LEGISLATIVE COUNCIL

Thursday 11 August 1983

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

MINISTERIAL STATEMENT: ST JOHN AMBULANCE SERVICE

The Hon. J.R. CORNWALL (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. J.R. CORNWALL: Some editions of the Adelaide *Advertiser* today carried a story under the heading 'Ambulance volunteer role may be axed'. Quoting an anonymous source, identified only as 'a volunteer who did not want to be named', the report painted a mischievous, distorted and inaccurate picture of the South Australian Government's position on the future of the St John Ambulance Service. Because of the delicate and difficult negotiations which are still proceeding between the South Australian Health Commission, the St John Council and the unions, I think it is important that I refute the false claims which were made under the cloak of anonymity and give honourable members an up-to-date briefing on the situation.

You will recall, Mr President, that I tabled Professor Lou Opit's report on the St John Ambulance Service on 11 May 1983. Following lengthy discussions with St John Council and management representatives and officials of the Ambulance Employees Association and the Federated Miscellaneous Workers Union, I submitted a report for Cabinet's consideration on 1 August 1983. Cabinet endorsed my recommendation that the Health Commission be authorised to continue negotiations with the parties to implement five points on which agreement had been reached. These were:

(a) the establishment of a special consultative committee on industrial relations;

(b) agreed documentation specifying the responsibilities and conditions of service of ambulance officers;

(c) a requirement that volunteers enter into contractual agreements with the Ambulance Service (and I emphasise that that contract is to be signed with the St John Ambulance Service and not the Health Commission or the Government);

(d) the employment of two additional officers to conduct inservice assessment of all crews; and

(e) existing recruitment practice to be supplemented by recruitment through open advertisement.

Cabinet also accepted my recommendation that the Health Commission, in consultation with St John and the relevant unions, resolve the issue of an afternoon shift as a matter of urgency. It noted that additional funds of the order of $205 000 may be required to employ additional professional officers in four ambulance stations for the proposed afternoon shift and decided that Treasury should be consulted further concerning the funding source if that proposal eventuated.

The proposal concerning a contract of service was for a contract between the volunteer and the St John organisation. At no stage was it envisaged that the contract should be between the volunteer and the South Australian Health Commission, the South Australian Government or the Minister of Health. The proposal was originally contained in a submission to Professor Opit by a St John volunteer who is, I understand, also a medical graduate. The basis of that submission was the need for volunteers to receive sufficient clinical experience to maintain their practical skills. Professor Opit, of course, expressed concern about the possible lack of continuing experience available for some volunteers in spite of their theoretical training. He specifically recommended (and I quote from his report):

> All volunteers should be required to give contractual agreement to certain conditions before employment as volunteer ambulance crews. This agreement would relate particularly to command priorities and to the need for continuing experience. I believe that a minimum of four working shifts per month is a required undertaking for all volunteer crews to be employed in State Ambulance Service (Metropolitan).

The proposal for a contract between volunteers and the St John organisation was discussed at length by senior Health Commission officers, management representatives from St John and the unions. St John's support for the proposal was confirmed by the organisation's General Manager, Mr Don Jellis, in talks with me. It was on that basis that it was considered—and accepted—by Cabinet. Clearly, there is a problem for the St John organisation in communicating with some elements within the volunteer ranks who, for purposes of their own, make mischievous and false statements about the situation. I totally reject the published statements to the effect that 'The ambulance service as we know it will go down the drain. This is just a mechanism for the Government and the two unions to get rid of us. We are sunk if they go ahead with it.'

Let me put this on the record, once and for all. The Government supports the operation of a South Australian ambulance service by the St John organisation and agrees with Professor Opit who sees 'a continuing role for volunteers in the metropolitan ambulance service'. I have made this position clear both in public statements and in talks with representatives of the St John organisation. I have done that on many occasions. Furthermore, I reiterate my undertaking, on behalf of the Government, that there is no intention in the foreseeable future to proceed with a fully professional ambulance service in South Australia. Apart from any question of philosophy, the cost of introducing a fully professional service would be prohibitive.

Let me illustrate. In line with his general recommendation for the integration of paid staff and volunteers, Professor Opit suggested the present ratio of 61.8 per cent coverage by volunteer crews to 38.2 per cent by career staff should be altered to achieve a 50:50 sharing of the full week. He also recommended that professional crews be employed at weekends. The Health Commission estimates the 50:50 proposal would cost $1 240 000 and the weekend shift $317 000, so that the additional cost would be in the vicinity of $1 600 000 a year, on present figures. This is simply not a realistic option for us at present.

In addition to approving implementation of the five points which were agreed by all parties, Cabinet deferred its consideration of several other issues which are still being negotiated. These include the creation and incorporation of a St John Ambulance Board under the South Australian Health Commission Act, the balance between professional staff and volunteers, and the introduction of paid shifts at weekends. As I explained last week to the Council, the dispute over an afternoon shift must be resolved. If the opposing parties do not approach this problem in a constructive and rational manner the dispute will continue to simmer, as, indeed, it has for many years.

A patient could die because of the inability of stubborn, entrenched parties to come to terms. As Minister of Health, I cannot allow that to happen. Because of a decision by the Industrial Commission—a decision which I do not canvass—paid employees can refuse to work compulsory overtime. Professor Opit, who looked at the question of high-stress jobs and the strain on ambulance drivers, made the point that there are times when it is unreasonable to insist that drivers work overtime. Following the Industrial Commission decision, some crews have refused to go out on calls during

that changeover period. As I mentioned last week, the failure to resolve this situation led in one case to a response time of 26 minutes. The call was received at 6.26 p.m. on 17 June and the response time (which is unacceptable to me, and to any decent and concerned person) included a 12-minute delay because of the refusal of a crew to answer the call.

The Health Commission has been directed to resolve this dispute as a matter of urgency. Although the negotiations are continuing, the most likely outcome is the introduction of an afternoon shift and the employment of 10 additional professional officers in a State-wide ambulance service with 5 000 volunteers and 150 professionals. The proposed solution would mean that each side gives something. I do not want to prejudice the discussions or dictate the detail, but clearly in the interests of the most important people of all—the patients—there must be an agreed solution and it must be reached quickly.

While I recognise that the St John Council and management have maintained their objection to the employment of 10 extra officers, and the unions, in turn, insist that volunteers should not cover the gap by coming on duty earlier, I cannot allow the egos or the vested interests of either to continue this dispute indefinitely.

In accordance with the Cabinet decision, South Australian Health Commission officers have consulted with the St John organisation, the A.E.A. and the F.M.W.U., and the parties have substantially agreed to the outline of a package that they believe may solve the present dispute. The draft commission package includes:

1. The reworking of the overtime clause in the industrial award to ensure that the emergency service can at all times respond immediately to calls. This will need to be ratified by the Industrial Commission.
2. The introduction of four professional crews into the service at selected locations for the afternoon shift.
3. The preparation of an agreement to clearly spell out the interface between the volunteers and the professional crews. This agreement will address the problem of volunteers and professional crews sharing the same time slots.

The details of the package are still being developed. It is anticipated that the details will be fully agreed within two weeks.

Because of the seriousness of the situation, the present negotiations should and indeed must be allowed to continue without the emotive influence of individuals and/or groups who do not understand the parameters of the debate. I repeat, if this matter is not resolved urgently, lives could be placed at risk.

I have consistently stated that all parties must be involved in constructive and co-operative negotiations to reach an early and enduring resolution. For their part, the St John representatives have some difficulty in communicating with and containing a small minority of volunteers whose behaviour over a lengthy period has often been less than responsible. I note that in a circular to volunteers yesterday the Acting General Manager of the St John organisation said, 'The Council seeks all concerned to adopt a responsible and mature attitude in order that negotiations may proceed in an atmosphere which provides the opportunity for long-term solutions to our problems to be devised.' I completely agree with that appeal.

QUESTIONS

ST JOHN AMBULANCE SERVICE

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about the St John Ambulance Service.

Leave granted.

The Hon. J.C. BURDETT: The report in this morning's *Advertiser,* to which the Minister alluded in his Ministerial statement, was not all said to emanate from an unnamed volunteer. I will quote in part from the report, which commences by stating:

The South Australian Government may go ahead with plans which could end the role of volunteers in the St John Ambulance Service.

Further down it states:

The St John Brigade, which represents almost 3 000 volunteers throughout South Australia, will hold an emergency meeting today to discuss Government plans.

It further states:

The Brigade Commissioner, Dr G.A. Davies, refused to comment last night. However, brigade sources said the move would endanger the quality of ambulance services which had for 30 years been among the best in Australia. The Cabinet approved a recommendation from the Minister of Health, Dr Cornwall, to have the Health Commission negotiate for agreement to five Opit proposals, one of which volunteers say is crucial to their future.

It requires volunteers to enter contractual agreements to work with the ambulance service. Volunteers believe that, because they are not paid, this will almost certainly lead to legal action by the A.E.A. and A.G.W.A. against them as 'scabs' taking paid jobs from potential workers.

They also complained the Government had not consulted the brigade and was simply serving the wishes of the two unions. However, a spokesman for Dr Cornwall said last night all parties had been consulted. 'This new plan will mean that trained and qualified volunteer ambulance crews will become stretcher bearers, because that is all we will be allowed to do,' a volunteer who did not want to be named said last night.

The rest of that statement is not attributable to that volunteer. The *Advertiser* report then continues:

'And of course it will increase the cost of the service to the taxpayer. The ambulance service as we know it will go down the drain. This is just a mechanism for the Government and the two unions to get rid of us. We are sunk if they go ahead with it. Any suggestion that there is agreement to this is farcical—we have not been asked about it or approached.'

Under the plan the Health Commission would negotiate with the Treasury for $205 000 to employ 'additional professional officers' in four ambulance stations for the proposed afternoon shift. 'The Health Commission is putting out money for 10 more ambulance employees who are not needed when as we all know hospitals can hardly cope for shortage of funds,' he said. 'It is a waste and it is irresponsible. We'll be fighting this all the way—we certainly won't be compromising any more.' Brigade volunteers are expected to be asked not to sign any contracts to work with the ambulance service and to continue working as before.

The correspondence from the Health Commission to St John covers, in addition to the matters set out in the Ministerial statement, the following:

In addition to the above, Cabinet deferred decisions in relation to incorporation, the creation of an Ambulance Board, a proposed 50:50 volunteer/career staff crew mix, and the possible deployment of weekend professional crews. These issues could be reconsidered by Cabinet as early as Monday 22 August 1983.

In his statement the Minister referred to a small minority of volunteers whose behaviour over a lengthy period has often been less than responsible. I refute that entirely. I have had much to do with the volunteers and am convinced that the views expressed in the *Advertiser* and the views of the volunteers represent a substantial solidarity and not the views of a small minority. I reject utterly and totally that suggestion.

The Hon. L.H. Davis: What did he say about the unions?

The Hon. J.C. BURDETT: Nothing. The intransigence of the unions has been—

The PRESIDENT: Order! The honourable member is expressing an opinion and not explaining his question.

The Hon. J.C. BURDETT: I am not expressing an opinion, Mr President. I said that it is the main matter that is the cause of the risk to life that has been referred to by the Minister. According to the report, the volunteers (to me, that is important) believe that the Minister's actions are

likely to have the effect of forcing them out of the ambulance service. Therefore, my questions are as follows:

1. Is the proposed appointment of 10 additional salaried officers the thin end of the wedge to employing more officers?

2. In view of the fact that the Minister's actions have already jeopardised what he once publicly acknowledged to be possibly the best ambulance service in Australia, will he reverse the decision to appoint the 10 additional salaried officers?

3. As the Minister's spokesman said that all parties had been consulted, will the Minister tell the Council just what consultation there was with the volunteers as such?

4. Will the Minister outline the contents of the proposed contractual agreement and, in particular, will he state what valuable considerations will flow from the ambulance service to the volunteer to give the contractual agreement legal validity, and, if not, how does he propose to endorse the agreement—by legislative action or in what other manner?

The Hon. J.R. CORNWALL: It seems that the honourable member does not hear too well and, as I provided him with a copy of my Ministerial statement in advance, it also seems that he does not read too well, either. I made it very clear that the contractual agreement was to be negotiated between the St John organisation and the volunteers. The contractual agreement is not with the South Australian Health Commission, the South Australian Government or the Minister of Health. All this information is provided in the copy of the statement provided to the honourable member. I do not therefore propose to do anything regarding the contractual agreement.

The St John organisation has agreed with negotiators from the South Australian Health Commission that there should be a contractual agreement between the volunteers and the St John organisation. The reason for that was made clear in my Ministerial statement—it was because of a recommendation made by Lou Opit following the tendering of submissions, including one from a volunteer, who happened to be a medical graduate, that a minimum of four shifts per month was considered necessary to ensure access to adequate clinical material in order to maintain skills.

The Hon. L.H. Davis: How will the agreement be enforced?

The Hon. J.R. CORNWALL: This whole matter was considered important to protect the lives and well-being of patients. I said this in my statement, and I thought that I said it clearly. This is all in the written material, which is in front of the honourable member.

The Hon. L.H. Davis: You didn't answer the question.

The PRESIDENT: Order! The question was asked in silence, and I wish to hear the Minister's answer.

The Hon. J.R. CORNWALL: Please keep him in order today, Mr President, because this matter is far too important to be interrupted by his carrying on.

The PRESIDENT: Order! I keep honourable members in order every day.

