LEGISLATIVE COUNCIL

Wednesday 4 April 1984

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

PETITION: PENSIONS

A petition signed by 21 residents of South Australia concerning the apparent discrimination between invalid and blind pension recipients, and praying that the Council approach members of the Federal Parliament to seek the removal of the means test presently imposed on the invalid pensions, was presented by the Hon. R.I. Lucas.

Petition received and read.

QUESTIONS

INDUSTRIAL COURT

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the Industrial Court.

Leave granted.

The Hon. K.T. GRIFFIN: Last Friday a curious thing happened in the Industrial Court. An Industrial Magistrate, Mr Shillabeer, had his commission to act as a magistrate withdrawn by the Government at 5 p.m. on that day without any warning to litigants. I do not know why this occurred but it is clear that it created a great deal of concern amongst parties in the court who have part-heard cases before Mr Shillabeer. Several of them, through their counsel, have approached me to express their concern about their rights, the costs they have incurred, the costs they will now incur in any rehearing, and the costs of delay in obtaining their remedy in that court. I ask the Attorney-General the following questions:

1. For what reason did the Government withdraw the commission at 5 p.m. without warning to litigants?

2. What does the Government propose in respect of part-heard cases?

3. How many part-heard cases are affected by the decision?

4. Will the Government meet the additional costs incurred as a result of the abrupt termination of cases, and the loss suffered by any litigants as a result of the delay in hearing his or her action as a result of the Government's action?

The Hon. C.J. SUMNER: As the honourable member knows, the Industrial Court comes within the jurisdiction and Ministerial responsibility of the Minister of Labour.

The Hon. K.T. Griffin: You have an overriding responsibility for the administration of justice.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: That may well be. I am not arguing about that. I did not say that I did not have. The Industrial Court comes within the Ministerial responsibility of the Minister of Labour. That is the case under this Government and was the case under the previous Government. Appointments to the Industrial Court are made on the recommendation of the Minister of Labour, and that includes all appointments. Obviously the Attorney-General has some input and overall responsibility in the administration of justice. However, I am concerned to point out to the honourable member that Ministerial responsibility for the Industrial Court, as he well knows, rests with the Minister of Labour. For that reason I will refer the matter to the Minister of Labour and bring back a reply to the honourable member.

The Hon. K.T. GRIFFIN: By way of supplementary question, was the Attorney-General present at any Cabinet meeting where this decision to withdraw the commission was taken prior to its being considered and dealt with by the Governor in Council?

The Hon. C.J. SUMNER: In accordance with the precedent established by the honourable member when he was Attorney-General, I have no intention of discussing when I was present at a Cabinet meeting or what discussions ensued there.

VOTING TRENDS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the subject of the State Electoral Department survey.

Leave granted.

The Hon. R.I. LUCAS: Last week a report in the *Advertiser* indicated that the State Electoral Department was to get a $44 000 grant under the Federal Government's CEP programme to investigate why young people fail to vote. The 12-month study is to include a mail-out questionnaire and group discussions. The Electoral Commissioner, Mr Andy Becker, is quoted as saying:

> . . . the grant would enable a full analysis of all non-voters.
> 'The whole project will cost about $60 000, with the State meeting about a third of the cost,' he said.
> 'Non-voters give us a lot of reasons for not voting, but who knows if they are the real reasons? The study will give us a chance to start from scratch.'

I am sure members will be aware that, between the middle and the late part of last year, an extensive survey was conducted by the Australian Electoral Office and the results of such survey were released publicly. That survey was conducted by two reputable research companies nationwide—the Roy Morgan Research Centre and Inview Pty Ltd.

The Hon. L.H. Davis: Dr Cornwall's favourite research company.

