LEGISLATIVE COUNCIL

Wednesday 11 May 1983

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

MINISTERIAL STATEMENT: RIVERSIDE PROPRIETORS

The Hon. FRANK BLEVINS (Minister of Agriculture): I seek leave to make a statement on the subject of the allegations that the member for Alexandra made in the House of Assembly yesterday.

Leave granted.

The Hon. FRANK BLEVINS: Yesterday, during Question Time, the member for Alexandra alleged that Riverside Proprietors, a family company in which the former Minister of Agriculture, the Hon. Brian Chatterton, has an interest, had received assistance under the Primary Producers Emergency Assistance Act. He further alleged that there may have been irregularities in the manner in which the application for assistance was made by Riverside Proprietors. These allegations were taken up in subsequent questions by the member for Torrens and the member for Davenport.

As the Hon. Mr Chatterton made clear in his public statements on this matter yesterday, the allegations are absolutely false. However, as he has pointed out, the company, and more particularly Mr Chatterton's brother who manages the property at Lyndoch, has made application for and received assistance under the Commonwealth Fodder Subsidy Scheme.

This scheme was announced by the former Minister of Primary Industry, Mr Nixon, on 31 August 1982. It was formulated at a time when the rapidly deteriorating drought situation meant that primary producers were being forced to slaughter sheep and cattle, particularly breeding stock. The object of the scheme is to enable primary producers to retain their stock until better conditions return. The Fodder Subsidy Scheme is wholly funded by the Commonwealth and administered by the States as agents for the Commonwealth. It is a special measure which was brought in to cope with the recent drought.

The guidelines under which assistance is given are set out in an Act of Commonwealth Parliament; they are quite strict, and in no way does the State Government have any discretion to alter those guidelines. The State's only role in the scheme is to receive applications and arrange for payment where the application meets requirements set down by the Commonwealth.

Riverside Proprietors applied for assistance under the scheme in December 1982 and, as the Barossa Valley was drought affected and the other criteria were met, assistance was given. I stress that, as this is a Commonwealth scheme, the State Minister of Agriculture plays no part in the process of approving applications, nor is it a matter in which State Cabinet is concerned.

The member for Davenport requested that documents related to this application be tabled. As the honourable member should know, primary producers are required to provide detailed financial information to the State Government to support applications for assistance. That information is supplied on a confidential basis, and the Government will honour that confidentiality.

MINISTERIAL STATEMENT: AMBULANCE SERVICE

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a brief statement concerning the South Australian Ambulance Service.

Leave granted.

The Hon. J.R. CORNWALL: Soon after the Bannon Government came into office I announced the appointment of Professor Lou Opit, Professor of Social and Preventive Medicine at Monash University, to conduct a wide-ranging inquiry into the St John Ambulance Service. Professor Opit's appointment on 23 November 1983 reflected our commitment to ensuring the highest standards of ambulance care and administration and our concern over a number of serious problems which had developed over a considerable period. We acted swiftly to honour a pre-election undertaking to establish an inquiry. Professor Opit has now presented his preliminary report, and I seek leave to table that report for the information of honourable members.

Leave granted.

The Hon. J.R. CORNWALL: In his preliminary report, Professor Opit has concentrated mainly on the metropolitan ambulance service because, in his words, 'it is the largest component and has been the major source of industrial friction and unrest.' In Professor Opit's opinion it was essential to address the need for improved administrative mechanisms and to find solutions to industrial friction before undertaking the more technical aspects of the inquiry. The preliminary report identifies a number of regrettable circumstances, including deep-seated and damaging tensions within the metropolitan ambulance service.

According to Professor Opit, verbal and written submissions explicitly expressed tensions existing between the Ambulance Employees Association, the Australian Government Workers Association, the St John Council and its executive and management, volunteers, and the St John Brigade. Members will see that the report presents a depressing catalogue of conflicts, recriminations, hostility and distrust. The deep-seated antagonisms of the parties were manifested in the evidence they gave. Professor Opit reports that the St John Council or its executive was seen as representing 'a conservative South Australian establishment elite' by some union members and representatives. These, in turn, were seen by some St John Council members as being deliberately disruptive unionists. Professor Opit observed that 'the management team . . . lies between the upper and the nether grindstones.'

In his assessment of the conflict between full-time staff and volunteers, Professor Opit concluded that it was impossible for an observer to determine the truth of most of the assertions. He saw his main task as evaluating and balancing the various suggestions he received, then framing recommendations as a basis for dialectic rather than a crystallised plan of action. I have now asked the Acting Chairman of the Health Commission, Dr Brendon Kearney, and his senior officers to take up Professor Opit's recommendations with the St John Council, the Australian Government Workers Association and the Ambulance Employees Association and report back to me by 30 June 1983.

These recommendations include the setting up of a publicly accountable Ambulance Board of South Australia, the formation of a State ambulance executive based on the present St John Council management structure, and the development of a consultative committee on industrial relations. Professor Opit has recommended other changes designed to resolve industrial conflict and bring about integration of command, training, assessment and work-sharing between volunteer and career staff. In closing, I would like to underscore Professor Opit's concern that his work and recommendations

should not result in the creation of 'even more political, administrative or industrial friction, since almost any suggestions for change are likely to be regarded as too radical by one party or insufficiently radical by another.'

QUESTIONS

JOB LOSSES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about job losses in the construction industry.

Leave granted.

The Hon. M.B. CAMERON: In recent announcements, the Government has indicated its intention to defer indefinitely or cancel a number of key projects commenced or planned by the former Government. These include the Cobdogla irrigation rehabilitation project, the Finger Point sewage treatment plant, parts of the O'Bahn transport scheme for the north-east, and the aquatic centre. In the Council on 12 October 1982 the Attorney-General stated:

> Because capital works moneys have been traditionally used to build assets, they have also had a significant economic impact on the State while the money is being spent. It is generally acknowledged that spending in the building industry has a large multiplier effect, so there is beneficial stimulus to the local economy and local employment in capital works programmes.

What an 'about face' this indicates on the Attorney's part! Yesterday, Mr Richmond, the Executive Director of the Australian Federation of Construction Contractors in an official statement stated that the decision of the Bannon Government to cut these projects would mean the loss of at least 2 000 jobs. My questions of the Attorney-General are:

1. Did Cabinet discuss the potential job losses resulting from any decision to cutback these capital works?
2. If so, what assessment was placed on the job losses?
3. Does he agree that 2 000 jobs is the minimum that will be lost?
4. Will he agree to arrange a meeting between employer groups involved in the capital works area and the Premier to reassess the Government's decision?

The Hon. C.J. SUMNER: What the Hon. Mr Cameron quoted me as saying last year is quite correct. I would have thought that it was quite obvious that the genesis of the problem and the genesis of my remarks last year was the withdrawal of over $40 000 000 in each of the past three financial years from funds provided by the Commonwealth as grants or through the Loan Council to this State for capital works. At that time I indicated that, in my view, that policy was short sighted, because the previous Government used the capital works moneys to transfer funds to the recurrent side of the Budget in order to prop up the recurrent side of the State Government's activities.

That policy was criticised by me and by other members of the then Opposition, and it was also criticised by the Hon. Mr DeGaris in this Council, as all honourable members will recall. The fact is that in that three-year period the previous Government did not grasp the nettle: it refused to tell the community what was happening with the underlying revenue base of the State Government. During every Question Time in this Council—

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It was clear in the Budget figures that money was being transferred from capital works to recurrent expenditure, but the previous Government did not tell the community about the end result, which was the withdrawal of over $140 000 000 from capital works construction in this State during the three years of the Liberal Government. I will elaborate on the difference. The 1979-80 Corcoran Budget was not altered by the Liberal Government when it came to office in September 1979. That Budget enabled the transfer of nearly $15 000 000 in funds from the revenue side to capital works, to stimulate capital works activity in this State. In the ensuing three years, finishing at the end of this financial year, the transfer of $140 000 000 has been budgeted for in the other direction. In other words, as I pointed out to the Council last year, there was a withdrawal of over $140 000 000 from capital works.

The Hon. C.M. Hill: No-one is denying that.

The Hon. C.J. SUMNER: No-one is denying it!

The Hon. C.M. Hill: We honoured our election promises.

The Hon. C.J. SUMNER: I think honourable members opposite made many promises and went back on most of them. The previous Government reduced taxation, hoped to float through its three-year term by using the device of the transfer of capital funds to revenue, and kept its fingers crossed that it would win the next election, after which it would have increased taxation or slashed employment in the public sector.

The Hon. C.M. Hill: That is not right.

The Hon. C.J. SUMNER: All right, what was the previous Government going to do?

The Hon. C.M. Hill: We would have managed quite well, contrary to what you are doing.

The Hon. C.J. SUMNER: 'Managed quite well'! Within three months there has been a blow-out. That over spending—

The Hon. C.M. Hill: You're talking nonsense.

The Hon. C.J. SUMNER: That is not correct, as the honourable member would well know had he bothered to study State finances over the past three years.

The Hon. C. M. Hill: You are in disgrace.

The Hon. J.R. CORNWALL: No, you are in disgrace for telling lies to the Budget Estimates Committee.

The Hon. M.B. CAMERON: I rise on a point of order. The Minister of Health has just accused the Hon. Murray Hill of telling lies to the Budget Estimates Committee. They were the words he used. I ask him to withdraw and apologise.

The Hon. J.R. CORNWALL: I did not say that the Hon. Murray Hill told lies. I said the Government, of which he was a member, told lies collectively.

The PRESIDENT: Order! The honourable Attorney-General.

The Hon. C.J. SUMNER: It seems a pity that the Hon. Mr Hill interjects in the manner in which he does, having not clearly studied the situation either when in Government or now in his more leisurely days in Opposition. As I have indicated, as all honourable members would know, and as the Hon. Mr DeGaris pointed out, over a period of three years that money was withdrawn from construction activity in this State. It was because the previous Government allowed the revenue side of the Budget to deteriorate over that period and took absolutely no steps to correct the situation. That is on the record and is available for anyone to see. It is available for any financial analyst to look at. It is available to honourable members opposite and to the Hon. Mr DeGaris, who seemed to be the only one who understood what was happening.

The Hon. C.M. Hill: He is the only one who agrees with you.

The Hon. C.J. SUMNER: It is a significant point of agreement. Although he may not be a member of the Liberal Caucus, he is a member of the Liberal Party and has pointed out—

The Hon. L.H. Davis: We don't have a Caucus.

The Hon. C.J. SUMNER: Members opposite have Party meetings.

Members interjecting:

The PRESIDENT: Order! There is no reason why members opposite cannot ask questions, but they should listen to the replies. If they wish to ask further questions, they can do so.

The Hon. C.J. SUMNER: Thank you, Mr President, for that protection. I appreciate what you have said. I have covered the question in regard to the history of the matter. Obviously, what I said before about construction activity is correct. It is interesting to note that recent figures indicate a significant improvement in South Australia in recent months for home approvals, which is a favourable sign on the home construction front. No-one wishes to see that sort of activity decline. Clearly there has to be an order of priorities in the current economic climate. The financial situation of the State, within three months of the last Budget, had deteriorated quite substantially. A deficit was looming only three months into the Budget period; that is, at the time the present Government came to office in November. No doubt exists about that on the figures provided to this House by the Treasury. A deficit, although not allowed for in the 1982 Budget, was on the cards. Another area not budgeted for was drought relief and increased pumping costs. That was drawn to the attention of the previous Government at the time of the Budget debate last year, but nothing was done. The Budget did not take into account the drought which was imminent at the time the Budget was formulated.

The Hon. L.H. Davis: You know that the Budget is formulated well in advance.

The Hon. C.J. SUMNER: Everyone knew, at the time the Budget was formulated, that a drought was imminent. Even the Hon. Mr Davis knows that. By September—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Budget is not passed in this Parliament until about the middle of October.

The Hon. L.H. Davis: When it is drawn up?

The Hon. C.J. SUMNER: It seems to me that when in Government honourable members opposite were so inflexible that they could draw up a Budget in July and not change it until October—they could not consider changing economic circumstances. Apparently that is the argument that honourable members opposite are now putting to the House.

The Hon. L.H. Davis: It was presented before October.

The Hon. C.J. SUMNER: Of course it was presented before October, but it was not passed until October. Adjustments should have been made. By July or August the drought situation in this State was becoming obvious to everyone except, apparently, the then Government. I am prepared to ascertain from the Premier whether he intends having discussions with the gentleman mentioned by the Hon. Mr Cameron. However, the rescheduling of the capital works programme was a necessary part of the budget management situation which had to be brought into place by the new Government, given the quite disastrous situation which we inherited in November last.

HOSPITAL STAFFING

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about hospital staffing.

Leave granted.

The Hon. J.C. BURDETT: An article in today's *News* under the heading 'Government "refused to act on hospital over-staffing" ', states:

The State Government had knocked back a plan to increase hospital efficiency by reducing staff, an independent committee of inquiry has found. The Sax committee of inquiry, in a preliminary report, said it had been told a number of times that, by decreasing staff in particular areas, a more efficient service could be provided.

'It is alleged the Government has refused to allow these decreases,' the report states.

The committee acknowledges the right of the Government to adopt a no-retrenchment policy in relation to employment.

'But at the same time it is difficult to see how hospitals can be blamed for consequent inefficiency if the allegations can be supported,' the report said.

It continues, later:

Commenting on the paper, the Health Minister, Dr Cornwall, said staff were moved by 'negotiated redeployment' if any areas of hospitals became over-staffed.

'I certainly know of no instances of over-staffing which cannot be solved through negotiated redeployment,' he said.

Dr Cornwall said one area of over-staffing which had been brought to his attention involved maintenance workers.

Are the allegations referred to in this report correct—that the Government has refused to allow decreases in staff in particular areas in the interests of efficiency?

The Hon. J.R. CORNWALL: I point out that what is referred to in this afternoon's *News* as a 'preliminary report' is, in fact, a position paper. It is not something that has been delivered to me as Health Minister, or to the Government. It has been circulated to interested parties. Saying this is not being pedantic—it is important. What they have done is issue this paper and ask for responses from all interested parties, including the Health Commission. With regard to the allegations that 'the Government' (presumably that means the present Government) has not allowed staff reductions, that is reported as an allegation made by one or more hospitals or hospital boards: it is not something that was said by the Sax committee of inquiry. We should all be clear about that. With regard to refusing to allow staff reductions, that is patent nonsense if applied right across the board. The hospitals, if they believe that there are excess employees in any particular area, can certainly go about reducing and transferring that number of heads into other areas.

The particular grizzle that I had from a couple of hospital boards concerned a small number of maintenance people who had been placed from other substantive areas of employment. A particular case in point concerned a boilermaker at Modbury Hospital whose substantive position, I think, was with the Highways Department or the E. & W.S. Department. On the one hand the hospital wanted *carte blanche* to redirect at will. On the other hand, the union wanted the hospital management not to have the power to redirect, except in extraordinary circumstances. What was directed in the event was what I call 'negotiated redeployment'. In other words, it is quite possible, after consultation with employees, to redeploy them to their substantive positions. There is no bar to that. It would be impossible for managers in other circumstances. If the hospital's statement was as it was reported, it was misrepresenting the position. It certainly does not apply in the major areas of employment, such as in the nursing, reporting, orderly and catering sections—the major areas within the hospitals.

There is certainly no direction in which one cannot reduce staff in one area or raise it as a counter balance in another. In fact, when we first came into Government we arranged Budget supplementation of $5 000 000 so that we were immediately able in the 1982-83 financial year to implement a clear policy undertaking given in the pre-election situation, namely, that there would be no further reductions of staff overall, across the board, in our major public hospitals and that, where appropriate, the employment levels would be returned to those of 1 July 1982.

We make no apology for that. In fact, I am very pleased to be able to inform the Council that, from almost every

source and almost every person to whom I have spoken who is engaged in the hospital area, I am told that morale has lifted remarkably in the first six months in which we have been in Government.

The Hon. K.T. Griffin: You haven't been listening to the right people.

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The situation is a vast improvement. We are not trying to make a virtue out of cutting, slashing, and reducing the quality of patient care, as the previous Government did for three years.

JUSTICES OF THE PEACE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question about justices of the peace.

Leave granted.

The Hon. K.T. GRIFFIN: On 7 May this year a report appeared in the *Advertiser* about decisions by Mr Justice Bollen overturning decisions of justices of the peace at Murray Bridge and Peterborough. The Murray Bridge case was heard in open court before Mr Justice Bollen; the Peterborough case was heard in chambers, so the press and the public were not present.

All judges, magistrates and justices are liable to have decisions overturned on appeal, and that does happen from time to time. It is one of the safeguards of our judicial system. Of course, no stigma is attached to having one's decision overturned by a superior court. Justices of the peace provide a valuable service to the community in the administration of justice. Some of those justices have taken a course over the years which leads them to be qualified as justices of the quorum. Periodically they meet with local visiting magistrates, who assist them in understanding the way in which they ought to fulfil their tasks. There is also the *Justices Handbook*, prepared by the then Judge Marshall, which was due to be revised when I ceased to be Attorney-General.

To some extent, justices of the peace also rely on advice given by clerks of court. As I understand it, in the Peterborough case the justices did to some extent rely on advice given by the clerk of that court.

The newspaper report quotes Mr Cramond, the Deputy Crown Solicitor, as saying that the justices of the peace did not have the power to sentence the appellant to imprisonment on the breaking charge or for escaping from custody because he was probably not legally in custody at the time.

In amendments that were made to the Justices Act last year there was a section which prevented justices of the peace from sentencing defendants to imprisonment, but the operation of it was suspended, and it certainly had not been proclaimed at the time that the Liberal Government lost office. So, my series of questions relating to this broad topic of justices is as follows:

1. Are courses for justices of the quorum still being held and, if they are, can the Attorney-General give some indication of where and when they are being held?

2. Does the Government propose to revise Judge Marshall's handbook for justices and, if so, when?

3. Does the Courts Department ensure that its clerks receive promptly all amendments to legislation likely to relate to matters before the courts?

4. Does the Government intend to continue the use of justices of the peace in courts of summary jurisdiction and in local courts of special jurisdiction?

5. Does the Government propose any changes to the summary jurisdiction so far as justices of the peace are concerned?

6. When did the Government proclaim that provision of the Justices Act which was suspended and which provided that justices could not sentence to imprisonment?

7. If that section has now been proclaimed to come into operation, how many magistrates are being engaged to deal with the increase in sentencing responsibilities related to that change, and what restructuring of the magistrates' areas of responsibility has occurred as a result of that proclamation?

The Hon. C.J. SUMNER: The Hon. Mr Griffin has asked questions which I guess should really be placed on notice. He seems to take some delight in asking a string of questions, all of which require a certain amount of information which I am sure could be obtained if the honourable member would adopt the sensible course in the first place.

To answer the honourable member's questions: no instructions have been given to cease courses for justices of the quorum, and I hope that those courses will be continued. It is obviously highly desirable to have sitting on the bench justices who have some additional qualification by way of training through the Department of Technical and Further Education courses offered to them.

On the current state of the handbook, former Judge Marshall has indicated his willingness to continue to assist justices in their education, as he has done now for many years. I will be happy to discuss with him whether any updating of the handbook is necessary.

I assume that the clerks receive amendments to legislation in the same way as they received amendments while the honourable member was Attorney-General, but, if there is any difficulty in that area, I will ascertain for the honourable member means of overcoming the problems.

The Government has no intention of abolishing the use of justices in the judicial system. They clearly play an important role. However, I emphasis that the Government agrees with the proposition put forward by the previous Government that the role in justices in sentencing to terms of imprisonment should be abolished.

Further, we have a policy that, wherever practicable, justices of the quorum should be used to sit on the bench. That broadly answers the honourable member's questions. The specific questions on the date of proclamation and the intentions in relation to the legislation I will ascertain for the honourable member.

The Hon. K.T. GRIFFIN: I wish to ask a related question. The Attorney-General really has not answered a lot of the questions. I want to ensure that he does not get away with that and, accordingly, I ask him whether he can reply to those questions when we resume on 31 May. If he does not, I will then put the questions on notice.

EDUCATION DEPARTMENT PROPERTIES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Education, a question about rents for Education Department properties.

Leave granted.

The Hon. ANNE LEVY: I understand that several properties owned by the Government in the name of the Education Department are no longer required for Education Department purposes and that these are being leased to other organisations. One in particular which I can quote (it is one of several) is the old Verdun Primary School, between Bridgewater and Balhannah, which is no longer required by the Education Department and is, I understand, being leased to the Hills Christian Community School Inc.

What is the Education Department's policy in leasing property in this way? Does it charge full market rents to

obtain the maximum possible advantage to the taxpayer for the leasing of Government property, and are market rates being charged in the particular case that I mentioned? If so, what is the rate being charged?

The Hon. FRANK BLEVINS: I am happy to refer the honourable members's questions to my colleague in another place and bring back a reply.

ISSUE OF PASSPORTS

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question regarding the issue of passports.

Leave granted.

The Hon. C.M. HILL: This matter really affects the Commonwealth Department of Foreign Affairs, but, as it also adversely affects many South Australians, I bring it to the Minister's notice in an endeavour to help these particular South Australians. Honourable members will appreciate that some people, particularly migrants, who want to visit the lands from where they and their families came, enter into arrangements in regard to advance bookings with travel agencies and airways because, of course, they obtain cheap fares by that means. However, they must also commit themselves to paying over the money well in advance and, if they cannot honour the contract and fly out on the agreed date, they stand to lose the money that has been paid.

As part of the necessary procedure of obtaining a passport so that these travel arrangements can be completed, and in many cases after such money is paid to the travel agencies, people are now finding that apparently there is a new regulation under which it is necessary to produce a copy of the birth certificate of the applicant. Understandably, some migrants are finding that obtaining copies of these birth certificates is a very long and protracted business.

The Hon. M.B. Cameron: And sometimes impossible.

The Hon. C.M. HILL: Sometimes it is either impossible or almost impossible. From the information that I have received, it appears that this requirement did not exist previously.

The Hon. C.J. Sumner: Previous to when?

The Hon. C.M. HILL: I assume that this may involve one of the regulations that has been brought in since the present Federal Government came to power, but I am not certain of that. I am not concerned with trying to score political points in this matter: I am concerned with trying to help migrants in Adelaide who are confronted with this very serious problem. Therefore, will the Minister have his officers consider this matter and make representations to the Commonwealth department in an endeavour to help these people, as it seems to me that in some circumstances the need to obtain and produce copies of birth certificates prior to the issue of a passport could be obviated.

The Hon. C.J. SUMNER: I thank the honourable member for drawing this matter to my attention. I will certainly have inquiries made and, if necessary, make representations to the Commonwealth Government and advise the honourable member of the results.

ART GALLERY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of the Arts, a question about Art Gallery opening times.

Leave granted.

The Hon. L.H. DAVIS: The Art Gallery of South Australia has enjoyed well deserved public support in recent years. The Art Gallery Foundation public appeal raised over $1 700 000 in the gallery's centennial year of 1981, and visitors to the gallery for the year ended 30 June 1982 numbered nearly 314 000, well above the figure of 254 000 for 1979-80. However, the stubborn bloodymindedness of the union to which gallery attendants belong has resulted in the gallery's no longer being able to open on Wednesday nights. The union over some months argued that the attendants did not want to work on Wednesday nights, and all negotiations between the Public Service Board, the union, and executive staff of the gallery apparently failed.

Wednesday night openings enabled public viewing, orientation evenings for prospective members of the Friends of the Art Gallery, public lectures, and an opportunity to train gallery guides. It is interesting to note that the Queensland gallery is open every day and until 9 p.m. on Friday nights; the provincial art gallery of Horsham is also open every day and on Wednesday nights. Over many months the union has argued that the attendants did not want to work on Wednesday nights. Certainly, the end result was a trade-off whereby the gallery would open on Sunday mornings in lieu of Wednesday nights. The wages cost to the gallery under the new arrangement will be at least as much, and possibly more, than was the case when the gallery opened on Wednesday nights.

But the fact remains that gallery attendants by their actions have dictated the opening times of the gallery. This lack of flexibility on the part of the unions in regard to working hours would appear to be in sharp contrast to the attitudes in North America, Europe, and South-East Asia, where most gallery employers and employees recognise a seven-day week, with penalty rates being the exception rather than the rule.

First, given the close links between the Labor Government and the unions, will the Minister make inquiries about the opening times for the Art Gallery and if possible use his good offices to rectify the situation?

Secondly, will the Minister make inquiries to ascertain whether or not the Art Gallery has considered appointing graduates of art as paid attendants in addition to the excellent voluntary guide system that is already conducted by the Friends of the Art Gallery?

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

MEEKATHARRA COAL

The Hon. I. GILFILLAN: Has the Minister of Agriculture a reply to a question that I asked about Meekatharra coal?

The Hon. FRANK BLEVINS: I have a reply to this question, which was asked only yesterday.

The Hon. I. Gilfillan: Actually, it was asked on 23 March.

The Hon. FRANK BLEVINS: The Minister of Mines and Energy informs me that the recent statements by the General Manager of ETSA on the likely use of Wintinna coal for power generation were based on the information available to the trust. This information is limited in two main respects:

1. Mining studies done so far are of a brief and preliminary nature and are in the nature of concept studies only. No geotechnical or hydrological investigations have been made. Until these and other more detailed studies have been carried out, it is not possible to make any reliable assessment of the practicability and cost of mining the coal, although it is obvious that mining costs will be high.
2. Information available so far on coal quality is derived mainly from chemical analyses of small air-dried core samples. This is of limited value because it

does not relate to either as mined or delivered condition. Results from some tests on samples that have not been dried indicate that the coal has a high moisture content. No combustion tests have been done on the coal. Because of the limited information and uncertainties, particularly as to moisture content, it is not possible at this stage to determine the likely quality or combustion properties of delivered coal.

On the information currently available, the trust can only give limited consideration to Wintinna coal.

The Hon. I. GILFILLAN: I wish to ask a supplementary question. Was the Minister's answer prepared directly to the question that I asked on 23 March, or does it incorporate the additional information that was contained in my replay of the question yesterday?

The Hon. FRANK BLEVINS: I would be happy to relay the honourable Minister's supplementary question to my colleague in another place and bring back a reply.

DROUGHT FODDER SUBSIDY SCHEME

The Hon. R.I. LUCAS: Does the Minister of Agriculture agree that, while the Hon. Mr Chatterton was Minister of Agriculture, he had direct responsibility on behalf of the State Government for administration of the drought fodder subsidy scheme? Secondly, does the Minister agree that, as the Hon. Mr Chatterton was a Minister of the Crown, applications for funds under this scheme from which his family company could benefit should have been considered by the State Cabinet rather than by the Minister or a delegated officer?

The Hon. FRANK BLEVINS: The answers to these questions were contained in the Ministerial statement that I made earlier this afternoon.

The Hon. R.I. LUCAS: I wish to ask a supplementary question. How does the Minister of Agriculture therefore rationalise his answer, in the light of the Ministerial statement that he made this afternoon, with the admission this morning by the Premier in another place that Mr Chatterton should have referred the application to Cabinet and that on any similar occasion in the future that action would be taken?

The Hon. FRANK BLEVINS: I am not attempting to rationalise anyone. All the statements that I intend to make on this question were made in the Ministerial statement. If the honourable member wishes to put further questions to the Premier on this matter, he may do so through the Attorney-General.

IF YOU LOVE THIS PLANET

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of the Arts, a question about the documentary *If You Love This Planet.*

Leave granted.

The Hon. ANNE LEVY: As I am sure many people are aware, a documentary produced in Canada called *If You Love This Planet* has won an academy award in the United States in the documentary category. One of the people who features very prominently in this documentary is Dr Helen Caldicott, a wellknown South Australian. I suggest that this is the first time that a South Australian has starred in a documentary that has won an academy award in the United States.

I understand that as yet the A.B.C. and commercial television stations in this country have not decided whether they will screen this documentary, despite the great interest in this topic and in the fact that a South Australian is involved in this award-winning documentary. I understand that a number of people have suggested to the A.B.C. and to commercial television stations that, because of the programme's topicality and its South Australian association, it should be screened in South Australia for South Australian audiences.

The Hon. K.T. Griffin: Would you balance that with B.P's Roxby Downs documentary?

The Hon. ANNE LEVY: As far as I know, that has been shown. I do not see why the balance should not be struck. I particularly ask the Premier, in his capacity as Minister for the Arts for South Australia, whether he is prepared to add his weight to the requests being made of television stations in South Australia to screen this documentary because of its South Australian associations.

The Hon. C.J. SUMNER: I will ascertain the Premier's views on this matter and advise the honourable member accordingly.

GOVERNMENT TENDERS

The Hon. R.C. DeGARIS: Will the Attorney-General inform the Council whether the Government has issued any instructions to any Government departments or statutory authorities that they must not call tenders for the supply of equipment or goods but must purchase from a supplier nominated by the Government? If the Government has issued any instructions to that effect, to which departments or statutory authorities were those instructions directed and which supplier or suppliers have been nominated by the Government?

The Hon. C.J. SUMNER: I do not recall that any instructions of that kind have been given. I will refer the matter to the Minister responsible for supply and tender matters and bring down a reply.

