in order to obtain some comment on it, and that would be perfectly reasonable. One could, I suppose, expect that that would, in general, be a practice that would be adopted. Certainly, to require the evidence to be given in all circumstances to the statutory authority is not appropriate for the sort of investigative procedures this committee will be carrying out.

Amendments carried.

The Hon. R. C. DeGARIS: I move:

Page 5, line 44—Leave out 'upon the nomination of' and insert 'from the group led by the Leader of the Government in the Legislative Council and a member who was appointed from the group led by'.

This proposed amendment follows the procedures already adopted. It will require one from each group to agree in that case.

The Hon. C. J. SUMNER: The Hon. Mr. DeGaris's amendment should not be supported. I prefer my amendment which, in effect, accepts the Government's proposition, but makes a consequential amendment which was agreed earlier in the debate. In other words, instead of having the formulation 'upon the nomination of the Leader of the Opposition', my amendment talks about from the group led by the Leader of the Opposition. It would mean that the committee would be held in private unless the committee made a decision for it to be opened up to the public and that decision was concurred in by a member who was appointed to the committee from the group led by the Leader of the Opposition.

I am not entirely sure that this is desirable as it is, but I will not get into an argument about it at the moment. In general, the onus with respect to these committees should be the other way around, namely, the committee should in fact be public unless there is a reason for its having private hearings. Frankly, I do not approve of the principle in clause 12 (8), which says that the committee shall hold its meetings and receive its evidence in private. I have argued, on previous occasions, that committees should be opened to the public, unless there are reasons of confidentiality or the like that they should be *in camera.* That is not the scheme in this Bill. I do not intend to move an amendment as I suggest ought to be made, but will only move the amendment which now stands in my name and which is consequential on an earlier amendment.

The Hon. R. C. DeGARIS: I support the Hon. Mr Sumner's amendment. I seek leave to withdraw my amendment.

Leave granted; amendment withdrawn.

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

Page 5, lines 44 and 45—Leave out 'upon the nomination of' and insert 'from the group led by'.

Amendment carried; clause as amended passed.

Clause 13 passed.

Clause 14—'Report and recommendations of the committee.'

The Hon. R. C. DeGARIS: I move:

Page 6, after line 44—Insert new subclauses as follows:

(4a) The committee may append to its report a draft Bill for the implementation of any of its recommendations.

(4b) In preparing any such draft Bill, the committee may make use of the services of the Parliamentary Counsel.

I hope that these new subclauses will get the support of the Hon. Mr Cameron and other honourable members who have referred to the work of the Senate Standing Committees, which have this power to append the draft Bill on their work. It is a worthwhile procedure so that the Chamber, on any recommendations made, has a Bill before it to implement the recommendations the committee is making in relation to the statutory authorities.

The Hon. K. T. GRIFFIN: Presumably, it would still be a private member's Bill. I have no real objection to that concept. I would have thought that it could be done without providing for it specifically in the legislation. What I want to ensure is that it in no way means that it gets any sort of priority when a draft Bill comes before the Parliament. I doubt that the drafting, as it stands, gives it any priority. I want to reserve my position on it. Obviously the amendments that have been passed have been considered in the light of later amendments. Accordingly, I indicate some reservation of my position on this matter, until I have had an opportunity to consider it.

The Hon. C. J. SUMNER: I cannot see anything wrong with the proposition of the Hon. Mr DeGaris. It seems to me to be perfectly sensible. It does not require the Chamber to take up the Bill; it does not require the Chamber to pass the Bill. It does not require any member to move to introduce the Bill, and it does not require the committee to introduce the Bill. All it does is provide an aid to the Government by having a Bill drafted by the committee that has been intimately involved in investigating the particular body. For those reasons I cannot see why the Government is worried or upset about the proposition.

Amendment carried; clause as amended passed.

Clause 15 passed.

Clause 16—'Staff and other resources of the committee.'