The Hon. R.I. LUCAS: Yes, Dr Cornwall's favourite research company. Various press reports of that study indicate that research information was based on more than 22 500 interviews, as stated in the *Advertiser* in September last year. The *Australian* also indicated that 12 discussion groups had been held with people 17½ to 21 years of age and six more for those between 21 and 30 years of age. It would appear that both qualitative (small scale research) and quantitative (large scale research) has been done by the Australian Electoral Office. The purpose of the research report, we are told, was to get detailed information on beliefs and attitudes about enrolment to provide guidelines for the development of an information campaign. It established that the most important reason why young people failed to register to vote was that they did not see any link between Government institutions and their lives. They became apathetic and would not take the steps necessary to enrol. The article goes on but I will not bore the Attorney-General or the Council with the details. It goes on to list other reasons why young people have not enrolled and are not voting at the moment.

As a result of those findings the Federal Government initially undertook a $60 000 publicity campaign which went on for a few weeks. A report then appeared in the *Australian* indicating that a wider education programme costing a total of $3 million would proceed over the next eight months, on the basis of the research information, in an attempt to convince young people to enrol and vote. I am sure that all members, the Attorney-General included, would have seen

the 'Drop in the ocean' television commercials, which are obviously part of the $3 million campaign based on the research information and seeking to get young people to enrol and vote. Will the Attorney-General say what information the State Electoral Department is seeking in its $60 000 study (which is being funded one-third by the State and $44 000 from a CEP programme) and what information does the State Electoral Department hope to gain over and above that already obtained by the Australian Electoral Office nationwide, as I understand, in an extensive research programme conducted by two research companies, information that has already been acted upon by the Commonwealth Government to the extent of a $3 million television campaign?

The Hon. C.J. SUMNER: The reasons for non-voting are a matter of considerable concern and the more information that can be obtained about such reasons the better. Such information enables Governments to devise policies and programmes to encourage people to participate in the democratic processes of this country. I will obtain more information for the honourable member on the state of progress of the survey and on the information that the Electoral Commissioner hopes to obtain from it that may not have been obtained from the other surveys mentioned by the honourable member, and I will provide him with that information.

STATE TRANSPORT AUTHORITY OFFICE

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Transport, a question about the location of the State Transport Authority public office.

Leave granted.

The Hon. I. GILFILLAN: The new location of the State Transport Authority public office is not only small but also particularly difficult for old people, the handicapped and people with young children to get into.

The Hon. R.I. Lucas: They cannot find it, either.

The Hon. I. GILFILLAN: Exactly. It is a test of ingenuity as a cartographer or interpreter of maps to find the office. Having got there it is difficult to get in as there is a narrow flight of stairs to climb. People in wheelchairs, parents with babies in prams and people walking with the aid of sticks are not able to negotiate the seven steps. The previous office, and the Currie Street cubicle, were at street level and everybody had access to them. Can the Minister say what is the reason for moving the State Transport Authority public office (where tickets and time tables can be obtained) from 50 Grenfell Street to 12a Grenfell Street, and what is the reason for closing the State Transport Authority information cubicle in Currie Street?

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

MIGRANT HELP TASK FORCE POLICY

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister of Health a question on the migrant help task force policy.

Leave granted.

The Hon. C.M. HILL: Although I am addressing this question to the Minister of Health, it will be of particular interest to the Minister of Ethnic Affairs, who found great difficulty in answering three questions I asked yesterday but who continued to express his hopes about the great Utopia he has got through the establishment of task forces. This is the first example I have of the product of the dreams of the Minister of Ethnic Affairs regarding task forces as a successful ethnic affairs policy.

I understand that early last year a migrant health task force policy was established by the Minister of Health under the general surveillance of the Minister of Ethnic Affairs. The first point that the personnel of the force were disappointed with was the fact that they were given three months to report. They realised that they could not do their job properly in three months because, as the Hon. Mr Feleppa would know, when one looks at the whole subject of health in regard to migrants and when one deals with public health, the disabled, the young, and the problems in hospitals that confront ethnic people, one cannot do the task in three months.

However, that was the order of the Ministers opposite. In June last year the task force reported in accordance with instructions. It waited patiently to see what would be the outcome of its report. Nothing happened. One of the members complained to me in December last year of the discontent amongst the personnel of the task force and expressed great disappointment in the Minister of Health and the Minister of Ethnic Affairs on this point. I therefore quite properly asked a reasonable question—I think that it was in either November or December last year—as to what progress was being made by the Minister of Health.