PRISON ACCOMMODATION

The Hon. H.P.K. DUNN: Has the Attorney-General a reply to my question of 24 March about prison accommodation?

The Hon. C.J. SUMNER: The number of interstate prisoners in South Australia is approximately equal to the number of South Australian prisoners in interstate prisons. Other States would seek to exchange South Australian prisoners for any received by their State of origin.

Other States, besides South Australia, are currently experiencing accommodation problems and are using available provisions for the granting of remission in order to control prison numbers. This applies to South Australia's neighbouring States, Western Australia and Victoria. Tasmania is one State which is not experiencing problems at the moment but has a small overall capacity.

FLOOD RELIEF

The Hon. H.P.K. DUNN: Has the Attorney-General a reply to my question of 30 March about flood relief?

The Hon. C.J. SUMNER: The Government has made a donation of $20 000 to the District Council of Angaston Chairman's Flood Relief Appeal.

UNIONISM

The Hon. M.B. CAMERON: Has the Attorney-General a reply to the question I asked about unionism in the Public Service?

The Hon. C.J. SUMNER: Public Service Board Memorandum to Permanent Heads No. 275 will not be withdrawn nor will we seek the return of lists distributed to unions. It should be understood that the information on those lists can in any case be worked out by the unions by their checking their own membership records to see who is financial or not. The supply of lists by the Government to the unions simplifies that task for the organisations concerned. The lists have been supplied to encourage harmonious relations with the unions concerned.

As the Government does not intend to withdraw the directive referred to in question (1), the second question becomes redundant. Promotions under the Public Service Act are determined on the basis of 'relative efficiency'. For the purposes of the Public Service Act, 1967-75, 'efficiency' means:

> Special qualifications and aptitude for the discharge of the duties of the office to be filled and, in addition, in the case of offices specified when applications are called for, special qualifications and aptitude for the discharge of the duties of offices of a higher status than the office to be filled together in each case with merit and good and diligent conduct.

The criteria for promotion to a vacant office do not take account of a person's status as a unionist or a non-unionist.

MINISTERS' PECUNIARY INTERESTS

The Hon. R.I. LUCAS: My questions to the Attorney-General are as follows:

1. Will the Attorney-General ascertain from the Premier whether he believes that the matter of the application by the Hon. Mr Chatterton's family company for funds under the drought fodder subsidy scheme should have been referred to State Cabinet and relay his reply to the Council?

2. Have Ministers of the Labor Government given the Premier or Cabinet a list of their pecuniary interests?

3. Are Ministers required to advise the Premier or Cabinet of any matters under their administration in which they might have a direct pecuniary interest?

4. Will the Attorney-General ascertain whether any Ministers of the present Cabinet might have a direct pecuniary interest in matters under their administration?

The Hon. C.J. SUMNER: I will obtain the information from the Premier as far as I am able. In any event, I understand that the Premier has made a statement about some of the matters relating to the honourable member's first question. It may be possible to provide some additional information.

HEALTH SERVICES ADVISORY COMMITTEE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the Health Services Advisory Committee.

Leave granted.

The Hon. J.C. BURDETT: Section 19 of the South Australian Health Commission Act provides for a Health Services Advisory Committee. I will not read out the entire membership of the committee, but it includes two nominees of the Local Government Association, one nominee of the South Australian Hospitals Association, one nominee of the Australian Medical Association, one nominee of the Australian Dental Association, and so on. It is a body with a broad wealth of expertise.

I note that in the report tabled by the Minister this afternoon reference is made to section 19 and to the Health Services Advisory Committee, pointing out that there is one nominee of the St John Council of South Australia. The section providing for the establishment of the Health Services Advisory Committee was inserted when the legislation was originally before this Council, by an amendment moved by the Hon. Mr DeGaris. At page 1913 of *Hansard* of 1976-77, the Hon. Mr DeGaris said:

> I believe this is probably the most important amendment to the Bill so far.

Later, he said:

> Indeed, some argument has been put that the commission may be too large to be a strong commission. At the same time, I believe the most important thing in such a concept is to have available to the commission what I may well term the 'Parliament' of the health delivery services.

The committee at least has the potential to be a very useful committee with the expertise to advise the Health Commission. Did the Minister in December last year or at any other time (and, if so, when) issue an instruction that the Health Services Advisory Committee was not to sit during the deliberations of the Sax Committee?

The Hon. J.R. CORNWALL: The Health Services Advisory Committee is known in the Health Commission as 'DeGaris's Folly'. It was tacked on to the Bill in this place, and it has never worked. If the honourable member has any doubt about that he should talk to the previous Minister, because it caused her no joy at all. I think there are 14 members on that committee, and every one of them represents a sectional, vested interest. It has never been able to work as a committee, and I intend to get rid of it. I make no apology for that at all. If the honourable member holds his horses for 24 hours, tomorrow I will be tabling an extensive document as part of my belief in open Government. That document refers to the results of an internal review. I am not required to make the document available to the public or to Parliament, but I will do so.

The honourable member and other members of the Parliament, as well as interested members of the South Australian public, will be able to see that some firm recommendations were made concerning the conduct and organisation of the Health Commission. That will be the basis of a considerable legislative programme that can be anticipated in the Budget session. Without going into any more detail and taking up the time of the Council unnecessarily, I repeat that it is my intention to introduce legislation to get rid of the Health Services Advisory Committee and replace it with something which will be a great deal more effective. As to a direction not to sit before the result of the Sax Committee was known, being the practical pragmatist that I am, I probably put out the word that it should not waste its time until the various reviews were in hand. It was my clear impression, gained from senior members of the commission and based on the experience of the Hon. Mrs Adamson when she was Minister of Health, that the committee did not work.

The Hon. C.J. SUMNER (Attorney-General): I move:

> That so much of Standing Orders be suspended as to enable Question Time to continue until 3.25 p.m.

Motion carried.

HOME VIOLENCE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Health, representing the Minister of Community Welfare, a question about counselling for victims of home violence.

Leave granted.

The Hon. L.H. DAVIS: A report was contained in the media earlier this week that welfare organisations in Western Australia had joined together to counsel women and children who have been battered or abused in the home. Such coun-

selling would take the form of establishing centres in the major suburban shopping complexes in Perth. About 250 qualified counsellors are involved in the scheme, which has the support of an insurance group and the Western Australian Institute of Alcohol and Drug Rehabilitation. It is believed that such a scheme may be one way of encouraging people who are victims of abuse in the home to seek help and assistance. Is the Minister aware of this scheme and, if so, will he monitor it? If it is workable, will he consider its implementation for a trial period in South Australia?

The Hon. J.R. CORNWALL: I will be pleased to take those questions to my colleague the Minister of Community Welfare and bring back a reply.

NOARLUNGA POLYCLINIC

The Hon. J.C. BURDETT: Has the Minister of Health a reply to my question of 21 April on the Noarlunga Polyclinic?

The Hon. J.R. CORNWALL: The honourable member was under the impression that a 50c lottery was being conducted in conjunction with the polyclinic survey held at the Colonnades shopping centre. I wish to assure him that this was not the case. The Colonnades Public Relations Officer organised a health display held in the Colonnades shopping centre from Wednesday 20 to Friday 22 April 1983. Various organisations including the S.A. Health Commission (in its display about the polyclinic) were invited to take part. Included in the display was 'Heartbeat Inc.' which is a fund-raising and support organisation concerned with open-heart surgery.

That organisation comprises former patients of the cardiothoracic unit of the Royal Adelaide Hospital and does some remarkable work for fund raising for equipment for that unit. This display was located immediately adjacent to the polyclinic display. Whilst Heartbeat was primarily concerned with providing information to the public, it did offer raffle tickets as part of an on-going fund-raising venture. I am informed that the prize for that raffle was $5 000 and the cost of tickets was 50c. If the Hon. Mr Burdett's informant had not been too lousy to spend 50c, he would have found who had been sponsoring it. The raffle was in no way associated with the Noarlunga polyclinic display and people were not paying for the opportunity of placing information about the services required in the polyclinic.

JUSTICES OF THE PEACE

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to asking the Attorney-General a question on justices of the peace.

Leave granted.

The Hon. K.T. GRIFFIN: In the *Government Gazette* of 3 February 1983, notice was given of the resignation of some justices of the peace. In the same *Gazette* was a list of more than 200 justices of the peace who have had their commissions removed. Will the Attorney-General identify the reasons for those people being removed from the roll of justices and whether or not it was with the approval of those justices?

The Hon. C.J. SUMNER: As I understand the situation, it is as a result of the review of justices which the Hon. Mr Griffin set in train when he was in Government. He was concerned to bring the roll of justices up to date—a view shared by this Government.

The Hon. K.T. Griffin: We were not going to forcibly remove people from the roll. I am asking for the reasons.

The Hon. C.J. SUMNER: They were not forcibly removed. The reasons were as a result of the honourable member's review. If he does not like the reasons, that is too bad. It is my understanding that the honourable member conducted a review of justices. He wrote to people wanting to know where they were. That was done and I am pleased that the honourable member did that. It seemed a highly desirable initiative undertaken by the previous Government. As a result of that review, I understand that some justices who no longer wished to continue or who did not respond were removed from the roll of justices. That was the whole intention of the review, so that we would not have justices who did not want to be justices or who were not wishing to be engaged actively as a justice. If that is not the reason for the removal from the roll of these 200-odd people, I will further advise the honourable member. However, it is my understanding that that is the reason.

The Hon. K.T. GRIFFIN: When the Attorney-General checks that information, will he identify the categories of reasons into which various justices of the peace fall, including those justices who have had their commissions removed?

The Hon. C.J. SUMNER: I imagine that that could be ascertained. Whether or not the justices themselves will want that information made public I will have to ascertain from them.

The Hon. K.T. Griffin: You had some resignations and some were removed.

The Hon. C.J. SUMNER: They were removed from the roll of justices as a result of the honourable member's review.

The Hon. K.T. Griffin: You did not say whether they wanted to be removed or whether they can't be contacted.

The Hon. C.J. SUMNER: They were removed in accordance with the guidelines laid down by the Hon. Mr Griffin. Nothing has happened to change the guidelines. The review was continued under this Government. The honourable member knows what the review was about, because he instituted it. He sent letters to all justices in the State to ascertain whether or not they wished to continue as justices. Then, when we get a list of people to be removed from the roll of justices, the honourable member wants to know why. I am telling him. I understand that it is due to the review which was conducted and continued by this Government, the guidelines for which were laid down by the previous Government. If that is not the case, and if I can obtain any further information for the honourable member, I will let him have it.

WHYALLA CULTURAL CENTRE

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of the Arts, a question on the Whyalla regional cultural centre.

Leave granted.

The Hon. C.M. HILL: During the term of the previous Government, progress was made on regional cultural centres in South Australia. The centre at Mount Gambier, started by the Dunstan Government, was completed. A large centre was planned and built at Port Pirie, and another is under construction in the Riverland. The last to be planned was at Whyalla. I can recall the Minister of Agriculture, the Hon. Mr Blevins, when on this side of the House time and again peppering me with questions on behalf of the people of Whyalla as to when that building would be commenced. There were delays—

The Hon. Frank Blevins: You abandoned the project.

The Hon. C.M. HILL: The Government of the day decided to utilise the resources there.

The PRESIDENT: Order! I remind the honourable member that the extension of time has now expired.

The Hon. C.J. Sumner: Ask the question and get the answer.

The Hon. C.M. HILL: My question is the same as that put to me many times at the end of last year. Can I have a simple 'Yes' or 'No' answer as to whether or not Whyalla is going to obtain its theatre as part of that region's cultural venue?

The Hon. C.J. SUMNER: I think 'Yes', the honourable member could obtain that answer—but not from me. I will refer his question to the Minister of the Arts and bring back a reply.

SHOP TRADING HOURS ACT AMENDMENT BILL

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend the Shop Trading Hours Act, 1977-1980. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

It is simple in content and intention and is purely to remove a discrimination (a quite unjustified discrimination, in my opinion) against one form of foodstuffs which prevents it from competing with its competitors. The Bill seeks to remove from the sale of meat any restriction on its ability to compete with other meat protein competitors such as bacon, cooked meat and frozen meat, which is a rather interesting comparison when one considers that in this processed state red meat has been available for sale without restriction, as have fish, poultry, rabbits, sausages and other smallgoods.

I hope, by this Bill's passing this Chamber and eventually the Parliament, to remove the impression gradually building up in consumers' minds that meat is a prescribed product. It is interesting to see in the current Shop Trading Hours Act the sort of company kept by meat through its being a prescribed product. Meat shares the same sort of restrictions as do motor vehicles, boats, motor spirit, lubricants, and spare parts or accessories for motor vehicles. I believe that those are ill-fitting companions in legislation for a product such as fresh red meat in a country which produces some of the best and cheapest fresh red meat in the world. I seek leave to have the detailed explanation of the clauses of the Bill inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 by paragraph *(a)*, amends the definition of 'exempt shop' by removing paragraph *(g)* of the definition. The effect of that paragraph is that a shop the business of which is solely or predominantly the sale of red meat cannot be an exempt shop under the principal Act. The removal of paragraph *(g)* will reverse this situation. Paragraph *(b)* of this clause removes from the principal Act the definition of meat. Clause 3 amends section 6 of the principal Act. Subsection (1) *(a)* of section 6 provides that the principal Act shall apply to butcher shops and subsection (1) *(b)* provides that the Act shall apply to other shops only if they are situated in a shopping district. Because the application of the Act to butcher shops is unrestricted it applies to those shops wherever situated in the State. The clause removes subsection (1) *(a)* from the Act with the result that the Act will in the future apply only to those butcher shops situated in a shopping district.

Clause 4 removes section 13 (4) from the principal Act. This subsection prescribes restricted hours for butcher shops. Clause 5 removes meat from the operation of section 16 of the principal Act. This section is designed to ensure that certain goods prescribed by subsection (1) are not sold as a sideline out of the hours that would apply if the trade of the shop concerned was solely or predominantly in those goods. This is the section that, in the past, has required supermarkets to close their red meat section earlier than other parts of the shop.

The Hon. I. GILFILLAN: I want to make two or three other brief points. We are convinced that there are three major categories of people involved in the sale of red meat—consumers, producers and retailers. Certainly, the first two categories are determined that this restriction should be removed from the sale of red meat. There is great enthusiasm among the shopping public, and certainly unanimous enthusiasm among producers and a massive majority of retailers (although they are not saying so out loud) who believe that this restriction is hampering their ability to compete.

Statistics have shown that, since late night trading was introduced with its restriction on the sale of red meat, the consumption of red meat, which in 1977 was 96.6 kilograms per head of population per year, has dropped to 74.1 kilograms per head per year in 1980-81. The people most concerned about this reform are small retail butchers. Statistics for their trade show that in 1977 they made 80 per cent of red meat sales, a figure that had dropped to 50 per cent in 1980; so, even if they maintain the current situation they are on a sliding market base. I believe that it is for their good that we should remove this restriction on the limitation of hours for the selling of red meat. I believe that small butchers will take this opportunity, with enthusiasm, because they will be able to widen some of the sideline products that they handle and make themselves a more attractive calling point for what has become a major behavioural development in our society—that is, the family shopping.

Legislation for later shopping hours was designed (and it has worked very efficiently) to develop the social side of shopping expeditions. No longer is it a chore in many cases but a pleasant occasion for a family to go out, and I believe that that is how it should be. To know that there has been this idiotic restriction on the time when people could buy red meat has caused people to buy competitive products or go without. There is little doubt that all sections of our society will benefit from this removal of restrictions on the hours of sale of red meat.

Two things I would mention before concluding. We remain very much a minority in comparison to the other States in Australia in this matter, and that has not been our traditional role. I cannot see why we should continue to be the tail end of the fresh red meat market. All other States, except Victoria, have substantially modified their situations and so have no restrictions, or fewer restrictions, than will apply to the sale of red meat under this reform. Finally, a significant reflection on the current mood was given in the last edition of the *Stock Journal*, which contained an article about a conference of the beef-sheep meat industry held in Adelaide, as follows:

> The need to increase red meat promotion and moves to have trading regulations changed to allow red meat sales during extended shopping hours dominated discussions at the annual Beef-Sheep Meat Industry conference in Adelaide this week. Many delegates were obviously surprised at the degree of co-operation achieved during the discussions as conferences in the past have been marked by factional fighting between the various sections of the industry.
>
> Almost completely across the board the industry has now recognised that this is a ridiculous restraint, and it has been waiting for some group to take the initiative. This measure should have unanimous support in this place and I hope that the Bill will be passed in another place so that we can get back to a rational basis of selling red meat.

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

TOBACCO ADVERTISING (PROHIBITION) BILL

The Hon. K.L. MILNE obtained leave and introduced a Bill for an Act to prohibit advertisements relating to tobacco, tobacco products or smoking, and for other related purposes. Read a first time.

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

That this Bill be now read a second time.

It is an extension and, I hope, an improvement, on the Bill introduced by the Hon. Robin Millhouse in 1981 which received a great deal of support but which failed to pass the House of Assembly. This Bill is modelled along the lines of the Western Australian Bill introduced by Dr Dadour in October last year. It seeks to completely ban the advertising and promotion of tobacco products, and the short name will be The Tobacco Advertising (Prohibition) Bill, 1983.

It is hoped that, with the experience of Western Australia behind us, we will be able to introduce a more practical programme for the anti-smoking campaign, and one which will not allow the tobacco companies to terrify everyone with the results that may occur when it is passed and becomes effective. So far, the cigarette and tobacco lobby has been pathetic, and obviously people are growing tired of the old arguments which no longer hold water. I have received some 27 letters from employees of tobacco companies. The majority of them are set out in similar form and say very much the same thing, thus giving the impression that they have been promoted by the employers. I expect that all members of Parliament have received letters from employees worrying about their jobs.

I have seen three circular letters sent out by, or to, football clubs, and they are not really convincing. They talk about the democratic right of people to smoke if they wish, when there is no suggestion that smoking itself will be banned.

One letter actually ends up by saying 'Sponsorship by cigarette companies is today's target. Tomorrow may bring a change in the aiming point'. This, I think you will agree. Mr President, is a tacit admission that sponsorship of tobacco companies is in conflict, and one senior football club is uneasy about it. I know that various employees have been in touch with members of Parliament, but many of them have telephoned me to say that they have not been getting a great response. I will deal in more detail with the question of employment later on.

My strong impression is that, even since the Western Australian attempt to ban tobacco advertising, public opinion has strengthened on the side of the non-smoking lobby. There are now some 30 000 medical papers and documents accepted by the medical profession throughout the world showing the relationship between smoking and ill-health, and the argument that this is not true is wearing a little thin. Surveys back in 1982 of three Australian States quoted by Dr Dadour estimate that the percentage of children who smoke has risen from about 10 per cent in the late 1960s to about 25 per cent in late 1982. That is a horrifying percentage. These surveys repeatedly show that Australian children smoke the most heavily advertised brands. Apparently, nearly $3 000 000 is spent annually on cigarettes smoked by Western Australian children, and about 10 000 more children become regular smokers each year. Since South Australia has about the same population, the statistics would be approximately the same, and they are ghastly statistics.

In South Australia it is well known that the majority of children taking up smoking are girls, and this does not augur well for the future health of themselves or their children. The Australian Medical Association, South Australian Branch, feels so strongly about the effects of tobacco smoking that it reserved an entire volume of the Medical Journal to this subject. It was the issue of 5 March and all honourable members have a copy. I hope that they have all read it thoroughly and, if they have not, perhaps they will take the opportunity to do so during the coming break of two weeks when Parliament is not sitting. I think that honourable members owe it to themselves, their families and their friends.

Objectives of the Bill: There are three main objectives in introducing a Bill of this kind. The first is to try to prevent people, particularly children, from taking up the smoking habit in the first place. The second is to help to make it easier for the 80 per cent of smokers who wish to give up the habit to do so. Thirdly, it is hoped to persuade yet even more people that smoking is socially selfish and unnacceptable.

By far the majority of people, both old and young, who take up smoking do so to be sociable or because their friends or peers do it. Honourable members should not try to tell me that the clever advertisements such as the Marlborough cowboy advertisements do not influence young people to smoke on the grounds that they think that it is manly to do so.

Reasons for introducing this Bill now: The Australian Democrats have been concerned about the increase in smoking in the community, and are convinced that it is a distinct health hazard, and I think that most members would agree with that. We now know that smoking causes death at about 2½ times the road toll, and about three times the rate of deaths due to alcohol. Curbs on dangerous driving and drunken driving continue to increase, and the warnings on the effects of alcohol are also increasing. This campaign is only part of the total campaign for mankind to stop destroying itself.

Since there is no safe limit for smoking for the average person (there are lucky exceptions), the matter is urgent. We are also introducing this now because the Government has already undertaken a $150 000 anti-smoking campaign in the Iron Triangle, and it is well known from experience in other countries that anti-smoking promotion campaigns are relatively ineffective while the tobacco companies are allowed to carry out a pro-smoking promotion campaign at the same time. In other words, experience has shown that, for a community anti-smoking campaign to be successful, tobacco advertising must be banned. We see no sense in spending an enormous amount of taxpayers' money to try to discourage smoking while other taxpayers are permitted to counteract it.

Smoking not to be illegal: Some members of the public are confused because they feel that we are trying to ban smoking, which is not true at all. We fully realise that smoking will continue and we are not attempting to stop it. Cigarettes and other tobacco products will still be available from tobacconists, delicatessens, hotels and other outlets, but they will not be permitted to promote them.

What we would like to see, and what we will press for very soon, is very high penalties for tobacconists, delicatessens and others selling cigarettes to children under the age of 18. Members have all seen schoolchildren smoking at bus stops, picture theatre foyers, and probably in the schoolgrounds; that subject needs definite attention because nobody seems to want to take it up. It is quite ridiculous to pretend that schoolchildren are not smoking, and I am amazed that the Education Department has not leant more heavily on the teachers to stop it.

Democratic and personal freedoms: The sporting bodies are inclined to say that they have a democratic right to seek sponsorship from anybody they choose, provided their products are not illegal. This is sheer hypocrisy and double talk. It is a bad case of apologetics. Individuals complain that a personal freedom is being taken away, if the right to kill oneself prematurely is, in fact, a democratic right. The

argument is nonsense, of course; nobody is compulsorily trying to stop them smoking; what we are trying to do is to make them realise that their habit is dangerous for them as well as their friends around them and to produce sufficient evidence to make them want to stop of their own accord. There is no infringement on democratic rights for smokers whatsoever. One could possibly argue that the ban on advertising is undemocratic, in the sense of interference, but, if that is the case, a large number of countries which already ban tobacco advertising totally, or partially, are behaving in an undemocratic manner. One would also have to say that the Australian Medical Association and all the medical practitioners throughout the world who are in anti-smoking campaigns (and that is the vast majority of them) are acting undemocratically, and that, of course, is nonsense.

Cost of smoking to the taxpayer: During the debate on the Millhouse Tobacco Advertising (Prohibition) Bill, the Hon. Jennifer Adamson, then State Minister of Health, referred to the fact that the cost of smoking related patients in the Adelaide Hospital alone was estimated by the Health Commission to be in vicinity of $12 000 000 per annum. This, of course, is only the tip of the iceberg. We must remember the sick people with smoking induced lung cancer, emphysema and chronic bronchitis, who are not necessarily in hospital, but are either not working at all or working only part time. It is estimated by the health authorities that time lost through smoking induced illnesses is more than time lost through all the strikes put together. Whichever way one looks at it, the cost of smoking is simply enormous and, if the number of hospital patients alone were reduced, and the money transferred to health authorities and supporting bodies, it would be a handsome profit. The *Medical Journal* to which I referred earlier mentions the fact that it is now 'considered' that the cost of people smoking is greater than the excise collected from the import of tobacco. (It is more than 'considered'; it is now known.)

Organisations supporting the Bill: Apart from the hundreds of individuals who have indicated their support for this Bill, the organisations which have indicated their support and are prepared to work actively to see that the Bill is passed include the South Australian Branch of the Australian Medical Association, Australian Council on Smoking and Health, the Australian Council for Health and Physical Education and Recreation Inc., the National Heart Foundation, the Kidney Foundation, the Cancer Foundation, Childrens Television Committee, Womens Keep Fit Association, Child Adolescent and Family Health Service, Institute for Fitness Research and Training, and the Australian Sports Medical Foundation. Many more, I am sure, are working quietly in the background and will come out into the open as the programme proceeds.

Health Ministers Conference in Hobart, 29 April 1983: All members of this Council will have seen the announcement in which the Health Ministers, Federal and State, meeting in Hobart, urged a 'crack down' on tobacco advertising. To quote the *Advertiser* of 30 April 1983:

> Tough anti-smoking measures, including a request for an increase in tobacco excise and a ban on indirect TV advertising using sport, have been agreed to by Federal and State Health Ministers. The 'crack down' would include sports sponsorship by tobacco companies. The Federal Health Minister, Dr Blewett, said he and his State counterparts had resolved that sports sponsorship by tobacco companies was a 'definite form of tobacco advertising and promotion'.

I should, perhaps, say here that the Health Minister for Queensland had a little difficulty in being as definite as the others—for reasons which will be obvious to us all. The conference decision, of course, is very good news to us because we are quite aware that a complete banning of advertising will need Federal legislation and a Federal programme. We are introducing this Bill in the hope that it will pass and be a pacesetter for the other States and the Commonwealth. My guess is that, for the ban to be complete, it will need legislation passed in each State as well as the Commonwealth. If the Bill is passed, it will be the first, and obviously a splendid springboard for a Federal campaign. In the report of the Health Ministers' Conference, the Executive Director of the Federation of Australian Sport—the Federal body, representing all Australian sport—warned the Ministers about stopping tobacco firms sponsoring sport, and said that they contributed $10 000 000 annually, or about 20 per cent of total private sponsorship. I believe the figure to be nearer $15 000 000 annually throughout Australia. Whatever it is, I regard it as utter impertinence for a person in that position to attempt to bully the Health Ministers.

The Executive Director of the federation then goes on driving fear into the hearts of sportsmen as if the withdrawal of tobacco advertising would cause sport to collapse altogether. This, of course, is a gross exaggeration and, I believe, actual nonsense, because somebody else, including the State Governments, would obviously come to the party. The Western Australian Government has already announced that it will do so to the tune of $1 500 000, if the Bill which it is contemplating introducing is successful. I believe that the Government will go ahead with it.

Reaction of tobacco companies: Attacks in various forms by the tobacco companies are only to be expected, although I hope that they are a little more sensible than to use the pressure they tried to exert in Western Australia. The tobacco companies seldom appear in the campaign, but it seems to me that they use the sporting bodies, advertising agents, and so on, to carry the banner for them. In the Western Australian *Daily News* of 15 November 1982, a full-page advertisement appeared, inserted by the Australian Association of National Advertisers, the Advertising Federation of Australia and the Authorised Newsagents Co-operative Limited.

It started with a two-inch word across the page, 'Warning,' then across the page in one-inch high letters, 'Western Australians' freedom of choice is under attack. Read about the Bill proposed to State Parliament'. It then went on to put the fear of God into the good people of Western Australia as to the awful effects of what could happen if the Western Australian Bill was successful. Reference was made to 11 problems that would result from the Bill, all of them exaggerated, in my view, and most of them not applying to this Bill (I hope). I do not propose to cite the 11 problems.

What it really meant was that, if the Bill passed, it would be detrimental to the advertising industry but, as I said earlier, experience has shown that that is not true. An advertisement appeared in the *Western Australian Weekly* of 3 November 1982 with a coupon addressed to Mr Ray O'Connor, Premier of Western Australia, with the request that people who were strongly opposed to the Tobacco Products Advertisement Act mail the coupon back to the Premier. In one-inch letters, the advertisement asked:

> Is this the last year you'll see Lillee send down a ball on TV?

Well, really, people would have to be half-witted to take any notice of that. It continued:

> Or the last time you'll see the track at Bathurst from inside Peter Brock's car? Or see McEnroe holding court? Or Ken Hunter flying? Or Graham Marsh make a birdie putt? Or Kevin Keegan scoring for England? Considered legal opinion advises that, if Dr Tom Dadour's proposed legislation is passed, it's highly unlikely that you'll see any sporting event if it contains any direct or indirect reference to tobacco products. Stop and think. Almost certainly no television coverage of test cricket, the Marlboro Australian open tennis, the Hardie Ferodo 1000, the Australian open golf, the F.A. Cup, the V.F.L. grand final, Escort Cup, the Grand Prix. And even worse, there will be no live performance here of any national event containing any reference to tobacco

products. Events like test cricket, Benson and Hedges Cup cricket, the Inter-dominion, etc.

I do not know whether members realise how deeply tobacco companies are involved in sport. Quite frankly, I believe that the companies are exposing their programme, and I think it is disgraceful. Believe it or not, that advertisement was inserted by a number of Western Australian sporting bodies, including cricket, football, golf, tennis, soccer and trotting organisations. I will not name the companies, but I could provide those names if members wish: I have a copy of the advertisement. I would think that, by now, they are thoroughly ashamed of themselves, because what they are saying is utter rubbish.