The Hon. J.R. CORNWALL: I think that the shadow Minister said that the proposed appointment of 10 career or professional officers was the thin edge of the wedge. Of course, that is quite nonsensical, and it does the honourable member no good to carry on in such an irresponsible and stupid way. I outlined the fact that there are currently in the St John Service 5 000 volunteers, about 600 of whom are directly involved in delivering ambulance services, and between 140 and 150 professional officers are involved in the ambulance service. The proposal is to appoint, and for the Government to finance, 10 additional professional officers. That is the price that we believe is necessary to gain industrial harmony.

It is not a question, at this point in time, of whether the dispute has been prompted by the A.E.A., the F.M.W.U., volunteers, the St John organisation, or anybody else. The fact is that, as I said the other day, there is a duty here, and it is encumbent upon all parties to settle this matter responsibly and quickly because it is in the interests of patients' well-being. Quite conceivably, if this matter is not settled quickly, we could see the loss of one or more lives.

I am not prepared to be placed in a position where I would be a party to supporting anyone in a dispute in the event that it might prolong it by even one hour. I have moved with the full support of my Cabinet colleagues to resolve this matter as quickly as possible.

The honourable member also asked whether I believed that by doing what we are doing or by trying to adopt some of the Opit Report recommendations we had jeopardised or were in the process of jeopardising what could be described as the best ambulance service in Australia. That is a patently stupid question, but I will answer it briefly. The answer is 'No'.

The honourable member also said that it was reported that I, or a spokesman acting on my behalf, had said that all parties had been specifically consulted. The honourable member asked how, when and where, the volunteers were consulted. It is not possible in the official sense to speak to the volunteers as an organisation. The St John Council has always purported to speak on behalf of and represent the volunteers. As better informed members of this Council would know, when faced with the Opit inquiry, it gave the volunteers a specific dispensation to enable them to prepare an official submission for Professor Opit; it also gave the volunteers a dispensation so that they could approach me, as Minister of Health, to discuss their submission with me. That is the only occasion that the volunteers have been allowed to be represented officially as a separate entity. The volunteers are represented, I think rightly, properly and adequately, by the St John Council.

I conclude by repeating what I said in my Ministerial statement. I will go over it again slowly because I want it to be emblazoned on the minds of all members of this Council. I repeat, because of the seriousness of the situation, that the present negotiations should be allowed to continue without the emotive influence of individuals and/or groups (and, I might add, particularly the influence of irresponsible members of the Opposition who do not understand the parameters of the debate). I repeat: if this matter is not resolved urgently, lives could be placed at risk.

ELDERS INQUIRY

The Hon. K.T. GRIFFIN: I seek leave to make a statement before asking the Attorney-General a question about the Elders inquiry.

Leave granted.

The Hon. K.T. GRIFFIN: The report of the special investigator, Mr von Doussa, Q.C., was received by me just prior to the last State election in November 1982. The present Attorney-General tabled the report in this Council on 16 December 1982 and indicated that he had referred the matter to the South Australian Corporate Affairs Commission, the National Companies and Securities Commission and the New South Wales Corporate Affairs Commission. When I raised this matter in December last year, the Attorney-General said that he was not in a position to indicate what action might be taken or when it would be taken as a result of the report.

On 20 April this year, I asked the Attorney about the current position in relation to the report, whether or not any prosecutions had been launched and, if so, when. The Attorney-General replied:

As I indicated at the time following the tabling of the report last December, it would take several months before decisions

could be taken on any prosecution action which might result from the report.

Later that same day I asked the Attorney about the time frame within which decisions might be taken, and the Attorney replied:

Obviously, I am not in a position to give any specific time frame but, if prosecutions are to flow from this report, one would want those decisions to be taken at the earliest possible moment. I would certainly wish to do that.

He also said:

I cannot give any specific time frame, except to say to the honourable member and the Council that obviously this issue, namely, the decision whether or not to prosecute, should be made at the earliest possible opportunity.

In December, by way of interjection, I indicated that the special investigator had presented a series of recommendations about the action that could be taken as a result of his report. It is not for me to disclose that information; in fact, I think it would be improper for that information to be disclosed by anyone other than the Attorney-General of the day.

I am concerned that on two occasions, in December and again in April, the Attorney-General expressed the wish that the earliest possible action should be taken, but, nine months later, we have not heard what action may be taken. Once again, I ask what is the current position in relation to consideration of the report. Have any decisions been taken as to what prosecutions should be authorised? If the decision has been taken to launch prosecutions, who has been charged and what is the nature of the charges? If no decisions have been taken, will the Attorney-General indicate when those decisions will be taken?

The Hon. C.J. SUMNER: The current position is as it was in December last year and, indeed, in April this year, except that during that period the Corporate Affairs Commission has had the report from the special investigator and has been assessing whether any prosecutions should be instituted as a result of that report. I am in the hands of the professional officers of the commission in that respect. I am in the hands of the Corporate Affairs Commission's investigative officers and legal officers.

The Hon. K.T. Griffin: You're the Minister responsible.

The Hon. C.J. SUMNER: I am the Minister responsible; that is quite correct. However, I wonder what the honourable member would say if I told the Corporate Affairs Commission to prosecute and the judge or magistrate hearing the matter decided that, because there was insufficient evidence, the charge should not have been brought. What would the honourable member come to Parliament and say in that situation? The fact is that professional officers are working on this matter. I reiterate the remarks I made in April: I want decisions on this issue to be taken at the earliest opportunity.

In reply to the honourable member's specific questions, the current position is that investigations are still proceeding. No decisions have been taken at this point in time, although I expect decisions to be taken in the near future. Therefore, of course, I am not able to say (nor would it be proper for me to do so) what charges, if any, will be laid, and against whom.

The honourable member's final question was 'If no decisions have been made, when is it expected that they will be made?' I hope that decisions will be taken in the reasonably near future. The honourable member seems not to understand that a special investigator can obtain evidence as a result of powers that he might have under the companies and security and industries legislation. However, that evidence may not be admissible for a prosecution in a court of law.

It is one thing to have a report that contains evidence which is obtained by a special investigator but it is another thing to have sufficient evidence to mount a prosecution. Clearly, the evidence that was produced by the special investigator had to be looked at from the point of view of admissibility in a prosecution and that, of course, is part of the exercise that is currently proceeding. I have no motive or reason to see this matter delayed: I wish it to be resolved as soon as possible, consistent with a proper, professional approach, and I advised the Corporate Affairs Commission in that regard. I trust that the matter can be resolved in the reasonably near future.

COAL

The Hon. R.C. DeGARIS: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a question about coal.

Leave granted.

The Hon. R.C. DeGARIS: It has been reported that investigations are being undertaken for the conversion of coal to gas as one means of providing an energy source for South Australia. It appears that coal will be mined for conversion to gas in this particular project. A process has been developed in Europe in which coal, particularly deep coal, is converted to gas without its being mined. In other words, the coal is converted *in situ*.

As there have been some very large coal deposits in South Australia at depths of 4 000 and 10 000 feet, will the Minister say whether any work has been done on the conversion of coal to gas *in situ*? If investigations and trials are being undertaken, will the Minister inform the Council which coal deposits are being investigated for conversion to gas *in situ*? Will he also say whether the trials show any encouraging results for converting coal to gas *in situ*?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to my colleague in another place and bring back a reply. I also take this opportunity to commiserate with the Hon. Mr DeGaris: quite obviously, he is suffering a great deal from a cold. I wish him a speedy recovery.

ST JOHN AMBULANCE SERVICE

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about the St John Ambulance Service.

The Hon. Anne Levy interjecting:

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order! The front-benchers on the Government side always have first call as regards Ministerial business, and the front bench on the Opposition side follows with questions.

The Hon. C.J. Sumner: What about the Whip and the Hon. Mr DeGaris?

The PRESIDENT: I am not here to argue.

The Hon. C.J. Sumner: That's grossly unfair.

The PRESIDENT: I hope that it is not unfair, and I do not believe that the honourable Minister is being fair in suggesting that. I saw the Hon. Ms Levy rise and I have her in mind for the next question.

The Hon. C.J. SUMNER: I rise on a point of order. I refer to the common courtesies that have been observed in this place over many, many years. While I have not researched the position, I acknowledge that the President may be correct in saying that, as a matter of courtesy, members on the front bench ask the first question. I am not sure about that, and I believe that it should be researched—I intend to do so. Certainly, the convention has been that, once questions have been asked by four

Opposition front-benchers, I would have thought that in all fairness the call should return to back-benchers on the Government side.

There have been two calls for back-benchers on the Opposition side without, apparently, the call being given in Question Time to any back-bencher on the Government side. The point of order I raise is that that is contrary to the normal practice that has prevailed in this place and, indeed, I would suggest in any House in the Westminster system.

The PRESIDENT: I take the point of order. What the Attorney says is exactly right. It is something that I try to avoid. When I am certain that Ms Levy or any one of the Government back-benchers will stand to ask a question—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Now the Attorney does not want to listen.

The Hon. Anne Levy: I stood twice.

The PRESIDENT: I observed the Hon. Ms Levy stand and I have taken note of that, but the Hon. Dr Ritson was on his feet before the Hon. Ms Levy moved.

The Hon. Anne Levy: It was Ritson, DeGaris, and I, and Ritson got the call.

The PRESIDENT: I call on the Hon. Dr Ritson.

The Hon. J.R. Cornwall: The honourable member asked for leave, which was neither granted nor withdrawn. What is the subject of the question?

The Hon. R.J. Ritson: The ambulance service.

The PRESIDENT: The Hon. Dr Ritson sought leave.

The Hon. R.J. RITSON: I will again seek leave to make a brief explanation before asking the Minister of Health a question about the St John Ambulance Service.

Leave granted.

The Hon. R.J. RITSON: This is a matter of great concern for the South Australian people. It is something that, whether the Minister likes it or not, will not go away. The Minister in reply to an earlier question referred to the 50:50 option and to salaried weekend crews as being expensive and just not on. However, I believe that the Minister ought to know that they may be on, whether he likes it or not. The Minister has demonstrated and has stated in this Council that in case of conflict in the matter he will side with the unions. Of course, the matter is not settled, according to the memo from the Acting General Manager, from which the Minister quoted earlier today. These other matters have been deferred for further Cabinet consideration later this month, so it must be the Minister's own opinion and not necessarily Cabinet's opinion that it is just not on. I wonder what forces might be brought to bear to influence Cabinet.

On Wednesday last, about 60 members of the Ambulance Employees Association (a little less than half the membership) had a union meeting and voted for a recommendation that, if the Opit proposals were not implemented in full, including the 50:50 proposition, strike action would be taken. This strike action would include locking in the ambulances and equipment and confiscating the keys so that they could not be used by volunteers.

The Hon. L.H. Davis: Do you think that the Minister was aware of this?

The Hon. R.J. RITSON: I am not sure whether or not he was aware of it.

The Hon. J.R. Cornwall: Would you document the proof for that instead of being totally irrresponsible?

The Hon. R.J. RITSON: Well, I warn the Minister that, regardless of what he says in this Council, Cabinet must still consider this matter and it will come under that sort of pressure. It is a not very thin end of a very thick wedge. Therefore, the question cannot be minimised in the way that the Minister has attempted. There is extreme dissatisfaction in the informed community concerning the nature of the Opit Report. My information—

The Hon. J.R. Cornwall: You are totally irresponsible.

The Hon. J.C. Burdett: It's your fault.

The Hon. J.R. Cornwall: You are totally irresponsible.

The PRESIDENT: Order!

The Hon. R.J. RITSON: My information is that Professor Opit, during the week in which he physically moved around the State, spent about two days in discussions with the A.E.A. and about two days at St John House, as well as about two hours with both the A.G.W.A. and the volunteers.

The question of volunteer standards of performance and training was raised by the Minister. In fact, the volunteers wished to demonstrate their standards to Professor Opit, and they invited him to attend a training session and to observe them under operational conditions. He refused both offers.

The Hon. L.H. Davis: That is outrageous.

The Hon. R.J. RITSON: Yes, it is outrageous.

The Hon. J.R. CORNWALL: A point of order, Mr President. It is indeed outrageous that the honourable member is making all sorts of claims for which he is producing no evidence whatsoever. That is unparliamentary.

An honourable member: What is the point of order?

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: I am claiming that the member is behaving in a totally unparliamentary way. He is making all sorts of totally unfounded and unsubstantiated allegations, and I believe that he may be substantially trying to mislead this Parliament.

The PRESIDENT: The Minister would have to find a Standing Order to support that.

The Hon. J.R. CORNWALL: Standing Order 483.

The Hon. L.H. Davis: The last Standing Order is 461.

The Hon. J.R. CORNWALL: My memory deserted me.

The PRESIDENT: Order! Before the Hon. Dr Ritson resumes his explanation, since we are being very technical today, perhaps some information regarding questions would be pertinent. Blackmore, for instance, states:

> As the object of questions is simply to elicit information, they are surrounded by the law of Parliament with strict limitations, which extend also to replies.

Erskine May states:

> An answer should be confined to the points contained in the question, with such explanation only as renders the answer intelligible, though a certain latitude is permitted to Ministers of the Crown; and supplementary questions, without debate or comment, may, within due limits, be addressed to them, which are necessary for the elucidation of the answers that they have given.

Some of the questions and explanations go far beyond the necessity to illustrate the point. Of course, the answers are given in the same vein. Both sides might like to correct that.