The Hon. R. C. DeGARIS: I move:

Page 7—

Line 12—After 'The Governor may' insert ', upon the recommendation of the President of the Legislative Council after consultation with the committee,'.

Lines 15 and 16—Leave out subclause (2) and insert subclause as follows:

(2) A person appointed under subsection (1) shall, upon that appointment, become an officer, or employee, as the case may require, of the Legislative Council.

Once again, I find this clause difficult to accept. I point out that the Public Accounts Committee act is entirely different.

The Hon. K. T. GRIFFIN: I do not disagree with the spirit of the honourable member's first amendment, but the second amendment is just not on legally. If the Committee wishes to support this amendment we can look at the situation when the Bill is referred to a conference.

The Hon. C. J. SUMNER: I support both amendments. I do not see why a person should not be an employee of the Legislative Council. The Legislative Council is established by Statute. I do not know whether the clerks are employed by the Legislative Council, but they probably are.

I do not accept what the Attorney-General has said. However, as the matter will obviously be referred to a conference, any difficulties can be worked out then, and presumably a Crown Law opinion will be obtained. I do not agree with the Attorney-General's interpretation. I believe that a person can be an employee of the Legislative Council.

Amendments carried; clause passed.

Clauses 17 to 20 passed.

Clause 8—'Chairman'—reconsidered.

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

Page 3—

Lines 11 and 12—leave out 'upon the nomination of the Leader of the Government in the Legislative Council,'.

Line 12—After 'a member of the committee' insert ', being a member who was appointed to the committee from the group led by the Leader of the Government in the Legislative Council,'.

This clause deals with the appointment of a Chairman. The present clause proposes that the Council may appoint a chairman upon the nomination of the Leader of the Government in the Legislative Council. I believe that my amendment is consistent with the principles accepted by this Chamber in relation to the appointment of members to this committee.

The Hon. K. T. GRIFFIN: I oppose the amendment, but I do not intend to divide on it. It is one of a parcel of amendments that I have already spoken to at some length. I express my opposition to the amendment and indicate that I will not call a division.

The Hon. R. C. DeGARIS: I am not altogether persuaded about the amendment but will agree to it at this stage. I think we should follow the Public Accounts Committee precedent, where the committee elects its own Chairman. I support the amendment at this stage but, if anything could be done about the matter, I would support the Chairman's being elected by the committee.

Amendment carried; clause as amended passed.

Bill reported with amendments. Committee's report adopted.

CARRICK HILL VESTING ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to widen the permitted uses for Carrick Hill, Springfield, in terms of the Carrick Hill Vesting Act, 1971. In June 1970, Sir Edward Hayward and the late Lady Ursula Hayward agreed to make separate wills bequeathing the property known as Carrick Hill, Springfield, the house and its contents to the Government of South Australia. The property was to pass into the hands of the State on the death of both partners, who each had an equal share in it. The partner who died first was to have a life interest in the entire property. Both Sir Edward Hayward and Lady Ursula Hayward executed wills which carried out the intent of the deed. Lady Ursula Hayward died in August 1970. Sir Edward Hayward has continued to live in the property.

Carrick Hill was built by Sir Edward before the Second World War and consists of a sandstone Elizabethan style mansion of two storeys with lead mullioned windows, plus an attic which has not been lined. Whilst the exterior may be described by purists as mock tudor, the interior has been constructed by the reuse of much genuine Elizabethan material from England. For example, the staircase came from the Earl of Anglesea's home and is a magnificent structure and the great hall was designed to take it. Many of the downstairs rooms are panelled with genuine sixteenth century panelling. The furniture downstairs is Elizabethan. The contents of the house are extremely valuable and include, in the opinion of a former Director of the Art Gallery of South Australia, the best collection of paintings in private hands in Australia. There are also numerous sculptures.

In her will, the late Lady Ursula Hayward specified that upon the State accepting the gift, certain conditions were laid down. These were:

(a) that after the death of my said husband the said residence and grounds and such of the said furniture, contents and articles as shall be considered suitable shall at all times be used and maintained

(i) as a home for the Governor of the said State, or

(ii) as a museum, or

(iii) as a gallery for the display of works of art, or

(iv) as a botanical gardens or partly for one and partly for another or others of such purposes.