Advertising to gain a share of the market: The advertising companies claim that their advertisements are not aimed at starting people smoking but to persuade them to switch brands. That is substantially true, of course, and the effect can be seen by the most heavily advertised brands being the most visible in the community. Nevertheless, advertisements such as the Marlboro cowboy advertisements make it look manly and wonderful for them to be smoking, not mentioning that many of those same cowboys are dying, and probably have been the cause of bush fires. The advertisements showing beautiful women smoking either at parties or lying on the beach never indicate that kissing them is like kissing a dirty ash tray. It is all just so beautiful, and do not tell me that that does not persuade some people to smoke.

The effect on jobs: I have received about 30 letters from employees of tobacco companies, including one or two from Queensland, who are very concerned about their jobs. This is understandable, and as soon as I have time I will write to them hoping to set their minds at rest. Mind you, many of those employees took their jobs long after it was known that smoking was dangerous to health, and they must have considered this at the time of obtaining those jobs. Nevertheless, I have great sympathy with those people, because jobs are not plentiful, and I would feel as bitter as they do if somebody like me was introducing legislation which might affect them and their families. I believe that there are about 80 employees of tobacco companies in South Australia, and I think that we have to measure the cost and inconvenience to them against the cost of smoking-induced patients in hospitals and on pensions, and the inconvenience caused to us, the taxpayers, who have to keep them.

As I have explained time and again, the effect of this Bill, and the Government anti-smoking campaign, will not be immediate—it is a long-term programme and could take as long as 25 years to become fully operative. It is hoped that, long before that, the tobacco companies will have ceased to rely on tobacco products for their existence, and that the employees of those companies will be fully and gainfully employed in some activity of more value to the human race.

The effect on sport: As I have said earlier, we believe that the simple answer is for Governments with Departments of Recreation and Sport to really put their back into it and take on responsibility for sport as a national matter. I believe that some Governments feel that all they have to do is create a Department of Recreation and Sport but, if they are genuine about ensuring that such a department adopts the proper role, they should consider the matter more seriously than at present. They could easily take the place of tobacco companies.

It seems to us rather stupid to allow tobacco companies to sponsor sport, and thus create enormous expense in Government Budgets, health budgets in particular, the funds from which could otherwise be used for very much greater sponsorship of sport and related activities, such as life-saving. The editorial in the *Advertiser* of 2 May 1983 (while 'having a dollar each way' as it were) made clear that they were concerned at the conflict which arises in sporting bodies having to accept tobacco money company to continue. Among other things, it was stated:

> And there is something illogical about spending vast sums on promoting health and fitness while the promotion continues of sport (and by association, health and fitness) through revenue from something which so many say is known to be a killer.

I think that that says it all. Tobacco is known to be a killer. We have reached a stage where everyone knows tobacco is a killer, yet we still carry on as though people are still conducting research to determine that fact. I sincerely believe that sporting bodies would be relieved if their reliance on tobacco company money was removed and replaced by the taxpayer. I am convinced that this would result in a profit for the taxpayer. Furthermore, I am not convinced that the loss of sponsorship, would hurt tobacco companies all that much. If they got rid of $15 000 000 worth of sporting sponsorship and the smoking programme only slows down gradually, I do not believe that they will have a lot to moan about.

The Hon. Anne Levy: They could still sponsor.

The Hon. K.L. MILNE: By all means, they could still sponsor. However, would they sponsor if they were not allowed to advertise? In fact, a magazine in the United States which refused to accept cigarette company advertisements was really punished.

The effect on the advertising industry and the media: May I repeat that an examination of media advertising expenditure in Australia from 1960 to 1981 indicates that the withdrawal of direct cigarette advertising on television and radio caused by the implementation of the 1976 amendments to the Broadcasting and Television Act has not affected advertising income in those areas. The cessation of cigarette advertising on television and radio came into effect on 1 September 1976. In 1977, that is to say, the first year which the bans operated, the money spent on media advertising went up in all sections of the media as follows: print 23 per cent; TV 21 per cent; radio 17 per cent; outdoor 11 per cent; cinema 7 per cent. That is an average rate of increase of 22 per cent over the past few years, and it has continued to rise. In other words, there was hardly a hiccup in the general trend. The source of this information is from the *1982 Broadcasting and Television Yearbook.*

The State Government Health Policy of 1983: On page 35 it states, *inter alia:*

> Specifically a Labor Government will:
> Develop well designed and evaluated programmes to assist people to stop smoking.
> Develop effective programmes, particularly for primary schools, for preventing smoking and drug abuse.

It is no joke—primary schools are an area of concern. The policy continues:

> Promote a national programme at conferences of Federal and State Health Ministers to restrict advertising and sponsorship by tobacco companies. Under the programme, sporting bodies would be encouraged to find alternative sponsors and financially assisted during the transition period.

That means that sporting bodies will be encouraged to find alternative sponsors, and they will receive financial assistance during that period. What is all the fuss from sporting bodies? What is all the fuss from tobacco companies when the Government has promised much the same as the Western Australian proposal (and I am sure that the Government will adhere to that promise)?

This is an entirely different ball game now that the State Government is recognising its responsibility in relation to sport and recreation. I believe that there is not one person in the community who would not back the Government in relation to this matter. There can be no doubt in the minds of members of the Australian Democrats where the South

Australian Labor Party stands on this issue, and my Party congratulates it on that stand.

The effect on health: The effect on health of smokers is now no longer guess work. There are over 30 000 medical papers on the effects of smoking, and we must face the fact that what they say is all too true. Scientists have now discovered that the smoke exhaled by smokers is more dangerous than the filtered smoke which they inhale. This, in itself, should be a deterrent to smokers unless they are absolutely selfish and have no care whatsoever for their fellow man.

It is estimated that about 90 per cent of lung cancers are caused by smoking. It is the second largest cause of death in Australia. Lung cancer has been rapidly rising among women, as has smoking rapidly risen among women. The risk of lung cancer increases directly with the number of cigarettes smoked, and the risks are estimated to be as follows:

No. of cigarettes per day	Increased risk of developing lung cancer
1-14	8 fold increase
15-24	13 fold increase
25 or more	25 fold increase

The Hon. Anne Levy: Is that for men or women?

The Hon. K.L. MILNE: Both. The earlier a person starts to smoke, the greater the risk of lung cancer. Ninety-five per cent of bronchitis sufferers are smokers. There are a few other factors, such as air pollution and irritants, but these account for only a minority of bronchitis sufferers. The first sympton of bronchitis is what we call 'smokers' cough'. The air passages in the lungs gradually become narrower, making breathing increasingly difficult. Emphysema is a severely disabling condition in which the air sacs in the lungs, which are essential for oxygen exchange, break down. As a matter of fact, I believe that the effects of emphysema are far more damaging to the community and result in far more expense than the disease of lung cancer, which gains much more publicity.

The Hon. Anne Levy: You die quicker, too.

The Hon. K.L. MILNE: Yes. Coronary heart disease is one of the leading causes of death, and it is estimated that smoking tobacco causes about one-quarter of these deaths in Australia. Ninety-five per cent of patients with diseases of leg arteries are smokers. Strokes are more common in smokers. Tooth decay is more common in smokers than non-smokers and, perhaps most important of all—cigarette smoking by women during pregnancy is associated with retarded foetal growth, increased risk of spontaneous abortion, and pre-natal death. I could go on, but perhaps these statistics are sufficient to give justification for this campaign and for our request for all members to support this Bill.

The effect on delicatessens and other outlets: As I said earlier, we are not attempting to make smoking illegal. Therefore, cigarettes and other tobacco products will still be available just as they are now. The only difference is that they will not be advertised and promoted. The volume of tobacco products sold is unlikely to reduce to any great extent in the short term. Therefore, those selling them should not suffer a great deal, if at all.

Time scale: It is our intention that the Bill will not come into operation for one year, or probably two years, to give all interested parties some time to readjust. The Federal Government would need some time to readjust its collection of excise, and the State Government would need time to budget for an increased subsidy to support sport in the short term until savings from hospitals take effect. It would be only fair that the sporting bodies have one or two summer and winter seasons to make other arrangements.

The Hon. M.B. Cameron: The possible effect may take more than one or two years. It is a long-term problem, and it could take up to 10 years before any real effect was evident.

The Hon. K.L. MILNE: In Australia we have the best example of neglecting sport in our lack of support for the Olympic Games team. We now know that we have to support the Olympic Games team properly. I believe that Governments will come to understand that each State Government must support sport properly which until now nobody has asked them to do. If we are asking them to take the place of the cigarette people, we are suggesting that we will save on hospitals, raise more on excise, use more on sport and thus have more healthy people and less hospital costs. With any luck it would be a constant circle of improvement in relation to the tax money.

The Hon. M.B. Cameron: You are presupposing that the measure will lead to an automatic reduction in smoking.

The Hon. K.L. MILNE: The incidence of smoking is already reducing. Indeed, the reduction in the sale of smoking products was quite steep after the banning of television advertising in 1976. In this respect, I have a graph if honourable members are interested. The decline is rapid and is still continuing. It is happening but it will need a shot in the arm such as a Bill of this nature. It will need another shot in the arm from the Federal Government and a continual programme to make smoking anti-social and to ensure that people who smoke are doing so when those around them wish that they would not.

As an example, two friends came to our home the other day. My wife and I do not smoke and the husband did not smoke. However, the wife did smoke, and she said, 'Do you mind if I smoke—you probably do? If you do I will go out to the car to have a cigarette.' This woman was very conscious that she should not smoke in someone's house if they did not wish her to do so. That is at least a start. I cannot help looking at you, Madam Acting President, with fear and trembling and wondering what you and the other ladies will say.

The ACTING PRESIDENT (Hon. Diana Laidlaw): I was not sure whether I could object from this position.

The Hon. K.L. MILNE: It is a problem for the ladies in this Chamber.

General: We hope that this Bill, and the discussion on it, will highlight the stupidity of allowing the sale of tobacco products to minors, thus encouraging them to smoke. It is national suicide. We realise that the whole matter must be a Federal campaign, with Federal legislation, probably supported by the States before it will be fully successful. The Australian Democrats I am sure will work to that end in the Senate with the other political Parties. But, the passing of this Bill indicates to all Australians that smoking is no longer clever or acceptable.

Clause 1 of the Bill is the short title and formal. Clause 2 deals with the commencement of the Act. It states that it will come into operation one year after assent, but this could well be two years. Clause 3 deals with the definition or interpretation of the words 'advertisement', 'newspaper', 'publish', 'tobacco' and 'writing'.

Clause 4 outlines the type of advertising which may no longer be continued and what advertising in this sense includes. Clause 5 sets out the type of advertising, such as television advertising, which has already been banned, that does not apply in this Bill. Clauses 6, 7, 8, 9 and 10 deal with offences and defence by those who infringe the Act. My colleague and I (and I know the Democrats as a whole) ask members to treat the Bill seriously and to give it every support.

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

PLANNING ACT REGULATIONS

Order of the Day, Private Business, No. 1: Hon. G.L. Bruce to move:

That regulations under the Planning Act, 1982, concerning Development Control, made on 4 November 1982 and laid on the table of this Council on 8 December 1982, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

REAL PROPERTY ACT REGULATIONS

Order of the Day, Private Business, No. 2: Hon. G.L. Bruce to move:

That regulations under the Real Property Act, 1886-1982, concerning registration of division plans, made on 4 November 1982 and laid on the table of this Council on 8 December 1982, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

Order of the Day, Private Business, No. 3: Hon. G.L. Bruce to move:

That Regulations under the Real Property Act, 1886-1982, concerning registration of division plans (amendment), made on 25 November 1982 and laid on the table of this Council on 8 December 1982, be disallowed.

The Hon. G.L. BRUCE: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

CORPORATION OF GLENELG BY-LAW No. 1

Adjourned debate on motion of the Hon. C.M. Hill:

That the Corporation of Glenelg By-law No. 1 concerning Bathing and Controlling the Foreshore, made on 16 December 1982 and laid on the table of this Council on 15 March 1983, be disallowed.

(Continued from 4 May. Page 1105.)

The Hon. G.L. BRUCE: I rise to challenge the reason behind the Hon. Mr Hill's debate last Wednesday. Since then minutes of the Subordinate Legislation Committee, which examined the matter, have been tabled. I trust that since then Mr Hill has had time to peruse those minutes to see why the committee reached the conclusion that it did on the legislation. To get the record straight, I quote what the Hon. Mr Hill said in the debate last Wednesday as follows:

I am not in any way being critical of the Joint Committee on Subordinate Legislation, which considered this by-law and decided that it should become a law, resulting in its being laid on the table in this place. However, I make the point that the people about whom I have spoken do not have one particular lobby or association that could act as a pressure group before that committee. I am talking of people scattered throughout the community, so it is not surprising that, when the Joint Committee on Subordinate Legislation advertised giving such people a chance to come before it and express their views, very little was heard from those people.

That is true, because we did not advertise it, and it is only natural that we heard very little. Normally, subordinate legislation comes from a council or a concerned body. It is submitted to the member for the area for his comment. If the comments are unfavourable, the member for the area is invited along to appear before the committee. In this case, I understand that the member for the area approved the by-laws, that there was discussion on them, and that it was decided to invite the Glenelg council to put its view on why it believed those laws should come into force.

I will refer to the minutes and read them into *Hansard* so that there is no misunderstanding of why the Subordinate Legislation Committee acted in the way that it did. We took evidence from the Chief Inspector of the Council, a Mr Robert Bruce Berry, who was asked the following question by the Chairman:

Will you give us a brief outline of the requirement of the regulations?

He answered:

Pressure came upon the council with the advent of Brighton council bringing in its by-law. Our council received a lot of complaints and representations from ratepayers prior to that.

Mr Berry continued:

The publicity given to Brighton's by-law increased the pressure on council to do something in Glenelg. Through the council's general inspector and dog control officer, we gave much attention and consideration to the foreshore and studied Brighton's by-law. Our report to council was confirmed by council ratifying our thoughts. The by-law from Brighton operates from later in the morning. Glenelg is basically a tourist town and has a lot of motels and much beach use. It is also serviced by the Glenelg bus, tram and cars from private car parks.

From 8.30 a.m. onwards a number of young mothers with children are on the beach. It is also an hour of the morning when the sun is not so strong. The same happens from 5 p.m. onwards during daylight saving. Brighton's by-law which operated from 10 a.m. to 5 p.m. did not cover the time when the beach was used by people with small children. The complaints we received were the usual ones about dogs despoiling towels and clothes on the beach and friendly dogs bounding up to children wanting to play and children becoming frightened. That tended to agitate the animal.

The evidence continues, later, with the following question and answer:

Henley Beach has similar provisions to yours?—Yes, we did get together on that to keep uniformity. Henley Beach, Glenelg and Thebarton share a common dog control officer. We fund his wages and vehicle collectively. The beaches are policed by the same gentleman.

I draw to the attention of the Council that the times applying to the Henley Beach by-law are the same as those applying to the Glenelg by-law and I understand that there has not been much flak in Henley Beach about those times.

The Hon. K.T. Griffin: They are different from Brighton.

The Hon. G.L. BRUCE: Yes, but the same as the times at Glenelg. The committee was told that the Henley Beach and Glenelg times were uniform. We felt that, in that situation, uniformity was a big thing. As I see it, government, whether local, State or Federal, is there to give the best possible deal to the most people. While a certain number of people may be disadvantaged by the passing of this by-law, I believe that, on the whole, it does the right thing. The Glenelg foreshore comprises an area of some two miles and at Moseley Square one is approximately half-way along the Glenelg beach. So, if someone wanted to take his dog for a walk along the beach, but stayed on the esplanade and walked to Brighton, he would get two hours extra exercise in the morning. If people walked to West Beach Reserve, they would find that time is unlimited for exercising dogs there.

I speak from personal knowledge when I say that one gets on the beach and sees people with dogs on leads. The usual reason for one's taking a dog on the beach is not only for exercise but also because the dog can relieve itself. There is nothing so odd as seeing a person standing next to a dog on a lead despoiling the beach while the person looks at the sky as though the dog does not exist. I would sooner see a dog despoil the footpaths and walk in it than have it despoil

the beach and sit in it. I do not believe that the council entered lightly into this by-law.

The Hon. M.B. Cameron: How can you get so upset about this when you have just cancelled the Finger Point sewerage proposal?

The Hon. G.L. BRUCE: I have not cancelled anything. The following question was asked of and answered by Mr Berry:

> Do you really think that between 8 a.m. and 10 p.m. dogs held on leashes of not longer than two metres by a person capable of controlling the dog would be an inconvenience to people using the beach?—I believe that is the case during the popular summer months.

Mr Berry also indicated that he is a jogger who goes on the beach between 6 a.m. and 8 a.m., at which time he sees numerous dogs exercising with their owners. The dogs are, in many cases, running without a leash alongside their owners. However, those dogs are under the control of and with their owners, and it is early in the morning. This by-law is not unreasonable.

I believe that the Hon. Mr Hill based his evidence in this matter more on his own beliefs than on representations from people in the area. The beach is there for all people to share. Because of the popularity of the Glenelg beach (which Mr Hill recognised), people from all over the metropolitan area who frequent Glenelg should be able to do so without being upset by dogs, whether on leads or not. They should be able to enjoy that beach in comfort and not have to content with dogs on the foreshore. If the Hon. Mr Hill has been to Glenelg on a hot day and seen the number of people frequenting the beach—

The Hon. K.T. Griffin: Not at 8 o'clock in the morning.

The Hon. G.L. BRUCE: At 8 o'clock in the morning, in the summer. If one goes there one can observe for oneself that there are many motels at Glenelg. People on the foreshore at Glenelg, like people at any popular seaside resort, are out early in the morning before breakfast strolling on the beach. As stated in evidence given to the committee, mothers with small children go on to the beach before the heat of the day, between 8 a.m. and 10 a.m. I do not think that this by-law is unreasonable, and I urge this Council to support and uphold the decision of the Subordinate Legislation Committee relating to it.

The Hon. K.T. GRIFFIN: I support the motion for disallowance, but declare my interests, although not pecuniary ones. I am a resident and ratepayer of Glenelg, my family has two dogs and I have two children (as well as cats and other pets around the place). However, the only ones relevant to the consideration of this Bill are the two dogs. The dogs are not permitted to roam the streets (nor are the children) and, when they are taken out, they are on leads. They are never allowed to run loose.

Many residents of Glenelg have expressed concern to me about the severe restrictions imposed by this by-law. They wonder why, as permanent residents and ratepayers of Glenelg, they should not receive a little more consideration from the council, which purports to run local community affairs on behalf of residents and ratepayers.

It is all very well to talk about tourists, but one must get this matter into some perspective and recognise that although tourists bring money to the local area and to businesses in the area, it is the residents who reside there permanently and by whom the council has been elected to provide facilities.

Many residents of Glenelg have spoken to me about the restrictive nature of this by-law, particularly when it is compared with the by-law applying in the Brighton council area which adjoins and which is not separated by any area of land. To that extent it is different from the northern boundary with the Henley and Grange council area, which is separated by an extensive piece of beach under the control and management of the West Beach Trust. No by-laws apply there. This area is separated physically by an extensive piece of coastline.

The Hon. G.L. Bruce: You can exercise your dog there all day.

The Hon. K.T. GRIFFIN: That is all very well if one is mobile, but many residents of Glenelg are elderly people who cannot, or do not want, to drive and who prefer to use local facilities rather than going to the sandhills at West Beach. The people who have expressed concern about the restrictive nature of the Glenelg by-law have not been prepared to come before the Subordinate Legislation Committee because they regard it as a somewhat awesome committee. With respect, I cannot understand why, but many people in the community are a bit apprehensive about coming before formal committees. That is especially the case with a committee representative of members of Parliament.

The Glenelg by-law provides that dogs, whether on a leash or otherwise, are banned from the beach between 1 October and 31 March from 8 a.m. until 7 p.m. There are two months in that period which are not daylight saving months. The by-law of Brighton council relates to a period from 1 November to the end of February between the hours of 10 a.m. and 5 p.m.

I refer to the evidence of Robert Bruce Berry, Chief Inspector, Corporation of the City of Glenelg, in which it can be seen clearly that it is not dogs on leashes which are creating the problems but those which run loose. The transcript report of the question by the Hon. Mr Burdett and Mr Berry's reply is as follows:

> According to your regulation, even between the hours of 8 p.m. and 7 a.m. it is only legal to take a dog on the beach if it is held on a leash not exceeding 2 metres in length by a person capable of controlling the dog?—That is correct.
>
> So, it would still be illegal to allow a dog to run loose?—That is correct.
>
> And the main disadvantages you mention of dogs despoiling towels and threatening children would be from dogs not on leashes?—Generally. I have seen it happen.

Earlier in the transcript Mr Berry's evidence states:

> The complaints we received were the usual ones about dogs despoiling towels and clothes on the beach and friendly dogs bounding up to children wanting to play and children becoming frightened.

It is clear from that evidence that the major concern is with dogs not on leashes. How can a by-law prevent those dogs from running loose? The Dog Control Act already covers this and places some impositions on the owners of those dogs, if they can be found, for allowing their dogs to behave in that manner. The mere passing of a by-law to prevent dogs from being on the beach between certain hours in certain months is not going to stop that problem.

The Hon. G.L. Bruce: How does being on a leash prevent their despoiling the beach?

The Hon. K.T. GRIFFIN: I have seen the owners of dogs on leashes cover the faeces or scoop it up and put it in a bag.

The Hon. G.L. Bruce: Some just walk away.

The Hon. K.T. GRIFFIN: Some do, that is acknowledged. When one talks about despoiling the beach, if one goes down to the beach after a rough night's party by some of the tourists who come to Glenelg, one can see much more dangerous and offensive litter on the beach than that left by dogs.

The Hon. G.L. Bruce: Do you prefer hamburger wrappings?

The Hon. K.T. GRIFFIN: What about broken bottles and other debris which create danger for people who want to use the beach? If we start to make comparisons, let us not leave out the humans. Perhaps we should ban humans as

well between the hours of 8 a.m. and 7 p.m. so that we will have none of these problems. Then the dog catcher can go about his task untroubled by human beings.

The Hon. G.L. Bruce: What about the hot night when one cannot get even enough room to even lie on the beach?

The Hon. K.T. GRIFFIN: After 7 p.m. people can take the dogs to the beach on a leash. Certainly, no-one is asking for anything more than right to take dogs on the beach on a leash in less restrictive hours. This is what the by-law does: it does not deal with the owners who let their dogs run wild; it seeks to deal with the wrong part of the problem as seen by Glenelg council.

I was referring to the application of the by-law, but there is another interesting part of the inspector's evidence. In reply to a question from Mr Ferguson, a member of the committee, Mr Berry states:

> I might add that I am a jogger and a swimmer and go down every morning between six o'clock and eight o'clock and I find that most of the serious dog lovers are on the beach at about that time with their dogs. To be honest, many jog alongside of their dog with the leash in their hand with nothing connected on the other end: perhaps if I were to identify myself they may connect it. However, that really wouldn't worry us at all because most of those people are responsible dog owners with dogs that are controllable. The trouble is in drawing the line between the person who is responsible for his dog and the person who is not. Under those circumstances certainly we would not go out of our way to police it in that situation.

I cannot believe that Mr Berry is suggesting that only those people who jog between 6 and 8 a.m. are responsible dog lovers in Glenelg. If he was, then I suggest that his evidence is quite defective. I draw the Council's attention to the many other persons and residents of Glenelg and surrounding areas who cannot jog or who certainly do not jog between 6 and 8 a.m.

What about elderly people or young people with families who may not be able to make such an early start or get to the beach before 8 a.m. or after 7 p.m.? Certainly, in the periods out of daylight saving, that is getting close to children's bed time but it still may be appropriate to take the dog for a walk with the family along the beach. The suggestion that serious dog owners can get to the beach only between 6 and 8 a.m. is ridiculous. I draw the Council's attention to one other aspect; that is, that the inspector himself says this:

> . . . many jog alongside of their dog with the leash in their hand with nothing connected to the other end.

The dog is not on a leash. What does the inspector do? He condones the technical breach of the Act; he turns a blind eye to it. Going further on in the evidence, in answer to a comment by the Chairman, who thanked him for his attendance, Mr Berry states:

> I want to add that I think that the by-law is required in certain instances but I think you will appreciate that in other instances it is really not necessary. I can assure you that the way in which we would administer it would be that way. If we do get someone who is obviously flaunting the law or causing a problem you need a by-law to assist you. For the rest of the time we do not have the manpower available to sit on the beach every day for 12 hours a day looking for the odd infringer, but there are times when dogs are running on their own or in a pack of, say, half a dozen when there are problems. Also there could be a problem with irresponsible handling of a more highly spirited dog, which are the ones that cause the trouble. It is hard and one cannot have a by-law for certain dogs and not the others. However, certainly when people are doing the right thing they do not have to be policed all the time.

That suggests that there is one law for one group of people and one law for others. How do Glenelg residents and others who take their dogs to the beach at hours prohibited by the by-law—ordinary law-abiding citizens—know whether the dog inspector will say, 'You are hereby apprehended and we are going to charge you with an offence'? How do they know that he will turn a blind eye and say, 'You are not one of the irresponsible ones'? When it comes to suggesting that that is the way the law should be administered it is time for a serious rethink about the law itself. One cannot have those who are appointed to uphold the law exercising the discretion themselves in the sort of way—

The Hon. G.L. Bruce: It is compassion.

The Hon. K.T. GRIFFIN: —that the inspector suggests he wants it administered. It is all right for the Hon. Mr Bruce to talk about compassion, but there is nothing in the evidence to suggest that the criteria are based on compassion.

The Hon. M.B. Cameron: There is compassion before 8 o'clock in the morning.

The Hon. K.T. GRIFFIN: There is no compassion because, as I have already indicated, many people cannot get there before that time. There is another question, again from the Hon. John Burdett to Mr Berry:

> What other facilities do dog owners in Glenelg have for walking their dogs? I believe there are no cycle or walking tracks and therefore people only have the beach or the footpath?—That would be so.

The Hon. G.L. Bruce: What is wrong with the footpath?

The Hon. K.T. GRIFFIN: Well, there is the footpath, but one has the same sort of difficulty with defecation as the honourable member referred to in relation to the beach. Let us not debate that one at length, because, again, there is similarity between the two areas of difficulty.

I have no objection to a by-law which is reasonable; this by-law is much too restrictive. The hours and months of restriction in the Brighton by-law are much more reasonable and strike an appropriate compromise between those who wish to take their dogs to the beach for a walk at a reasonable time of the day in the middle of summer and those who wish to use the beach untroubled by dogs. If dog owners are required by the by-law to keep their dogs on a leash, responsible dog owners will do that. No by-law will make irresponsible dog owners responsible.

The Council should disallow the by-law. There is no prejudice to any part of the Glenelg community in doing that, because 31 March has passed and the next date of operation of the restrictive period is 1 October or 1 November, depending on what might be the compromise that the Glenelg council resolves. The council has something like six months in which to give further consideration to the matter, taking into consideration the points made in this debate, and then to following the appropriate procedure to enact a new by-law. It is not impossible to enact a new by-law within that period of six months; it has happened before and will happen again. I strongly exhort the members of the Council to disallow the by-law so that the matter can be further considered by the Glenelg corporation. For those reasons, I support the motion moved by the Hon. Murray Hill.

The Hon. M.B. CAMERON (Leader of the Opposition): This is a very important subject for those people who are residents in Glenelg. I would not normally have felt constrained to speak on it because the Hon. Mr Griffin has just put forward a very good viewpoint, but I sat in amazement and listened to the crocodile tears being wept by the Hon. Mr Bruce, when he suggested that he would rather walk in it than sit in it in relation to dogs despoiling the beach at Glenelg. I do not know how on earth he could get so up-tight that, for the first time for some time, he had to speak in this Chamber on a matter such as this when, as part of the Government, he has ensured that citizens of Mount Gambier cannot holiday at Finger Point because of decisions that that Government has taken!

When citizens of Mount Gambier want to go to the beach they are forced to swim in the end result of Mount Gambier's eating habits. It is not very pleasant at all. If the Hon. Mr

Bruce is so upset about a few dogs going along late in the morning to accompany their owners on a walk, I suggest that he should become a little more concerned about what is happening in our area. I can say, from discussions with the member for Mount Gambier, who has attempted to swim two or three miles from the end result of Mount Gambier's pollution, that the Hon. Mr Bruce should not find himself swimming near Finger Point. He should come down with me and look at that area. His whole attitude is surprising, because obviously he supports the cancellation of a very important project which concerns pollution in Mount Gambier and which is of a similar nature, only much more so. I suggest that he should think very carefully in future about what he is going to say before he speaks in a debate such as his. What he said is ridiculous. This by-law ought to be thrown out, and the Glenelg council should be asked to have a fresh look at it.

The Hon. C.M. HILL: I will be brief in winding up this debate, because we have had lengthy discussions. I am very pleased that the Hon. Mr Griffin saw fit to enter the debate, because he brought into the Chamber the voice of the local people directly affected by this difficulty which has arisen because of the harshness of this by-law. I stress that he is the only representative of the citizens, really, whose voice has been heard on this matter.

The Hon. C.J. Sumner: What about the Subordinate Legislation Committee?