The Hon. R.J. RITSON: Thank you, Mr President. I shall remember in future to conduct myself in accordance with Standing Orders. I was referring, in explanation of the question that I am to ask, to the gross dissatisfaction on the part of ambulance volunteers with the apparently biased way in which Professor Opit conducted his inquiries. One of the most interesting things that I have seen—and it is the cause of great anger on the part of the volunteers—is the expense sheet of the Ambulance Employees Association, because it reveals an expenditure of $66 for entertaining Professor Opit.

The Hon. C.M. Hill: No!

The Hon. R.J. RITSON: Yes—the independent investigator! Mick Doyle drew the money—$66—from the union to entertain Professor Opit. This has become generally known and is causing a great deal of heartache. My first question is: does the Minister really believe that it was a totally unbiased inquiry?

Members interjecting:

The PRESIDENT: Order!

The Hon. R.J. RITSON: I am saying that it is totally unconducive to giving an appearance of an unbiased inquiry if one party to a dispute is entertaining the person conducting the inquiry and the person thus being entertained is refusing to observe other people in their employment. It is totally biased and borders on the improper. My first question is: does the Minister think that it is proper that, when he orders an inquiry, the people conducting the inquiry accept entertainment from one party to the dispute whilst refusing to view other parties to the dispute in the course of their work? I will save the rest of my question for another occasion, and remind the Council that this is just beginning.

The Hon. J.R. CORNWALL: It would be quite funny if it were not so tragic—$66, which presumably was spent on lunch, an evening meal or something of that nature. I would not think that one could buy Professor Opit for $66 in view of his integrity. Even his worst enemies—and there are some amongst the troglodytes, in the medical profession particularly—would admit freely that he is a man of total integrity. He was chosen, amongst other things, for his wellknown total integrity; he is an old St Peters man, son of a Yorke Peninsula doctor, Adelaide's own son, a graduate of the Adelaide Medical School, former associate professor of surgery within the Adelaide Faculty of Medicine and now, of course, a distinguished professor in social and preventive medicine at Monash University. So, for a humble g.p. like Dr Ritson to get up and impugn Professor Opit's reputation or to cast slurs on it is disgraceful, to say the very least, and he really ought to behave better. To suggest that Professor Opit, in the course of his inquiries, should not have had lunch or dinner with Mick Doyle and members of the A.E.A. is quite laughable.

The Hon. L.H. Davis: But he didn't go and see the volunteers.

The Hon. J.R. CORNWALL: He did go and see the volunteers. He spent two days; he spent equal time with the St John Council and management. Then he lunched with me: I bought him lunch. I confess to the Council and to all South Australians that Professor Opit had lunch with me.

An honourable member: Whereabouts? At Asio's?

The Hon. J.R. CORNWALL: No, at Enzos. I did not make any attempt to buy him at all. Dr Ritson's attack is really disgraceful and scurrilous; I am shocked. I used to have some residual respect—indeed, even some residual affection—for Dr Ritson. I must say that that has now all evaporated. Indeed, I would challenge him to repeat outside that Professor Opit could be bought for $66: that Professor Opit conducted the inquiry in some biased sort of way. He cast slurs not only on Professor Opit's integrity, but on his academic competence.

He further said that I made it clear to this Council that, in the event that there was any sort of dispute, I would side with the unions. That is totally false. If members go to *Hansard*, if members go to my Ministerial statement today, if members go to everything that I have said since this matter arose in the Parliament last week, they will see that I have really said, 'A plague on all their houses.' I have consistently said that my only interest is in looking after the well-being of and safeguarding the interests and lives of the patients. I think, frankly, that I will have to repeat yet again what I said in my Ministerial statement earlier, and I will go on repeating it until the jackasses on the other side come to their senses and behave responsibly in the whole matter of this regrettable ambulance dispute, which has gone on, as I said, for years. I am now in a position on behalf of the Bannon Government to assist in negotiating a settlement which will ensure a substantial degree of industrial peace within the foreseeable future.

I have to repeat what I said earlier that, because of the seriousness of the situation, the present negotiations should and indeed must be allowed to continue without the emotive influence of individuals and/or groups and without the mischievous incursions of the Hon. Mr Burdett or the scurrilous allegations of the Hon. Dr Ritson, both of whom do not understand the problem. Indeed, their allegations are rubbish and they should know better than to make them—these are members who do not understand and who do not want to understand the parameters of the debate.

The Hon. M.B. Cameron: When you were in Opposition you were the most scurrilous politician.

The Hon. J.R. CORNWALL: Indeed not. When I was in Opposition I was responsible for setting the parameters for reforming a health system, which I am now doing (and doing rapidly, I must admit), and solving this on-going dispute with the St John organisation, with the volunteers and with the professionals. Indeed, it is something that I am close to solving. Therefore, I repeat my call to the Opposition to try and act responsibly because, if this matter is not resolved urgently, lives could certainly be placed at risk.

FEMALE APPRENTICES

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Leader of the Government in this Council a question about female apprentices.

Leave granted.

The Hon. ANNE LEVY: The Technical and Further Education Department is conducting this year a number of pre-vocational courses specifically providing instruction and on-hand experience for women in non-traditional areas. I understand that about 30 women are undertaking these courses in the TAFE area this year. They are receiving high commendation from their teachers, who have commented that they will make excellent apprentices in a wide range of trades, from electronics to computer studies and carpentry. Therefore, can the Leader of the Government say whether there are any plans to give these 30 women graduates from these pre-vocational courses any apprenticeships in Government departments in 1984? Can the Leader of the Government inform the Council whether there are any forecasts or aims and objectives with regard to the expected percentage of women to be taken on as apprentices by all Government departments in 1984? I refer particularly to the Electricity Trust, the State Transport Authority and the E. & W.S. Department.

The Hon. C.J. SUMNER: I will attempt to obtain the information requested by the honourable member.

ABORIGINAL HEALTH

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Health a question about Aboriginal health.

Leave granted.

The Hon. R.J. RITSON: The whole question of the rights and welfare of Australia's tribal Aboriginal population is a continuing social, legal and, regrettably, political problem which will remain with us for some time, and as part of my attempts to understand some of the cultural aspects of this problem I have undertaken some anthropological reading. I was dismayed in my reading to come across descriptions of initiation rites involving not only circumcision but a procedure referred to as sub-incision, whereby the length of the penis is laid open, laying open the urethra and producing an artificial hypospadias, a very brutal mutilation.

Recalling that the Hon. Anne Levy had previously expressed horror at the concept of female circumcision and had asked in this Chamber for its legislative abolition, the question arises as to the point at which certain tribal practices should be discouraged if they still persist. Furthermore, the anthropological references describe ritual deflowering of pubescent girls, performed with a stick and followed by compulsory intercourse with a number of tribal males. Can the Minister determine whether sub-incision and ritual deflowering are still practised in Australia, and will the Minister state his attitude to possible Government interference with such practices if they still occur? Does the Minister consider that tribal children deserve some of the legislative protections which the rest of the community enjoys?

The Hon. J.R. CORNWALL: I hasten to point out that I am not the Minister of Aboriginal Affairs. I am unable to express a competent view on the matters which the good doctor has raised. I am not sure that what tribal Aborigines want to do is any affair of the State or of mine. However, I shall be pleased to get opinions far more expert than mine and bring down a reply in due course.

STATE POPULATION

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking the Minister of Health a question about the State's population.

Leave granted.

The Hon. L.H. DAVIS: Readers of the *Advertiser* on 15 September 1982 were greeted by a full-page advertisement headed 'South Australia now has the lowest population of any mainland State'. This advertisement was inserted by the Labor Party and the text provides:

> For the first time ever South Australia has the lowest population of any mainland State. This has been brought about under the economic mismanagement of the Tonkin Government.

However, in the latest financial publication produced by the South Australian Government *Economic Report for August 1983* on page 5 this statement is made:

> The Australian Bureau of Statistics has now issued their final evaluation of population movements during the five-year period between 30 June 1976 and 30 June 1981 census dates. This now shows a much reduced net interstate outflow estimate for South Australia. Instead of the previous estimate of a 25 700 net outflow to other States over those five years the revised final figure, which reconciles much better with the actual resident population estimates, is only 15 100.

In other words, it is plain that the population outflow is not as bad as we thought. At page 6 this statement is made:

> The low South Australian population growth rate is partly accounted for by this State having the lowest birth rate of all States, a factor which adds to the effect of a low share of overseas migration and substantial loss of population interstate.

The Hon. J.R. Cornwall: I did my bit: I've got seven kids!

The Hon. L.H. DAVIS: True, as the Minister has said, he has seven children. Therefore, I ask him whether he will investigate this matter to see whether he can improve the fertility rate. Perhaps something in the water would do the trick. Perhaps a competition could be devised to increase the number of children being born in South Australia. The first prize could be dinner for two with the Minister of Health. The second prize could be two dinners for two with the Minister of Health. Will the Minister investigate this matter, given that the Labor Government now admits it was not economic mismanagement of the State but rather the low South Australian birth rate that has helped cause the low rate of population growth in this State?

The Hon. J.R. CORNWALL: This is a fairly obtuse sort of question to ask following the rather obscure explanation the honourable member gave prior to asking it. I cannot immediately make head or tail of the question, but I will be delighted to take it on notice and give an undertaking that I will be studious in reading the first *Hansard* pull tomorrow morning and in asking some of my people to look at this question and, if necessary, I will make sure that the vast and full resources of the South Australian Health Commission are made available so that I may bring back a suitable and prompt reply for the honourable member.

NEW YEAR'S DAY

The Hon. H.P.K. DUNN: I seek leave to make a brief explanation prior to asking the Attorney-General a question about the public holiday for new year's day.

Leave granted.

The Hon. H.P.K. DUNN: There is a recommendation before the industrial authorities that Tuesday 27 December be declared a public holiday in lieu of new year's day. As industry and business are planning their operations for the period in question, can the Attorney-General tell me when this matter will be resolved?

The Hon. C.J. SUMNER: No, I cannot. The question of proclamation of holidays is a matter for the Minister of Labour, so I will attempt to get a response from him about this matter for the honourable member.

WHEAT RESEARCH

The Hon. H.P.K. DUNN: Has the Minister of Agriculture a reply to the question I asked yesterday about wheat research?

The Hon. FRANK BLEVINS: The reply is as follows:

1. In discussions I had with the Federal Minister for Primary Industry, John Kerin, yesterday afternoon it was confirmed that there would be an increase of five cents per tonne on the wheat tax for 1983-84 to bring the total contribution to 30 cents per tonne. This increase largely reflects the need to maintain the real value of money spent on research and will help bridge some of the gaps in the present research programme. Moreover, in 1982-83 wheat production was down by half on the previous year, and the resulting drop in revenue forced a reduction in the level of activity in some areas. The industry, of course, recommended the increase for these reasons and the Federal Government has agreed to match industry contributions.

2. The answer to the first part of the question really answers the next, in which the honourable member asked which research projects would be cut or shelved in South Australia. Increased funding will allow a greater level of activity in existing programmes, which in many cases are supplemented with State funds. As far as shelving of any projects is concerned, I can only comment that all research activities are constantly under review and that an annual assessment is made of priorities. If the honourable member has some specific projects in mind, to which he feels priority should be given, then I will raise these with research personnel.

MIGRANT VOTING

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Ethnic Affairs a question about franchise for migrant voting.

Leave granted.

The Hon. C.M. HILL: Early last year, on the initiative of the former State Government, the Constitution Act was

amended regarding eligibility for migrants voting. That amendment was supported by the then Opposition, led in this Council by the Hon. Mr Sumner. The amendment was that all migrants, irrespective of country of origin, would be entitled to enrol to vote after a residency period of three years and naturalisation as Australian citizens.

The Australia-wide plan at that time was that all State Governments would amend State legislation along these lines. The Commonwealth was to do the same thing and then, at a date to be fixed, all Acts would be proclaimed so that there would be uniform legislation throughout Australia. In 1982 the Commonwealth Government of the day passed its Bill. As I recall, there was one State which had some objection to the scheme and which, I think, did not, at that stage, proceed.

The Hon. C.J. Sumner: Which State was that?

The Hon. C.M. HILL: New South Wales. That State agreed to the change and then, after the Minister consulted with his colleagues, some reason was arrived at which resulted in the Government of New South Wales not being happy about the proposal. The 1978 Galbally Report covering migrant services and programmes recommended that the anomalies in voting rights should be resolved and that all migrants should be placed on an equal footing. Of course, this general scheme was to implement that proposal.

First, does the Minister still support that general concept? Secondly, as a result of his interstate visits to conferences with his Ministerial colleagues, can he say what is the present position? Are there any States where such legislation has not been passed? Is the Hon. Mr Sumner raising this matter at interstate conferences in an endeavour to help ethnic people who have supported this proposal strongly? Lastly, when does he expect, if he still believes in the principle, that unity can be achieved throughout the Commonwealth and legislation proclaimed placing all migrants on an equal footing in regard to this important matter?

The Hon. C.J. SUMNER: This issue has a long history. In fact, I can remember raising this matter in this place, and at other forums, many years ago—long before the Hon. Mr Hill brought down the response to an agreement made, I think, the year before last to achieve equality of voting rights for migrants, no matter which country they come from. There is no countermanding of that policy by the Federal or State Governments. I cannot indicate at this stage whether all States have enacted the complementary legislation necessary for this proposal, but my recollection is that there are still some States that are not complying. However, I will obtain that information for the honourable member and bring back a reply.

ROADS ON PITJANTJATJARA LANDS

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Aboriginal Affairs, a question about the maintenance of roads on Pitjantjatjara lands.

Leave granted.