The Minister of Health in reply to that question said, in effect, 'One must be patient; it all takes time; in due course something will be forthcoming,' but he was not sure what.

The Hon. C.J. Sumner: Why did you cancel the programme in 1979? You did nothing, and you know it.

The Hon. C.M. HILL: Just a minute. I know that the Minister of Ethnic Affairs will be upset by this because this is the first product of his great programme. The task force reported in June of last year. It was reminded in December that it was about time the public generally and the ethnic people who were supposed to profit by this could obtain some benefit from it. So, the Christmas period came and went, and during this year I have been waiting patiently. But today I had some discussion with the person who made the first complaint to me and who was a member of this task force.

The Hon. C.J. Sumner: Who was that?

The Hon. C.M. HILL: There is the Minister of Ethnic Affairs, always inquiring as to who one's informant is. He did it the other day. He does not know much of what is going on at all, because—

The PRESIDENT: Order! I must remind the Hon. Mr Hill that his question was to the Minister of Health.

The Hon. C.M. HILL: Well, I should not be interjected on and interrupted by the Minister of Ethnic Affairs. My informant was surprised when we spoke today because that person thought that an announcement had been made on the radio last night that the report that the Minister had received in June last year would now be made public; that was what my informant thought had been said. My informant did not believe that any policy recommendations had been made public, and was surprised that there was nothing in this morning's *Advertiser* about it.

The Hon. J.R. Cornwall: You should talk to the *Advertiser* about it, not to me. It got the news release yesterday afternoon.

The Hon. C.M. HILL: This is what I am probing. I am trying to get information to help members of migrant communities who want to give the Minister of Health a good shakeup.

The Hon. J.R. Cornwall: It is in the *News* today.

The Hon. C.M. HILL: I have not read the *News* today. I do not rush away and buy the first edition like the Minister does to see whether his name is on the front page.

The Hon. J.R. Cornwall: You wait until you can get a free one. That is a gratuitous insult.

The Hon. C.M. HILL: No, it is the truth.

The Hon. Anne Levy: He waits for a free one.

The Hon. C.M. HILL: No, I do not. It is the truth. I do not rush out—I never have and never intend to—to buy the first edition to check on some cheap publicity. It is really over the odds for these people to be given an honorary task, to be part of a task force, to be required to report in three months—that was in June last year—and still not to be informed as to what policy decisions are being made by the Minister of Health as a result of that report.

I ask the Minister what was the purport of the publicity that he gave yesterday about the matter and has he or the Health Commission made any definite decisions as a result of that report aimed at assisting ethnic people in this State on the general subject of migrant health?

The Hon. J.R. CORNWALL: Well, it is a bit of a pity that the Hon. Mr Hill does not take a slightly more lively interest in the media. He says that he never rushes out to buy newspapers—

The Hon. C.M. Hill: Not the first edition.

The Hon. J.R. CORNWALL: It was well publicised some years ago when he went out and bought 500 on a Sunday morning. The fact is that yesterday afternoon I issued a general news release concerning a whole series of decisions and actions taken by Cabinet and me in a positive response to the Migrant Health Task Force. In today's *News* at page 13 there is a reasonable sort of report based on that news release. It is not as comprehensive as one would like but it is better than the treatment that the *Advertiser* gave it—it did not run a line. It is natural that it was run on some radio programmes this morning. I do not have it with me this morning, nor have I the very lengthy recommendations of the task force, but I will do my best to respond to some of the matters raised and I will also ensure that the honourable member gets a copy of what is a comprehensive news release which sets out the position well. The honourable member may also have a copy of the task force report if he wishes. There was a general news release yesterday afternoon.

The Hon. C.J. Sumner: Has he not read the newspapers?

The Hon. J.R. CORNWALL: He should ring Don Riddell instead of talking to me.

The Hon. C.M. Hill: What have you decided in regard to this—that is what I am interested in?