The proviso was that the State would remit succession duties by paying an equal sum to the trustees. It was therefore necessary to pass the Carrick Hill Vesting Act to comply with legal requirements laid down in the Public Finance Act. In the vesting Act, the uses for the property were restricted in section 4 to the State holding and maintaining Carrick Hill as a residence for the Governor. The Bill was assented to on 5 August 1971.

The Carrick Hill property is situated 7.2 kilometres south-east of the G.P.O. in the Adelaide foothills, with a frontage to Fullarton Road and adjoining Springfield on its northern boundary; that is, it is just to the south of the suburb of Springfield. It comprises almost 40 hectares (97½ acres) with one third of the area lying within the hills face zone. An area of 15½ hectares of the property was considered unsuitable for subdivision by the Carrick Hill committee, due to the steep nature of the terrain. About 22 hectares of land which partly adjoin the Sprinfield estate are suitable for subdivision except for about 12 acres which is the site of a former quarry. The remaining 2.4 hectares (6 acres) is an area of ornamental Elizabethan type garden surrounding the house.

It subsequently became apparent that the house would not be big enough for use by the Governor, at least as the

official Government House, and that additions would spoil the structure. Sir Edward suggested to the Premier that the property should not be used as a residence of the Governor as previously arranged but become a nature park whilst the house could be used for receptions and exhibitions.

In March 1974, the Dunstan Government appointed a small committee comprising Mr D. C. Rodway (Chairman), Dr J. K. Ling and Mr R. D. Hand, to report to the Premier on the most appropriate utilization and development of the property, Carrick Hill, upon its being vested in the Crown. The committee compiled a significant report which examined possibilities relating to the property as a whole and also in relation to various uses for particular areas of the large grounds (97 acres).

The purpose of the present Bill is to widen the purposes for which the property could be used in terms of the Carrick Hill Vesting Act without, however, extending those purposes beyond what is allowable under the terms of Lady Ursula Hayward's will. Clause 1 is formal. Clause 2 repeals and re-enacts section 4 of the principal Act. The new section expands the purposes for which Carrick Hill may be used by the Government along the lines outlined above.

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

STATUTES AMENDMENT (PLANNING) BILL

Second reading.

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

That this Bill be now read a second time.

In view of the hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Following the enactment of the Planning Act 1982 it is necessary to make consequential amendments to a number of Acts of this Parliament. This Bill makes those consequential amendments. In the main, the Bill changes references to the Planning and Development Act, 1966-1981 (to be repealed) and creations of that Statute to references to the Planning Act 1982 and creations of that Statute. Separate systems of development control created for the City of Adelaide by the City of Adelaide Development Control Act 1976-1981 and for Golden Grove by the Tea Tree Gully (Golden Grove) Act 1978-1981 have been preserved.

The Bill amends the Building Act 1970-1982 so that references to the Planning and Development Act 1966-1981 (now repealed) will be read as references to the Planning Act. It amends the City of Adelaide Development Control Act 1976-1981 so that the separate system of development control created by that Act is preserved. It also amends the Act so that references to the Planning and Development Act are omitted. It amends the Coast Protection Act 1972-1978 so that references to the Director of Planning and the Planning Appeal Board established by the Planning and Development Act will be read as references to the South Australian Planning Commission, and to the Planning Appeals Tribunal created under the Planning Act.

The Bill amends the Geographical Names Act 1969 so that the definition of the 'metropolitan area' which relies on the Planning and Development Act definition will be replaced by the definition of 'Metropolitan Adelaide' as defined in the Real Property Act Amendment Act. It also amends the Geographical Names Act so that a reference to the Director of Planning, an office created by the Planning and Development Act, is now read as a reference to the Chairman of the South Australian Planning Commission, an office created by the Planning Act.