The Hon. M.B. CAMERON: Since the passing of the Pitjantjatjara Land Rights Act responsibility for the majority of roads in the Aboriginal communities has rested in the hands of local Aboriginal communities. In fact, the Government does not carry out any road maintenance on roads that are no longer public roads. Naturally this has resulted in a marked deterioration in the quality of most of the roads, and the problem is increasing. During winter a number of roads have become impassable because of their disrepair. My questions are:

1. Has the Government been approached by the Pitjantjatjara Council or individual Aboriginal communities seeking assistance in road maintenance?

2. If so, has the Government agreed to provide any support—financial or with manpower?

3. If not, will it give consideration to the needs of the remote Aboriginal communities in such circumstances?

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 9 August. Page 41.)

The Hon. M.B. CAMERON (Leader of the Opposition): First, I refer to the late Hon. Mr Coumbe, a former Liberal Government Minister who served in another place for a considerable period. I have already spoken about Mr Coumbe on another occasion. His contribution to this State was a major one, and we all regret his passing. The Governor in his Speech addressed a number of issues of importance. On several occasions he referred to initiatives in the field of Aboriginal Affairs. It is in this area that I wish to devote some attention today.

During the break a number of colleagues and I took the opportunity to visit some of the State's largest Aboriginal communities and to meet with the people and their advisers. We were able to witness the operations of the Pitjantjatjara Land Rights Act at first hand and to observe some of the problems faced by members of South Australia's Aboriginal communities located in our remote regions. The most outstanding problem which I observed is that of reconciling Aboriginal traditions and customs with the realities of a 20th century society. Petrol sniffing is a major problem amongst the young. Tribal authority appears to have no capacity to overcome this problem.

I understand that in one community it is estimated that up to 90 per cent of the children are now engaged in petrol sniffing. That is a disturbing figure, because it must have a dramatic effect on these children. Unfortunately, this practice appears to be spreading, and concern was expressed to us on a number of occasions.

Elders appear to be ignored and an entire generation is content to blow their minds and play havoc with their health. It is a peculiarly 20th century problem (just another form of drug taking) which traditional Aboriginal structures seem unable to face or resolve. The Aboriginal Health Service is important in bringing health care to Aborigines in remote regions. Again, however, there is conflict between modern ways and traditional customs, which still mean a great deal to many older Aborigines. The men, for example, do not like lining up with the women to receive help on health matters. They do not like discussing their health problems in front of the women; nor do they like being treated by women. In their culture men and women frequently remain apart; it is their way. It may not please some of the more radical proponents of the cause of sexual equality but it is the case. The question then arises: what do we do about it? Aborigines and community advisers with whom we spoke indicated that the health service would be more effective and more Aborigines would take advantage of it if separate men's and women's entrances and consulting rooms were provided in health clinics. Contrary to the Sex Discrimination Act this may be—but surely the solution of the health problem—one of the most crucial facing the Aboriginal people and is a more important step.

If we accept that there are occasions where Aboriginal people should fall outside of the jurisdiction of laws which cover the remainder of the population, we must ask the question: when should this be the case? Already Justice Millhouse, in ruling invalid the permit system because it cuts across Federal discrimination legislation, has highlighted this dilemma. As that particular issue is a matter for appeal, it would not be proper for me to discuss it here. Nevertheless, I do wish to address this conflict between Aboriginal interests on the one hand and the rest of the community on the other. It is a sensitive issue which I believe needs to be more openly discussed and all the arguments more frankly put, without those with the courage to raise questions of concern to large sections of our community being branded as either 'racist' or a 'white do-gooder and stirrer'. In one case the words 'Little Hitler' were used.

The State Government has indicated that Aborigines will not be required to hold the normal hunting permits which are required to be held by the community at large. At first glance this seems reasonable. However, surely it is only reasonable if Aborigines hunt for food in the traditional ways. Why should there be exemptions from the controls when high-powered rifles or rabbit traps and so on, are involved? Such inconsistency merely breeds discontent within the community. If traditional methods and purposes are involved, I am sure there would be general support for the exemption. We were told about one station which had a number of what are called bush turkeys living around a dam. These rare birds had been breeding in the area for a number of years. According to the law, people are prohibited from shooting these birds. A group of Aborigines called in at the station and when they opened the boot of their car the entire bush turkey population were in evidence. They are a very quiet bird and they had all been shot. Unfortunately, it was quite legal for the Aborigines to shoot them. This is an unfortunate area that must be looked at closely. We must examine whether exemptions such as this are proper, especially when it involves the destruction of rare species of our wildlife.

For some years now the question of the application of Aboriginal customary law has been a subject of considerable discussion. In early 1977 the Law Reform Commission was asked to investigate the desirability of applying Aboriginal customary law to Aborigines. Since then the commission has produced a number of discussion papers which canvass the issue and highlight the problems and dilemmas involved. There is no doubt that it is a very difficult question fraught with problems. I refer to a document produced in this State during the early 1900s, which canvasses this question. Although the document was produced a long time ago, I am sure that most people would accept that it does raise the question of laws in relation to Aborigines. The document states:

> The morality of the black is not that of the white man, but his life so long as he remains uncontaminated by contact with the latter, is governed by rules of conduct which have been recognised amongst his tribe from what they speak of as the 'alcheringa' which Mr Gillen has aptly called the 'Dream times.' Such rules of conduct are taught by the older men to the young ones and are handed down from generation to generation. Any breach of these rules renders the offender liable to severe punishment—either corporal or what is perhaps quite as bad the feeling that he has earned the opprobrium of, and is ridiculed by his fellows.
>
> To the rules of the community the blacks, in their natural state, conform quite as strictly, in fact perhaps more so than the average white man does to the code of morality which he is taught.
>
> To attempt as has been tried at Hermannsburg and elsewhere to teach them ideas absolutely foreign to their minds and which they are utterly incapable of grasping simply results in destroying their faith in the precepts which they have been taught by their elders and in giving them in return nothing which they can understand. In contact with the white man the Aborigine is doomed to disappear: it is far better that as much as possible he should be left in his native state and that no attempt should be made either to cause him to lose faith in the strict tribal rules, or to teach him abstract ideas which are utterly beyond the comprehension of an Australian Aborigine.

In those days it may have been an ideal situation to build a fence around these people and pretend that they did not exist, but that would obviously not work today. These people have entered our society and have adopted some facets of our life style in relation to morality and certainly in relation to material possessions. As a result, many of their original customs have disappeared.

While we were on one Aboriginal settlement, we noted some things that would not have occurred in the past. The Aborigines sit around and wait for the meat plane to arrive: they no longer hunt. It would be difficult—perhaps impossible—to find sufficient food in those areas now. Nevertheless, that indicates that they are now dependent on our society. One of the great problems is that the Aborigines do not have any activities. One finds that in these communities quite often petrol sniffing is brought on by sheer boredom and inactivity. Young people want to find some meaningful role in this community, and we must address ourselves to the question at some time in the future.

On what basis do we accept that some Aboriginal customary laws and practices are acceptable and others are not? When do we condone action in the Aboriginal community that is totally unacceptable in the rest of society? Is the fact that a practice is traditional sufficient to allow us to turn a blind eye even if it is against our laws? Can we legitimately tighten rape or sexual discrimination laws in the community generally but allow traditional practices that may abuse these laws to continue because they are part of an alternative culture? The question is, when is an alternative culture acceptable? In this place on 15 June 1980, the Hon. Ms Levy asked a question about the practice of female circumcision, and stated:

> There have been a number of articles appearing in various journals recently about female circumcision, which is still practised in a number of countries particularly those in Africa. I will not take up the time of the Council by describing these operations in great detail . . . I am sure all honourable members would agree with me that this is an extremely barbaric practice that should not be tolerated in any civilised society.
>
> A number of women's groups throughout Australia have bitterly condemned this procedure. Very recently one of these groups, the National Council of Women in New South Wales, made a forthright statement about this issue. I am sure all honourable members would agree that this practice is a much greater affront to human dignity than is tattooing, which this Parliament recently outlawed in relation to minors.

The honourable member then asked a series of questions, including the following:

> Will the Minister inform me whether any operations for female circumcision have been performed in South Australia in public hospitals in recent years? . . . Will the Minister give very serious consideration to outlawing or legislating to make such operations illegal in this State? . . . Will the Minister give serious consideration to legislation to prevent this operation occurring to minors in this State?

The Hon. Ms Levy was concerned about this issue, and I am sure that her concern is shared by most honourable members. It is a subject of discussion that remains sensitive. As the Hon. Dr Ritson said today, from studies he has undertaken it appears to be possible that such practices still occur in the Aboriginal community, and that must be looked at. We must determine whether we can allow such practices, if they exist (I have reason to believe that some do exist), and we must determine whether such practices are proper.

There are certain areas in which our laws have very grave effect, but a cruelty may be committed on young people, those who are unable to make decisions for themselves. In many cases, such practices may be forced upon them. I understand that there is only one boy in a particular Aboriginal community who is eligible and who has not received

the treatment outlined by Dr Ritson. That may or may not be true, but that was the information that was provided to us, and I am concerned in that regard. In no way do I indicate that I am opposed to the ceremonial practices of Aborigines where they do not conflict totally with our laws and where they are within religious rites, but, when it comes to actually practising cruelty on boys and perhaps also on girls unnecessarily, I believe that we as a community must address the question. it is no use pretending that we can just give the Aborigines land, that it is all over, and that they can go their own way. It is no use pretending that they do not exist any more and that everything is okay. We really must consider practices which occur and which may not necessarily match up to what we regard as reasonable behaviour in a society.

The Hon. H.P.K. Dunn: We don't stand cruelty to animals, so why should we stand cruelty to human beings?

The Hon. M.B. CAMERON: That is right. The practices outlined by the Hon. Dr Ritson must be considered. I, as an individual, would be extremely concerned, and I am sure all other honourable members would be extremely concerned, if they occurred. Wherever possible, Governments in recent years have indicated a willingness to encourage and recognise the traditional customs and laws of Aboriginal people, and I would support that, because I believe it is important, wherever possible, to protect traditional rites. However, the practices that occur must be considered. It is no use pretending that we can send the Aborigines back to what they were before white men came to Australia. It is just not on.

The Aborigines use high-powered rifles and vehicles for hunting, and young children use petrol in an extremely obnoxious way, and so on. We provide Aborigines with medical care and with so many other things that they just could not return to their previous circumstances—nor do I believe that they would want to return. I ask whether members opposite support the maintenance of the traditions outlined by the Hon. Dr Ritson. I also ask which laws should hold ultimate authority in these matters. Can we legitimately express concern and abhorrence on issues such as rape in marriage or sex discrimination but allow practices that fly in the face of 'reforming legislation' because they happen to relate to traditional Aboriginal practices? These are issues which we must recognise and resolve. We cannot tighten up laws for one sector of the community and then turn a blind eye when another section is involved.

A number of other matters were brought to our attention. Several of the communities which we visited wish to ban alcohol totally, including for outside employees such as teachers and health officers. We should all address that question. If this is the wish of a community, the people should be given the right to express an opinion.

I know that one particular community wants to ban alcohol for outside employees because from time to time houses in that community that are occupied by outside employees are broken into. Even if alcohol is banned in the community, when such a house is broken into, the alcohol in that house is stolen. So, while such a request might appear to be unreasonable, there are legitimate reasons for these Aboriginal people making that request. This is a request put forward not by an adviser but by one of the Aboriginal leaders of the community, and we must consider that matter and perhaps think about amendments that would give these people some rights in the circumstances.

This afternoon I asked a question about roads, and there is certainly a tremendous problem now in respect of road maintenance. Since the passing of the Pitjantjatjara Land Rights Act, the roads have ceased to be roads in many areas—they are now private roads and, of course, there is no maintenance. I can assure honourable members that vehicles do not last long when they are driven in areas where there is no maintenance of roads. The question is whether the community as a whole should provide funds for the maintenance of roads while the permit system is being applied so stringently. That question will have to be addressed. Of course, at present, as I said, there is no permit system, but I do not wish to canvass that matter for the reasons I gave previously.

As soon as we arrived at the Indulkana school, one could see that there was something of a mess in the school yard. Effluent was overflowing from the wash basins and from other areas, because there is no common effluent scheme within that community. That situation is very similar to that at Finger Point near Mount Gambier, but in this case there is actually effluent in the school yard and not in the ocean. That is probably not a question I should raise at this stage, because I intend to say something about that matter later.

That is a serious problem for that community, and it is not only in the school: it is also the effluent from the hospital which drains at the moment into an open pit alongside the hospital. It needs to be looked at very urgently because there are some suspected disease problems arising from that, including hepatitis, and it is disturbing to see children playing in the mud caused by this overflow because there is no asphalt within the area.

The question of cattle enterprises in that area needs to be looked at. It is a question of providing people with some meaningful activity. Some cattle enterprises, because of the rundown caused by brucellosis, are in difficulty and programmes have reached the point where they are not only not viable but will be difficult to revive as viable enterprises. We should look at some assistance to get these cattle enterprises back on their feet. Some of these communities have not looked after the cattle because of this rundown, but we cannot ignore the problem, and it is important that we provide them with activity projects, within reasonable constraints.

The matter of driving licences was also raised. This is a difficult problem because it is very difficult in Aboriginal areas to provide for the same rules and conditions that they then face if they go into town. It is very hard to find a kerb or a green or a red light in the middle of Aboriginal lands. It is extremely difficult to put them through tests which are meaningful when they reach populated areas. The permits for travelling off the community for registration of vehicles is also difficult because a limit of 50 kilometres is set, and that often does not get them to their nearest town, which is often Alice Springs. Again, it is a question to which we must give some thought.