The Hon. C.J. Sumner: It's all set out.

The Hon. C.M. Hill: I am waiting for the policy decision.

The Hon. J.R. CORNWALL: The policy is set out in the news release. It is not here in great detail and I cannot remember the exact phraseology. There is a lot of it, quite specific policies which the South Australian Health Commission and the health units are to follow, and I will see that the honourable member gets a copy with that detail set out. He may certainly also have a copy of the task force report. There is no problem with that.

The Hon. C.M. Hill: It has taken 10 months.

The Hon. J.R. CORNWALL: We have taken 10 months and done it very well.

The Hon. C.J. Sumner: You had three years—nothing, absolutely nothing and you cancelled the programme—

The PRESIDENT: Order!

The Hon. C.J. Sumner: —you know that.

The Hon. C.M. Hill: We had the Ethnic Affairs Commission established—you supported it.

The PRESIDENT: Order! The Hon. Mr Hill has asked the question. Someone ought to come to order.

The Hon. C.J. Sumner: I did not appoint the Chairman; it was not recommended by your Select Committee and now you have a mess.

The Hon. C.M. Hill: Pull him into line, Mr President.

The PRESIDENT: I will in a moment. You asked the question and should at least listen to the answer, which is not already given.

The Hon. J.R. CORNWALL: One of the things that we are in the process of doing is to appoint a senior person at executive officer level to be the Executive Director of the Migrant Health Implementation Team which has been set up and which has been set up at the highest level. It will be chaired by Professor Garry Andrews, Chairman, South Australian Health Commission. Other members will include Mr Krumins, who was the Hon. Mr Hill's appointment and who is Chairman of the Ethnic Affairs Commission. We also have the three Sector Directors of the Health Commission, the Southern Sector Director, the Central Sector Director, Dr McCoy, and the Western Sector Director.

The Hon. M.B. Cameron: Are they the same as regional presences?

The Hon. J.R. CORNWALL: No, they have nothing to do with regional presences, which seems to cause the Hon. Mr Cameron to fall about with laughter. As I said yesterday and as I repeat today, it is no wonder that the Hon. Mr Cameron has spent almost his entire political life either in Opposition or on the back benches in Government. His political judgment is appalling. I am sure that the Hon. Mr Hill would be aware that the women's adviser—

Members interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: Fully affiliated members of the Kindergarten Union should understand that! I have also appointed to that 10-person committee the women's health adviser. I am sure that the Hon. Mr Hill would recall that, as an Australian first, on my recommendation, we appointed a women's health adviser about six months ago, and I refer to Ms Elizabeth Furler. She will be a member of the 10-person committee. It is very prestigious. As a matter of interest, I add that one of South Australia's leading linguists, Mrs Jill Blewett, will also be a member of the migrant health implementation team.

The Hon. C.M. Hill: What was that name again?

The Hon. J.R. CORNWALL: Mrs Jill Blewett. On the figures given to me by the Ethnic Affairs Commission it is estimated that 12 per cent of South Australians, or 150 000 people, were born overseas in non-English speaking countries. That is a lot of people—150 000 in this State alone. According to further figures given to me by the Ethnic Affairs Commission (based on ABS figures), about 24 000 of them speak little or no English. Translating and interpreting services, therefore, will be given a very high priority. That will be done within the main-stream philosophy that characterises all the migrant services that are being developed, whether in health, education, human services, or anywhere else.

It is terribly important that, wherever possible, migrants are provided with health facilities within the main stream of health services in South Australia. However, where that is inappropriate because of language or cultural difficulties and where it cannot be met within our hospitals, for example, or in particular areas such as women's health, community health, aged care, and so on, I will take the advice of the migrant health implementation team. We now have in place a major structure for implementing the policy of migrant health, which has been spelt out quite specifically. It has been adopted by Cabinet. We are appointing a senior officer with a salary in excess of $40 000 a year to oversee the implementation of the policy and to service a very high level and senior implementation team.