The Hon. C.M. HILL: I am coming to that. The honourable member should not get twisty over it all. What surprises me is that, when the council was asked to come to the committee and give evidence, it sent along an officer. In my experience of local government, when evidence is tendered to such an important Parliamentary committee as the Subordinate Legislation Committee, either the Town Clerk and the Mayor (or the Lord Mayor, in the case of the City of Adelaide), or at least some of the elected representatives usually come along, but Glenelg saw fit to send along its chief inspector. As the Hon. Mr Griffin said, Mr Berry's evidence is really quite defective in parts. He based his claim for the by-law on a problem caused by dogs despoiling towels and clothes on the beach and friendly dogs bounding up to children, wanting to play, and children becoming frightened. The dogs that bound up to children are not involved in this by-law. The only question in this by-law concerns dogs on leads, yet the representative of the council seemed to hark back to the problem of dogs on the loose, which is not a problem that we are discussing.

As to the question of dogs on leads despoiling towels, I submit that the adverse effect on the beaches is quite minimal. Of course it occurs when dogs are not on leads, but it occurs very seldom when dogs are on leads. As further proof, if any further proof is necessary, of the defectiveness of this gentleman's evidence—and I am not being critical of him personally—one of the committee members questioned the witness on the hours involved. Let me say that all I have been talking about in this matter is the problem of the hours being too harsh. The question was this:

> My query concerned the hours and I thought that the Brighton hours were perhaps more reasonable?

The answer was this:

> Perhaps I could agree with you, and as a compromise split the difference.

How definite and strong is the Glenelg council in its view on this matter and in its passing of this by-law? In brief, all I want to ask the Glenelg council, which is a responsible local governing body and a large one by metropolitan standards, is to look again at this by-law and give some further thought as to whether or not the restriction between 8 a.m. and 7 p.m. is too harsh in preventing people from taking dogs on to that beach at Glenelg, whether or not the dog is on a lead.

I stress that the neighbouring Brighton council has introduced more reasonable hours—from 10 a.m. to 5 p.m. It would appear to me that those hours would be far more reasonable. As the Hon. Mr Griffin said, if we disallow the by-law now, the council will have time before next summner to reconsider its position and bring in another by-law (if it wishes) with which the Parliament may well agree. In view of all the statements that have been made in this debate, and in view of the evidence (which I read) from the Subordinate Legislation Committee findings on this matter, I think it is not unreasonable to seek the support of this Council to disallow the by-law on this occasion.

The Council divided on the motion:

Ayes (10)—The Hons M.B. Cameron, L.H. Davis, R.C. DeGaris, H.P.K. Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill (teller), Diana Laidlaw, R.I. Lucas, and K.L. Milne.

Noes (8)—The Hons Frank Blevins, G.L. Bruce (teller), B.A. Chatterton, J.R. Cornwall, C.W. Creedon, M.S. Feleppa, Anne Levy, and C.J. Sumner.

Pair—Aye—The Hon. R.J. Ritson. No—The Hon. Barbara Wiese.

Majority of 2 for the Ayes.

Motion thus carried.

STATUTES AMENDMENT (HOUSE OF ASSEMBLY DIVISIONS) BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1110.)

The Hon. R.C. DeGARIS: I will begin by saying that there are only three prime political alternatives: first, democracy, using universal suffrage with political Parties, which is how we see democracy in the Western world; secondly, totalitarian or authoritarian structures; and thirdly, armed forces control. There is an infinity of local variations to those alternatives, and they fall between the prime alternatives I have cited.

The first point I wish to emphasise is that true democracy is an impossibility. It is necessary to restate that basic fact, because we tend to believe that democracy is a going concern. Ten people may govern themselves democratically, 100 people may do likewise, but 1 000 000 people cannot possibly do so, and as that impossibility is manifest, we must design a way around it. So, we have given our attention to electoral and voting systems to try to get close to a democratic society.

If one considers the so-called democratic countries, one sees that the variations in systems to elect a representative democratically are both fascinating and bewildering. For example, the systems vary from the most primitive and most unsophisticated (such as that used in the United Kingdom) to the most advanced (such as that used in West Germany). Once again, we can divide electoral systems into three distinct categories: first, simple majority vote, or first past the post; secondly, Party lists, with proportional representation; and thirdly, the single transferable vote.

For a number of years the House of Assembly in South Australia has been elected by using the single transferable vote for single-member electorates, although not always has South Australia had single-member electorates. In passing, I may say that the first election in the world that was based on proportional representation was held in South Australia in the early days of the Adelaide City Council. That point is not understood by very many people, but it is a fact that proportional representation was used for the first time in South Australia. We must resolve the question whether our

voting system has tended to lead us to good government, to a thing called good democracy. I do not believe that the voting system has led us to or away from good or bad government: I am convinced that Parliamentary democracy as we know it is failing because of the increasing dominance of Party politics, a movement to the Hailsham warning of the elected dictatorship, to which I have referred on previous occasions.

I will say again that the last Liberal Government did nothing to arrest the course towards an elected dictatorship which has been developing over recent years in this country. I have commented on the three prime political alternatives, and I point out that excessive use of power in a democratic system can be more dangerous than can autocratic power, for people are likely to be lulled into submission by democratic beliefs, while they are likely to be on the look out against autocracy. This is particularly evident in the Westminster system, and in small Parliaments in that system, where the Executive dominates the Parliament to such a degree that the Hailsham warning is more easily detected.

I have already said that I do not believe that the existing electoral system has led us to good or bad government. I do not believe that the existing electoral system has been the cause of the decline in Parliament's role or the decline in Parliamentary democracy. There are other important factors that have been the major cause for that. Therefore, the first question that must be answered is whether a change from single-member electorates, using the single transferable vote, to a multi-member system, using Party lists and proportional representation, will make any change to our democratic system. Will it enhance the Parliament? Will it make any contribution to preventing the gathering movement to what Hailsham described as the elected dictatorship? My view is that it will not do that. To do that we need to tackle problems other than those of an electoral nature.

Nevertheless, there are arguments that favour the electoral system proposed in the Bill and there are arguments against it. In examining this question I want to begin by referring to the famous 1962 Tennessee case of *Baker v. Carr* in which the United States Supreme Court over-ruled precedent and authorised judicial review of electoral boundaries. This case made the one man one vote interpretation, based substantially on equal population in each electorate. One man one vote became the political equality symbol used by many groups in the United States and these groups sought equality through arithmetical equalisation of population in electorates. The idea of equality, of course, is not new. In the Western tradition, three concepts have provided the basis for the book of philosophical discourse—liberty, equality and justice. These words are so familiar to all of us that their very familiarity almost destroys their meaning. However, each has an infinite subtlety, both in themselves, and their interaction with each other.

The Supreme Court in the United States having entered the political thicket must continue in the process, to give its decision real meaning because it is obvious to even the most casual observer that the concept of one man one vote has little to do with mathematical equality in each single-member district. It is clear that, if we talk of each vote having an equal value, then the single-member districts cannot produce that objective, whether in mathematical equality in each seat or a system that does not use mathematical equality.

The Hon. Frank Blevins: It is possible, but it is unlikely.

The Hon. R.C. DeGARIS: It is just as important for there to be equality in a one vote one value concept in seats for electorates with equal numbers as it is with any other system. It is not a question of votes being of equal value in regard to the numbers in each electorate; it is where the boundaries are drawn.

I think it was Judge Frankfurter in his judgment on a subsequent case who said that the decision was a three-legged stool, with the crucial fourth leg left for future construction. In a dissenting judgment in a following case *(Reynolds v. Sims)* after the decision in *Baker v. Carr,* Justice Stewart emerged with two principles:

1. His concern for the preservation of effective majority rule.
2. The use of a rational basis in making classification for electorates.

Mr Justice Stewart's views are well captured in the following extract from his judgment:

> Representative Government is a process of accommodating group interests through democratic institutional arrangements. Its function is to channel numerous opinions, interests and abilities of the people of the State into the making of the State's public policy. Appropriate legislative apportionment therefore, should ideally be designed to ensure effective representation in the State's Legislature of the various groups and interests making up the electorate.

Mr Justice Stewart's judgment illustrates again the view that there is still to be designed in the United States the fourth leg of the stool, before we can say that they have achieved one vote one value.

In South Australia over the past 10 to 20 years there has been a pounding stress on equality of population in each electorate but there has been little understanding of the more difficult question of effective representation. This pounding stress of the so-called one vote one value concept, this equality standard, geared solely to population equality in single-member electorates, cannot be attuned to the finer aspects of representation, nor is such a standard responsive to the overall goal of fair representation by insuring adequate minority representation, nor is it responsive to the preservation of effective majority rule. A representative democracy must be sufficiently majoritarian to guarantee majority rule but not rob the system of its representative character.

I now turn to Justice Stewart's expression of concern for the preservation of effective majority rule. An advantage can be achieved for any political group in any single-man electorate system whether based upon equality of population or not. This is clear in any system operating in Australia, but I will restrict the references to South Australia. Since 1968, there have been seven elections in South Australia which resulted in two of those elections allowing a minority vote to elect a majority of members in the House of Assembly. In examining the electoral distributions from that time, one finds that the A.L.P. in 1968 would have required an overall State vote of about 53 per cent to gain Government. In the change from 39 seats to 47 in 1969, that distribution required the Liberal Party to gain approximately 53 per cent of the overall vote to have an even chance of winning Government. This prediction, which I made in 1969, proved to be reasonably accurate throughout the period of that distribution.

In 1975, for example, the A.L.P. won a majority of seats with 49.2 per cent of the overall two-Party preferred vote. The Liberal Party polled 50.8 per cent with a 2.8 per cent swing still required to win Government. In the 1975 redistribution, the figure still remained approximately the same and, although no minority gained a majority during that distribution, a winning of only 25 seats in the House of Assembly with a record vote of 55 per cent for the Liberal Party in 1979 clearly illustrates the predicted advantage to the A.L.P. in that distribution. The comparison of the results in 1983 with the results in 1979—25 seats on each occasion with a vote of 55 per cent in 1979 compared to 51.2 per cent in 1983—further illustrates the point. I repeat again the view of Justice Stewart in his concern for effective majority rule. It is untenable in a modern democracy that a Government can be elected with a minority vote.

The introduction of multi-member districts, using proportional representation, reduces the possibility of minority Government, but it does not eliminate that possibility. Seven seats with seven members could still return 25 members of one particular political group with less than 50 per cent of the overall vote. The Bill's provisions, however, do improve the representative character of the House of Assembly, but they do not guarantee absolute majority rule. Multi-member electorates in a House of fewer than 50 members, particularly, give a disproportionate power in the formation of Government to a minority group or groups. A major Party could poll 51 per cent of the vote but only win 24 seats, with a minority Party having the right to determine the form of Government at that time.

It can grant enormous power to a minority group. One of the problems in designing an electoral system in a Westminster system is that not only does the voter vote for a person or persons to represent them in Parliament but also they are voting for Bill Smith or Tom Jones to be Premier or Prime Minister. Indeed, one can say that the Westminster system is moving more and more in electoral campaigns to almost a Presidential form of election.

Of course, our whole election campaigns are now more related to a Presidential form rather than the form of a representative or representatives of a particular district. But the point remains that multi-member electorates, using proportional representation, grants to minority groups a power beyond their status in the community, particularly in a Westminster-style Parliament, where the election of the Executive is also involved in that election.

The vote in South Australia for the two major Parties usually lies between 48 per cent and 52 per cent of the overall vote. The 55 per cent vote for the Liberal Party on a two-Party preferred vote in 1979, as I have said before, was the highest vote ever recorded for a political Party in an election in South Australia since compulsory voting was introduced. Such a vote is a 'once in a century' chance. It is almost certain that at least half of the time Governments would be of a coalition type with, as I have pointed out before, minority groups having an extensive power in that decision.

Although I will vote for the second reading of the Bill on the grounds that the Bill does offer some improvement in regard to effective representation, and does reduce the possibility of a minority Government, I do not see the Bill as a reasonable answer for an effective electoral system.

The Hon. R.I. Lucas: Are you going to move amendments?

The Hon. R.C. DeGARIS: No, I do not intend to do that, as it would defeat the purpose of the Bill before us. It is different from the system which I am going to advocate now. If one talks of one vote one value, as we have for many years, then those who believe in votes having equal value must vote for this Bill ahead of the single man single vote in the House of Assembly.

The Hon. R.I. Lucas: If it gets to the third reading, will you vote for it?

The Hon. R.C. DeGARIS: Yes, I will because I believe that this system is an improvement. I will illustrate the style of electoral system which I believe is even better than the one which we currently have. Although the single-member electorate system does offend certain principles to which I have referred, it does have advantages. It usually provides workable Government majorities, as the single-member system returns members, not on a proportional basis but with a bias towards the winning Party, usually related to the graph of X-cubed.

The Hon. Anne Levy: What is 'X'?

The Hon. R.C. DeGARIS: It is any number cubed. If one wants to know the position: if a Party polls 53 per cent of the vote, the comparison is usually 53 per cent cubed, compared with 47 per cent as the percentage of seats won by the winning and losing Parties. The disadvantage is that the single-man electorate system cannot guarantee majority rule. I point out that in any democracy a system that does not provide for majority rule cannot be justified and is quite untenable. Therefore, rather than moving to multi-member electorates, I favour the use of the West German system—a system devised by the three great democracies: Great Britain, France and the United States. This system retains the single-man electorates but, if the single-man system advantages any group—

The Hon. Frank Blevins: Single member.

The Hon. R.C. DeGARIS: 'One man one vote' is all right but 'single-man electorates' is not! Perhaps the Minister of Agriculture could explain that anomaly later. That group does not represent individual electorates but represents the whole State. It may be argued that this system would only interpret the proportionality of the Bill now before us but the 'at large' members could be elected on the basis of the graph of X-cubed rather than on strict proportionately.

The Hon. Frank Blevins: That is far more accurate than the Bill before us.

The Hon. R.C. DeGARIS: I also point out to the Minister of Agriculture that the Bill before us is far more accurate than the existing system.

The Hon. Frank Blevins: You are advocating a far more accurate result than that contained in the Hon. Mr Gilfillan's Bill.

The Hon. J.C. Burdett: And will give better representation.

The Hon. R.C. DeGARIS: That is true. The Hon. Mr Gilfillan's Bill will give better accuracy than the existing system. There is no question about that point. In other words, the system could use the over-rewarding principles of the single-man—

The Hon. Anne Levy: Single member.

The Hon. Frank Blevins: They are members of Parliament.

The PRESIDENT: Order!

The Hon. R.C. DeGARIS: The system could use the over-rewarding principles of the single-man electorate system but ensure that a group polling below 15 per cent of the preferred vote could never gain Government. That is the basis of any democratic system; that the majority vote in an election for a particular Party does return a majority in the House for forming a Government. At the present time, the existing system does not provide that, even though we have talked a great deal about the question of one man one vote. If the concept of one man one vote is a legitimate aspiration, the chance of achieving it—

The Hon. Frank Blevins: You are happy to be blase. You are tempting me.

The PRESIDENT: Order! The Minister of Agriculture will come to order.

The Hon. R.C. DeGARIS: I am saying that one man one vote one value in a democracy is a legitimate aspiration. The chance of achieving that principle has not yet begun. Problems will still remain in South Australia other than the satisfaction of the legitimate aspiration for one man one vote one value. We are left to grapple with the more intricate problems of developing a political system which can mix unity with diversity, provide more possibilities for consensus, fair representation of all political groups, safeguards against the inherent dictatorship of the majority and safeguards for balancing and checking authoritarianism. We know that all those things have to be done. Nevertheless, the first step to be taken is to ensure that we do have a system which reflects the majority vote in an election and which will return a majority in the formation of that group.

The Hon. Frank Blevins: A welcome change of heart.

The Hon. R.C. DeGARIS: It is not. I have always held that view. The only thing against which I have argued

strongly is that in the formation of Government the question of equal numbers in each electorate does not provide one man one vote and one value. It cannot do it. Therefore, I will support the second reading on the basis that the Bill improves the situation. As far as I am concerned the West German system is a much better system to adopt in this State.

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

NATIONAL NATURAL DISASTER FUND

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

That in the opinion of this Council the South Australian Government request the Commonwealth Government to:

1. initiate discussion on the establisiment of a National Natural Disaster Fund;
2. appoint a select committee for this purpose; and
3. treat the matter as urgent in order to prevent a recurrence of the anomalies and shortages in existing schemes.

(Continued from 20 April. Page 895.)

The Hon. ANNE LEVY: I support the principles behind the motion moved by the Hon. Mr Milne. I have circulated an amendment which I propose to move and which relates to the wording of the motion. I believe the wording of my amendment is preferable to that used in the original motion.

The question of a national natural disaster scheme has been around for quite some time. The Hon. Mr Milne is suggesting that the State Government ask the Commonwealth Government to establish a select committee to investigate the setting up of a National Natural Disaster Fund. Quite a lot has happened in the past few years on this matter at the Federal level. Following the cyclone Tracey disaster in Darwin, bushfires in Victoria and cyclone damage in Cairns a motion was passed in the Federal Parliament to have an inquiry into a natural disaster scheme. The then Treasurer, Phillip Lynch, set up a committee or working party in February 1976 which reported in December 1976. The membership of the working party was such that I think that its outcome was predictable before it ever met.

The suggestion was that the scheme they wished to put forward had six basic principles on which they should work: first, that it was to work through insurance schemes and the cover was to be available to everyone at reasonable premiums; secondly, that they wished to encourage individuals to take insurance for their own protection; thirdly, there was to be equity among individuals in regard to the relative risk of the different national disasters which are possible; fourthly, they wished to, as far as possible, retain the current arrangements in the insurance scheme in Australia and use existing insurance industry resources; fifthly, they wished to propose policies which would mitigate risks of national natural disasters occurring; and, sixthly, they wished to put forward schemes which would minimise the use of any Government funds.

These basic principles on which the working party proposed to work, and the fact that it was largely made up of people from the private insurance area (no members of State Government insurance bodies were permitted to be part of the working party), virtually decided the conclusions it would come to before it ever met, as I said previously. The working party reported in December 1976. It proposed a scheme based on insurance. It proposed that there be set up a pool of general insurers for selected hazards. These were to be flood, cyclone, earthquake and landslide but were not to include bushfire or drought. The pool would meet claims from insured people up to a certain amount and the Commonwealth would support the pool, if necessary.

Secondly, the Commonwealth was to offer reassurance facilities up to a maximum limit. Thirdly, they wished to seek maximum participation in the pool arrangement by insurance companies. They even dared to suggest that, if necessary, insurers would have to be legislated into the pool. Fourthly, they suggested encouraging voluntary participation by individuals (in other words, people were to be encouraged to take out insurance against natural disasters, although they admitted that the scheme might not work without compulsion). Fifthly, they proposed that the scheme would be for household properties and rural and urban small businesses.

They felt that some State and local government assets could also be covered, assets such as State housing, but not assets of the type which only Governments provide, such as roads. They wished to set up a premiums advisory committee which would determine the premium rates to be paid by individuals. They went as far as suggesting that there might be special arrangements made on a strictly policed means test for those who could not afford the cover. They proposed a Commonwealth agency to administer the scheme.

This report, based on the principles of private insurance, was then circulated for comment to various bodies, institutions and individuals. It evoked certain comments, mainly fom the insurance industry, which were not favourable. In May 1979 the then Treasurer, John Howard, abandoned the scheme formally. He stated that this was being done due to criticisms which had been received, but also for reasons of basic philosophy. He stated the following:

> The Government is satisfied that a scheme such as this would be inappropriate on budgetary, technical and insurance policy grounds. Beyond that, however, the Government also believes that such a scheme would be inconsistent with a basic tenet in its political philosophy, namely, that Governments and Government authorities should, to the maximum extent possible, seek to avoid intervention in matters that can be left to the private sector.

At that stage the Federal Liberal Government completely washed its hands of any possible scheme for national disasters.

The Hon. K.L. Milne: They admitted that it was necessary though, didn't they?

The Hon. ANNE LEVY: The Federal Liberal Government certainly admitted that it was necessary and supported the motion moved in the House of Representatives by the member for Hawker, Ralph Jacobi, in February 1976. However, that Government did not support the report of their carefully hand-picked select committee. Currently, the member for Hawker in the House of Representatives is still pursuing his intention of trying to get something done about a natural disaster scheme. One must give full marks to the member for Hawker for his persistence and his vast knowledge and research on this topic. The Hon. Mr Milne has put a motion to this Council suggesting that we should ask the Commonwealth Government to start discussions again on the establishment of a National Natural Disaster Fund and that the Federal Government should appoint a select committee and treat the matter as urgent.

In speaking to the motion, the Hon. Mr Milne made various suggestions. He suggested that the scheme could involve a fund financed from a levy on income tax, the levy being on a sliding scale according to income. From what I have read, although there are various national disaster schemes in different countries, none is based on income tax. Income tax is paid by people regardless of whether they are property owners.

Natural disasters affect mainly property owners, and it would be iniquitous to expect people who are too poor to own any property to contribute toward the restoration of property of those who had sufficient means to own it in the first place. Most overseas schemes that I have investigated are based on insurance premiums. For instance, in New

Zealand a levy on fire insurance premiums is paid by private individuals who take out fire insurance. This begs the question about people who are careless and who do not take out insurance, because they are not contributing to the scheme even though they may expect benefit from it if a national disaster occurs.

It would seem to me to be much more rational, if any levy was to be imposed, that it should be imposed on rates, rates being a property tax which is compulsory. Every property owner must pay rates, and it would be appropriate, if levies were to be paid, that they be applied to taxes paid by property owners, seeing that the natural disaster scheme will benefit mainly property owners in the event of a national disaster.

The Hon. K.T. Griffin: What about car and caravan owners?

The Hon. ANNE LEVY: It depends what will be covered by a natural disaster scheme. Certainly, it is not clear from what the Hon. Mr Milne has said whether his scheme would provide compensation for losses incurred by the State Government, local government, community groups, small businesses, or the corporate sector. If assistance is not to be provided to small businesses and community groups, it is not clear on what basis the Hon. Mr Milne is suggesting that compensation should be paid to primary producers, who can be put into the same category.

Furthermore, it is not clear whether the Hon. Mr Milne's scheme would cover all natural disasters or only major national disasters. Would there be a limit on the maximum payments to be made or on the amount of loss that would need to be suffered by an individual before assistance could be claimed? Obviously, many questions need to be asked and answered before the costs and benefits of such a scheme could properly be assessed.

It is perhaps worth looking briefly at the existing insurance and natural disaster arrangements that apply. A wide variety of insurance policies are available. Quite commonly, household insurance policies cover fire, storm, tempest and earthquake damage. Rarely is flooding included in normal household policies, but it is often available as an extra at a reasonable premium, except of course for people who are at a more medium to high risk of flood damage. Often they are unable to obtain flood protection through existing insurance policies.

Of course, there is the problem with the current approach to household insurance cover against natural disasters, that those most in need of assistance—those receiving low incomes—are the least likely to be able to buy insurance and meet premiums. There are people who do not bother to take out insurance, even though they are quite able financially to do so. The State Government supplies disaster relief under the State Disasters Act of 1980. Section 14 (1) provides:

> . . . expenditure of such sums of money as are approved by the Governor to relieve distress and assist in counter-disaster operations.

At the Commonwealth level, guidelines set out the nature and extent of Commonwealth Government disaster relief. These have been agreed to by State and Commonwealth Governments. They include, first, grants for relief of personal hardship and distress. They are for cyclones, floods, storms and bushfires, and there are grants for restoration of public assets, emergency protection and repair work by State, local and semi-government authorities. Again, this applies to cyclones, floods, storms and bushfires.

Concessional loans are available to small businesses for cyclones and floods; there are concessional loans for churches, sporting associations and other voluntary non-profit organisations, again, for cyclone and floods only; concessional loans are available to primary producers to carry on, to restock and for restoration of a property as a result of cyclones, floods, storms, bushfires, and drought; and there are freight subsidies for primary producers in cases of cyclones, floods, bushfires, and droughts. Subsidies for carriage of water to central disbursement points for primary producers are available in the case of drought, as is assistance to State, local and semi-government authorities for disposal of helpless and unsalable stock in the case of flood, bush fire and drought.

Many other countries have special schemes to help cater for natural disasters. Throughout most of Europe there has been legislation or Government direction, which means that all insurance companies must grant risk cover against all natural disasters at suitable premium rates but, again, this covers only those who take out insurance policies. In the United Kingdom it is standard for fire policies to include storm and flood damage. Flood provision is not the optional extra in the United Kingdom that is in Australia.

In France, all risks cover was offered by the Government insurance company, and this has forced private industry to follow suit. It is a pity that Government insurance companies do not do likewise in Australia. In West Germany, Italy, Spain, and Switzerland all property insurance must include natural disaster cover. This is laid down by legislation and, in all these European countries, there are pools to provide reinsurance facilities for individual companies.

As I said earlier, in New Zealand there are compulsory premiums as a levy on all fire policies. I refer to New Zealand specifically, because the Hon. Mr Milne has referred to it as a model for Australia to consider.

I stress again that in New Zealand the levy is only on fire policies taken out by individuals on their properties, so that those who are not insuring are not contributing towards the fund. The fund covers war, earthquake, floods, storm and volcano damage. Against the advice of the commission that runs the scheme, land-slip was added in 1970 as being compulsorily covered. Premiums are set according to the susceptibility of the regions. People in the South Island did not wish to pay premiums which included the risk of volcano damage as there are no volcanos in the South Island of New Zealand. It was felt that this risk should be covered by those who lived in the north and were perhaps susceptible to the risk.

In similar manner, I may say, there have been expressions of concern in Australia that a natural disaster insurance scheme which included cyclone damage would be largely paid for by people in the south of the continent and benefited from by people in the north of the continent, seeing that cyclones are not likely to occur in the populous areas of the south.

Problems have arisen with the New Zealand situation apart from the fact that it has a levy on insurance premiums, which I mentioned earlier. Problems come from the inclusion of events which are not necessarily unforeseen, such as the land-slips to which I referred and which can be predicted with reasonable probability in some areas. The commission running the scheme lacks staff to evaluate the hazards and, in its annual reports, it complains frequently about the lack of enforcement of better building codes or restriction on development in particularly hazardous areas, so that no steps are being taken to limit any future damage which could arise from natural disasters.

However, despite the problems which have been encountered elsewhere, all members would agree that it is necessary that something be done in this country. Furthermore, it can be done on a national level only and, to that extent, I completely support the sentiments expressed by the Hon. Mr Milne. My amendment is to improve the wording, and if it is carried the resolution will read:

That in the opinion of this Council the South Australian Government request the Commonwealth Government to initiate discussion on the establishment of a National Natural Disaster Scheme with the aim of arriving at a speedy solution to the problems arising from the inequities and inadequacies of existing schemes.

It is not the business of this Council to tell the Federal Government how to solve its problems. Whether it chooses to set up a select committee, a working party, an interdepartmental inquiry or whatever procedure it wishes to use to consider solving its problems is not a matter for us to decide. We can merely indicate by means of my amendment that we feel that something should be done and the matter should not be allowed to drop, as was done by the previous Federal Liberal Government, and we hope that the Federal Government will undertake to look at this matter as soon as possible, as it has been kicking around for so long without anything ever coming to fruition. I move:

That the motion be amended by leaving out all words after 'Commonwealth Government' and inserting in lieu thereof 'to initiate discussion on the establishment of a National Natural Disaster Scheme, with the aim of arriving at a speedy solution to the problems resulting from the inequities and inadequacies of existing schemes'.

The Hon. R.C. DeGARIS: The motion moved by the Hon. Lance Milne deserves support, although one could debate at length a number of changes to the resolution. I was interested in the changes proposed by the Hon. Anne Levy. It would be the general opinion of all members that they would have some reservations about the existing position as the result of a natural disaster. The resolution asks the State Government to request the Commonwealth to initiate discussion on the establishment of a National Natural Disaster Fund and to appoint a select committee for this purpose. I could comment on that matter, as the Hon. Anne Levy did, but I will overlook it at this stage. Whether this is the appropriate resolution I am not sure, but voting in favour does permit the expression of misgivings on the existing position.

There are so many facets of this problem, and some have been covered by the Hon. Anne Levy. The first question is: what is a natural disaster—earthquake, fire, flood, cyclone (and in New Zealand, of course, landslide)? One could say that earthquake and cyclone damage is clearly a natural disaster, but fire and flood could be caused by human negligence. So, even at the beginning of definition, difficulties must arise.

Then, of course, severe damage could be inflicted by a natural disaster that need not be a national disaster. If Cyclone Tracy had not passed over Darwin, but had severely damaged only one property, would we in Australia have felt sympathies for that one owner? How much damage must be done to how many people before 'national disaster' can be used?

An honourable member: Or State.

The Hon. R.C. DeGARIS: Or State. It is the same thing. I know that the Hon. Lance Milne is perfectly aware of these problems, and I know that he has designed his resolution so that we can ask that some form of inquiry and report can be made. In passing, I can remember a Parliamentarian some years ago who said, 'If I am going to be burnt out, I hope that the fire is a national disaster.'