In general, we were impressed—and I am sure that the members who were with me will agree with this—with the commitment of the teachers from the Education Department and the Aboriginal education workers, and with their efforts to provide a good standard of education for the children of Aboriginal communities. However, it is obvious that there is a need for greater opportunity to be provided for those children who wish to proceed further. There is also a need for more adult education to be provided on site. I found that certainly the majority—if not all—of the advisers showed a very keen commitment to their communities, and I am certain that they are doing an excellent job.

The next question that I wish to raise is that of the conviction of manslaughter of Mr Stojan Solar in the Supreme Court and the rejection by the Court of Criminal Appeal of the appeal by the Solicitor-General against his suspended sentence. This has been a matter of deep concern to me from the time of the trial of Mr Stojan Solar. What raised my concern were the sentencing remarks of the judge—whom I do not wish to criticise. I quote from part of the sentencing remarks:

The shooting occurred in extraordinary circumstances. The deceased was a big man about six foot three tall, muscular, strong, a black belt expert in Tae Kwon Do, one of the martial arts, with a reputation (which you and other witnesses have deposed to which hasn't been gainsaid) for violence, threats of violence and bullying.

Those words, 'which you and other witnesses have deposed to which hasn't been gainsaid', really concern me because it is clear in reading the sentencing remarks from there on that that played a very important part in the judge's arriving at his decision. I became extremely concerned by that because, first, I knew the deceased person (Mr Alex Anisimoff) personally. Secondly, I knew from the comments that I had received from the Coober Pedy community that that particular reputation which was cast on Mr Anisimoff, who was deceased obviously and unable to defend himself, was not correct.

It is because of this, I believe, that, first, the judge made the decision that he did: to have a suspended sentence and, secondly, that the Court of Criminal appeal rejected the appeal because, as members would know, in a Court of Criminal Appeal no further evidence can be introduced. The evidence which should have been introduced at the beginning, and certainly should have been able to be introduced during the Court of Criminal Appeal hearing, was character references for the deceased, because it appeared to me from the sentencing remarks that it ended up with the judgment being made not on the person who committed the offence but on the deceased. The deceased's reputation was judged and he was found guilty of several items which I believe were untrue.

I have since received a number of approaches from people in Coober Pedy who have expressed grave concern about what was said about Mr Alex Anisimoff. I received a letter, which I wish now to read to the Council, from William Ellis McDougall, O.A.M., J.P., of Box 25, Coober Pedy. It says:

I am writing to express my opinion concerning some comments reported to have been made about the late Alex Anisimoff during the summing up of the R.V. Stojan Solar trial on 15 March 1983. First let me say I was not a close friend of Alex Anisimoff's, but I did know him quite well, having been associated with him casually for about eight years. I recall that for a period of about 12 months during 1976 and 1977 I was opal mining on claims at the 15 mile field, Coober Pedy. The adjoining claims were being worked by Alex Anisimoff and members of his family. During the period that we worked as neighbours I had no trouble in maintaining friendly relations with Alex Anisimoff. At no time did he act in a threatening way to me or cause me harassment. I found his usual demeanour to be amiable.

I consider that it is incorrect to describe Alex Anisimoff as a person who had a reputation for bullying, and who was feared by local miners. The inference there appears to be that he was generally known throughout the community as a bully and commonly used bullying tactics in his dealings with others. I have not gained such an impression myself from personal association with him, nor can I recall having heard it spoken of or indicated in any other way that such was the case. I feel sure that if Alex Anisimoff had been regarded as a bully by the miners in Coober Pedy, and feared by them, then, I would have become aware of it as a miner myself. I would not say that Alex Anisimoff had never threatened or caused fear to anyone. It may be that he had. But if this was so it would have been for what were, to his mind, very substantial reasons.

A properly balanced estimate of Alex Anisimoff's character should be made known. This should include the opinions of a cross-section of the people he had associated with in Coober Pedy or who had any dealings with him there. From this a clear picture of his usual behaviour over a lengthy period should emerge. This could be considered along with his actions while under stress in exceptional circumstances to give a truer estimate of character. In general conversation with a number of people who knew Alex Anisimoff in Coober Pedy, I found that each had disagreed with statements on his character reported to have been made during the summing up. Sir, I seek your assistance in making this letter available to the relevant Court of Appeal for their consideration.

That letter was not solicited by me. It arrived as a result of my indicating to the Coober Pedy community that, if anyone wished to raise any matters in relation to Alex Anisimoff, I would ensure that they were brought forward to the proper authorities. Mr McDougall is a very highly regarded citizen of Coober Pedy. I then forwarded the letter that I received to the Hon. Mr Sumner, and my covering letter to the Attorney-General stated:

Dear Sir,

I am forwarding the letter which I discussed with you and ask that you take up the matter contained in the last paragraph as I believe it is essential that such character evidence be made available to the court of appeal. As indicated to you I have been concerned that it appears that the length of sentence applied to Mr Solar was arrived at as a result of an assumption that the character evidence given by the defence was correct. As this letter indicates there is a counter view which was never brought forward at the trial.

The problem that arose was that such evidence could not be presented. In fact, the only ground of appeal which the Solicitor-General argued was that the basis upon which the learned sentencing judge imposed sentence was unsupported by the evidence and in conflict with the findings of fact necessarily concluded by the verdict of the jury, in that he erred in sentencing upon the basis that, immediately preceding or at the time of the fatal shot, the respondent jumped backward, and in not finding that the respondent took up a shooter's stance and aimed and fired deliberately with the intention of killing the deceased.

That may be the basis on which the jury found the man guilty of manslaughter. However, it seems to me that it is not the basis on which the length of the sentence was decided. Indeed, from what has occurred it appears that, while the trial was on, evidence was given to the prosecution that Mr Alex Anisimoff was a bully, a man who was prone to violence, yet no evidence was produced by the Crown to the contrary. I know that the family of the deceased attempted to have such evidence introduced. The family requested the Crown to do that, but that did not occur. Such evidence was freely available if required.

As a result, the length of the sentence has been reduced on the basis that this man was facing someone who was known to be a bully. I reject that absolutely, both on the grounds that have been presented in the letter, especially as the people in that community have told me so, and because not one person has said anything to the contrary. In fact, they have been vehement in their presentation of the fact that this man was not as was described in the sentencing remarks and was, in fact, an amiable man.

I had some dealings with Alex Anisimoff, because he was a pilot and he flew me north on a couple of occasions. He was as described: a very amiable person who was responsible for many good works in the Coober Pedy community and the mining field further north at Mintabie. Indeed, he was responsible for the levelling of the aerodrome. He was a good person in the community. What has happened is that his wife and, more particularly, his son, are faced with the only memory of their father and husband being these remarks which are incorrect. Certainly, that is the opinion of people in Coober Pedy.

It is extraordinary (and I say this carefully), because of the fault in the Crown's case, that this man's reputation has been to some extent damaged. Other remarks were made at the time by the judge. In the majority of cases they were based on the fact that Mr Solar was facing a person whom he believed to be violent. I do not believe that to be the case. However, that was the problem the judge faced because, I believe, he had insufficient character evidence on the other side. The character evidence given by the defence was not gainsaid by the prosecution. Indeed, some of the judge's remarks have left something to be desired. In regard to the Crown's case, the judge stated:

The Crown accepts that you were entitled to hold and point a cocked loaded gun at the deceased in all of the circumstances of danger and trespass.

That is a matter that we have to look at in an area such as Coober Pedy because, if that is the case, we may find ourselves facing some extremely difficult situations in the future. Although I am not sure whether this was said by the judge or was based on the Crown's case, the judge stated:

. . . you made the mistake of shooting high instead of low when at the end of your tether and in a moment of agony.

I have handled a gun and can guarantee that I can shoot low, no matter what the circumstances. If I was facing circumstances like that, I do not think anyone would see me for dust if someone was coming at me whom I could not handle. It is unfortunate that this whole matter has ended as it has.

I know that people at Coober Pedy feel worried about the situation. They are worried that this man is still in their community. They believe that it is time for the Government to look at the situation under the mining legislation, under which it is possible for the Government to ban people from that community. I did ask these relevant questions of the Attorney-General some time ago, but obviously he has not had time to look at them. My questions were as follows:

Will the Attorney have discussions with the Minister of Mines and Energy with a view to either amending section 42 of the Mining Act, which relates to mining and prospecting for precious stones, and prohibiting the use of firearms other than by authorised officers, or providing additional constraints on applications for prospecting permits which prohibit the carrying or possession of firearms in specified circumstances? Finally, has the Attorney considered taking whatever action is necessary (if need be, in conjunction with the Minister of Mines and Energy) to ensure that Mr Stojan Solar is immediately removed from, and prohibited from access to, the precious stone fields at Coober Pedy?

I intend to ask the Minister to answer those questions when replying to the debate and to take up this matter. I emphasise strongly that I believe that the memory of the deceased person, Mr Alex Anisimoff, has been badly treated through the failure of the Crown to produce character evidence which was offered to it by several people. It is a most unfortunate situation that resulted from the failure of the Crown to produce that evidence because it almost appears, from the judge's remarks, that it was Mr Anisimoff who was being prosecuted and not the man who was finally sentenced, despite that sentence being reduced on that basis.

The next matter to which I refer I have raised by way of question, and the Minister of Fisheries has attempted to answer it in regard to the letter sent to fishermen on 1 July 1983. This letter has caused grave concern in the fishing industry. It is most unfortunate that the Minister, who was showing some promise in the field (as well as in other areas), has made what I regard as a fundamental mistake. Since the Minister replied to my questions recently, I have re-examined the letter, but there is little doubt that any reasonable person reading it would come to any conclusion other than that the Minister, through this letter, was blackmailing the fishermen.

I will read from this letter again. The Minister, when answering my question, said that I had not quoted one section of the letter. There was no reason why I should have left that section out. I had no particular desire to misquote the Minister so I will quote from the letter again, if that makes him feel better, and so that he does not go through this business again. I quote the relevant part of the letter, as follows:

The Government has considered a number of options for the reduction of licence premiums and the recovery of management costs. The major alternatives are:

(a) Make licences non-transferable;
(b) Increase the number of fishing units with compensating controls on effort;
(c) Distribute profits from authority holders to a wider group of participating fishermen, i.e., skippers and crew;
(d) Introduce a transfer fee on first generation licence holders;
(e) Increase licence fees to cover management costs.

Of these options, the Government has decided to seek industry's views on a new scale of licence fees for the abalone, prawn and rock lobster fisheries. The order of fees being considered by the Government is set out in this letter. Industry's response to these proposed fee levels will determine to what extent the other options outlined above will be pursued.

The last sentence that I have just read is clear-cut blackmail. There is no other word for it. One cannot read that sentence any other way. If the Minister wanted co-operation or discussion about licence fees (which he has decided he does), then he had no need to add the rest of this letter. I can assure the Minister that if he had not done so he would not be having the difficulties today that he is having with fishermen.

The Minister has created grave difficulties in the fishing industry, particularly for people seeking funds to purchase fishing units. Bank managers are not stupid: they can read what is in this letter (a number of them have read it) and immediately ask fishermen how much of a long-term guarantee they have in their industry. They are asking how they can lend fishermen money for their units if the Government is obviously considering taking away their transferability. There is nothing more valueless than a fishing boat without a licence—I can tell the Minister that! That is a real problem. There are enough problems in the industry already. For instance, some insurance companies are refusing to insure vessels after they are 25 years of age, even though many of them are sounder than modern vessels.

Fishermen have enough problems without this sort of threat hanging over their heads. Coming from a fishing village, I know a number of fishermen, and I know that they are a reasonable bunch of people who would be quite prepared to sit down with the Minister and talk about an increase in fees. They would all accept that fees in the fishing industry, like those in any other industry, must be considered. However, I am not sure that the fishermen would be prepared to go as far as the Minister wants to go in recovering all the costs of management, because they do pay taxes and the community does get benefits from their products, which are sold overseas. Most of the export industries that return money to this country are primary industries, and the fishing industry is one that does return value to this community. Therefore, I think that the community has to accept some responsibility for management of the resource.

Fishermen have always taken a very responsible attitude to the management of the fishery. They were the ones who first asked for management. They have always been concerned that there should be responsible management and have taken initiatives along those lines on a number of occasions. However, they are now faced by this letter. I think it is most unfortunate that the Minister has created a difficult situation for himself and the fishermen. It will be difficult for him in future to persuade them that he is a reasonable man. That is a pity, because on the majority of occasions on which I have had to approach the Minister I have found him to be reasonable. However, something happened on this occasion (he must have had a bad day in Whyalla the day before), because any Minister with common sense would not have sent out this letter. The letter has created an extremely difficult situation in this industry and much unnecessary heartache for fishermen in regard to their future in it. This is a difficult situation for the fishermen and the Minister, but I trust that he will sit down and discuss this matter with them.

I turn now to the problem of the Finger Point sewage treatment plant. The Minister of Fisheries is indirectly responsible for this problem. We have a situation where the

Minister has indicated to fishermen, or certainly to the Port MacDonnell District Council and others, that the Finger Point sewage treatment plant to treat sewage from Mount Gambier will not be built in the foreseeable future. That is extremely unfortunate. Here is a community of about 12 000 people whose sewage is being pumped into the middle of one of the most valuable fisheries in South Australia. I have from time to time asked for an environmental survey, which I understand was conducted by the Engineering and Water Supply Department, into this problem. I have not yet received that document but hope that I will do so at some future stage, because I believe it is important that the community and this Parliament have full knowledge about this matter.