The Bill amends the Highways Act 1926-1982 so that a reference to the Planning and Development Act is now read as a reference to the Planning Act. It amends the Land and Business Agents Act so that references to the Planning and Development Act are omitted. It amends the Local Government Act 1934-1982 so that a reference to the Planning and Development Act in respect of the delegation of powers under that Act to a committee of the council is replaced with a reference to the Planning Act and the Real Property Act Amendment Act. The Bill amends the Local Government Act so that a reference to planning regulations or planning directives made under the Planning and Development Act in respect of a definition of a 'zone' is replaced by a reference to a zone, precinct or locality in the 'Development Plan' constituted under the Planning Act. It amends the Local Government Act so that references to the Town Planning Act 1929 the Planning and Development Act and the Roads (Opening and Closing) Act in respect of the width of roads and streets, are omitted.

The Bill also amends the Local Government Act so that references to the State Planning Authority, established under the Planning and Development Act, are read as references to the South Australian Planning Commission, established under the Planning Act. The Bill amends the North Haven Act 1972-1979 so that a reference to the planning regulations made under the Planning and Development Act is omitted and so that a reference in the indenture to planning regulations is construed as a reference to the corresponding provisions of the Development Plan constituted under the Planning Act. The Bill also amends the North Haven Act so that provision for the application of certain sections of the Planning and Development Act is omitted. References to the Planning and Development Act and the Local Government Act in respect of section 18 of the North Haven Act are omitted.

The Bill amends the Planning Act so that the powers, functions, duties and obligations of matters referred to in section 5 (2) of that Act, for example, the consideration of applications under the Planning and Development Act which may be current at the time the Planning Act is proclaimed, may be undertaken by the South Australian Planning Commission in place of the State Planning Authority. This is in effect a transitional provision. The Bill amends the Real Property Act 1886-1982 so that terminology used in section 223md of that Act is consistent with the reference to the South Australian Planning Commission.

The Bill amends the Roads (Opening and Closing) Act 1932-1978 so that references to the office of the Director of Planning, created under the Planning and Development Act, are read as references to the South Australian Planning Commission created under the Planning Act. The Bill amends the South Australian Heritage Act 1978-1980 so that references to the Planning and Development Act are omitted. The Bill amends the Tea Tree Gully (Golden Grove) Act 1978-1981 so that the system of development control provided by that Act is preserved. It also amends the Act so that references to 'sub-division' and 're-subdivision' are read as 'division'.

The Bill amends the West Lakes Development Act 1969-1970 so that a reference to the Planning and Development Act in respect of the definition of 'allotment' is read as a reference to the Real Property Act 1886-1982; a reference to the Planning and Development Act in section 15 (17) is read as a reference to the Planning Act or the Real Property; and a reference to the Planning and Development Act, the Local Government Act or in 'any other law' in respect of

the corporation's roadmaking is read as a reference responsibility to 'any other Act or law'.

The Bill also amends the West Lakes Development Act so as to preserve the ability of regulations under the Act to prevail where there is an inconsistency with the Planning Act or Part XIXAB of the Real Property Act. The Bill amends the West Lakes Development Act so that references in respect of appeals to the authority or council are omitted and a reference to the Planning Appeal Board is read as a reference to the Planning Appeal Tribunal.

The Bill also amends the Act so as to provide that the rules under the Planning Act shall apply to the practice and procedure of the Planning Appeals Tribunal in respect of an appeal. The Bill repeals the Red Cliff Land Vesting Act 1973. This Act vests certain land in the State Planning Authority, a body created by the Planning and Development Act. As the scheme of the Act has already been achieved, the Act can be regarded as *functus officio.* Land vesting in the State Planning Authority will automatically vest in the Minister from the date of the commencement of the Planning Act.

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

DRIED FRUITS ACT AMENDMENT BILL

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

ADJOURNMENT

At 10.40 p.m. the Council adjourned until Thursday 3 June at 2.15 p.m.