In relation to the policy itself, I cannot say that I have yet memorised it. I am working on it, but I cannot spell it out verbatim. I undertake to forward a copy of the press release, which contains the full policy, and a full list of the

10 persons on the implementation team and to see that the Hon. Mr Hill receives a copy of the task force report. I am very pleased that the Hon. Mr Hill brought up this question, and I am delighted with his timing. I am even more delighted by the fact that we now have it in place, for the first time I believe, after only 10 months of Government, and certainly after 10 years of nothing being done. Certainly, the Hon. Mr Hill in the three long and weary years that he was in Cabinet did two-fifths of three-eighths of nothing.

The Hon. C.J. Sumner: He cancelled the task force.

The Hon. J.R. CORNWALL: Yes, it is not true that he did nothing: he cancelled a task force set up by the Minister of Ethnic Affairs in the previous Labor Government, the present Attorney-General. As in so many health areas over the past 16 months, we have been able within the constraints of the difficult times in which we live to take a very large number of initiatives.

The Hon. C.M. Hill: With the doctors.

The Hon. J.R. CORNWALL: The Hon. Mr Hill interjects and talks about doctors. Perhaps he would like me to read the Editorial from yesterday's *Sydney Morning Herald.* It states:

> Yesterday Dr Blewett looked and sounded like a man who could not lose.

I commend the article to the honourable member. At the moment I am perfectly happy with the situation. I am talking to the doctors. If the Opposition wants to continue to try and make cheap political capital out of this matter by joining that small faction, the right-wing red neck faction of the AMA, so be it. But, as I said, it is one of the reasons why people like the Hon. Mr Cameron spend almost a lifetime in Opposition—he is just a damn poor judge.

ADVERTISING

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Attorney-General a question regarding the yellow pages of the telephone book.

Leave granted.

The Hon. R.J. RITSON: On page 915 of the 1984 yellow pages of the telephone book between the entries 'Precision Engineers' and 'Preserves' is a heading, 'Pregnancy counselling and related services'. It reads:

> ABORTION PREGNANCY ADVISORY SERVICES
> Lawful Abortions—Early and Mid Trimester.
> One Day Procedure—By Appointment.
> Free Information All Hours 7 Days.
> 195 Macquarie Street, Sydney (02) 358 5885

As far as I am aware the current state of abortion laws in South Australia is such that everybody with a medical indication for termination of pregnancy is, lawfully, entitled to such a termination and the procedure is readily available here. I am unaware of the exact nature of the law in New South Wales, either regarding abortions or the advertising of professional services, which I suspect has or used to have a statutory basis of prohibition of advertising by the medical professionals in New South Wales. I am concerned that this appears to be an advertisement inserted not by a well-meaning medical practitioner seeking to bring joy and happiness to the world, but by some sort of money-oriented entrepreneurial pariah seeking to trade off others misfortunes.

The Hon. Anne Levy: It's a charity.

The Hon. R.J. RITSON: Can the Minister consult with his Sydney counterpart and obtain for me a description of the person or organisation behind this advertisement? I am also concerned that perhaps persons who have been advised against termination of their pregnancy in South Australia might see this advertisement, respond to it and perhaps be terminated ill-advisedly. Will the Attorney-General write to his Sydney counterpart and obtain for me a description of the legal status of abortion and of advertising of professional services in New South Wales? Does he have a personal opinion as to the appropriateness of such interstate services advertising in South Australia?

The Hon. C.J. SUMNER: I have no opinion regarding the last question that the honourable member asked. I do not know what this organisation is, although the Hon. Anne Levy interjected during the honourable member's question and indicated that it was a charity foundation of some description. I have no personal knowledge of the organisation to which the honourable member has referred, but as he considers it to be a matter of some concern to him I will attempt to obtain the information he seeks.

SEXIST LANGUAGE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question regarding sexist language.

Leave granted.