Finger Point is a valuable part of South-East tourism. It used to be a popular part of the coastline. However, any person going there during the summer now will find the area most unacceptable. Accompanied by other members, I went there during the early part of this year when the weather was warm and the sea calm. The area was impossible to describe. The surrounding sea was a mass of effluent and smelt like the end result of the water being left in a washing machine for a fortnight. It was an indescribable thing to be happening to an attractive and valuable coastline.

This matter must be addressed by this Government as a matter of urgency. This is not just a matter of the fishing industry: it involves treating this part of South Australia with some degree of responsibility. The situation cannot be left as it is. The present Government was not responsible for the decision that effluent from this area be pumped into the sea, but it was responsible for cancelling a decision to solve the problem and for saying recently that it does not have the funds to proceed with this project.

However, we find that the public pay-roll in this State has been extended to include an extra 2 000 Government employees. That increased the pay-roll by an extra $45 000 000 per year. The Government claims that it cannot afford the cost of this project, which amounts to less than $5 000 000. The Government has transferred the funds that were available for this project towards the employment of more public servants. That is an indication of where the Government's priorities lie. It took the previous Government its full term of three years to reduce the Public Service to an efficient economic size, and it did that without any sackings or retrenchments. The present Government has now reversed that situation. In one full year the Government spent $45 000 000 on extra employment in the Public Service, but it has refused to supply this essential project in the Mount Gambier area.

The Hon. C.J. Sumner: Where did you get that figure from?

The Hon. M.B. CAMERON: If the Attorney waits until the Budget debate he will hear all about it. That figure is also available in the bureau's latest statistics. Overspending in Government departments amounts to $26 000 000. That is another area where the money for this project has been spent. It is a matter of priorities. The interests of the people of Mount Gambier and the surrounding area are obviously not a priority for this Government. The present situation is a bit different from the situation during the last two elections when the Labor Party hurtled down to Mount Gambier every day of the week promising various things for the area. Because the Labor Party did not win that seat, it cancelled the most important project in the Mount Gambier area. Obviously the Government, once it attained office, looked around the State and decided that it would cancel the Finger Point project because it did not win the Mount Gambier seat.

In the future, no-one will believe the Government, because it is on the way to equalling the number of promises broken by the Prime Minister. However, the loss of this project will not be forgotten by the people of Mount Gambier until the Government reverses its decision. I urge the Government to get this project underway, because it will ensure the safety of the fishing industry in the area. This project will also help to cure the indescribable pollution along that section of South Australia's coastline and it will ensure that the South-East remains an extremely attractive tourist area. It is not acceptable for pollution of this magnitude to continue in a modern community, particularly when the funds to solve the problem should be available. Those funds have been available because the Government has spent money in other areas. The Government has shown that the people of the South-East have no priority within its schedule. I support the motion.

The Hon. R.I. LUCAS: I support the motion to adopt the Address in Reply. Since His Excellency last addressed Parliament, the Hon. John Coumbe has sadly passed away. The Hon. John Coumbe spent 21 years in Parliament and held a number of Ministerial positions as well as being Deputy Leader of the Opposition. I first met John Coumbe when I commenced work with the Liberal Party organisation. I spent a considerable amount of time with him during 1975-76 when I worked for the then Leader of the Opposition, David Tonkin. I always found John Coumbe to be a man who had an astute political mind. My lasting memory of John Coumbe is that he was one of nature's gentlemen. I record my personal regret at his passing.

The one continuous thread in the past nine months of the present State Government's term of office has been the string of broken promises. In fact, the electoral baggage of 1982 has been hastily jettisoned. I am sure we will see more of the same in the forthcoming Budget. Since the election last year virtually every major taxation measure promised has been broken. As I have said, the Labor Party's term of office has been littered with broken promises.

The Labor Party has increased public transport fares by an average of 47.6 per cent, electricity charges have risen, water and sewerage rates have been increased by between 22 per cent and 26 per cent, Housing Trust rents will increase in October along with hospital charges, tobacco products and petroleum products. Liquor licences will also be increased along with stamp duty on general insurance, and a financial institutions duty will be introduced from 1 December. In total, some 27 taxes, charges and fees have been increased, contrary to the Labor Party's promise prior to the election. It is interesting to note that the Australian Labor Party platform specifically stated:

> . . . need to reduce the relative incidence of indirect taxation because of its regressive and inflationary nature.

Like many of the Labor Party's broken promises that promise has been politely ignored or it is being stalled as a long-term objective. The effect of those increases in taxes and charges on South Australia's inflation rate will be quite considerable. In the forthcoming Budget debate I hope that we will see some estimate from the Treasurer of the effect of the increases in taxes and charges on South Australia's already high inflation rate. From memory, recent figures indicate that our inflation rate is about 12.3 per cent, which is the highest of any capital city in Australia.

I will address one of the Government's broken promises, that is, the mysterious financial institutions duty. In a statement last Thursday the Premier indicated that financial institutions duty would be introduced on 1 December. However, no further details have been provided other than the fact that it will be introduced on that date. In addition to the general promises made by the then Leader of the Opposition he made quite a number of specific promises to various groups, particularly those groups concerned about

the financial institutions duty. For example, a representative of an association of financial institutions wrote to Mr Bannon in October last year, just prior to the election. The letter stated:

> Dear Mr Bannon: As you are no doubt aware the Budgets recently brought down by the Victorian and New South Wales Governments included provision for a new financial transactions/institutions tax. . . . With a State election imminent I should be grateful if you would detail your Party's policy with regard to introducing a similar tax in South Australia.

That letter was dated October last year. The representative of the financial institutions received the following letter from John Bannon:

> Thank you for your letter of 8 October on the subject of the new financial transactions tax. I am aware that two States have moved in their 1982 Budgets to impose such a tax in the new year . . . The policy of the Opposition in South Australia is to initiate a comprehensive and public inquiry into the State's $550 000 000 taxation system. The inquiry would, among other things, examine the equity and efficiency of the taxation system. In the Opposition's view, it would not be appropriate to change the rate of, or to abolish any existing, State tax or substitute new taxes until the inquiry into taxation has been conducted, and its recommendations made the subject of policy for the election after this.

He meant the election after the 1982 election.

The Hon. J.C. Burdett: What was the date?

The Hon. R.I. LUCAS: It was 19 October 1982, just prior to the last State election. That commitment is absolutely clear and unequivocal. The A.L.P. through various spokesmen (the Premier and the Leader of the Government in this Council) has tried to whitewash that promise by the tactic that is now being used by Bob Hawke federally; that is, 'When we made that promise, we didn't know the true state of the Treasury, and now that we know the true state of the Treasury, we realise that the Liberal Government was terrible to conceal it, and we cannot keep that particular promise.' That is a rationalisation proffered by the A.L.P. for promises that were made prior to the State election, but it is not a rationalisation that I will accept.

I now refer to the promises made by the Premier since the election in 1982—since he has become fully aware of 'the true state of the Treasury'. I refer in particular to a businessmen's lunch (the Premier conducts these lunches, I think, on a monthly basis) in May this year, some six or seven months after the State election. Members will recall that Ron Barnes, the Under Treasurer, produced a document on 13 December last year, and the Premier, I think, made a statement on the State budgetary situation on 14 December last year dealing with the alleged true state of the deficit and the reason why the Government might well have to increase some taxes.

That was in December last year, but at the businessmen's lunch in May this year, which was attended by 200 to 300 business men, I am informed that the Premier was specifically asked a question which I will paraphrase. The Premier was asked to indicate whether a public inquiry into taxation would be conducted by a Labor Government. The questioner then stated that in April 1983 the Under Treasurer, Ron Barnes, had written to financial institutions seeking their views on a financial institutions duty, and he asked, 'Is the Barnes inquiry the public inquiry promised by the Labor Party prior to the election?' Finally, he asked, 'Has any decision taken place with respect to a promise made by the A.L.P. not to introduce a financial institutions duty or any new tax until after such a public inquiry had been conducted?'

The Premier's reply was very interesting: he stated that a public inquiry would proceed; that is, that the Barnes letter to the financial institutions was not a replacement for the public inquiry that was promised before the election. The Premier further said that he did not initiate the letter from the Under Treasurer to the financial institutions and that the Treasury had instituted the inquiry for information from the financial institutions.

The Hon. K.T. Griffin: That's incredible!

The Hon. R.I. LUCAS: Yes, as the honourable member says, it is incredible that the Premier told 200 to 300 business men in May this year that he had not initiated the inquiry by the Under Treasurer to the financial institutions with respect to the financial institutions duty.

The Hon. K.T. Griffin: He said that he was going to conduct an inquiry, didn't he?

The Hon. R.I. LUCAS: He said that he would conduct a public inquiry, and he told the questioner that the Barnes inquiry or the Barnes letter was not a public inquiry, that a public inquiry would proceed in the very near future. The Premier went on to say that no decision had yet been taken with respect to a financial institutions duty—and this was one month after the Under Treasurer had written to all financial institutions, the Premier maintaining that no decision had been taken this year with respect to a financial institutions duty. The Premier went on to say that he was not disposed to a financial institutions duty because of particular problems of which he was aware in regard to such a duty.

Finally, in response to the questioner, the Premier repeated the assurance that he had given prior to the State election that no new tax or duty would be introduced until a public inquiry into the taxation and revenue systems of the State had been conducted. I make that quite clear to honourable members. The Premier, in May this year, once again, in a public forum, gave an unequivocal assurance that there would be no new tax, financial institutions duty, until after the public inquiry had been conducted. The Premier and the State Labor Government clearly cannot rationalise away, as they have rationalised away the promises made prior to the State election, the commitment that was given by the Premier in a public forum in Adelaide in May this year, some six or seven months after the Under Treasurer and the Premier made public statements detailing the alleged true situation in regard to the State Budget.

I believe that that is further evidence that another promise, another specific commitment, that was given by the State Labor Government and the Leader of that Government has, clearly, been deceitfully broken. Quite clearly, the Premier must have been aware in May this year that what he was saying could not be true. I have been informed that the Parliamentary Counsel will have completed the drafting of the legislation for the financial institutions duty by next week. If members have seen the New South Wales and Victorian legislation, they will realise that such legislation cannot be drawn up overnight. Clearly, it would take some weeks or months to draft such legislation and, clearly, the letter of 22 April this year to financial institutions is an indication that the Government was already going down the path towards the introduction of such a financial institutions duty.

For the Premier and Treasurer in May of this year to be giving the commitments in a public forum to businessmen and otherwise repeating the commitments that he made prior to the State election, I repeat, is deceitful and disgraceful. Nevertheless, irrespective of those past promises (and now promises broken) the reality is that the f.i.d. will be introduced, assuming that the legislation passes both Houses, probably on 1 December this year. There is an urgent need now for detail and for public discussion of the precise form of that duty in South Australia. I certainly hope that the Government, in furthering that, will give some detail in the very near future of exactly what it is proposing for South Australia.

Clearly, the situation in New South Wales and Victoria with the introduction of their f.i.d. late last year must not

be repeated in South Australia. There was very little consultation with the financial sector, and the result was many errors in the legislation, many amendments that needed to be moved and are still being moved in both Parliaments, and many revisions of the estimate of revenue which would be collected in both those States by the financial institutions duty. In particular, I refer to a recent article by Greg Kelton, the Melbourne correspondent of the Adelaide *Advertiser*, on 10 August this year. He said:

> The Victorian Government had originally planned to collect more than $100 000 000 in a full year from the tax. Because of amendments forced on it by the Opposition-controlled Upper House, that target was cut by more the $20 000 000 to about $80 000 000.

So, $80 000 000 was their first target once it went through Parliament. He continued:

> That target was cut by a further $20 000 000 when the Government amended the legislation to exempt most charitable trusts and foundations from paying the duty. So, after a target of $100 000 000, the f.i.d. moneyspinner was left providing only about $60 000 000 for the Budget in 1982-83. Figures given recently by the Treasurer, Mr Jolly, show there has been a further shortfall of about $10 000 000 in the tax receipts. He described that figure as 'conservative' and said final calculations were still being done.

So the initial target of $100 000 000 from the tax in Victoria is down to probably a maximum of $50 000 000 at the moment and, in the Victorian Treasurer's own words, that may be a maximum figure of $50 000 000. The Opposition in Victoria is claiming that the further shortfall is more likely to be about $30 000 000 because businesses were avoiding the duty by transferring financial operations to other States, and private individuals were minimising their liabilities by switching to cash payments rather than dealing with banks and financial institutions. With the normal cut and thrust of politics, I suppose that the true figure of the further shortfall is probably somewhere between the $10 000 000 (which Victoria's Treasurer has indicated) and the $30 000 000 (which the Opposition in Victoria is claiming). If that is the case, the initial planned collection of $100 000 000 from f.i.d. in Victoria may be well down to about $40 000 000 in a full financial year.

I would like very briefly to put on the record exactly what the financial institutions duty is in New South Wales and Victoria. As I said, it was introduced in December last year and is effectively a turnover tax on financial institutions. It is imposed on all those financial institutions which have receipts greater than $5 000 000 per annum. It is payable at a rate in those two States at the moment of .03 per cent of the amount of the receipt, except in respect of short-term money market transactions, for which the rate is .005 per cent per month—

The Hon. R.C. DeGaris: Is there any repeal of existing duties in that case?