Although it may seem to be a separate question, any discussion on this matter cannot overlook the need for substantial changes to the law on insurance contracts. The Australian Reform Commission has already made such a report, which was tabled in the Federal Parliament in December 1982. The A.L.R.C. report proposes that a large number of outdated English, Federal and State laws, as well as judge-made rules, should be replaced by a single Federal Statute. In the *Advertiser* of 18 December 1982, Professor David Kelly described the confusion of Australian insurance contracts as utterly deplorable. Although insurance law may seem to be away from the thrust of the resolution it does have an important bearing upon it.

In the A.L.R.C. report of April 1983, headed 'Fire, Floods and Dams', reference is made to the record loss of life and property in Victoria and South Australia. The report says:

Suggestions for both technological and legal changes have been advanced to tackle the recurring problems of Australian bushfires.

Speaking in March 1983, Mr Justice Kirby, Chairman of the A.L.R.C., called attention to the significance of insurance reform in the light of bushfires and floods. Mr Justice Kirby also drew attention to the discussion of natural disaster insurance in the A.L.R.C. Report No. 20. The establishment of a natural disaster insurance scheme in Australia was proposed by the insurance industry in 1974 following disastrous floods in Brisbane in that year. However, in 1979, the Government changed its mind. It also calls attention to the need to ensure cover of natural disaster risks. In 1976 the Federal Government announced that it had decided in principle to establish such a scheme. However, in 1979 the Government changed its mind.

Mr Justice Kirby also said that, following the large insurance claims made after the recent bushfires and floods, pressures could be imposed by the competitive nature of the Australian insurance industry to include unusual exclusions in bushfire prone areas. The need is there to be alert to these exclusions, but the real need seems to be to reconsider natural disaster insurance—or the funding of such a process. One of the tragedies that always occurs in relation to a natural disaster is the division in the community that continues for many years after the event.

I do not propose to examine this question in any depth, except to give one illustration. In a serious bushfire there will be those who for many years have been fully insured. There are those who under-insure and those who never insure. After people have contributed to the many appeals and Governments have donated taxpayers' money, the uninsured victim will very often do better than the prudent person who tries to cover his losses and has paid maybe thousands of dollars in insurance premiums over many years. I was interested to hear the Hon. Ms Levy's point about the New Zealand scheme which is based on insurance premiums similar to the way that we finance the South Australian Metropolitan Fire Service. One could go on with other difficulties that develop in the existing means of handling natural disaster problems.

Having considered the problem over many years I find it difficult to come up with any really satisfactory answer, although I know that the present arrangements are unsatisfactory. Mr view that I will now advance to the Council may not be acceptable but it is a suggestion that I can see as being reasonable. At least the suggestion should be examined. Once again, I was interested in the Hon. Ms Levy's suggestion. A natural disaster fund should be established in South Australia. It is to be noted that it should be a State fund, not a Commonwealth fund, based upon taxation on capital assets that could be lost in any natural disaster. It would be necessary, of course, to define the capital assets upon which the tax would be imposed.

To give some idea, the Valuation Department's valuation on a capital basis in South Australia is approximately $25 000 000 000, and site valuation approximately $10 000 000 000. Therefore, we can say that the asset value of improvements in South Australia is approximately $15 000 000 000. If a tax was levied on that capital improvement value at .05 per cent per annum, the fund would receive approximately $7 500 000 per annum. This really means that by taxation there would be a compulsory insur-

ance contribution for natural disasters. Such a scheme needs examination and study and, if implemented, would reduce the cost of existing insurance.

I know that in this proposal there are a number of difficulties, but those difficulties could be ironed out, particularly when related to proposals for standard cover insurance contracts, which would ensure that normal expectations of persons insured were laid down by law, and could be only varied with the specific approval of the insured person. There are many variations of this type of scheme, but I will not mention them all. An example is a variation in tax level due to areas of greater risk. The scheme could make payments immediately to those affected people and then make claims on an insurance company, if the person is insured. However, I am convinced that a basic approach deserves examination.

In my suggestion it would be necessary for the scheme to operate at State level. The motion asks a Federal select committee to investigate the question. If there is any support for the view that I have put forward the motion should also ask the State Government to inquire into and report on the problems of natural disasters. I think that other States and the Commonwealth may be moving in that general direction. A resolution of this Parliament along these general lines may assist. The Hon. Mr Milne and I were talking about this matter, and he said:

I think it is fair that we make a move in this Chamber. We are trying to encourage people to investigate the question and hurry while the ash is hot.

I think that is a fair comment in relation to this matter. I support the motion.

[Sitting suspended from 6.1 to 7.45 p.m.]

The Hon. K.L. MILNE: I thank the Hons Anne Levy and Ren DeGaris for their contributions to this debate, which has improved the knowledge we have of the matter. They have each made suggestions which are excellent and they should all be considered together. I thought that the Hon. Anne Levy's idea of collecting money for the fund on the basis of rates is a very good one. It should be seriously considered. I believe that collecting money for a fund on the basis of insurance premiums is simply increasing those premiums and is not a good idea. I accept the amendment proposed by the Hon. Anne Levy. I believe it improves the wording when we are sending a request of this nature to the Federal Government.

The impression I wish to leave with the Hon. Mr DeGaris is that it is not an insurance problem. It is not a matter of a consortium of insurance companies or anything else. It is a matter of getting it out of the insurance industry and into the State fund-raising system in some way. They were thoughtful and valuable speeches. I support the amendment and thank honourable members for their courtesy.

Amendment carried; motion as amended carried.

The Hon. K.L. MILNE: Pursuant to Standing Order 248, I move:

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

Motion carried.

STAMP DUTIES ACT REGULATIONS

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

That regulations under the Stamp Duties Act, 1923-1982, concerning credit and rental duty, made on 24 February 1983, and laid on the table of this Council on 15 March 1983, be disallowed.

In moving for the disallowance of these regulations, I point out at the beginning that the regulations themselves are not the real problem. The problems are the existing regulations as well. The problem, as I see it, is that this sort of taxation is one upon which this Council is called to express its view. I intend voting against the regulations for that reason. Stamp duty applies on credit and rental duty above a certain threshold. In these regulations provision exists for an exemption for the credit union movement and building societies which lend money at those rates. I cannot agree that, where people have to borrow money at high rates of interest, they should also pay a stamp duty on those sums of money. That is my first point.

Secondly, I cannot agree that discrimination should apply to certain organisations in the money-lending area. It means that a building society, which is financing exactly the same project as a finance company, is exempt from that stamp duty while the finance company virtually has to pay. It is a discrimination which I believe cannot be justified. I also believe that South Australia is the only State in which this discrimination against certain organisations applies. Therefore, we are on our own in this category. I suggest to the Government very clearly, in opposing these regulations, that we should look at the question of a financial institutions tax covering all financial organisations. At least that would be fair to all concerned. I believe that there would be a very big saving for people borrowing money on high interest rates. For that reason, I move for the disallowance of the regulations.

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

STATUTE LAW REVISION BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Mental Health (Supplementary Provisions) Act, 1935-1979, and the Workers Compensation Act, 1971-1982. Read a first time.

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

That this Bill be now read a second time.

The object of this Bill is to make sundry minor amendments to the Mental Health (Supplementary Provisions) Act, and the Workers Compensation Act, prior to both of these Acts being reprinted in consolidated form pursuant to the Acts Republication Act. The amendments principally remove obsolete material, up-date provisions to bring them into line with other inter-related Acts and correct minor errors. The two abovementioned Acts are virtually ready for publication and only await incorporation of the amendments sought by this Bill. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 effects the amendments contained in the schedule. The schedule amends firstly the Mental Health (Supplementary Provisions) Act. The amendment to section 42 provides a necessary definition of 'approved hospital'. Obsolete references to mental hospitals are to be deleted. The substituted section 45 repeats the existing section minus obsolete references to 'institutions', which are no longer defined in the Act. The amendment to section 46 removes references to obsolete institutions and substitutes a reference to training centres under the Children's Protection and Young Offenders Act. The amendments to sections 51 and 52 remove obsolete references to mental hospitals. The repealed section 54a is redundant and should have been repealed when the Act was amended in 1977. The amendments to section 56 remove obsolete references

to institutions. The amendment to section 56a removes a reference to a schedule that was repealed in 1977. The amendment to the nineteenth schedule deletes references to obsolete institutions.

The schedule secondly amends the Workers Compensation Act. The amendment to section 57 removes a reference to prohibiting hospital and other expenses from being deducted from weekly payments, and makes it clear that no deductions at all may be made from weekly payments. The amendments to sections 86b and 86c correct several minor errors in titles. The amendments to section 89 delete phrases that are no longer used as the Acts Interpretation Act covers such matters. The amendment to section 91 corrects an error in citation. The amendment to section 102 substitutes the word 'silica' for the incorrect word 'silicosis' (the word 'silicosis' means the disease, not the substance). The amendment to section 111 corrects an error in wording that conflicts with the rest of the subsection. The amendment to section 131 removes a phrase no longer used or necessary.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SELECT COMMITTEE ON THE ADMINISTRATION OF PARLIAMENT

The Hon. C.J. SUMNER (Attorney-General): I move:

That in the opinion of this Council a Joint Select Committee be appointed to inquire into the administration of Parliament, and in particular the organisational framework, conditions of employment, the provision of more effective joint support services and other related matters.

In the event of the Joint Committee being appointed, the Legislative Council be represented thereon by four members including the President, of whom two shall form a quorum of Council members necessary to be present at all sittings of the Committee.

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

Honourable members will recall that yesterday I moved a motion dealing with the procedures of Parliament and the law and practice in relation thereto. In so doing, I indicated that there were three basic propositions as far as the Government's ideas on matters relating to the form of Parliament were concerned. The first was the matter I raised yesterday relating to Parliamentary procedures, the committee system, rostering of Ministers, the effectiveness of the Estimates Committees, whether there needed to be more Parliamentary scrutiny of Executive action, and an opportunity to raise issues of concern. The second matter raised yesterday was more fundamental to matters related to powers of the Legislative Council—the power to block Supply—and the proposition of fixed-term Parliaments, particulary for the House of Assembly. The third proposition as part of this package that I wish to place before the Council is the motion that I have just moved, which is to allow members of Parliament from both Houses to investigate the administrative procedures in the Parliament (that is, of both Houses) and to investigate the system relating to the library, *Hansard* and the provision of services; in other words, the nuts and bolts administration of the Parliament, as opposed to the matters to which I referred yesterday, namely, Committee procedures and the other reforms relating to the actual functioning of the Parliamentary Chambers themselves. This matter was the subject of consideration last year, but there was a feeling, I think, in the Parliament, and particularly in this Council, that the solutions proposed at that time were Executive-inspired solutions.

The Hon. K.T. Griffin: It was only Mr Foster who raised such things.

The Hon. C.J. SUMNER: That may be, but there was still a strong feeling that they were Executive-inspired solutions and that they did not really take into account the views of members of Parliament. No doubt, in the matters to be considered by this Select Committee, the issues raised last year can be considered, but at least they will be considered by members of Parliament—not being matters that appear to be imposed by the Executive, as was the impression, justified or not, given last year with the proposals brought forward. No doubt the Public Service Board Report which was prepared last year can be considered in the context of this select committee.

I believe that this committee should be run in tandem with the one that I gave notice of yesterday and it may be that one will impinge on the other. The consensus, I believe, was that the two issues should be dealt with separately but there may have to be liaison between the two committees as they proceed about their work. There are distinct functions in each of the select committees. One is specifically to deal with the nuts and bolts administration of the Chambers, the other is to deal with how we go about dealing with legislation and our functions in terms of scrutiny of Government action and raising issues for public debate. I commend this motion to the Council and trust that it will see it as part of a package of proposals for Parliamentary reform which have been brought forward by me in the last two days on behalf of the Government.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

SELECT COMMITTEE ON PARLIAMENTARY LAW, PRACTICE AND PROCEDURES

Adjourned debate on motion of the Attorney-General:

That in the opinion of this Council a joint select committee be appointed to consider and report upon proposals to reform the law, practice and procedures of Parliament with particular reference to—

(a) the method of dealing with Appropriations for the Parliament;

(b) a review and expansion of the committee system including in particular—

(i) the establishment of a standing committee of the Legislative Council on law reform;

(ii) the desirability of a separate committee to review the functions of statutory authorities; and

(iii) the method of dealing with Budget Estimates, including the desirability of a permanent Estimates Committee.

With regard to paragraphs *(b)* (ii) and *(b)* (iii) the committee should consider the role and relationships of the Public Accounts Committee in the context of these proposals;

(c) the rostering of Ministers for question time in each House;

(d) the prescription of a minimum number of sitting days each year;

(e) the methods of dealing with private members' business;

(f) other mechanisms to ensure the more efficient functioning of the Parliament including procedures to avoid excessive late night sittings.

In the event of the joint committee being appointed, the Legislative Council be represented thereon by six members, four of whom shall form a quorum of council members necessary to be present at all sittings of the committee.

That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 10 May. Page 1342.)

The Hon. M.B. CAMERON (Leader of the Opposition): The Opposition supports the general intent of this proposal. We consider it timely that we give consideration to areas of government and Parliament where reform is desirable, if possible. We consider, however, that in some parts the Attorney-General's motion, as it stands at the moment, prescribes too much and tends to limit the freedom of the

Select Committee to canvass those issues it considers relevant. I am referring in particular to clauses *(b)* (i) (ii) and (iii) which tend to direct the committee about what it should do. Although I am not saying that those matters will not be matters that are raised in the committee and discussed by it, I think it would be better if they were left out of the motion and brought up as matters before the committee along with any other measures the committee considers relevant. The Opposition has some firm views about the principles which should be kept in mind by the committee during its deliberations, particularly from people who represent this House on the Joint Select Committee. It is essential that the independence of each House be maintained.

I have a very firm view and the Opposition has a very firm view that no House, regardless of the number of its members, should be subservient to the other House. The role of each House must be protected and guaranteed. I refer to Erskine May's *Parliamentary Practice* (page 72) in regard to that aspect, as follows:

> Each House, as a constituent part of Parliament, exercises its won privileges independently of the other. They are enjoyed, however not by any separate right peculiar to each, but solely by virtue of the law and custom of Parliament. There are rights and powers peculiar to each; but all privileges, properly so called, appertain equally to both Houses.

Following that, the decision to set up an Estimates committee, if that should be the decision within the Council, should finally be a decision of the Council if it is decided that it should be a separate committee. It is in the same way that the Senate has its own Estimates committees that are separate completely from the operations of the House of Representatives.

The desire to look at the minimum number of sitting days is less relevant in this Council than in another place. There have been times, as you, Mr President, would remember (and doubtless we will see them again) when this Council did not sit because we did not have the same pressure of business or the same numbers to discuss matters. We tend not to have the same need for the number of sitting hours. The Council may not sit on certain days. We have to watch that, in prescribing the number of sitting days, we do not reach a situation where we are forced to sit just to ensure that we will fill out the number of days for that particular year.

It could reach a point where it would be absurd. I am not saying that the matter should not be looked at, but it is a matter that we have to look at to see whether it is a problem for this Council. It would be foolish to prescribe a minimum number of days in this Council if the business is just not there.

Similarly, there appears little problem in this Council with urgent subordinate legislation, which is always considered as private members' business. Private business is dealt with on Wednesdays and can continue through the duration of that day's sitting, and then on Tuesday and Thursday, when Government business takes precedence, private members' business can be set down for consideration at the conclusion of Government business for that day. If the House of Assembly has a problem with private members' business, it is for the consideration of that House, and members of this Council should not be involved too greatly in that discussion by the joint committee. That would probably be a matter for a subcommittee of the joint committee. It may be that, if a subcommittee is formed, it should be comprised of members from another place only, because it is not this Council's problem.

Late night sittings depend greatly on the timing of business that arrives from another place and the way in which the Government brings forward the business in Parliament. As I stated earlier, we believe that the present motion is a little too directional. More general issues should be considered, and I will give some examples which I do not wish to put in a motion but which indicate the matters which the Opposition considers should be looked at. The first is whether there should be one committee system for the Parliament or whether each House should have its own committee system to meet its own needs.

The second is the best method of using committees to facilitate the consideration of legislation. That matter has had a sweeping impact elsewhere and it is one that could be looked at. The third is the best method of using committees to aid Parliament to carry out its role of financial scrutiny. That is related directly to Estimates committees. It is a matter for consideration by Parliament. That, too, also leads to the other point that was made in a separate issue; that is, whether we need to have a separate committee to review the functions of statutory authorities.

I do not believe that it is necessary for that point to be there, but we recognise the need to look at that area closely. Another point that ought to be looked at is the best method of using committees to carry out the role of general scrutiny of Executive action. There will be some problems if we decide to make changes. If we inquire into the present committee system and decide on changes, we would have to make changes to some standing committees that operate under Acts of Parliament.

Other general issues include the best techniques for integrating committee systems into the procedures of Parliament. That is important, because it will be important to find time for such committees to sit in relation to the sittings of Parliament. Also, I refer to the administrative and other arrangements which must be made properly to support committee activity.

The Attorney has already moved to look at that matter in another select committee, but it is correct that there will need to be considerable liaison between the two committees, because there is no point in setting up committees unless we have the staff and facilities to carry out what is needed. I believe that there are and will be problems with joint House committees apart from the need to retain the clear independence of both Houses. This is particularly important.

The Hon. C.J. Sumner: We have some joint House committees now.

The Hon. M.B. CAMERON: Yes, but there are problems associated with them when we go too far. It is a matter for discussion. It is particularly important in this State, where there are such clear differences between the two Houses in terms of the method of election of members. It has been said, and I am sure that there are some honourable members who would agree, that this Council reflects more accurately the views of the electorate. While I do not wish to comment on that view now, certainly some smaller Parties can gain representation in this Council on a percentage of the vote, which is relatively difficult for them to achieve in another place.

The Council has a different point of view and it is a separate House in many ways. That aside, joint House committees, can be rather larger than single House committees and hence can be less flexible and efficient; it is possible to establish sensible methods of avoiding overlap of function and duplication of inquiry without establishing a committee system which is completely a joint system. Even the Attorney would have that in mind, that there may be areas where we do not need joint House committees.

I am strongly of the view that they should be avoided wherever possible, and this Council should retain its identity in that way. It is, and it must be, recognised that each House must retain the right to be master of its own procedures and that duplication of inquiry from time to time, from the point of view of a particular House, might be

politically and strategically desirable. The Opposition has a continuing desire to discuss the concept and role of the committee system in a bipartisan way and, although the Attorney's motion combines some general principles with more specific policy proposals, I am sure that the Government shares our approach.

So that the committee is seen to be bipartisan in its approach it is essential, we believe, that Government and non-government members on the committee should have the same representation. For that reason I will be moving an amendment. I would like to see seven members from each House and, by agreement, seven Government members and seven non-government members. In regard to non-government members, in this Council there would be one Australian Democrat member on the committee. It is important that the Democrats' point of view be represented from this Council.

I imagine that such a committee membership would be comprised from this Council of three Government members, three Opposition members and one Australian Democrat. From another place the composition would be the other way: four Government members and three Opposition members. We have had some discussion on whether or not there needs to be a casting vote. That is not a view that I support. It is essential that the committee operates in a consensus way. Having heard that word so often in recent days from the Government, I am certain that it would support that view as well. Perhaps the best way to obtain such consensus is to ensure that the committee must eventually arrive at a decision shared by all groups, wherever possible. The way to do that is to ensure that we do not have someone sitting at the top with a casting vote.

I would be interested to hear other people's views on that, but it is a view that I hold very strongly. We have already had a committee of that type; the Hon. Mr Burdett and I were on it.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: I accept that. On that committee there was no casting vote. I took the way that it operated on a very difficult subject as a credit to all members; it was much more difficult than this subject will ever be. While we did not arrive at any joint conclusion, nonetheless, we did come to a conclusion.

The Hon. C.J. Sumner: You did not vote in the past three years for a Government majority on select committees up here.

The Hon. M.B. CAMERON: I held out from time to time for the Government to have a majority; I freely admit that. It would be a foolish person who did not admit it.

The Hon. K.T. Griffin: You had a majority in the House.

The Hon. M.B. CAMERON: We had a majority in the House. That committee worked; that is something that one should keep in mind. I hope that the Attorney-General's mirth at this proposal that I am putting forward does not mean that he feels that it is essential that this committee has to have an inbuilt Government majority. If that is the case, we will start out with difficulties. This is a different matter altogether. It is not political, but is a matter of the Parliament and between the Parties that operate within the Parliament. It is absolutely essential that we arrive at a consensus view. If we have any steps taken that threaten to dictate to this Council from another Chamber, that will not work. It is essential that we give it every opportunity to work. The Opposition is genuine in its desire for this committee to work.

An honourable member: It is a joint select committee.

The Hon. M.B. CAMERON: That is right. It is essential that we take every step for it to work. For that reason we will move amendments.

The PRESIDENT: If the Hon. Mr Cameron intends to move amendments it will be necessary for him to do so before he sits down.

The Hon. M.B. CAMERON: I move:

1. That paragraph *(b)* be amended by leaving out the words 'including in particular' and parts (i), (ii) and (iii).
2. That the following words be struck out:

   With regard to paragraphs *(b)* (ii) and *(b)* (iii) the committee should consider the role and relationship of the Public Accounts Committee in the context of these proposals.
3. That the paragraph relating to the representation of the Legislative Council on the committee be amended by striking out 'six members' and inserting in lieu thereof 'seven members'.

The Hon. R.I. LUCAS: I congratulate the Attorney-General on this proposal for a joint select committee. I am on the record as advocating a select committee of this Chamber with similar terms of reference. Whilst I have a preference for that option, I can see the logic which the Attorney-General has put in his speech supporting this motion for a joint select committee. I, too, hope that we will get all Party support, first, for establishing the joint select committee and, secondly, for its final recommendations, whatever they might be.

As have many other members, I have the firm view that this Chamber's operations can be improved. If this Council is to be a true House of review it must entail a comprehensive committee system of the Council. I see many advantages in the committee as a body as opposed to the Council as a body. The committees clearly can be less confrontational than in the Council Chamber, where there is a tendency on occasions for rigid Party attitudes to prevail, whereas that is possibly not quite so in a committee of the Council.

The committees, too, can have the flexibility to sit when the Parliament is not sitting. When we are in a situation of not sitting many weeks in the year we can better utilise the time and expertise of the members of this Chamber by the use of committees. The committee will also enable back-benchers to have a greater role and play a greater part in the operations of the Parliament, particularly when their Party happens to be in Government. A back-bencher in Opposition has a somewhat greater role than has the back-bencher in Government: he has the opportunity to question at least three Ministers in the Government. There is less opportunity in that respect when it is one's own Ministers of one's own Party in Government in the Chamber.

Whilst I have placed on record in this Chamber my view that the power of the Chamber to refuse Supply should be removed, I retain a very strong view that this Chamber's other considerable powers should not be altered in any other respect and that its considerable powers should be harnessed into more effective use than through an expanded committee system.

I, too, as the Hon. Mr Cameron indicated, have strong views that, if the Legislative Council is to remain as a strong and separate identity, such an expanded committee system should comprise standing committees of the Legislative Council, and not joint standing committees, as I understand exist in the Victorian Parliament. This view has been very strongly expressed and put into action in the Federal Senate, where the standing committees are standing committees of the Upper House, and there is very strong opposition to joint standing committees of both Houses in the Federal Parliament. I have very strong views that support that situation.

I will support the amendment moved by the Hon. Mr Cameron and, in particular, the deletion of the bulk of paragraph *(b)* of the motion. I, too, believe that it is too directional to the select committee; there are the particular directions espoused in paragraph *(b)*; parts (i), (ii) and (iii) are one way that the expansion of the committee system in

this Chamber could operate, but it is in no way the only way.

Many other possibilities have been put forward by many members over the years. One example is a standing committee to consider legislation before it is referred to this Chamber. Government legislation could be referred to such a committee before it is examined by the Council. Ideally, that should occur in relation to all legislation, but that may not be possible or feasible. It may be that only significant or controversial Bills could be forwarded to a standing committee of the Council for public evidence and hearing. I believe that that would be a significant improvement in the present operations of this Chamber.

As soon as the Opposition receives a Bill, the shadow Minister in charge of that Bill scurries around presenting it to community groups or individuals who may have some expertise in relation to that Bill. With the pressure of time, one cannot always approach all of the people and all of the groups that should be approached.

The Hon. C.M. Hill: The point should be made that the number of such bodies has increased considerably over the past few years.

The Hon. R.I. LUCAS: I think the Hon. Mr Hill makes an important point. There are considerably more outside groups in the 1980s who are acting as lobbyists and are actively representing the views of people or groups of people.

The Hon. R.C. DeGaris: Be careful about lobbyists.

The Hon. R.I. LUCAS: I make no comment. It is important, when the Opposition is considering Government legislation, that groups or individuals who are affected by that legislation have an opportunity to put their views before it is passed by Parliament. I certainly see a strong argument in favour of that, whatever committee system is recommended by the select committee.

The Hon. R.C. DeGaris: When is a Bill referred to a standing committee of this Council?

The Hon. R.I. LUCAS: That is a good question. As I have said, I have no definitive answer. Ideally, I believe that all legislation should be referred to a standing committee, but I do not believe that this Chamber has the capacity to do that. I believe that there should be some mechanism whereby the Council, a majority of the Council (or a two-thirds majority), could refer significant or controversial legislation to a committee for public evidence and hearing prior to its consideration by this Chamber.

The Hon. R.C. DeGaris: That would certainly improve the standard of second reading debates.

The Hon. R.I. LUCAS: I know that the Hon. Mr DeGaris has a firm view in relation to second reading debates. If this proposal proceeds there may be less need for the lengthy second reading debates that dominate consideration of Government legislation.

The Hon. C.M. Hill: Perhaps certain issues could be referred to a committee before legislation is introduced.

The Hon. R.I. LUCAS: I will certainly deal with that matter in a moment. That could be included under a general purpose provision. I think we have the perfect example before the Chamber at the moment. The Associations Incorporation Bill affects a wide range of community groups and individuals. Once they are aware of the provisions of that Bill they will want to put their views before Parliament. I believe that that is one Bill where public evidence could be taken. That would save the shadow Minister concerned from having to contact all those people and groups who would like to express their views. I believe that another committee could be established similar to the Senate Finance and Government Operations Committee, also known as the Rae Committee, which has gained wide respect. In fact, I think the Attorney-General referred to that committee when he introduced his motion.

The Hon. R.C. DeGaris: It reported on statutory authorities.

The Hon. R.I. LUCAS: Yes, it brought down what is in effect in an Australian context the definitive report on statutory authorities, and it is continuing to consider the operations of statutory authorities. Of course, the operation of that committee is not limited to statutory authorities; it is possible to have a separate committee to review the functions of statutory authorities. However, this Chamber has only 22 members and we may be able to form only three, four or a maximum of five standing committees.

The Hon. C.J. Sumner: We'll be lucky if we have three.

The Hon. R.I. LUCAS: The Attorney suggests three. However, we will be able to form only a small number of committees. If we only have a committee to review statutory authorities and another to deal with law reform I believe that the operations of the committee system will be restricted. A finance and Government operations committee could also review statutory authorities. I believe that there is a role for an Upper House standing committee to look at statutory authorities. Why should it be limited to statutory authorities? I believe we should consider the terms of reference of the Senate Finance and Government Operations Committee and allow any committee set up by this Council to review statutory authorities without limiting its examination to that of statutory authorities.

I believe that there is an argument for the establishment of a committee to review Estimates. I now come to the point raised by the Hon. Mr Hill. Three or four committees set up by this Chamber could review a broad range of areas. They could be legislative general purpose committees and possibly even Estimates committees. A Liberal member of the Victorian Upper House, the Hon. James Guest, has recommended to the Victorian Parliament that it establish Upper House standing committees to cover a whole range of legislative general purpose matters and Estimates.

I am aware that in the Senate at the moment there are separate Estimates committees and separate general purpose committees as well as specialist committees. I know that, amongst a number of Senators in the Senate, there is a suggestion and some support for the concept that those committees ought to be combined to form Estimates and general purpose committees with a combined function. I believe that that is an entirely logical solution to the situation. It is an option which I hope the select committee will consider with equal weighting to the three suggestions in the Attorney-General's motion.

Amended paragraph *(b)* refers to a review and expansion of the committee system but does not limit the select committee in any way whatsoever. It can investigate the three subparagraphs which the Attorney-General had in his original motion. It can also investigate the options which I have suggested this evening. Equally, it can investigate options which individual members of the committee or anyone else might like to make to it. I would also hope that the expansion of the committee system in this Chamber will result in the role, power and status of the chairmen of those standing committees of the council being upgraded. I hope that they would be sufficiently upgraded along the lines of the position of Chairman of Committees in the American Senate.

The Hon. R.C. DeGaris: How many committees are there in the Senate?

The Hon. R.I. LUCAS: In the Australian Senate?

The Hon. R.C. DeGaris: Yes.

The Hon. R.I. LUCAS: There are 18 committees—eight Estimates committees, eight general purpose committees and two special purpose committees (one on regulations and ordinances and another on the scrutiny of Bills).

The Hon. R.C. DeGaris: How many members in the Senate?