The Hon. L.H. DAVIS: In recent weeks some publicity has been given to the changes occurring in the spoken and written word to minimise the use of sexist language. One of the areas which is of particular relevance to not only Parliament but also the community at large is the use of the word 'Chairperson' instead of the word 'Chairman'. The word 'Chairperson' has become widely used to describe the person presiding at a meeting, presumably on the basis that the word 'Chairperson' applies to males and females alike, so as to overcome the apparent sexist word 'Chairman'.

However, the few students of Latin in the Chamber and in the community at large will be aware that the 'man' in 'Chairman' has a Latin derivation from the word 'manus', meaning 'hand'. Quite clearly, the use of the word 'Chairman' is not sexist but rather refers to the person who handles the meeting. The Latin derivation is also evident in the words 'manage', 'manufacturer' and 'manipulate'—and the Hon. Dr Cornwall would understand the meaning of that word. Therefore, it would seem that the use of the word 'Chairman' to describe the person presiding over a meeting is mandatory and that a female presiding over a meeting should be 'Madam Chairman', or perhaps simply 'Chairman'.

I raise this matter with the Leader of the Government in this Chamber because, although I try strenuously to avoid the use of sexist language, I believe that Government committees and reports are being signed erroneously by a person who styles himself or herself as a 'Chairperson'. I ask the Attorney to confer with the Minister of Education to verify the accuracy of what I have said and to issue a statement to Government Departments to ensure that, in future, the Government sets an example to the community in the correct use of the English language.

The Hon. C.J. SUMNER: I have no intention of discussing the matter with the Minister of Education. The honourable member has given his views on the derivation of the word 'Chairman' and he now complains that the word 'Chairperson' is used by certain Government authorities and he objects to it. I do not intend to take any action in relation to the matter either by consulting the Minister of Education or by suggesting that a circular be sent to people in Government Departments to suggest that they should use the word 'Chairman'. 'Chairperson' has become a word in quite common use, not only in Government but also throughout the community. It seems to me that should people wish to style themselves in that way, then that is a matter for them. I certainly do not intend to take any action in relation to it. There is a concern in the community about sexist language and that, where possible, sex bias in language should be

removed. So, I do not accept what the honourable member has to say and I do not intend to take any action in relation to it.

MEAT INSPECTIONS

The Hon. PETER DUNN: I seek leave to make a brief statement prior to asking the Minister of Agriculture a question on sheep meat inspection services.

Leave granted.

The Hon. PETER DUNN: A statement, made in the *Stock Journal* by the 'Modest Farmer', was as follows:

> We are now eating about 20 kg of poultry a head a year, about 16 kg of lamb and about 4 kg of mutton...
>
> Still, allowing for the fact that the lamb price figures begin at a low base, we should note that the average real price for lamb over the past 20 years is well below the average real price for lamb over the preceding 20 years. So, lamb prices have been quietly going down the drain...
>
> While this has been going on, the real cost of killing lambs has been steadily rising. This is not surprising as lamb slaughtering is a skilled and labor intensive process.
>
> And the cost of inspecting the killed lambs is going up rapidly, even with the Government meeting half the cost of inspection.

What steps has the Minister and the Agricultural Council taken in recent months to lower inspection costs by rationalising meat inspection procedures? Has the Minister an explanation of why there has been such a slow response to the Kelly inquiry into meat inspection services in Australia?

The Hon. FRANK BLEVINS: I was interested to hear a reference made to 'Modest Farmer', who, of course, was chairperson of the committee that wrote the Kelly Committee of Inquiry Report. Mr Bert Kelly is a past Federal member. The problem of increased costs in the meat slaughtering industry is little or no different to the increased costs in the motor vehicle repair industry or any other industry that one cares to name. Sheep meat prices have gone down because of economic laws which operate and which are well known to all honourable members. If they are not known, members ought to be familiar with them prior to becoming members of Parliament. I do not know whether Question Time is the appropriate time for me to expand some economic theory for the enlightenment of the Hon. Mr Dunn. I am sure that in a practical way the economic laws that apply to sheep meat have affected the honourable member directly in his working life, and he would be aware of them.