The Hon. R.I. LUCAS: I will raise that in due course. That is up to a maximum duty of $300 per receipt. In effect, the tax is 3c per $100 receipt. That is the present level of the tax in New South Wales and Victoria. Certainly, the stories are rife that, in New South Wales and Victoria, because of the shortfalls in revenue coming from the f.i.d. (and in Victoria, in particular, because of recent court decisions relating to financial measures that it had undertaken in recent Budgets) it is highly likely that the figure will be increased in future Budgets. The suggestion is that the South Australian duty will be levied at a somewhat higher rate than .03 per cent, which currently applies in New South Wales and Victoria. The further suggestion is that the Western Australian Government is also looking at a financial institutions duty.

In effect, the financial institutions duty means that every time one makes a deposit in a bank, building society, credit union, finance company, pastoral company, money market operation, cash management trust, or trustee company, except in relation to estates, the duty will be levied. Honourable members are aware of the Commonwealth Government debits tax which taxes withdrawals, which clearly will mean that the combination of the State and Federal taxes will catch depositors and the public coming and going to their respective bank and building society accounts. Those people who have their wages and salaries directly credited to their own accounts in these circumstances and those people who obtain goods on terms from department stores will be caught by this financial institutions duty. In addition, I understand that Government social security payments like the family allowances, if paid directly into one's particular account, will be caught by this financial institutions duty.

So, even if the costs of the duty are not visible to the customers it is quite certain that the costs will still be there, because the operating costs to the financial institutions and businesses will be covered by financial institutions and businesses and will be passed on by them in every respect, I suppose, to customers as higher costs to borrowers or lower returns to investors. In that respect, I quote a recent report in the *Advertiser* of 6 August under the heading 'New duty could lift home rates' by the finance writer, Malcolm Newell. He said:

> When various institutions were asked some weeks ago to make submissions to the State Government on proposals for f.i.d., the South Australian Association of Permanent Building Societies opposed the duty on the grounds that societies should not have to collect revenue. This is because there will be a *cost of collection* as well as the duty charged. Building societies have estimated that administration would double the f.i.d. charged and make it necessary to increase home loan rates 'across the board' by .125 per cent.

In addition, financial institutions in Victoria at the time of the introduction last year of the financial institutions duty estimated that its cost to the individual was likely to be $190 per annum to $210 per annum. Clearly, costs will not go mainly to financial institutions; they will flow on to the general consumer or the customer. In New South Wales and Victoria, together with the introduction of the financial institutions duty, certain stamp duties have been eliminated. There was some trade-off with other forms of stamp duty.

I refer to an article by J.P. Field headed 'Financial Institutions Duty' in the March edition of the *Australian Taxation Review*, and I refer particularly to the summary found on pages 20-23 of the article. J.P. Field summarises the position as follows:

> The Victorian Act and the New South Wales Amending Act abolish, or partly abolish, stamp duty in the following areas:
>
> (1) *Credit Business and Loan Instrument Stamp Duty*
>
> In Victoria, credit business stamp duty ceased to be payable in respect of credit business carried on by a registered or exempt financial institution on or after 1 January 1983.
>
> In New South Wales, loan instrument duty and discount arrangements duty are abolished altogether in respect of loan instruments and discount arrangements made on or after 1 January 1983.
>
> In Victoria, instalment purchase duty ceased to be payable in respect of credit purchase agreements or hire purchase agreements entered into on or after 1 January 1983.
>
> In New South Wales, instalment purchase arrangement duty is abolished in respect of instruments made on or after 1 January 1983.
>
> In Victoria, stamp duty on cheques drawn on a registered financial institution or on the Reserve Bank of Australia, and stamp duty on credit card transactions where the credit card provider is a registered or exempt financial institution, was reduced from 10 cents to five cents on 1 January 1983 and will be abolished altogether on 1 July 1983.
>
> Stamp duty on other bills of exchange and on promissory notes, other than those payable on demand, is abolished as from 1 January 1983.
>
> In New South Wales, stamp duty on bills of exchange (other than cheques) and promissory notes is abolished with effect from 1 January 1983.

In New South Wales, stamp duty on the transfer or assignment of any mortgage is abolished, where the transfer or assignment is made on or after 1 January 1983.

I suppose that they were the trade-offs which the Victorian and New South Wales Governments instituted with the introduction of the financial institutions duty. If that duty was not to be used as a means of obtaining further taxes or raising further revenue over and above the present amounts of revenue raised by the State Government, I believe that a reasonable argument could be advanced for some form of a financial institutions duty on equity grounds, because it is a broad-based tax. In fact, I refer to chapter 16 of the Campbell Committee Report, as follows:

. . . to abolish the existing system of stamp duties on financial transactions and instruments and replace it with a uniform and Australia-wide duty for similar kinds of financial transactions and instruments.

That is a recommendation of the Campbell committee. Similarly, I refer to an article by Mr Terry McCrann, Business Editor, Melbourne *Age*, in the 20 January edition this year, as follows:

The concept of a FID is, in theory, unimpeachable. It seeks to wipe away the mish-mash of stamp duties that have grown up over the years in a disorganised fashion and replace them with a single tax which applies at the same effective rate across the board.

At the same time the tax base is broadened considerably with the inclusion of a great number of presently untaxed financial transactions being brought within the tax net. In theory this should allow the raising of greater revenue more equitably and at a lower overall rate of tax impost than with the previous structure.

I emphasise, in theory, that a reasonable argument can be made out for a financial institutions duty if it was not to be used as a means of raising more and more revenue from the tax-paying public. Clearly, that is not the approach taken by the State Labor Government in respect of financial institutions duty.

Clearly, the reason for it is not to replace existing forms of State taxation, stamp duties, and the like, and to introduce a more equitable and more neutral tax system—that is not the intention of the State Labor Government at all. Its intention clearly is to remove some forms of stamp duty but to raise significantly more revenue in this State from financial institutions duty and the remaining stamp duties that the State Labor Government will leave in place to help it out of its budgetary problems resulting from its promises at the 1982 election.

As I indicated, there have been many problems with the financial institutions duty with financial institutions in New South Wales and Victoria. Indeed, I hope that we will consider, before the introduction of the legislation, in a detailed and public way the problems that were apparent in New South Wales and Victoria so that we in South Australia will not make the same mistakes. First, I look at who actually pays the financial institutions duty because, in New South Wales and Victoria, there was no prohibition about passing on the duty to customers. In general, that has happened and the cost has been passed on to customers by most financial institutions, although not by all. Some small credit unions have absorbed the cost and have attempted to try to market their services on the basis that they have absorbed the cost and will not be passing it on to their customers.

Initially in Victoria and New South Wales some of the financial institutions took the administratively easy route: they charged a notional periodic amount calculated against the total of the financial institutions receipts, but this resulted in many problems, especially problems of a general nature, in that the charges to some individuals were clearly greater than the duty that should have been levied on the financial transactions of those customers.

Once again, an article by Paul Chadwick in the Melbourne *Age* of 8 January 1983, in regard to Premier John Cain, states:

Banks and building societies are expected to review the way they are passing on the new Victorian financial institutions duty, after criticism yesterday by the Premier, Mr Cain, that some were being unfair. Societies charging all account-holders a flat fee of about $5 a year for the duty have been accused of profiteering. Mr Cain said one complaint had involved a child's building society account of about $4. He said the child had been informed she could not withdraw the money because it did not cover the $5 charge imposed by the building society, which he would not name. 'If that is the way they are going to behave then something will be done about it,' Mr Cain said.

Similar problems were experienced in New South Wales. In fact, amending legislation has already been introduced in New South Wales and possibly in Victoria, although I am not sure. Certainly, I support the changes introduced by the New South Wales Government. Further, I believe that particular financial institutions ought not to be able, for administrative convenience, to pass on to certain customers charges and costs greater than the duty applicable to the financial transactions of that individual customer.

In taking that view, I concede that some small financial institutions are not computerised and so have to do all their transactions and calculations manually and so they will be penalised in the administration of this particular financial institutions duty. However, that problem needs to be solved by those small institutions. The second general area to which I refer deals with the need for charities, hospitals and schools to be exempt from the operations of the financial institutions duty.

Clearly, it would be quite improper for a financial institutions duty to apply to the transactions of charities, hospitals or schools. The way the provision will be drafted may cause problems, as with the Commonwealth bank debits tax and the exemption for schools, which I understand applies only to the operation of accounts conducted by school councils; yet the funds run by parents and welfare clubs are not exempt from the bank debits tax. Quite clearly, parents and welfare clubs are not happy that they must incur this bank debit tax that their sister or brother organisations within the same school, the school councils, do not incur. That is something which we need to look at and which should be considered in this legislation.

In Victoria, particularly earlier this year, there was considerable controversy about whether exemptions should apply to certain charitable trusts and foundations. In fact, there will be exemptions for certain charitable trusts and foundations in the legislation because, as the Victorian Treasurer, Mr Jolly, put it, of the possibility of tax avoidance measures being used. That, quite rightly, created a considerable amount of controversy in Victoria.

The problem is clearly one of ensuring that genuine charities are not penalised. However, I take the point made by Mr Jolly that clearly one does not want to leave a loophole for tax evasion measures to be used through these foundations. I quote Mr Noel Rawson, Executive Director of the Trustee Companies Association of Australia, who was reported in an article which appeared in the *Age* of 14 January this year as saying that it would be the first time that money held for charities would be taxed. He said that trustee companies held about $90 000 000 in Victoria and about $50 000 000 in New South Wales for charities. The article states:

Mr Rawson said the money in charitable trusts was either left under a will or specifically set up to give money to charities. 'Some of them have been running for 60 to 70 years and will run forever,' he said.

And, later:

We will now have to pay receipt duty on Government subsidies. This is how ridiculous it gets. There are 168 homes around

Victoria for needy people—most of them are social service pensioners,' he said.

Mr Rawson said other charitable trusts were set up for education, research, hospitals, the environment, and culture such as art galleries. 'These trusts give donations to the Red Cross, Yooralla, the Royal Melbourne Hospital, the Epilepsy Foundation: you name it, they give support. Foundations are set up to help the community like the Myer Foundation and the Ian Potter Foundation,' he said.

The report continues:

'They've always had the exemption. Its been historical with all Governments in Australia that charitable bodies and trusts for charitable purposes shouldn't be paying revenue for the same reasons that donations to charitable bodies are deductions for income tax and why they are not taxed for income: because they are there for the benefit of the public,' he said.

. . . Charitable trusts and foundations had been exempted from all duties and taxes in the past including gift duties, death duties, bank cheque duties, and stamp duty on investment transactions such as real estate conveyancing and share purchases. 'This is the first time that these bodies will be taxed and yet they are giving this exemption to charitable institutions like churches, blind organisations, and Red Cross societies,' he said.

It is not quite clear where that line ought to be drawn. Clearly, it ought not to penalise the genuine activities of charities and, clearly, it ought not allow the possibility for astute people, if that is the right word, to practise tax evasion measures through these trusts and foundations. I urge the State Government, in drafting this legislation (I will be interested to see the form in which it comes out), to come down on the fine line to allow genuine activities of charities and the need to stop using trusts and foundations to evade taxation.

The Victorian Government introduced an amendment after that controversy arose in January or February this year in an attempt to cover some of the problems that I have listed. The book, *Financial Institutions Duties—Untangling the Web,* by Wallace, Mansfield and Wilson states on page 134:

Regulation 19 of the Financial Institutions Duty Regulations provides that:

The following persons are prescribed as non-bank financial institutions under section 25 (12) (i) of the Act:

(a) The trustees for the time being of a trust the moneys of which may not be applied otherwise than for charitable purposes; and

(b) A charitable institution, not being a tertiary educational institution and not being a charitable institution within the meaning of section 25 (12)*(d)* of the Act.

The effect of this prescription is that the persons mentioned in regulation 19 *(a)* and *(b)* (like those mentioned in section 25 (12) *(d)*) are able to apply to the Commissioner for approval of an account being a special account, which means that a receipt of money by the bank for the credit of a special account is exempt from duty: section 18 (3) *(a)*.

I guess that is a buck pass. It says that you can make application to the Commissioner and that the Commissioner, in due course, will have to take the difficult decision as to where that fine line needs to be drawn.

I turn now to internal account transfers. In New South Wales and Victoria the financial institutions duty is applied to the transfer of funds between accounts in the one financial institution. Therefore, if you transfer money from your cheque account to your investment or access account within the bank or building society you will incur a financial institutions duty. If you bank your average weekly earnings of $300 in the bank, you will incur the financial institutions duty. If you then transfer X dollars to a cheque account, you will attract that duty, and if you transfer X dollars out of your $300 weekly earnings to your home loan payment book you will incur the duty.

If you transfer money to an investment account for savings purposes, a Christmas Club, or something of the like, you will incur that duty again. That is the way this duty operates in New South Wales and Victoria. As legislators we need to consider seriously if that is the way in which we believe it ought to operate in South Australia or whether we believe, as some lobbyists are already arguing, that internal account transfers within a financial institution ought to be exempted from a financial institutions duty. At this stage I have an open mind about that, and when the legislation comes forward I will consider it more closely.

I turn now to multiple payment of financial institutions duty. As introduced in Victoria it was possible that one financial transaction, one payment, could be taxed up to 12 times at the .03 per cent rate. Clearly that was inequitable. The Victorian Government saw the inequity of it and introduced legislation to ensure that in most cases the most blatant examples of multiple payment of duty were prevented. However, multiple payment of duty has not been prevented in all situations. Clearly, once again, as legislators we need to look at that matter in respect of the South Australian financial institutions duty to ascertain whether we can prevent multiple payments of duty through our legislation.