The Hon. R.I. LUCAS: Sixty-four.

The Hon. R.C. DeGaris: So, we have maybe 20 committees in the Senate. What I am saying is that there is no restricton on us to have three committees.

The Hon. R.I. LUCAS: I take that point. I am not in any way suggesting that there ought to be, in the view of the select committee or any member, the belief that there ought to be a restriction to three standing committees. That is something the select committee will have to address. If there is some way of coming up with four or five committees, so be it. That will be a matter for the joint committee.

The Hon. C.J. Sumner: If there are too many standing committees it reduces flexibility in terms of the establishment of select committees.

The Hon. R.C. DeGaris: Should this joint committee be considering standing committees in this House?

The Hon. R.I. LUCAS: My preference would be for a select committee of this Chamber to investigate it, but I see the logic in the suggestion which the Attorney-General put in his speech supporting the motion. I believe that the joint select committee has a role and should investigate standing committees in this Chamber. In the end it is up to this Chamber to decide whether or not those proposals which might emanate from the joint committee ought to come to fruition. So, the ultimate destiny of the operations will rest with this Chamber.

The only other matter in relation to the specific terms of the motion moved by the Attorney-General is the roster of Ministers for Question Time in this Chamber. I strongly support that much needed reform, and I hope that it will be given serious consideration. Certain problems must be overcome, but it will enable this Chamber and the Parliament to have a more effective scrutiny of the operations of the Executive if we have access to the 13 Ministers rather than the existing three. I have referred previously to the problem of obtaining detailed responses to questions, particularly in relation to Treasury and finance and such matters within the direct knowledge or control—

The Hon. R.C. DeGaris: What happens if the President suspends the Minister who is here answering questions? Can he go back to his own House?

The Hon. R.I. LUCAS: Obviously, the select committee will have to look at the matter. I believe that there are linkages between the two select committees which the Attorney-General has sought to form, particularly if one of the committees recommends an expanded committee system. Clearly the staffing and facilities provided by the Parliament will, to a large degree, dictate the success or otherwise of standing committees of the Parliament. I congratulate the Attorney-General on the proposal. I support it, with the amendments to be moved by the Hon. Mr Cameron, and look forward to the results that will emanate from the committee.

The Hon. G.L. BRUCE: I rise to add my voice in support of this motion, which I believe is long overdue. When I came to this place I believed that there was no useful role for this Chamber, but now I believe that there is. I believe that, if Bills coming before this Chamber can be scrutinised, it will result in better government for the people of South Australia. I believe that this measure would achieve that. I take issue with the Hon. Mr Cameron on the numbers. If the other House had an attitude similar to that that we have adopted on our select committees, it would be all right. The very fact that we cover as an electorate the whole of South Australia and are here for six years gives us much greater flexibility for conciliation. In the other House members are elected for three years and have to face their electorates after that time; therefore, they become very parochial and political. To take the matter out of the hands of the Government would mean that we would finish up with a stalemate.

I would go along with the Hon. Martin Cameron if I thought that members in another place could operate in the atmosphere in which we operate. However, I do not believe that it can be done. I can see merit in the Government's having a majority, although we are to have even numbers from this Chamber on the joint committee. If push comes to shove, I believe that the Government has the right to make a decision and that that right will probably come in the other place with its three-year terms and its more parochial attitude to electoral boundaries. I welcome the move. To my mind it is the first positive step to try to make this a useful Chamber and to get it functioning as I believe it should. I support the motion.

The Hon. K.L. MILNE: With all the eloquence tonight I am not sure that we need a joint committee at all. I believe that most of the talking has been done. We agree with the Opposition that the rights and powers of the two Houses in the bicameral system are sacrosanct, separate and distinct. I think we would all support that in principle. However, in a situation like this, where a joint select committee is contemplated, we believe that, if properly handled, a discussion on matters concerning both Houses should be held by both Houses in a joint group.

Neither House need accept the recommendations of a joint select committee, so neither House is giving anything away by talking togethr. I have a feeling that it might be a sort of safety valve to have such a group so constituted that it can give an opinion on what it thinks we ought to do without offence, and we can give an opinion on what we think it ought to do without giving offence. As a minority, the Hon. Ian Gilfillan and I feel that we should not have a dominant voice in this debate. However, I have had enough experience to know that a review of many of the matters suggested in the motion needs discussion in such a way that it will be positive and helpful and not a waste. We do not want a repetition of what happened at the Constitutional Convention.

Honourable members: Hear, hear!

The Hon. K.L. MILNE: I think everybody in this Chamber was disappointed at that happening.

The Hon. K.T. Griffin: In what respect?

The PRESIDENT: Order! Let us not get on to the Constitutional Convention; let us deal with the motion before the Chair.

The Hon. K.L. MILNE: I am talking about what I think we ought to avoid.

The PRESIDENT: I, too, am talking about what we should avoid.

The Hon. K.L. MILNE: It seems to us that the motion could bring about these things. Therefore, we propose to support the Attorney-General's resolution and have been assured that he will consider fully the points made by the Leader of the Opposition, if possible, and we certainly expect and hope that he will do so. Consequently, we will oppose the amendment, although we can see what the Opposition is aiming at with it. I believe that one or two of the matters involved here are for this Council only.

The Hon. M.B. Cameron: What about the effect of numbers in terms of seven?

The Hon. K.L. MILNE: I believe the numbers are a matter between the Leader of the Opposition and the Attorney-General. I think he will find that that matter can be discussed properly. We believe that the words 'including in particular' which the Leader wishes to exclude—

The Hon. M.B. Cameron: And the ensuing paragraph.

The Hon. K.L. MILNE: —and the ensuing paragraph (but those words in particular) are the key to a broad

discussion on paragraph (1) *(b)* (i), (ii) and (iii) which he also seeks to strike out. I believe that those words include those things.

The Hon. C.J. Sumner: They do not limit the discussion.

The Hon. K.L. MILNE: They do not limit it; that is my understanding, and that is why we are voting as we are. The items chosen by the Attorney-General are not necessarily those that we would have chosen, but they are subjects which have concerned the Attorney for some years. As the Attorney is, rightly, the person taking this initiative, we accept it because, after all, it is only a beginning, not restrictive and, if I am any judge, will keep us busy for some time.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

APPROPRIATION BILL (No. 1)

Adjourned debate on second reading.
(Continued from 10 May. Page 1340.)

The Hon. M.B. CAMERON (Leader of the Opposition): Yesterday, we heard a sombre and worrying presentation of the State's financial picture by the Attorney-General. That should not have been unexpected. Since its election, the Government has sought to condition South Australians to expect a poor, if not disastrous, budgetary position. This conditioning has been aimed quite clearly at one thing—lowering expectations. The Government knows, and I suggest has always known, that its 746 individual and specific promises could not honestly be met without an increase in State taxes and charges. Yet before the election it promised no increases or new taxes.

This Appropriation Bill, if we go beyond the Government's rhetoric, is worrying not simply because of the serious financial situation that it reveals but more so because of the unwillingness of this Government to accept responsibility for its actions. Mind you, Mr President, this approach on the part of the Attorney-General is not all that new. Anyone who had been travelling from Victoria, to Western Australia, to Canberra and finally to South Australia and who had watched the performance of each new Labor Government, would, having heard the Attorney's statement yesterday, be suffering from an accute case of *deja vu.*

Every new Labor Government has adopted a similar approach. First, the A.L.P. promised all things to all people—most notably no tax increases. Secondly, it was elected. Thirdly, it claims to have found the State or Commonwealth financial position is much worse than is ever expected, paving the way for reduced expectations. Fourthly, the Government backtracks as fast as it can on its most crucial promise of no tax rises—irresponsibly and dishonestly made, in the light of its other promises, and that promise is broken. Let me say at the outset that we, on this side of the Chamber, accept that the floods, drought and fires have placed special pressures on the State's financial position. This is not to say, however, that these disasters are the sole or even the major cause of the problems which we may well face unless appropriate action is taken.

For some time the Opposition has sought details of the impact of these disasters on the State Budget. It was only yesterday that this information was made available to us, some three months after the fire and floods. I will turn my attention later to the specifics of the disasters, but let me first consider a number of other matters addressed by the Attorney's statement. The Government presents itself as a Government of economic purity and responsibility, yet history would suggest otherwise. It is useful to remind members of the Labor legacy inherited by the Liberal Party just over three years ago. Despite its claims to be concerned about taxation levels and its feigned concern at having to increase taxes and charges, the A.L.P. has a poor record indeed.

In the nine years of A.L.P. Government from 1970, South Australia's State taxation per head increased by 45 per cent in real terms. Compare this with a 22 per cent increase for Australia—we grew in real terms by more than double! So much for the A.L.P.'s concern about taxation. But, more than raising the tax burden, the A.L.P. mortgaged the future of South Australians by increasing our State's indebtedness in all but one year of its Government. In other words, for nearly a decade our borrowings grew and grew in an effort to fund Government activities.

Under the Liberal Government, reliance on borrowings fell. Indeed, borrowings as a proportion of total outlays declined substantially. In 1970-71, under Labor, borrowings were 20 per cent of all outlays, yet in the three full years of Liberal Government this figure was cut to an average of just over 9 per cent. If we consider only the Budget sector, that is, those authorities and departments whose operations come under the Treasurer's Public Accounts, then the rate of borrowings dropped dramatically—it almost halved from 1978-79 (the last A.L.P. budget) to 1981-82 (the last complete Liberal Budget), from 11 per cent to 5.7 per cent.

Despite the present Government's attempt to sheet blame home to the former Government, the evidence suggests otherwise. Not only did the former Government reduce the semi-government borrowing programme and tightly control new Government borrowings but it also took significant steps to reduce salary and wages costs and the interest burden on the Revenue Budget. In addition, the size of the Government service was reduced by 4 000 without one sacking, saving taxpayers more than $64 000 000 per year. We all recall the present Government's criticism of these reductions when it was in Opposition. Yet it would have been faced with a much heavier problem if we had not taken that action. In his statement yesterday the Attorney said:

> At no time did the former Government inform the people of South Australia of the gravity of the financial situation which has been developing over the past few years, even though they were advised by Treasury of the serious difficulties that lay ahead.

For how long does the Government intend to rehash this claim? It is untrue. The former Government let the A.L.P. know on several occasions exactly the position that it could expect if it won Government. For example, on 27 October last year, the then Premier said in a widely circularised speech:

> For three years Labor has criticised the Government for cutting the size of the Public Service, for reducing taxes and for limiting its capital works programme to fund the revenue side of the Budget.

He went on:

> Let me now foreshadow the sort of Treasury advice the Leader would be given to pay for his promises. It's the same sort of advice Labor Leaders Wran and Cain have been forced to accept. Labor would have to increase the present levy on petrol and diesel sales to bring in another $50 000 000 . . .

He added:

> The 1 per cent pay-roll tax surcharge, now in force in the Labor States, would bring in another $45 000 000. And Labor would need a bank transactions tax to bring in $30 000 000. These are the options South Australia faces under Labor!

Prophetic words indeed, Mr President! The Attorney yesterday sought to fudge the figures. The case which the Government put yesterday was little more than a rehash of old claims: it sought to blame the former Government for the present Budget situation, yet we find that the majority of factors which have given rise to an increased deficit are new.

The Hon. C.J. Sumner interjecting:

The Hon. M.B. CAMERON: Let me say also that the present Premier indicated clearly that he believed that they were the best informed Opposition in Australia. That was before the last election. Now that the Labor Party is in Government it claims that it did not know. It cannot have it both ways: this Parliament was the best informed. There is no doubt about that, and the Attorney knows that, too.

The Hon. C.J. Sumner: We were not well informed.

The Hon. M.B. CAMERON: The Attorney wants to avoid the blame for his Government's own problems. The Council needs to recognise that the Government was laying the groundwork to break its key promise not to raise taxes or introduce new ones well before it became clear that the natural disasters would cost us dearly this year. According to the Government's own figures, the net cost to South Australia of these disasters is $23 000 000: less than one-third of the deficit now claimed by the Premier.

What of the rest? To whom can this be attributed? We find that $14 000 000 of the remaining $50 000 000 deficit was a direct result of wage and salary increases—granted principally in the time of this Government. Yet it was also this Government which gave what at best could be described as only half-hearted support to a wages freeze—and then only for six months. What extra burdens would we have faced without this Liberal Party promoted pause?

The Government would not have promoted that, I can assure the Council. The Government's attitude during that period was one of trying to hide from it, trying to do nothing because the Government's mates down the road were telling it not to.

A mammoth $26 000 000 of the deficit has resulted from overspending in departments. Not a bad sum for a Government that said it would improve Government management! This figure is also, it should be noted, three times greater than the $9 000 000 overspending projected in December. This point has been conveniently overlooked by the Government—so much for its reassurance in December that 'steps to overcome these difficulties will be given the highest priority by (the Government)'.

The Hon. C.J. Sumner: This is the same speech that John Olsen gave!

The Hon. M.B. CAMERON: It is not. If the Attorney read that speech he might learn how he should be running the State. Perhaps he had better look at it. The Government has been prepared to let departments overspend and overstaff to the tune of millions of dollars and is unwilling or unable to act. The Attorney is the only one who gave the same speech. He gave it yesterday, and it became an embarrassment to him. That was in regard to the industrial relations—

The Hon. R.I. Lucas: Who wrote that?

The Hon. M.B. CAMERON: I do not know but, whoever it was, the Minister needs a new speech writer. However, I will not go on with that matter. Of the remainder of the deficit, $8 000 000 is attributable to specific A.L.P. election promises. And I believe this figure may well grow. The sum of $4 000 000 of the deficit remains, and only this can be directly attributed to the former Government. This amount relates to the remission of the gas levy, announced by the former Government. Adding the loss of the gas levy revenue with the net cost of the natural disasters, this leaves nearly 65 per cent of the deficit for which the present Government must accept at least some responsibility.

The former Government would have been willing to take the tough but responsible steps necessary to avoid the major proportion which is not due to disasters or contemplated at the time that the last Budget was presented. I can assure the Council that a future Liberal Government would behave just as responsibly. The Government alleges that the cost of its election promises is only $8 000 000. It claims that this figure is made up of $3 000 000 for additional teachers put on despite falling students numbers and $4 000 000 for concessions to pensioners for electricity bills. Of course, there are other direct costs resulting from Government promises.

For example, the former Government provided in its Budget for savings of almost $10 000 000 achieved through a reduction in the size of the public sector of 740 positions. This saving could have been made without any retrenchment or sacking. Yet the present Government has rejected the opportunity of saving what would total $70 000 000 over the next three years as part of its pay-off to the Public Service unions following the last election. One of the major areas of over-expenditure was that of health. Last week in this place the Minister of Health, responding to a question from the Hon. Mr Lucas, implied that the $26 000 000 over-expenditure was a result of bad budgeting by the former Government.

Yet today, we saw in the preliminary report (the Hon. Dr Cornwall wants to call it not a report but a position paper, although it looked more like a report or warning to the Government) of the Sax Committee of Inquiry that the State Government had rejected plans to increase hospital efficiency by reducing staff. The report stated:

> It is alleged the Government has refused to allow this decrease.

It further stated:

> It is difficult to see how hospitals can be blamed for consequent inefficiencies if the allegations could be supported.

In fact, we heard in reply to a question from the Hon. Dr Cornwall that he was proud of the fact that he had increased staff in hospitals to the July figure. In fact, the Minister is not too concerned about over-expenditure, but he wanted to see the numbers retained. So, again we see that the Government is reluctant to take those steps available to it to reduce expenditure, preferring instead to blame the former Government.

The Hon. C.M. Hill: That's all they can do.

The Hon. M.B. CAMERON: Yes, the present Government is absolutely bankrupt of ideas. Yesterday, the Attorney implied that at last the Opposition had accepted the need for tax increases. Let me make our position quite clear. The Leader of the Opposition in another place recognised, and was quite responsible in recognising, that the pressure on the State by the natural disasters was a very special circumstance and that special efforts would have to be taken to provide maximum support to this effect by them. Accordingly, he said:

> If the Government decides to raise revenue to cover this cost, the Opposition believes that the Government should set a time limit on the necessary measures so that once the cost is recovered the measures are removed. There is a recent precedent in regard to this set by a Labor Government for introducing revenue raising for a fixed period contingent on the Government being able to take other action to restore its Budget position. I am referring to the action of the former Premier, Mr Dunstan, introduced in 1975 making provision for repeal of the licence fees payable by petrol resellers, subject to approval of the Railways Transfer Agreement.
>
> While revenue-raising measures for a fixed period is one option, the Government might consider that in this case there is no reason for the public to be asked to bear any extra burden as a result of the Budget position that the Premier has revealed, because it has occurred as a result of the present Government's maladministration and beat-up Government policies.

That makes it very clear that we would only support an increase in taxes for the specific purpose of paying for the natural disasters—not as the Attorney-General implied yesterday, and that was a rise in taxes on a general and con-

tinuing basis. That was a deliberate misrepresentation of what has been said by the Leader of the Opposition in another place.

The Attorney has taken quite a different stand in his statement on the matter of capital works. In October last year, in consideration of the then budget, the Attorney attacked the former Government vehemently for transferring funds from the Capital Account to the Recurrent Account. In fact, he discussed the proposition of legislative action to prohibit such transfers.

The Hon. C.J. Sumner: I did not.

The Hon. M.B. CAMERON: Yes, you did. The Attorney talked of the Government selling off its assets and running down its reserves. Yet in his statement yesterday we saw an about-face. The Government has deferred, at least for the next three years, the Cobdogla irrigation rehabilitation works, the establishment of a sewage treatment plant at Finger Point, and the establishment of an aquatic centre, and has rescheduled the north-east bus-way programme. The Australian Federation of Construction Contractors has estimated that these deferments will cost our State 2 000 jobs.

For that, what have we in return? We have 780 public service jobs and a few teachers left on. It is an indication that the Minister is not terribly concerned about unemployment in this State.

It is clear that the Government's statements about concern for the Murray River and its salinity problems are hollow, because it has allowed the deferment of a very important project in relation to the reduction of salt content in the river.

If the Government was truly concerned, it would not have deferred the Cobdogla irrigation rehabilitation programme, notwithstanding that it is in a Liberal seat. The Finger Point sewage treatment plant is also located in a Liberal seat and has been deferred indefinitely. As I have said before, this is an outrageous situation. The Government is prepared to allow raw sewage to continue to flow into the sea at great risk to local health and the export lobster industry, yet it is prepared to spend nearly $1 000 000 upgrading the sewage system in the safe Labor seat of Port Adelaide. There is no indication of when it will start again. Certainly, there is no indication of three years, because it was made plain by the Minister of Agriculture that it would take three years.

The Hon. L.H. Davis: You might apply the anti-discrimination laws.

The Hon. M.B. CAMERON: That is right. I think that it is getting to that point. It is absolutely disgraceful. I invited the Minister of Agriculture and any other member of the Government who wants a look, to come and have a look with me. The people down there are extremely angry about the situation. Whilst I am happy with the situation as a politician, with all those people upset at the Government, we are above all that, and it is absolutely disgraceful that that situation should be allowed to exist.

The Hon. L.H. Davis: The wind is coming off the sea, too.

The Hon. M.B. CAMERON: That is the problem. The wind always comes off the sea down there. The Government is prepared to pay for its Public Service union supporters at the last election to the tune of $13 000 000, yet these vital projects of benefit to all South Australians are deferred.

Honourable members would recall the outcry from the present Government at suggestions that insufficient was being done to remedy the threat of amoebic meningitis from the water supply to cities in the North of the State. Time and again the present Minister of Health called the situation scandalous and outrageous and demanded urgent action. Yet in yesterday's statement we see the Government backing away, expressing only hope that the Commonwealth Government would see fit to proceed with the filtration of the northern cities water supply. I hope that the northern cities remember that the only real support that they are getting from this Government is an expression of hope that the Federal Government will proceed with the former Government's water measures.

We are not satisfied that the Government has done all that it could have done to contain those costs over which it has some control. Certainly, we recognise the problems caused by the natural disasters, and the Government has failed even there to give specific information about these. It talks of a total cost of $23 000 000, without detailing specifically where those costs are incurred. The Attorney-General's statement yesterday was little more than a tirade of excuses. The Government seeks to shift the blame for our State's economic position to its predecessors when clearly the facts indicate otherwise.

The Government has gone back on its promises not to introduce new taxes or increase existing taxes, failed to take the tough decisions necessary to restore our economy, been prepared to cut back vital job creating projects in an effort to pay back donors and supporters at the last election, used the tragedy of our State's natural disasters as a smoke screen for its own incompetence, failed to improve efficiency of the public sector even when areas for improvement are highlighted to it, and acted to destroy 2 000 jobs in the construction industry through cancelling vital capital projects to which the former Government was committed. This is a scandalous situation indeed.

The Hon. L.H. DAVIS: In speaking to the Appropriation Bill (No. 1), it comes to mind straight away that this is a very good example of what has unfortunately become a feature of politics in Australia in recent years, namely, that honesty is not the best politics. We have had in the presentation of the Appropriation Bill an explanation for the significant blow-out in the Budget deficit being sheeted home to the previous Government.

I would like to speak in my introductory remarks about that point and then look at some specific areas within the Appropriation Bill, which we are now debating.

Honourable members will recall that the 1982-83 Budget was drafted in July by the previous Tonkin Administration, was brought down in late August and finally passed through this Chamber in October 1982. The Tonkin Government provided for a deficit of $42 000 000 on recurrent operations after transferring a similar amount from the Capital Works Fund. When the new Administration came to power, it ordered a complete review of the current Budget situation, and Treasury reported to it that there was then a deficit on recurrent operations of between $72 000 000 and $97 000 000. In other words, the Bannon Government reported to the Parliament in mid-December that there had been a blow-out of the State deficit for 1982-83 of between $30 000 000 and $55 000 000.

On 2 February, a Ministerial circular was produced, confirming that that was the case, that the Budget deficit on recurrent operations was $72 000 000 to $77 000 000. In fact, if one added on the 1982-83 costs of A.L.P. election promises, namely, in stamp duties, education and electricity concessions to pensioners, those election promises totalled $7 000 000, which meant that the then projected 1982-83 Budget deficit on recurrent operations was in the range of $79 000 000 to $104 000 000.

However, mysteriously, on 8 March the top figure in that range was picked up as being the projected Budget deficit. The Labor Government administration was now just talking about a deficit of $104 000 000 to $105 000 000. It had picked the top of the range, with no explanation. Certainly, one has to take into account the natural disasters which occurred in February in the form of tragic bush fires and flooding. Over and above that, of course, there was the very severe drought and the additional cost of pumping Murray River water as a result of the drought.

By 9 March, however, the projected deficit had blown out to $140 000 000, according to press releases, including a projected $35 000 000 for natural disasters. Finally, in the Appropriation Bill now before us, the projected figure, with some two months left of fiscal 1983, is $115 000 000.

Quite clearly, the Treasurer has shown some uncertainty about South Australia's financial situation. It is significant to note that the latest review suggests that the deficit on recurrent operations of $115 000 000 includes a net cost for natural disasters of the order of $23 000 000. The Appropriation Bill makes it quite plain that the overall payments for drought, fire and flood relief and restoration of public assets under the natural disasters programme is likely to total about $8 000 000. The Commonwealth Government will contribute about $58 000 000 to that expenditure, leaving $23 000 000 to be borne by the State. The Appropriation Bill does not make it clear whether that $23 000 000 must be raised this year. Presumably, that is the case.

One would have thought that some of this expenditure would flow through to 1983-84. If one subtracts the $23 000 000 cost of the natural disasters from the current projected deficit of $115 000 000 on recurrent operations, one is left with a figure net of natural disasters of $92 000 000. That calculation is quite plain to even the most simple mathematician.

Before the bushfires the Government was talking about a projection of between $79 000 000 and $104 000 000, with the latter figure being the most likely deficit. Obviously, there is a considerable variation in the figures used by the Treasurer. There is no question in my mind that there is some fat in the Treasury figures. From the various figures used by the Treasurer it is plain that he is playing politics with the financial accounts of this State. That is a strong allegation but I think it can be sustained by the considerable variation that we have seen in the projected figures.

As the months roll by and as the economy continues to sag during the second half of 1982-83, it is obvious that the Treasurer will alter his projection. It is remarkable that the projected deficit, net of natural disasters, appears to be less gloomy than it was before the natural disasters occurred. I think that in itself requires some explanation. When introducing the Appropriation Bill the Attorney-General said that only $7 000 000 of the Budget deficit blow-out could be attributed to the Labor Government. He said that the responsibility for the increased deficit must be sheeted home to the previous Liberal Government. As I have said, that is a good example of dishonesty in politics.

The Appropriation Bill contains a good explanation for the Budget deficit blow-out. For a start, there have been additional pumping costs from the Murray River, exceeding Budget estimates by about $8 000 000. Only today, in reply to a question, the Attorney-General claimed that the previous Liberal Government should have been cognisant of a drought and should have made greater allowance for pumping Murray River water. As I have said, the Liberal Government Budget was drafted in July. I was not a member of Cabinet but I am assured that it was drafted in the second half of July. I am sure that that is correct, because it was brought down in the last week of August.

At that time there were still some two months when rains could have fallen, considerably changing the position in our reservoirs, and also modifying the serious effect of the drought that we have experienced over the past 12 months. It is not prudent to anticipate what may occur by over-providing for various situations. It was suggested in this Chamber only today that the previous Government should have modified its position and altered the Budget while it was being debated in Parliament. That has never been done before. In fact, I do not believe that the Hon. Mr Sumner could produce an illustration of when that has occurred. To further illustrate the financial naivety and the financial uncertainty of the Labor Government—

The Hon. K.T. Griffin: Ignorance is the word.

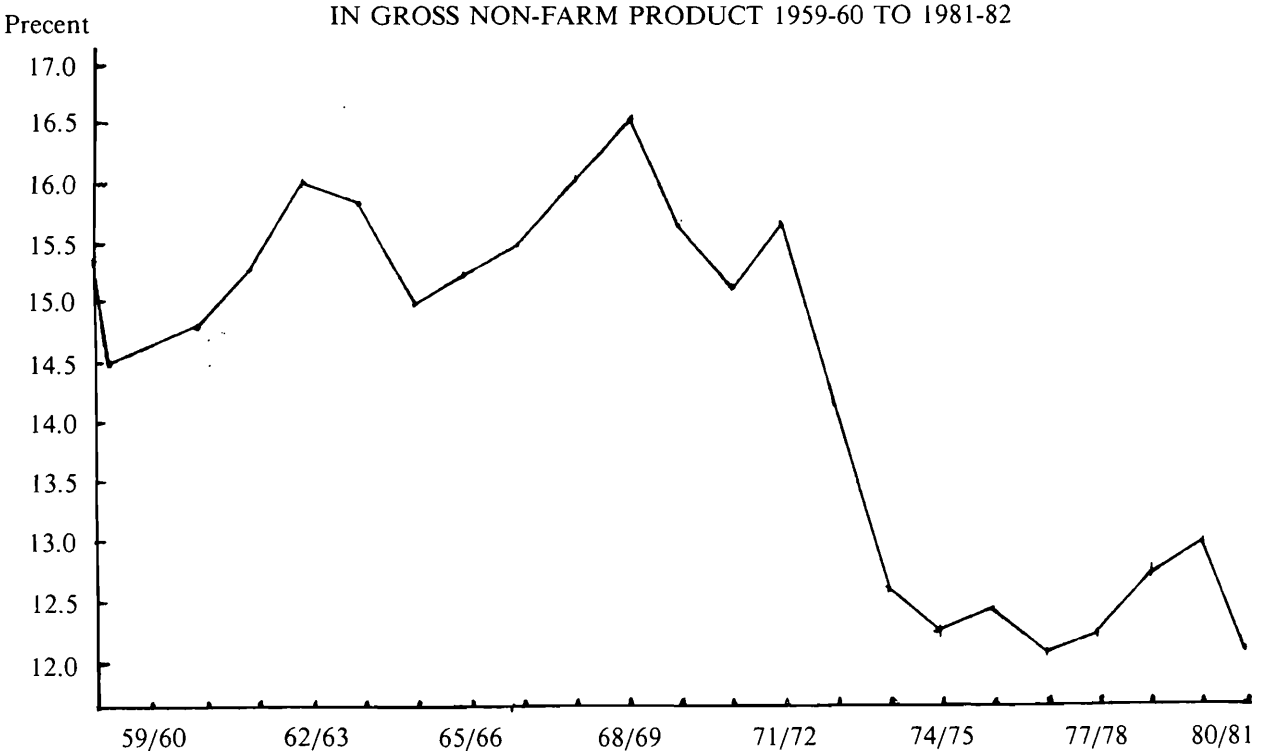
The Hon. L.H. DAVIS: Yes, the financial ignorance of the Labor Government—one only has to reflect on the headlines that have peppered newspapers over the past six months. In late November, the Premier and Treasurer tipped that a mini Budget was likely to be introduced by the new State Labor Government. He also suggested that taxes would rise, but he was uncertain which taxes would rise and when they would rise. I have already referred to the enormous disparity in the Budget deficit that has taken place over the past four or five months.

I now turn to particular aspects of the Budget and the economic matters that have a bearing on the finances of this State. As we all know, wages and salaries are a significant component of a State Budget. In fact, in excess of 60 per cent of a State Budget is expended on wages and salaries. However, in December last year Mr Bannon was the only Premier in Australia who denied the legitimacy of the wages pause. Mr Bannon was ignorant of how the economy works and the role of profit within the economy. Mr Bannon said that if South Australia joined in the wages pause there would have to be a catch up at the end so that people could be fully compensated for the loss that they sustained during the pause. Mr Bannon never believed that a wages pause could be an important part of any economic plan. He said that the various moves for a wages pause would be unworkable and he is on record as saying that a wages pause would not work.

Yet, with wages being such a significant component of the State Budget, he could not deny the importance of a close consideration of that factor. It is only because of the weight of all other Labor Leaders in Australia, along with the bulk of trade unions and employers, that he was finally persuaded to go along with the wages pause. It is worth putting on the record the fact that profits share of gross national product has continued to decline in Australia. Whereas, in the 14 financial years from 1959-60 to 1972-73, the income share of corporate trading enterprises in gross non-farm product averaged 15.5 per cent. In the nine financial years since 1972-73 that income share of gross non-farm product has averaged only 12.7 per cent. It is worth repeating that that was one of the basic reasons for the wages pause; that the relationship between profits share and wages share of the gross national product had got out of kilter. There needed to be an adjustment. There is no point in seeking higher wages if employers cannot afford to pay them because they are going to the wall and if there is no profit for pay envelopes. I seek leave to incorporate in *Hansard* a graph of a purely statistical nature relating to the income share of corporate trading enterprises in gross non-farm product for the period 1959-60 to 1981-82.

Leave granted.

INCOME SHARE OF CORPORATE TRADING ENTERPRISES
IN GROSS NON-FARM PRODUCT 1959-60 TO 1981-82



The Hon. L.H. DAVIS: We live in an economy (indeed, in a world) where unemployment, in most major Western countries, is in double figures—something that we would never have believed possible even 18 months ago. It is therefore important for us to recognise that a Federal Government certainly has a major role to play in assisting economic recovery which may directly or indirectly assist employment and that a regional Government has limited opportunities to stimulate employment. Its major role is in creating employment, minimising unemployment, building confidence, in providing a sound economy and providing policies within which people and firms can work with confidence. Under the preceding Labor Administration in the 1970s we had a State Unemployment Relief Scheme, better known by its acronym—SURS. It is perhaps useful to reflect on how much was spent on SURS for job creation schemes. I seek leave to have inserted in *Hansard* a purely statistical table showing money spent on the State Unemployment Relief Scheme.

Leave granted.

MONEY ALLOCATED TO SURS

		$
1975-76		15 559 000
1976-77		7 000 000
1977-78		24 480 000
1978-79		9 200 000
		$56 239 000
Less: Repaid to Consolidated Revenue		
	$	
1979-80	3 003 000	
1980-81	2 200 000	
	$5 203 000	
Net Expenditure		$51 036 000

The Hon. L.H. DAVIS: The table illustrates that, in the period from 1975 to 1979, over $56 000 000 was spent on the State Unemployment Relief Scheme in South Australia. The scheme worked via submissions from Government departments, statutory authorities, local government and other non profit-making organisations. The value of schemes were then assessed and recommendations made to a Cabinet subcommittee. As at December 1977, 1 998 people were in employment as a result of the scheme. During the year 1977-78, 7 672 persons were employed. Of those, 1 489 obtained permanent employment as a result of the project. In 1978-79 a further 2 790 people were so employed. In other words, $56 000 000 was spent on the State Unemployment Relief Scheme. Certainly it employed a few thousand people but it had a minimal impact on the unemployment level in this State.

In fact, Treasury, in a recent publication, assessed it as having about 0.1 per cent to 0.2 per cent (at most) impact on the unemployment rate. Nevertheless, one has to recognise that it is a problem. I note that, in the Appropriation Bill brought down in this Council, provision is made for the establishment of a job creation programme at a cost of $5 000 000 for 1982-83. However, my one plea to the Government is that the SURS experience showed very clearly that the huge amounts of money spent on unemployment programmes had very little impact during the time that they were operational. In the long term they have little or no impact at all. It is money down the drain. Indeed, the priority for Government money available in that area is to seek stimulation of the economy and to create an environment within which the private sector can be confident in the Government and can be given free rein to make the most of its opportunities knowing that the Government is supportive of it and knowing that the Government has consistent and sound financial and economic policies.

Another matter which I note is that a major part of State taxation still comes from pay-roll tax. Indeed, we will be debating that matter again shortly. The Treasurer's position on pay-roll tax remains somewhat unclear, as I have previously mentioned in this Chamber. The Hon. John Bannon,

in what I believe was his maiden speech, stated that there was no evidence that remissions in pay-roll tax would have an effect on employment. He said that they would go into the pockets of the employers and that they were the facts and statistics. Only five or six years ago, when he came into Parliament he did not believe in remissions in pay-roll tax. Now he is saying that he wishes he could give more by way of remission.

It is appropriate for Parties of differing persuasions to look very closely at those forms of taxation which are available and which are currently in use to raise taxes at a State level. It was interesting to see that the Chairman of Woolworths, Sir Eric McClintock, and the Managing Director, Mr Tony Harding, recently said that in times of record unemployment there is not a great deal of logic in the imposition of pay-roll tax. The difficulty is that one has to find an alternative tax. The myth has been perpetuated in Australia that we are a high taxation nation. That is not true, although we are one of the most highly taxed countries in the world in terms of income tax. We are one of the least taxed nations in the indirect taxation field. I believe very strongly that there should be much more work done at a Federal and State level to redressing the inequality which currently exists between direct and indirect taxation. Presumably, that will be a subject of debate if and when the Treasurer sets up a committee to review revenue-raising measures in this State.

One of the major topics in the debate on State finances has undoubtedly been the matter of transferring moneys from Capital Account to Revenue Account. There is no question that this was a practice adopted, of necessity, by the previous Administration. There is no question that the current Government will continue that practice during 1982-83 and beyond. In speaking to the Supply and Appropriation Bills in June 1982 I noted an important fact which is rarely commented on, that in discussing capital expenditure we should examine Budget and non-Budget sectors to look at the true position of capital expenditure in this State.

On page 4 598 of *Hansard* I made the point that if one looked at the non-Budget sector in South Australia one would see that it is an increasingly important part of the capital expenditure within the public sector. I think that it is high time that this Government and, indeed, all Governments reviewed the presentation of accounts, especially in relation to capital items. I note that only last Tuesday, 3 May, there was comment on the New South Wales Government's Budget situation. The comment was made that, because of the antiquated structure of Budget accounting, only about 14 per cent of the New South Wales Government's total capital works programme is covered in the consolidated funding figures released recently. That trend is also true in South Australia. There has been a continually strong shift towards capital expenditure by the non-Budget sector over recent years. Indeed, in the debate on the Appropriation Bill in 1982 I made the point that the estimates for 1981-82 showed that the non-Budget sector would account for over 46 per cent of public capital expenditure whereas only five years previously it had accounted for only 27 per cent of public capital expenditure. I would very much like the Hon. Mr Sumner to say what the projected figure is for 1982-83 in this matter.

This information was contained in a valuable document titled 'Recent trends in South Australian Public Finances and the 1981-82 Outlook'. This was an important paper issued by the South Australian Treasury in December 1981. It was an extraordinarily valuable document and I hope that Treasury will make a publication of this nature available as a matter of course on at least a yearly basis.

The other point that is overlooked in debates on State finances is that in 1981-82 capital expenditure was going to increase as against recurrent expenditure for the first time in six years. Of all public expenditure, for the first time in six years capital expenditure was going to increase from 26.4 per cent to 28.8 per cent in 1981-82 and recurrent expenditure was down to 71.2 per cent from 73.6 per cent. That was a significant reversal because, for the six years before that, public capital expenditure fell as against recurrent expenditure when one examines the total public sector. I hope that the Hon. Mr Sumner will respond to this comment because, consistently in debates on Appropriation, he has ignored the broader global picture which one must look at increasingly in assessing the true picture of the State's finances.

The Hon. C.J. Sumner: What have I ignored? It doesn't make any difference to the comments I have made.

The Hon. L.H. DAVIS: It does, because the Attorney has not talked about it.

The Hon. C.J. Sumner: Is the honourable member saying that the previous Government did not shift $40 000 000 of capital moneys?

The Hon. L.H. DAVIS: No. I want the Attorney to read what I had to say and to reply in the reasonable way he can when he tries. The other point worth commenting on, and again a matter I addressed in speaking to the Appropriation Bill in 1982, is the matter of public and private sector employment. On page 4 599 of *Hansard* there is a table which I provided and which shows trends in public and private sector employment in South Australia. I have not seen fit to update those figures because of the enormous economic downturn that has occurred since December 1981, which would render those figures not terribly meaningful. The trend in that table was well established, namely, that over a seven-year period under the Labor Administration from 1972 through to 1979 private sector employment was static whilst State Public Service employment increased by some 30 per cent.

However, the Liberal Government Administration in the three year period from September 1979 up until the last State election reduced the public sector employment from some 102 000 people to something in the order of 98 500 people. In other words, there was a reduction in public sector employment of some 3 500 people. That is a saving on the State Budget of some $70 000 000. This was a trend which was pacesetting in Australia. It is a trend only now being followed in other States to prune the public sector—not by sackings but by attrition.

We have already seen a reversal of that trend by the current Government in the sense that it has put on an initial 231 teachers and retained some 700 public servants who were otherwise scheduled, under the Tonkin Administration, to retire on a voluntary basis either through attrition or resignation. That additional 1 000 people adds at least $15 000 000 and possibly $20 000 000 to the projected State Budget deficit in a full year, although in the six or seven months of Labor Administration to 30 June that figure will not be so great. Again, this is something I would like the Hon. Mr Sumner to comment on.

What is the policy of this Government in terms of the public sector? Does it owe an obligation to the Public Service Association for the very strong support it received from that association at the last election? Does it owe an obligation to the public sector in terms of believing that the public sector can do more for the State and is better placed than the private sector? This has certainly been reflected already in what we have heard about the growth in and burgeoning influence of the Public Buildings Department. Again, I would appreciate answers to these questions. One cannot walk away from any debate on State finances without talking about public sector employment, given that 60 to 65 per cent of State Budget expenditure goes in salaries and wages.

Finally, I want to look at the arguments that have been made by the Government in the Appropriation Bill and in debates beforehand on the competency of the financial administration of the previous Government. In this Council the Hon. Mr Sumner has had great enthusiasm for this subject. On occasions, his enthusiasm has exceeded his grasp of the facts. However, it is worth looking, with the benefit of hindsight, at some of the observations that he has made previously on this matter.

In June and again in October 1982, the Hon. Mr Sumner was concerned about the transfer of moneys from Capital Account to Revenue Account. I have already observed that he ignored totally the global picture which will be provided by examining the Budget and non-budget sectors, and I hope that he will respond to that point. He admitted rather grudgingly that there had indeed been losses under the previous Labor Administration. I refer to his address on the Appropriation Bill in June 1982 (*Hansard* page 4599 and following pages).

The honourable member admitted a loss of $10 000 000 on Monarto and an unqualified loss on the Frozen Food Factory. He indicated that the loss on the Land Commission had been grossly exaggerated. But he could not accurately indicate where the Liberal Party had been guilty of poor financial management. On page 4598 of *Hansard*, he is reported as saying that State taxes had increased by 27 per cent since the Tonkin Administration had taken office, and he found that reprehensible. He also considered the enormous increase in State charges to be quite unjustified, and called the Appropriation Bill introduced at that time a 'scrappy document'.

Clearly, the Attorney cannot have it both ways. On the one hand, he is saying that it is unforgivable to transfer moneys from Capital Account to Revenue Account and, on the other hand, he is saying that the previous Government increased taxes too much. It was worth noting on page 4602 of *Hansard* that the then Attorney-General (Hon. K.T. Griffin) put some perspective on the losses incurred by the previous Labor Administration. That is worth reflecting on.

Again, in October 1982, remembering that was just one month before the election which saw the Labor Administration returned to the Treasury benches, the Hon. Mr Sumner continued his attack on the practice of transferring funds from Capital Account to Revenue Account. He attacked (*Hansard* page 1328) the abolition of taxes by the Tonkin Administration and stated:

> There is no evidence to suggest (indeed, it is unlikely) that the abolition of land tax on the principal place of residence had an effect on employment. The stamp duty rebate for new home buyers could have had a small employment generating effect, but this is not borne out by the figures, which show a substantial reduction in new building construction in the past three years. The abolition of succession and gift duties, which were payable by only a small proportion in the State, does not seem to me to have acted as an employment stimulus.

He really did attack the abolition of taxes. He criticised the stamp duty rebate for new home buyers, saying that it had a small employment generating effect. What has this Government committed itself to—exactly that, extending that exemption to new home buyers in the stamp duty area. I ask whether, if the Government is critical of the abolition of certain taxes and the increases in exemption levels in other taxes, is it going to do something about it? Presumably it will.

There has been no mention of the saving effected by the prudent reduction in the Public Service of over 3 500 jobs, with a commensurate saving of $65 000 000. There has been no mention that the decision to proceed with the O'Bahn rather than the l.r.t. has saved millions of dollars in 1983.

Again, in discussing the finances of the State, the Hon. Mr Sumner reveals an ignorance which, I suspect, still exists in terms of understanding what has happened with the transfer of money from Capital Account to Revenue Account, because on page 1331 of *Hansard* he stated:

> The honourable member should compare that—

referring to the loss of $12 000 000 at Monarto—

> to the $141 000 000 lost by this Government in three years.

That is really the only point that can be criticised in regard to the former Administration, notwithstanding the very strong attacks, contained in the Appropriation Bill, regarding the financial competency of the previous Administration. The practice of transfer revenue from Capital Account to Revenue Account is one to which I do not subscribe with any enthusiasm, and the Hon. Mr DeGaris on this side is a particularly strong opponent of that measure. Unfortunately, the financial situation being what it was, the former Government was left with no other choice.

The Hon. R.C. DeGaris: Do you believe in the American position in all States where they insist on a balanced Budget being presented? If Loan funds are used, they must be paid by increasing taxation. Every American State requires it.

The Hon. L.H. DAVIS: I do not believe that there should be a balanced Budget in every State. If one looks at individual States, one sees that they have significant financial problems. I refer to the position in California. I would not subscribe to that view, because there are occasions where a Budget deficit can be useful in priming the economy.

Finally, in speaking to this Appropriation Bill, I am cognisant of the fact that this Administration has had to absorb a net loss of $23 000 000 on bushfires, floods and drought, but it has not demonstrated where the rest of the deficit blow-out has occurred. I seek specific information from the Hon. Mr Sumner as to the extent of savings resulting from the salary and wages freeze. There has been no attempt to quantify the saving there, and I would appreciate it if the figure was more clearly spelt out.

The Hon. K.T. Griffin: It was to be $50 000 000, wasn't it?

The Hon. L.H. DAVIS: Yes, but I would appreciate that figure being spelt out more clearly and having a clearer explanation of the existing situation in regard to over-runs on the provision for salary and wages.

The Hon. K.T. Griffin: There was $26 000 000 overspending in departments.

The Hon. L.H. DAVIS: Yes, that is what is claimed. I support the Bill.

The Hon. C.M. HILL: I refer to that portion of the Minister's speech dealing with the reduction in capital works. Specifically, I raise the question of rescheduling and development works in the museum redevelopment. In introducing the Bill, the Minister stated:

> Regarding capital works, the review of the programme had regard to the effectiveness and economic justification of major projects planned for development during the period up to and including 1985-86. Cabinet has accepted in principle the recommendations flowing from that review, which include . . .

The Minister then mentioned the three major public works, and went on:

> Some rescheduling of the museum redevelopment project to enable options to be considered in order to:
>
> Give greater effect in Stage 1 to the most urgent needs of the museum.
>
> Minimise as far as practicable the recurrent costs associated with the development.
>
> The changes proposed in the review will have little effect in 1982-83.

This announcement of the curtailment of work at the museum has sent shock waves through the art world. The people involved in the arts in this State are very fearful that this might be the start of reduced funding for the arts in South Australia.

My purpose in speaking is to ask just what exactly is happening at the museum and, secondly, to ask the Government to put to rest these fears that the people within the artistic world in South Australia have. I ask the Government to give an assurance that it will maintain the high standards of art administration and retain adequate funding programmes in accordance with plans that were laid originally by the Dunstan Government in 1970-79 and in accordance with those plans which were retained by the Liberal Government of 1979-82.

No-one dreamed that within six months of coming to office here in South Australia the present Labor Government would bring an axe down on the arts. Not only were there strong election promises that the Government would not do this but, even after the election, undertakings were given that the arts had nothing to fear. Now, it appears from the Minister's speech and from information that I have been given in regard to the curtailment of work at the museum that there has been a shocking reversal of this policy.

Mr Bannon, as Premier, late in November—only a matter of weeks after the election—on the occasion of his opening an appeal down at the museum for a sum of money to be sought from the public to buy the cast of a 10-metre long, 4-metre high, carnivorous dinosaur that lived 130 000 000 years ago, stressed very strongly his support for the arts, and the newspaper report of that opening, which showed Mr Bannon giving a $20 note to the appeal by placing it in the jaws of the dinosaur's head which was in position down at the museum, was reported in this way:

> At yesterday's launching of the appeal Mr Bannon reminded his audience about the general redevelopment of the South Australian Museum and the surrounding institutions and historic buildings, which will include restoration of the Destitute Asylum, Armory and Police Barracks.
>
> The first stage of this redevelopment, following recommendations of the Edwards Report commissioned by the previous Labor Government, has already started, he said.
>
> It is a visionary concept that will bring new light into North Terrace and ensure its continuity as a unique boulevard of cultural institutions stretching from the Constitutional Museum to the Botanic Gardens.

Not only did the Premier assure his audience of his Government's strong support for the cultural complex along North Terrace on that occasion, but also he gave a clear understanding that he supported totally the retention of the thrust in the arts which had been practised by the previous Liberal Government. In fact, the Premier was kind enough to compliment the previous Liberal Government on its arts policy. Everyone who heard the Premier and everyone who heard later of his statement applauded him for his support not only as Premier but also, most significantly, as Minister of the Arts. So, I again stress that, with that confidence, the people associated with the arts in this State have been shocked with what has been happening at the museum, and they fear that it is the thin end of the wedge to further cuts that may follow.

What exactly has happened down at the museum redevelopment project? It appears that soon after the Government came to office it established a capital works review team. That team recommended to Cabinet that the client department undertake a review of the stage 1 proposals of the museum redevelopment project. That review had to keep in mind, first, achieving in stage 1 the most important objectives of the original project within the capital and recurrent costs and, secondly, deferring stage 2 for approximately 10 years.

I emphasise that. How gloomy the future must be for the people interested in that cultural complex and, indeed, for the people interested in the arts, when they see a committee set up by this Government recommending that stage 2 of the museum redevelopment be deferred for approximately 10 years! And that report has been accepted by the Cabinet.

The Hon. L.H. Davis: They are supposed to be friends of the arts.

The Hon. C.M. HILL: That is what they are supposed to be. The team also recommended that the commencement of the construction of stage 1 be deferred for six months to allow the review to be undertaken. However, it seems that further pressures were brought to bear and further thought was given to the whole proposal. I am pleased to see that at least a contract to start—which is only the basement section of the principal building in the stage 1 redevelopment, namely, the natural sciences building—has been let, and that at least a start has been made, if only on the basement.

I just mention some of the buildings involved in this stage 1 redevelopment. People tend to think that it involves just the museum development itself; it does not do that, of course. It incorporates many of the historical buildings that are immediately behind the State Library and the present State Museum buildings.

A conservation centre was in the plans which the previous Government had approved and which were looked at in this review by the present Government. The team recommended that the conservation centre should be examined in the light of likely available staffing levels over the next few years. That has an unfortunate ring about it, because there is an inference there that staffing might be reduced in the next few years. It was considered that housing might have to be given in that centre to some of the South Australian Museum functions rather than for the actual purpose for which the new conservation centre was planned, namely, a conservation service to all the institutions requiring conservation services in that area.

The armoury and the police barracks were also important historical buildings incorporated in the stage 1 development. In its report, which was apparently accepted by the Government, the team recommended that in light of the extended delay in the implementation of stage 2 the planning for this complex should be re-examined with a view to rehousing some South Australian Museum functions not otherwise catered for and to provide additional display, collection and other publicly accessible facilities. It appears that whilst the actual construction on redevelopment might take place, the purpose for which the armoury and the police barracks were intended to be used in the original stage 1 plan, namely as a police museum, will not come to fruition at all.

The museum staff who would have moved into the newly-built natural sciences building will be transferred into this space in lieu of the upper floors of the natural sciences building which, apparently, will not proceed. There was also the Royal Society facilities and the building on the extreme corner of Kintore Avenue and North Terrace. Apparently, the team recommended that planning in relation to these facilities for the Royal Society within the natural sciences complex should be examined to determine whether there were advantages in delaying the fitting out of such accommodation in order to provide interim accommodation for other South Australian Museum functions. Again, the museum was being given the opportunity to spread into new accommodation simply because it could not move into that which was planned in the main building, namely, the natural sciences building.

Another building in the stage 1 plan was known as the balancing building. According to the team, this building should have been completed within the armoury/police barracks quadrangle. However, that proposal had to be re-examined because of the need to reduce costs. The team also recommended that the future use of the destitute asylum complex should be re-examined in relation to likely staffing levels and ongoing funding commitments. That was to be the site for the new ethnic museum, which has been in the planning stages for some three years. Apparently, that project

has been deferred because it has not been definitely approved by the present Government.

The team also recommended that planning for the natural sciences building should be examined with a view to implementing possible cost savings. I understand that the team was looking at a further reduction in work on the east and north wings of the museum. All this is most depressing for those who are vitally interested in the planning of the museum redevelopment because they now see that the degree of progress will be quite limited.

There are certainly clouds on the horizon in relation to the future development of this project as it was envisaged in the Edwards report and as it was approved by the previous Government. Over the horizon there is further gloom, because it is proposed that stage 2 should be deferred for 10 years. I understand that a meeting was held yesterday in an attempt to solve this problem. I would like to know the result of that meeting, because I believe that the public has every right to know about the cuts that the Government is implementing in relation to this project.

I refer again to the police barracks and the armoury. Within the stage 1 plan as previously approved, these historical buildings were to be used as a police museum. The early history of the South Australian Police Force was to be retained there for posterity. The whole imaginative plan was welcomed with great enthusiasm by the Police Force and those associated with its heritage and history. However, it goes even deeper than that. The historical section of the Police Force was planning big things for the 1986 sesquicentennial festivities. One major point in the 1986 plan was the re-enactment of Commissioner Tolmer's gold escort ride from Victoria. That was an historical ride bringing gold from the goldfields in Victoria to the armoury, which is the building that should be restored and used as a police museum.

The re-enactment was planned to coincide with the completion of work on this building in 1986. It is also planned to hold an international police convention in 1986, and it is expected that 5 000 police officers from all around the world will attend. The historical section of the Police Force was very much looking forward to the opening of this museum in that year and showing it to police officers from all around the world. Also, there is some possibility, although it is not certain, that the International Police Olympics will be held in Adelaide in 1986. If that can be arranged, an additional 2 000 police officers from all around the world will be present in Adelaide at that time.

The Police Historical Society, along with other individuals who are interested in the development of the police museum in the old armoury building and the old police barracks, were absolutely thrilled by the previous Government's plan, but they are now extremely disappointed. They were looking forward to the completion of this work, and recognised that it might not occur until 1986. However, they now fear that the project will simply vanish down the drain. If it does disappear, it will be a sad reflection on the present Government's planning in relation to the arts.

I mentioned earlier the ethnic museum. At the moment, it is formally known as a proposed museum of migration and settlement. The name may not be that attractive, and I think that it should be reviewed. In simple terms, the previous Government went to the people with an election promise in 1979. The promise was a result of great pressures that were brought to bear by the ethnic communities in this State. Admittedly, the planning progressed fairly slowly in the three years from 1979 to 1982, but with good reason. First, the planning had to be done properly and professionally, and it could not be done using only voluntary labour. It took some time for the History Trust to be established but, as soon as it was established, it was given this responsibility and it set about the task. It set about the task not only by providing staff but also appointing a curator for the museum just before the last election.

That museum was going to be in the Destitute Asylum Building. The old historic building adjacent to Kintore Avenue would house the new museum. It would have been a magnificent project and would have been acclaimed by people within migrant communities and others who have strong ties with other countries, not only directly through their immediate families but also going back for some generations. On the information I have, in this general deferment plan that space will be used for other museum purposes because some new museum accommodation is needed in a building such as that because the major building, the Natural Science Building, will not be completed in its total original concept and they have to move the museum staff around as best they can. That is very disappointing to all of us who were looking forward to the continuing planning for that museum and its ultimate opening, at least by the sesquicentennial year in 1986.

The History Trust is being downgraded in the general plan. It is well staffed and its board is made up of professionals in every respect. Their enthusiasm for the development of this historical area behind the museum building, not only one building relative to the ethnic museum but also in connection with other buildings, and plans that the previous Government had approved to restore this total area, had no bounds. I can just imagine, with the kind of curtailment which the Minister has mentioned in his speech (the full details of which I am seeking from him so that the public can know what is going on) must be very disappointing to the History Trust.

Whilst acknowledging that the Government has financial difficulties in the capital area, it is a question of the Government honouring its promises. It is a question of the Government recognising that initial cuts in the arts area cause a great deal of unrest and fear amongst the whole artistic community. They are sensitive people and react strongly at the first sign of reduction in their funding. It is rather ironic that it should occur in the initial term of the Labor Government when it was feared that it would occur three years ago but never did. The Government should recognise that such people make a tremendous contribution to the cultural and social life of South Australia. Not only that, they make a considerable contribution to the economic life of South Australia. Taking the question right across the board, a great number of people are employed in the arts in this State. Our State has made its name as the Festival State.

Previous Governments (and I go right back to the 1970s) have established a record of successful programming of the arts. This Government has a responsibility to maintain that thrust. If it has to make reductions in some of its capital works, it should reorganise its priorities and keep its hands off the arts as far as reductions are concerned. Already some damage has been done. I do not know what the Government has done with the money because the previous Government allocated $1 680 000 towards the South Australian Museum redevelopment. In the current financial year only a small fraction of that amount of money will be spent by the end of June. What has the Government done with the balance of that capital money? Why is there a need for it to be axing work in that area?

I place on record that the previous Government's provision of assistance for the arts in the 1982-83 Budget increased by 19.6 per cent over the previous year to $23 151 000. A portion of that increase was involved with the transfer of some capital funds from other departments for such items as debt servicing and the production of Government films. Nevertheless, the record of the previous Government has

not been questioned and cannot now be questioned. When the Minister comes into this Chamber and clearly states, as he did yesterday, that the Government is yielding to pressure by a committee to reduce plans to go on with stage 1 of the museum at the same rate as had been approved by the previous Government, that is a deplorable situation. It is a breaking of the Government's promises to the artistic people in this State. Quite understandably they are asking where it is all going to finish. They fear the next Budget which will come down later this year and which will disclose the Government's grant to the arts for 1983-84.

I ask for a statement from the Government as to what is really going on down at the museum in regard to that redevelopment. What are the details of the curtailments and what are the details of moneys which were approved by the previous Government and which are not being spent currently? Can further consideration be given to readjusting priorities to get the whole scheme back on the rails? Will the Government look again at its approved plan to defer stage 2 for 10 years so that, within a reasonable period of time (and 10 years is not reasonable), stage 2 can proceed and the whole complex, acclaimed publicly only last December by Mr Bannon as being a magnificent cultural concept, could be brought to fruition in the near future.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.
(Continued from 4 May. Page 1126.)

The Hon. K.T. GRIFFIN: I have mixed feelings about this Bill, I suppose to some extent because it has been brought in so late in the session with the requirement that it be passed as soon as possible.

The Bill was introduced only last week and, if there had not been an announcement earlier this week that we will be sitting for another week at the end of the month, it would have meant that such a significant change to the law would have had to be pushed through the Parliament in just over a week. I take great exception to having to deal with this sort of change, particularly in the area of criminal law, in such a short period.

The Hon. C.J. Sumner: There is nothing short about it at all.

The Hon. K.T. GRIFFIN: I understand that the Bill has been around for at least two months. I have been told that the Law Society received a copy of the Bill in March.

The Hon. C.J. Sumner: Then there is nothing new about it.

The Hon. K.T. GRIFFIN: The first I knew about this Bill was when it was introduced. The Attorney-General interjects that there is nothing new about it: there may be nothing new about it so far as he is concerned, but there certainly is so far as the Parliament is concerned.

The Hon. C.J. Sumner: You have had the Bill for a week.

The Hon. J.C. Burdett: For a major change to the criminal law.