The Victorian Government tried to overcome the problem by providing that all registered financial instutions could conduct exempt accounts with their bankers. I believe that the South Australian legislation must include that type of provision; otherwise non-bank financial institutions will be penalised. The question of the relative equity between non-bank financial institutions and banks also needs to be addressed as it relates to this duty. A number of people are arguing that banks in particular will be advantaged by the introduction of a financial institution duty and the abolition of certain stamp duties. There is no doubt that most finance companies are relatively happy with the prospect of a financial institutions duty.

A financial institutions duty and the abolition of certain stamp duties will be favourable to the operations of finance companies. However, many other financial institutions, particularly certain credit unions, will not receive a favourable net effect. The whole equity question of financial institutions duty as it relates to various financial institutions in South Australia must be closely considered when the legislation is introduced.

Another problem that has been raised in relation to the New South Wales legislation is that it seeks to collect duty on certain transactions that occur not only within that State but also outside New South Wales. Certain commentators have raised constitutional questions about the New South Wales tax in that respect. I refer to the June edition of the *Australian Tax Review* at page 111 and an article entitled 'Financial Institutions duty revisited' by Hambly and Hamer, as follows:

The position in New South Wales is quite different because there a deliberate attempt has been made to extend the liability to duty to receipts which take place outside New South Wales but which, nevertheless, have some New South Wales connexion. Section 98 (3) *(c)* of the N.S.W. Act provides that a reference to a receipt, a designated receipt or a dutiable receipt ('receipt') includes a receipt received in New South Wales or outside New South Wales where the receipt relates to, and to the extent only that it relates to, goods supplied, services rendered, property situate or any matter or thing done or to be done in New South Wales. The paragraph attempts to give the necessary nexus by limiting the receipts to those in respect of transactions in New South Wales.

It is submitted that the extended definition may go further than is constitutionally permitted. It is possible that a person who does not carry on business in New South Wales nor is resident nor domiciled there may be taxed by reference to a receipt outside New South Wales. Thus neither the person nor the occurrence upon which the tax is levied (the receipt) may have any connexion with New South Wales.

Clearly, if that provision were introduced in South Australia, its constitutional status would have to be closely examined. We do not want to find ourselves in a position similar to the Victorian situation where certain taxes have been over-

turned by the High Court. The myriad of differences between the Victorian and New South Wales legislation raise an important question for the South Australian legislation.

The Campbell Committee of Inquiry stated that there was some argument for a uniform and consistent tax throughout Australia. However, at the moment, the duty in New South Wales and Victoria is not uniform or consistent, and in many respects the two pieces of legislation are radically different. I refer to an article in the *Australian* of 17 March and an interview with Ms Judith Ward, a partner in the Price Waterhouse chartered accounting firm. Some of the problems mentioned by Ms Ward may well have been altered by recent legislation. As I have said, financial institutions duty legislation has been continually amended, and it is difficult to keep up with the exact status of the legislation in Victoria and New South Wales. Ms Ward states that some of the problems are that the New South Wales legislation is broader in scope than Victoria's, thus Victoria limits the application of its duty to a corporation or person whose sole or principal activities occur in that State. The article states:

> Ms Ward said that in New South Wales, dealings in futures contracts and foreign exchange hedging attracted the duty in Victoria they did not. In Victoria, sharemarket transactions are exempt, but they are not in New South Wales. In Victoria retailers are subject to the duty, whereas they are not in New South Wales.
>
> Ms Ward described the application of the duty to banks as a muddle in both States. In Victoria, an inadvertent deficiency in drafting the legislation resulted in transfers by cheque being exempted. The Victorian Stamp Duty Office is seeking to have this matter reversed.

Clearly, there are a number of radical differences in the application of the legislation in Victoria and New South Wales. If the Campbell Committee's desire for a uniform tax throughout Australia is to be achieved, there needs to be much more consultation between all the States. The total estimated revenue to be collected by the South Australian Government as a result of this tax is obviously the bottom line.

As I have already suggested, the financial institutions duty is clearly a revenue raising measure and not an equity measure. There has been a suggestion that the amount of revenue collected in a full financial year in South Australia as a result of this duty could be about $30 000 000. However, I have seen no documentation to support that figure. I believe that only the State Treasury could accurately estimate that figure. The experience in Victoria has shown that even a State Treasury has difficulty in providing an accurate estimate. Initially, the Victorian State Treasury estimated that this measure would raise $100 000 000, but that estimate was later reduced to about $50 000 000. Whether the South Australian Labor Government will be able to collect $30 000 000 at the present rate of 0.3 per cent is problematical. I refer to a statement by a spokesman for the Association of Permanent Building Societies in South Australia in response to a letter from the Under Treasurer, Mr Barnes, in April this year. I presume that the association replied before the due date of mid-June. The Association of Permanent Building Societies states:

> Using the rate applicable in the Eastern States (.03 per cent) the financial institutions duty would have raised $720 000 in revenue through South Australian building societies in the year ended 31 March. Assuming that administration costs would represent a similar sum, and we consider this would be conservative . . .

It was estimated that administration costs for building societies in South Australia would total $27 000. If that is a correct estimate, the sum raised at .03 per cent by the financial institutions duty in South Australia would be less than $1 000 000 from a very important section of the financial sector in South Australia, that is, the building societies. I am informed that total deposits are about $1 000 000 000. However, I am not certain of that: I recollect that that is the figure. If that is the sum of the financial institutions duty that would be attracted at .03 per cent, personally I doubt whether the figure of $30 000 000 that has been floated is correct—at that level of .03 per cent of duty.

What it probably means, and what I predict, is that, clearly, the Labor Government in South Australia will have to raise the level of the duty above the .03 per cent that applies in New South Wales and Victoria, possibly to a level of .04 per cent or even .05 per cent, to raise anywhere near the amount of revenue that it needs to balance and offset the mess that it has got itself into with respect to the State Budget.

I will summarise by saying that, if the financial institutions duty was to be used not as a revenue raising measure but as a measure of equity, offset by equal reductions in other stamp duties, I believe that a reasonable case could be made out for some form of financial institutions duty. However, I believe that that will not be the case with respect to the financial institutions duty in South Australia. That is unfortunate, and, as I said previously, I believe that it will be used as a revenue raising measure by the State Government. Personally, I will consider this measure in some detail when the Bill is brought before this Council. I support the motion.

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

SENIOR SECONDARY ASSESSMENT BOARD OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

The Hon. FRANK BLEVINS (Minister of Agriculture): I move:

That this Bill be now read a second time.

The new Senior Secondary Assessment Board of South Australia Act, 1983, has been well received in the education community, and the Government is anxious that the intent of the Act be implemented as expeditiously as possible. In order to achieve this, I feel that a Chief Executive Officer should be appointed forthwith.

In its present form the Act does not include reference to a position of Chief Executive Officer, which in the normal course of events should be filled by the board in consultation with the Minister. However, several tasks should be accomplished this year if the intent of the Senior Secondary Assessment Board of South Australia Act is to be properly achieved in 1986 and thereafter. Such tasks must be carried out under the authority of a Chief Executive Officer of high competence and repute. The way to ensure this is to enable the first appointment to the office of Chief Executive Officer to be made by the responsible Minister and to provide that the appointee be a full member of the board.

The initial appointment would be for a fixed term of five years, and the board would thereby be assured that it will get an opportunity to reappoint the Chief Executive Officer or to appoint a replacement. This will require amendments to several sections of the Act as outlined later. If the Act is not amended in this way, it is unlikely that the position of Chief Executive Officer could be satisfactorily filled in 1983. The absence of an appropriate chief would prevent the formulation of criteria upon which year 12 subjects will be developed and assessed for 1986. Such an eventuality would seriously undermine the credibility of the Senior Secondary Assessment Board of South Australia, as 1986 could be little different from 1983 as far as many students would be concerned.

Indeed, as I already indicated in Question Time in this Council on 11 May 1983, reconsideration of the structure of the staffing of the Senior Secondary Assessment Board of South Australia is in response to points made by amongst others the South Australian College of Advanced Education and the present shadow Minister of Education. I have the unanimous support for this amendment of the chief executives of our tertiary institutions, including the Chairman of the P.E.B. Comments from the Victorian Institute of Secondary Education and counterparts in Sydney and Brisbane also strongly support the immediate appointment of the Chief Executive Officer. I therefore introduce the following amendments so that the Act can be proclaimed in September. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. Clause 3 inserts a definition of Chief Executive Officer in section 4 of the principal Act. The term is defined to include in its meaning a person acting in the office of Chief Executive Officer. Clause 4 amends section 8 of the principal Act. Paragraph *(a)* includes the Chief Executive Officer in the membership of the board. The other paragraphs of this clause amend a number of subsections of section 8 that do not have application to the Chief Executive Office but only to the other members of the board, all of whom will be appointed by the Governor. Clause 5 inserts new section 9a into the principal Act. The new section provides for the appointment of a Chief Executive Officer, a person to act in that office in the absence of the Chief Executive Officer and for other related matters.

The Hon. R.I. LUCAS secured the adjournment of the debate.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) 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.

Members will recall that last week, when announcing the actual financial results for 1982-83, I informed members of the Council that, because of the serious financial situation facing the State, the Government had no alternative but to implement a number of revenue measures. This Bill relates to one of those measures. It has been introduced at this time not only because of the need to gain the revenue as quickly as possible but also because the industry needs time to arrange its affairs, including increased prices, so that it will be in a position to pay the increased licence fee which the Bill imposes.

The petroleum industry has a particular problem in that it has to seek approval of a price increase from the Petroleum Products Pricing Authority, and it needs time to do this before the new prices come into effect. Specifically, if a higher licence fee is to operate from 1 October, the industry needs to have in place a price increase during the month of September and it needs to be able to go to the P.P.P.A. sufficiently early in August to get the necessary approval and make the necessary arrangements. The Bill proposes to increase the monthly licence fee payable by the holder of an A class licence under the Business Franchise (Petroleum Products) Act.

No increase is proposed in the basic fee of a class A licence or the fee for a class B licence, both of which are $50. The proposal is for the prescribed fee under section 18 of the Business Franchise (Petroleum Products) Act to be increased from 4.5 per cent of the value of motor spirit sold to 7.5 per cent and from 7.1 per cent of the value of diesel fuel sold to 9.8 per cent, both with effect from 1 October 1983.

It is proposed to hold the value determined by the Minister at the present level of 33.4c a litre for motor spirit and 36.65c a litre for diesel fuel. Thus, the increase to the consumer should be contained to one cent a litre for both motor spirit and diesel fuel. All other States, with the exception of Queensland, impose licence fees of this nature which have an impact on the consumer. However, even after this change, the cost to the consumer in South Australia will be less than that in New South Wales and Tasmania, assuming no other change is made in the other States.

The revenue to be obtained from the proposed increase is estimated to be about $15 000 000 in a full year. The October announcement should yield revenues of about $11 000 000 in 1983-84. The legislation is designed to give the Government some flexibility in the application of the increased revenue which can be made available either to the Highways Fund or to meet the Government's general budgetary commitments.

A similar situation applies in New South Wales. However, in that State, all revenues obtained in this manner form part of the general revenue. However, there is provision in this Bill to enable some of the increased revenues to be paid to the Highways Fund to meet urgent and essential needs which may emerge in the roads area from time to time, but the fund is also guaranteed an income from petroleum licence fees of an amount no less than that received in the 1982-83 financial year. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 amends section 18 of the principal Act. The percentage fees payable in respect of a class A licence are increased, in relation to motor spirit, from 4.5 per cent to 7.5 per cent and, in relation to diesel fuel, from 7.1 per cent to 9.8 per cent. Clause 3 repeals and re-enacts section 31 of the principal Act. The effect of the amendment is to guarantee the Highways Fund an income, from petroleum licensing fees, of an amount no less than that received in the 1982-83 financial year. If circumstances warrant it, the Government could decide to pay more to the Highways Funds.

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

BUSINESS FRANCHISE (TOBACCO) 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.

It is a further measure designed to help overcome the serious financial problems which presently confront South Australia. This revenue is currently collected as a licence fee on retail and wholesale tobacco merchants, with the bulk of receipts received from wholesalers who pay a fee for a particular month's licence based on 12½ per cent of the value of

tobacco sold in the month falling two months prior to the licence month.

As with the licence fee on petroleum products, it has been the consistent practice in the past for the industry concerned to be able to increase prices one month before the new licence fee comes into effect. This permits the industry to accumulate the funds necessary to meet the higher licence fee. It is proposed that the licence fee with respect to monthly licences from October 1983 be calculated as 25 per cent of sales in the relevant antecedent period. The first licence fee based on the increased rate would be payable with respect to August's sales.

The industry made certain representations to me through the officers who conducted the negotiations. After considering those representations, I came to the view that a price increase from 1 September would be a reasonable approach. The full year revenue gain from this measure should be around $17 000 000. The proposed October commencement would enable revenues of about $13 000 000 to be achieved in 1983-84. The impact on cigarette prices would be around 17c a packet.

Clause 1 is formal. Clause 2 amends section 11 of the principal Act. It increases from 12.5 per cent to 25 per cent the component of a licence fee which is based on the value of gross turnover.

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

ADJOURNMENT

At 5.35 p.m. the Council adjourned until Tuesday 16 August at 2.15 p.m.