The Hon. K.T. GRIFFIN: Yes, for a major change to the criminal law. The Attorney has had officers working on these law reform matters but has not consulted with anyone except the Law Society, as far as I know, and he expects the Opposition to investigate a whole range of matters. Perhaps he does not expect us to do that: perhaps he expected us to accept it blindly without getting independent advice on it. This Bill is a significant change in the law because what it does is change the rules relating to competence of spouses to give evidence and more particularly changes the rules with respect to their compellability to give evidence in criminal proceedings. This Bill takes the matter into the realm of uncertainty and changes it from a limited compellability for a spouse to be required to give evidence to compellability at large, subject only to obtaining an exemption from a judge.

In addition to that, the Bill seeks to extend the discretionary privilege of exemption from compellability to putative spouses which, again, is a significant extension to this area of the law.

In some instances, undoubtedly, there are anomalies in the way that the present law operates. If there is some reasonable means by which those anomalies can be eliminated, then the Opposition would certainly want to see that occur. However, I remain to be convinced that the way in which this Bill seeks to overcome those anomalies is the appropriate way to deal with them. As I have said before, this Bill takes the certainty out of the law and leaves exemption from compellability to the judges on what, at least in the early stages of the interpretation of this Bill, will be very much *ad hoc* series of decisions.

There is one aspect of the Bill which can be supported and that is the one to bring parents and children of an accused person within the ambit of the Bill so that they, in certain circumstances, may not be compelled to give evidence against an accused son or father. The position in Victoria, as the second reading explanation indicates, is similar to the proposal in this Bill. I have been endeavouring to ascertain from members of the legal profession in Victoria what difficulties, if any, there have been in the administration of this sort of provision in the Victorian criminal law. However, because of the limited time that has been available, I have not been able to obtain a response. I will continue my endeavours to get some competent response from Victorian lawyers tomorrow in respect of the Victorian Crimes Act.

There are differences between the Victorian Crimes Act provision in section 400 and the Bill. They relate principally to the matters which the court is to take into account in determining whether or not an exemption from giving evidence should be granted. Of course, the provision in the Victorian Crimes Act only applies to the husband, wife, mother, father, or child of an accused called as a witness. The onus in the Victorian legislation, as in this Bill, is on the witness to demonstrate, I presume on the balance of probabilities, that an exemption is justified within the criteria provided in the Act.

The New South Wales Law Reform Commission, however, has issued a discussion paper on the subject and what it is recommending in that paper is a position where the onus is on the Crown to establish the need for a witness to give evidence so that, in a sense, it is a reverse onus. The obligation is on the Crown and not on the witness to establish a need for the evidence and that the criteria are satisfied (they are in the draft Bill attached to the New South Wales Law Reform Commission's discussion paper). There is a provision in it which I will read into the record, as follows:

(2) Where a present wife of an accused person is called to give evidence by the prosecution or by another accused person, she shall not be compellable to give evidence.

That is the general rule. Then there is a subsection (3), which states:

(3) Subsection (2) does not apply to a wife of an accused person where, by reason of the accused person's pleading guilty, or for any other reason, he is not liable to conviction in the proceeding.

That is an exception to that general principle to which I have referred. Subsection (4) provides:

(4) Subsection (2) does not apply where the accused person is charged with an offence involving—

(a) an assault on;
(b) a battery of;
(c) other harm to;

(d) a threat of violence, personal injury or other harm to; or
(e) sexual misconduct in respect of—

a person at any time and that person—

(f) was at the time wife of the accused person, or
(g) was at that time under the age of 18 years and at that or any earlier time belonged with the accused person to the same household.

The important exemption provision is contained in subsection (5), which states:

Subsection (2) does not apply where, in the opinion of the court, the interests of justice outweight the importance of respecting the bond of marriage.

Subsection (6) provides:

In forming its opinion under subsection (5), the court shall have regard to—

(a) the nature of the conduct charged;
(b) the importance of the facts to which the wife may depose, and the availability of another mode of proof of those facts;
(c) the likely weight of the wife's testimony;
(d) the effect on the marriage of compelling the wife to testify;
(e) the hardship to the wife of testifying;
(f) the effect on any child of the marriage; and
(g) any other relevant factor.

I suggest that those criteria are wider than the criteria proposed in the Bill. If there is to be a change in the law, and if this Bill passes the second reading, then the onus ought in fact to be on the Crown to establish that the interests of justice outweigh the importance of a bond in marriage.

Traditionally, there has been a very strongly held view that a person ought not to be compelled to give evidence against his or her spouse. That is a long established attitude, although some may suggest that the emphasis has now changed. I would dispute that and I would want to place on record my considerable concern that what the Bill seeks to do appears to place possible further burdens on the marriage relationship by creating an area in the criminal law of much greater uncertainty than the present law, notwithstanding the present laws and anomalies.

In the New South Wales Law Reform Commission's discussion paper, appendix B is most interesting, as it outlines a case against the proposal to provide for the compellability of the spouse at the instigation of the prosecution. Some of that informaton is relevant for consideration in this debate. I should like to quote one extract from that report which refers to certain appeals to principle. The appendix states:

Notwithstanding such appeals to principle and to logic, there persists a feeling of repugnance against compelling one spouse to give evidence against the other when that other is accused in criminal proceedings. The reasons given at different periods of history for the non-compellability (and indeed incompetence) of spouses, although doubtless appropriate at those periods, may not carry a great deal of weight today. Nevertheless, the feeling of repugnance does persist. It may well be brought about by a feeling about the special nature of the marriage relationship. That special nature still survives notwithstanding immense changes in recent social history. No matter how it was viewed in the past, today it is seen as one involving a shared life and a special intimacy between two persons. The fact that persons involved in other special relationships, such as the parental, may be compelled to give evidence against one another, is no doubt explainable by history, but affords little reason, except by appeal to the need for consistency and removal of anomaly, for changing the law as to spouses.

That appendix also makes reference to the English Criminal Law Reform Committee's Eleventh Report. The appendix states:

It is perhaps not surprising that the English Criminal Law Reform Committee in its Eleventh Report merely recommended that the spouse be made competent at the instance of the prosecution and refrained from advising general compellability.

That report was published in 1972. The appendix further states:

It could be argued that New South Wales has lived with the competence of the spouse of an accused for that period without the break-up of the institution of marriage. One obvious answer is that it is one thing for a spouse to make the choice to give evidence and quite another to be compelled to do so.

Whilst I certainly have no objection to spouses being competent, the question of compellability, as this appendix suggests, is quite a different question. One other extract from this appendix is relevant to the Council's consideration of this Bill, and it is as follows:

The proposal for reform made in the draft Bill is that, apart from some special cases where the spouse should be compellable by law, the spouse should also be compellable if the court, in its discretion, having regard to all factors, a number of which are specified, so ordered. This sort of provision may well replace one set of anomalies with greater but better concealed anomalies. It is obvious that some judges will attach different weight from others to the factors affecting the marriage and will balance them quite differently against other factors, such as the seriousness of the crime charged. If, therefore, there are cases in which the evidence of a spouse may be crucial for the purpose of conviction, always assuming that the spouse is willing to tell the truth if compelled, though not, if not compelled, then the whole outcome of the trial, whether conviction or acquittal, may depend upon the way the discretion is exercised by the particular judge. Thus elements of uncertainty and arbitrariness would be introduced not merely into the question of what evidence would be admissible but also into the question of conviction or acquittal itself.

Those references by the New South Wales Law Reform Commission in its discussion paper are very telling against any rash moves to change the law so significantly as proposed in this Bill.

The Bill does not pick up the recommendations of the Mitchell Committee in the third report published in 1975. In the last Parliament we heard much about the Mitchell Committee recommendations in respect of other changes to the criminal law. Once again it is important to refer to the recommendations of that committee, which I have no hesitation in accepting as an appropriate basis for changing the law in respect of competence and compellability. Those recommendations are as follows:

(a) We recommend that each spouse be competent to give evidence against the other in respect of all charges.
(b) We recommend that the prosecution be at liberty to comment upon the failure of a spouse to give evidence for the other.
(c) We recommend that where a spouse is competent but not compellable to give evidence against the other and it is intended to call that spouse to give evidence for the prosecution, the judge should explain to him or her in the absence of the jury that he or she can not be compelled to give evidence.
(d) We recommend that each spouse be competent and compellable to give evidence for the other in respect of all charges.
(e) We recommend that each spouse contine to be compellable to give evidence against the other in all charges in respect of which he or she is at present compellable and in a charge for assault upon a child under the age of 16 years.
(f) We recommend that where spouses are jointly charged each be competent but not compellable to give evidence for the other.
(g) We recommend that a spouse be competent but not compellable to give evidence for or against a person charged jointly with the other spouse.

The Hon. J.C. Burdett: They are very reasonable.

The Hon. K.T. GRIFFIN: The report has been published for nearly 10 years, and I would have thought that that was an appropriate half-way point in changing the law with respect to compellability. The other interesting recommendation is that the committee recommends no change in the class of persons who are at present not compellable to give evidence. That relates to judges, Governors and other persons, and it refers also to the question of others in close relationship with an accused person such as those living in a *de facto* relationship.

The concern that I repeat is that this Bill does impinge significantly on the long-established principle that generally speaking one spouse may not be compelled to give evidence against the other in criminal proceedings. Although there

are exceptions for good reason, I would be most concerned about taking the law to the point proposed in this Bill so that they become compellable in every case unless a judge grants an exemption.

I want now briefly to refer to the widening range of persons who may be exempted from giving evidence against an accused person. That relates particularly to a putative spouse within the meaning of the Family Relationships Act, 1975. Apart from my objection to that principle, there are some technical difficulties. Under the Family Relationships Act, 1975, an Act which I might say has come in for a great deal of criticism by a whole range of people, including the present Chief Justice, a person is a putative spouse of another if on a certain date that person is cohabiting as a husband or wife *de facto* of another person and has so cohabited with that other person continuously for a period of five years immediately preceding that date or has during the period of six years immediately preceding that date so cohabited with that person for periods aggregating not less than five years.

The question, then, is whether the relevant date is the date on which evidence is to be given or the date on which the offence occurs. There are some technical difficulties there. A putative spouse is also a person who has had sexual relations with the other person, resulting in the birth of a child. I suppose, if one looks at it technically, it may be possible for a person to have more than one putative spouse if there are children resulting from different relationships. So, the net is being cast fairly widely there.

The Hon. J.C. Burdett interjecting:

The Hon. K.T. GRIFFIN: That is right. As the Hon. Mr Burdett says, the putative spouse must be declared by a court on a particular date and must satisfy the criteria set down in the Family Relationships Act. I suppose that, to that extent, it is not particularly likely that one will get a declaration in many cases. Nevertheless, there are some technical difficulties with it if one accepts the principle—and I indicate to the Council that I certainly do not accept the principle—that putative spouses ought to be brought within the range of persons who may be exempted from giving evidence against an accused person, although I have said that, if the Bill were to pass, the extension of protection to the parents of children of an accused person is one which the Opposition would support because of the very special family relationship that is likely to exist between the accused person and those other relatives.

As I indicated when I began my comments on this Bill, I am making further inquiries in Victoria to ascertain what difficulties, if any, have been experienced in the operation of the Victorian legislation and, in view of that, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

COUNTRY FIRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 May. Page 1127.)

The Hon. H.P.K. DUNN: I support this Bill, for obvious reasons. If we are going to have the system that we have today (that is, a voluntary organisation to control fires, which itself is controlled by a paid executive under the wing of the Government), we must have good protection for those volunteers. Compensation is most necessary if they are putting their lives at risk—and they do—when fighting fires; all of us would agree with that.

The fire on Ash Wednesday (16 February this year) was one of major proportions; lives were lost and many people were injured. It is vital that that section of the community who work so hard on those days to control those fires should get due recompense. Their lives were at risk and lives were lost. The control of that fire on that day was unique, and if we had all the people whom we could muster we would not have controlled the fire that day. Even so, people fought very hard to keep those fires under control and out of private and public property.

Under section 27 (2) of the Country Fires Act, as it now stands, compensation is provided for those people by the provision of a prescribed wage. The prescribed wage was never prescribed by regulation, so that in the past the insurer of those 12 000 members was the State Government Insurance Commission via local government. Local government collected or paid for the premiums for those 12 000 volunteers, and the State Government Insurance Commission carried the insurance.

Up until February, the claims that had been made on the State Government Insurance Commission had been paid out following advice from the Country Fire Service as to the salary or wage of those volunteers at the time they were injured. The claims have not been great over the years because the Country Fire Service trains its men well and, therefore, they have acted very responsibly and sensibly when fighting fires.

It does not alter the fact that every now and again a fire will break out that is very difficult to control, and there will always be injury. This applied up until Ash Wednesday (16 February). After that date, however, because there were a significant number of claims on it, the insurance company has seen fit to offer at this stage only $263 as a weekly wage for those people (that is, the volunteers) who were injured, and half of that for unemployed people. As I stated previously, claims were made on the income of those people at the time.

This Bill is endeavouring to prescribe a wage of $314. At this moment, that is the average weekly earnings established by the Bureau of Statistics, and I could not disagree with that. Making it retrospective, as this Bill does, creates some problems. It is retrospective to 13 September 1979. The State Government Insurance Commission, offering $263 as it does at this instant, can do so because there has not been a prescribed wage.

I believe that the legislation has been made retrospective because of the large number of claims. The pay-outs resulting from the bushfire of 16 February 1983 will be quite significant. I am not suggesting that this will occur, but this Bill could affect pay-outs back to 1979. I believe also that another factor is involved. Volunteers who fought the Ash Wednesday bushfire believed that they were covered for the rate of salary that they were receiving at that time, because that was the rate being paid by insurance companies prior to 16 February 1983. Persons volunteered to fight fires on that basis.

The Hon. R.C. DeGaris: Why is it retrospective?

The Hon. H.P.K. DUNN: I believe it is an attempt to cover people injured on 16 February.

The Hon. G.L. Bruce: What's wrong with that?

The Hon. H.P.K. DUNN: The insurance companies are only offering $263, and I think that that is less than adequate. I think it is unacceptable because some volunteers would have been earning more than the average of $314. In fact, I believe that half the people would have been earning more than the average weekly wage and half of them would have been earning less.

The Hon. Anne Levy: That's not correct. Seventy per cent of workers receive less than the average weekly wage and 30 per cent receive more than the average weekly wage.

The Hon. H.P.K. DUNN: Of the 21 claims processed, 11 are above the $314 threshold and 10 are below.

The Hon. Anne Levy: The figures in relation to the community as a whole indicate that 30 per cent receive more than the average weekly wage and 70 per cent receive less.

The Hon. H.P.K. DUNN: That may be so in relation to the general public, but the fire occurred in the Adelaide Hills—

The Hon. Anne Levy: Where the wealthy live.

The Hon. H.P.K. DUNN: It is reasonable to assume that these people receive fairly high salaries. They have been successful in their lives and have decided to build their homes in this area. If those people receive wages higher than $314 and they are offered less than that sum they will find it difficult to meet their monthly commitments for their homes, motor cars and families. These people should be compensated according to the wage that they were receiving before the bushfire. If that does not occur, it will discourage people from volunteering for this work.

I believe that under our present system volunteers are most necessary. In South Australia we have 38 paid C.F.S. personnel and 12 000 volunteers. The C.F.S. operates on a budget of about $2 300 000. I suppose we could adopt the Victorian system and have far more paid personnel, but I point out that the Victorian budget for its country fire service amounts to $35 000 000. I believe that in South Australia we have the best of both worlds. The people who volunteer have a great feeling for the area that they are trying to protect and they do so to the best of their ability.

The Hon. R.C. DeGaris: Why is the Bill retrospective to September 1979?

The Hon. H.P.K. DUNN: I do not think that it would be wise to commence the legislation from 16 February, because it could be inferred that the legislation was changed as a result of the Ash Wednesday bushfires. The volunteers fighting the Ash Wednesday bushfires in good faith thought that they were covered to receive, by way of compensation, the salaries that they were earning at that time. The unemployed have been catered for quite adequately, because they will receive half the average wage. I do not think that that is unreasonable, if they are prepared to volunteer.

We are not talking about huge sums of money. At the moment there are only 11 claims above $314. I do not think that that will amount to a huge sum. I think that we should give the people who volunteer some hope that in the future they will be adequately compensated. I point out that it is sometimes difficult in some areas to maintain the numbers of volunteers. I indicate that in Committee I will move an amendment in relation to the retrospective clause. I support the second reading.

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

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL

Adjourned debate on second reading.

(Continued from 10 May. Page 1356.)

The Hon. J.C. BURDETT: I suppose I support the second reading of this Bill, although there is not much in the Bill to support or not support. I make it clear that I strongly support the principles of this council, which has existed since 1971. However, I query the need for this legislation.

The second reading explanation was one of the worst that I have heard. It had little to do with the Bill but was a long winded, badly expressed, inaccurate, blatant and political diatribe. It referred to such matters as the amendments made by the previous Government to the Industrial Conciliation and Arbitration Act and the Workers Compensation Act. It also referred to the Cawthorne Report, and attacked the former Minister's approach and then, near the end, started to talk about the Bill.

Not only was the second reading explanation bad to start with but also it was not modified for the Attorney-General to read in this Council. I do not blame the Attorney for that; he read the explanation with obvious distaste. The speech actually misled the Council, which is a serious matter. The second reading explanation stated that clause 12 provides that the Council shall provide to the Premier an annual report on its work. In fact, clause 12 says nothing of the sort. It provides:

(1) The Council shall, as soon as practicable after the end of each calendar year, submit a written report on its work during that year to the Speaker of the House of Assembly and the President of the Legislative Council.

(2) As soon as practicable after receipt of a report under this section, the Speaker shall cause the report to be laid before the House of Assembly and the President shall cause the report to be laid before the Legislative Council.

There is no mention of the Premier, as was stated in the second reading explanation read in this Council last night. Of course, the explanation is that the Bill was amended in the other place by the Deputy Leader of the Opposition. When the Liberal Party was in Government, we always used revised speeches when making the second reading explanation of a Bill received from the other place. The revised second reading explanation was certified by the Parliamentary Counsel—

The Hon. C.J. Sumner: So was this one.

The Hon. J.C. BURDETT: After I finish, I will refer to what the Attorney-General has said. The revised second reading explanation was certified by the Parliamentary Counsel to indicate that changes had been made to cater for any amendment. The Attorney-General assures me that this one was so certified.

The Hon. C.J. Sumner: Revised and signed by the Parliamentary Counsel.

The Hon. J.C. BURDETT: In fact, there was a sloppiness there. I do not blame the Attorney-General for any part of the speech. He obviously did not like it very much, and I do not blame him. The fact of the matter is that what was said was not accurate. The Bill talks about consensus, but the explanation was one of the most confrontationist speeches that I have ever read.

The Bill is unnecessary, as the council has operated in the past without legislation, and legislation is not necessary to help. The Bill is an amazing piece of legislative nothing. It prescribes that certain things be done but provides no sanctions if they are not done. Clause 9 (7) *(a)* provides that 'proceedings of the council shall be conducted on a non-political basis'. What a load of codswallop. In the first place the matter dealt with by the council will include matters of State and are therefore necessarily political.

Clause 11 (1) provides that the functions of the Council include advising the Minister upon legislative proposals of industrial significance. That is necessarily political. Clause 9 (7) *(a)* means that the proceedings of the Council shall not be Party political, so why on earth does it not say so? In the second place, saying that the proceedings shall be conducted on a non-political basis does not make it so.

The function of an Act of Parliament is to change the law. Even an Appropriation Bill or Supply Bill, such as we have been dealing with too much earlier today, changes the law. It is difficult to find what law or practice this Bill will change. This elaborate piece of window dressing will be one of the biggest nothings on the Statute Book. I do not denigrate in any way the value of a council such as this, but it has existed without legislation since 1971.

The Hon. C.J. Sumner: Are you going to oppose the legislation?

The Hon. J.C. BURDETT: I will tell the Leader that in a moment. I do not see why it should not go on in that way. This Bill is a case of much to do about nothing. To save making more to do about nothing, I support the Bill.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his Shakespearian contribution to the debate.

The Hon. C.M. Hill: It was better than yours last night.

The Hon. C.J. SUMNER: I am sufficiently contrite about my performance last night to accept in good grace the criticism made by the honourable member about my speech last evening. I must confess that I was caught a little unaware by the signature on top of the speech which was in accordance with the practice adopted by the previous Government. It had quite clearly stamped on it 'revised' and a signature which I will not bother to interpret for the benefit of honourable members. Neverthelsss, I would expect the speech to have been revised in accordance with the usual practice. It is clear that the honourable member has forcibly pointed out this evening in his contribution that, far from having been revised, the speech contained a number of errors. Be that as it may—

The Hon. R.C. DeGaris: Should not the fault be with the Minister in the House of Assembly?

The Hon. C.J. SUMNER: Yes, that could be. I do not wish to apportion any blame for this breach of understanding between the Minister in another place and myself. Nevertheless, it is true—

The Hon. R.C. DeGaris: I have never known this Council to make a mistake.

The Hon. C.J. SUMNER: That is normally correct—at least since 6 November.

The Hon. J.C. Burdett: It was certified.

The Hon. R.C. DeGaris: By whom though?

The Hon. J.C. Burdett: By someone.

The Hon. C.J. SUMNER: It was certified by the Parliamentary Counsel, as is the normal practice. It was unfortunate that there were errors in the speech.

The Hon. R.C. DeGaris: Will you give the Council an assurance that it will never happen again?

The Hon. C.J. SUMNER: No, I can give no such assurance. The Hon. Mr DeGaris expects perfection in Parliament and other human affairs, which is something that we cannot achieve. I thank the honourable member for his support, although somewhat reluctant, of the legislation. It appears that the honourable member was supporting it to enable us to complete the business of the day at a reasonably early hour. His enthusiasm for it was not great. Nevertheless, the honourable member does not intend to oppose the Bill and I thank him for his constructive criticism of my speech last night. I have drawn the attention of the Minister in another place to what the honourable member has had to say.

The Hon. C.M. Hill: Are you seeking the forgiveness of the Council?

The Hon. C.J. SUMNER: I am very contrite about what happened and will do my best to ensure that it does not happen again. I thank honourable members and the Council for supporting the Bill.

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

WORKERS COMPENSATION ACT AMENDMENT BILL

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

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

The Government proposes a further review of the Workers Compensation Act and hopes to lay extensive amendments before Parliament later in the year. However, there are several subjects upon which amendment is urgently required, and the present Bill covers those subjects. One important subject covered by the Bill is the rehabilitation of injured workers. The Government strongly supports the activities of the Workers Rehabilitation Advisory Unit and sees this unit as vital to the proper co-ordination of measures for the rehabilitation, assistance and encouragement of injured workers. However, there are two aspects of the present scheme that give cause for grave concern.

First, the present scheme provides that injured workers are to bear part of the cost of the rehabilitation scheme by foregoing part of their compensation payments. This is inequitable and unfair and may result in further injury if the effect is to compel the worker to return to work before complete recovery in order to maintain his income. Secondly, the present provision impose a degree of compulsion. This must inevitably severely detract from their effectiveness. Experience has shown that rehabilitative measures will succeed only with the co-operation of the worker. If the legislation provides for coercion it is inevitable that the rehabilitation unit will become, in the mind of injured workers, a rather threatening institution rather than a place to which the injured worker may turn for help and encouragement. The Bill accordingly seeks to overcome these defects in the rehabilitation scheme as it is presently constituted.

The Act discriminates between noise-induced hearing loss and other injuries. The inequities resulting from this discrimination have become increasingly apparent since it came into effect on 1 July 1982. It is clear that there is no justification in logic for such a discrimination to exist. Hearing loss is, in the Government's view, a serious disability that ought to be treated in exactly the same way as the other serious disabilities to which the Act applies. The Bill therefore removes the present discriminatory provisions.

The Government accepts the basic principle that an injured worker should be entitled to no more, and no less, than he would have received if he had continued at work. Unfortunately, amendments were made in 1982 which remove from the calculations of average weekly earnings the components of overtime and site allowances. The present Bill seeks to restore the pre-existing situation. However, the Government recognises that factors may change in the workplace so as to render payment for overtime or site allowances inappropriate. The Bill therefore widens the powers of the Industrial Court upon a review of weekly payments. At present the court can only take into account variations in remuneration that result from changes in award rates. Under the new provision it will be able to take into account a much wider range of factors.

Two other amendments are included in this Bill which attempt to respond to a special need. The first places an obligation on an employer, if so required by his insurer, to provide the insurer with a written statement of his estimated wages bill before a policy of workers' compensation insurance is issued or renewed. Such a provision will enable the premium levels to more accurately reflect the risk covered. This will be of particular assistance to the insurance industry which in the past has had to base its policy on unverified information. Such a provision exists elsewhere in Australia and has proved to be especially valuable. The other amendment seeks to place umpires and referees in the same position as sportsmen under the Act. As honourable members are aware, all sportsmen, other than true professionals, were removed from the ambit of the Workers Compensation Act because of the potential liability of sporting clubs, many of limited means, to make payments of workers' compensation to contestants suffering sporting injuries.

During a review made by a departmental working party in 1982 of the treatment of sportsmen including umpires and referees under the Act, it became apparent that sporting bodies strongly supported the removal of umpires from the Act's coverage. The South Australian National Football League claimed that because the umpires' wages bill was so high—$130 000 for 1982—with the insurance premium adding a further 16 per cent, the League had been forced to curtail its juniors' programme to pay the premium amount. Similarly, the South Australian Football Association had been quoted a premium based on 16 per cent of its $72 000 wages bill for 1982.

Other sporting bodies supported this general thrust. Representations made by the Umpires Association covering football and cricket umpires (the only sports in which such associations exist) indicated that it was aware of the financial strain placed on sporting bodies because of workers' compensation costs. It was further stated that umpires would be prepared to accept alternative forms of insurance for death and injury cover with an option of weekly payments (with cheaper premium costs) which they were certain could be satisfactorily negotiated with their sporting clubs. In these circumstances, the working party recommended that an umpire or referee officiating at any sporting contest should be excluded from the operation of the Act. Accordingly, this amendment is certain to relieve sporting clubs of a heavy financial burden to promote the growth of sporting activities within South Australia. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 amends section 27 of the principal Act by striking out subsection (4). This is the subsection under which a worker who retires from employment on account of age or ill health is required to make a claim for noise-induced hearing loss within two years of the date of his retirement. Clause 5 amends section 51 of the principal Act by removing subsection (7). This is the provision under which five per cent of an incapacitated worker's weekly payment was to be paid to the Minister for the credit of the Workers Compensation Rehabilitation Assistance Fund. Clause 6 amends section 63 of the principal Act. The effect of the amendment is that site allowances and overtime will be taken into account for the purpose of computing the average weekly earnings of an incapacitated worker. Thus the position is restored to that which existed prior to the 1982 amendments.

Clause 7 amends section 69 of the principal Act. This is the section under which specified amounts of compensation are fixed in relation to specified injuries. Subsection (5a) presently provides that where a worker suffers noise-induced hearing loss, no compensation is to be payable unless the percentage loss exceeds ten per centum, and where the percentage does exceed ten per centum, no compensation is payable in respect of the first ten per centum. This subsection is removed by the Bill. Subsection (12), which is a special provision relating to claims for noise-induced hearing loss by retired workers, is also removed by the Bill.

Clause 8 repeals and re-enacts section 71 of the principal Act. This section deals with a review by the court of weekly payments. The range of matters that may be considered by the court on such a review is slighlty widened. Under the new provision the court will be able to have regard to variations in the earnings of a worker that would have occurred if he had continued to be employed by the employer in whose employment he was engaged before the incapacity. At present the court can only have regard to such variations as would have resulted from an industrial award or agreement. However, under the new provision, variations in earnings that would result from reduction in classification of the worker, a reduction in ordinary hours of work, or a strike or other industrial action, are to be disregarded.

Clause 9 amends section 72 of the principal Act by striking out subsection (2). This subsection presently provides for five per centum of a lump sum settlement to be paid to the Minister for the credit of the Workers Rehabilitation Assistance Fund. In view of the abolition of the fund this provision is removed. Clause 10 amends section 86c of the principal Act by striking out subsections (4), (5) and (6). These provisions presently provide sanctions against a worker if he fails to submit himself for counselling by officers of the Workers Rehabilitation Unit or fails to make, in the opinion of the executive officer of the Unit, satisfactory attempts to rehabilitate himself for employment. Clause 11 repeals section 86e of the principal Act and the heading preceding that section. This section presently authorises the Minister to apply moneys from the Workers Rehabilitation Assistance Fund towards the cost of administering Part VIA of the principal Act. In view of the abolition of the fund this section is to be removed.

Clause 12 amends section 89a of the principal Act. The amendment extends this provision, which presently relates to sporting injuries, so that it will apply to referees and umpires as well as the sporting contestants themselves. Clause 13 amends section 118b of the principal Act. The penalty for employing a worker without being covered by workers compensation insurance is increased to a more realistic level. New subsection (5) is inserted under which an employer must, if the insurer so requires, furnish the insurer firstly with estimates of the wages to be paid by him during the period to which a policy of workers compensation insurance relates and subsequently with a statement of the amount actually paid in wages during that period.

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

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

ADJOURNMENT

At 11.23 p.m. the Council adjourned until Thursday 12 May at 2.15 p.m.