The Hon. Mr Dunn stated that 50 per cent of the cost of meat inspection was now being met by the slaughterers. That is perfectly true. I have had some brief and entertaining, although not very informative, debates with Bert Kelly. I wonder what his response would be, as a rugged free enterprise individual, to a suggestion that perhaps the whole cost of meat inspections should be met ultimately by the consumer rather than by the taxpayer through 50 per cent subsidy from the Government. It seems that we are arguing about the level of subsidy, whether it be 50 per cent or some other percentage.

A further question is to be asked, namely, whether there should be any subsidy at all. I believe that there should be. I wonder whether Mr Kelly or Mr Dunn, who purport to abhor subsidies—rugged free-enterprise individuals should stand on their own feet. We all espouse that until it comes to our own area of concern. The Agricultural Council has set up a working party, on which South Australia has a representative, to see whether there is any room for economies in the meat inspection service. What that working party will come up with, I have no idea.

Also, some litigation is going on at the moment; the operators of some abattoirs are challenging the legislation which imposes the 50 per cent cost recovery on meat inspection. Where that slice of litigation will go, I really have no idea. The area is a problem and does give me serious concern, not only on behalf of farming communities in South Australia but also as an operator of two abattoirs at Gepps Cross and Port Lincoln. So, I am not unaware of the problem. I do not think it is an easy problem to solve but, in ascertaining whether economies can be undertaken as regards the price of sheep meat, I can refer the Hon. Mr Dunn to the library, where he will find shelves of volumes which explain quite clearly why the price of meat or any other commodity is what it is.

NON-SEXIST LANGUAGE

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, as Leader of the Government in the Council, a question on non-sexist language.

Leave granted.

The Hon. ANNE LEVY: We were just treated to the most extraordinary exposition from an individual who apparently is a grammarian and expert in language as well as everything else.

The Hon. J.C. Burdett: He is quite correct.

The PRESIDENT: Order!

The Hon. ANNE LEVY: He may well be correct in terms of the origin of a word, but plenty of words have changed their meaning since the original Greek and Latin words were used over 2 000 years ago. I am sure that any expert in language could quote thousands of examples of words that we use every day. Language evolves, has a modern meaning and changes with time. Plenty of words have changed their meaning with time. The use of the word 'Chairman' has for many years had a very strongly male connotation, and reaction to this is in no way limited to the past five or 10 years. I am sure the Minister would be interested to know that nearly 100 years ago the Young Women's Christian Association refused to use the word 'Chairman' and used the word 'Chairwoman' or 'Chairperson'. The Young Women's Christian Association of 100 years ago can hardly be regarded as an extremely radical women's lib type organisation.

The Hon. Frank Blevins interjecting:

The Hon. ANNE LEVY: Yes, of 'militant lesbians'. I am sure that many people appreciate that the word 'Chairman' now has a male connotation—if not to all members of this Council, to a large proportion of our population. To indicate the correct sex of someone who is chairing a meeting or to use a neutral word that has no connotations with either sex, words such as 'Chairwoman' or 'Chairperson' are used commonly.

The Hon. R.I. Lucas: You said that there is no connotation of sex involved if the term 'Chairwoman' is used.

The Hon. ANNE LEVY: Chairperson has no connotation with sex; 'Chairwoman' obviously has and is the counterpart of 'Chairman'. There are many different forms of addressing a Chairperson, and numerous people who prefer the title 'Chairperson' have encouraged its use when in the Chair. I am surprised that the Hon. Mr Davis has raised this point today, because he has been a member of a Committee of which I am the Chairperson, and for over 15 months has happily responded to me as 'Chairperson' without ever once raising this matter on that Committee. One would think that, if he objected to this practice, the honourable member have raised his objection in the confines of that Committee. Will the Minister confirm that it is Government policy, which as I understand was established over 10 years ago to allow people to choose their own designation, be it 'Mr', 'Mrs', 'Miss' or 'Ms', or such designations as 'Chairperson', as they wish?

The Hon. C.J. SUMNER: Yes, that seems quite reasonable. There is no compulsion on members to use the designation 'Chairman', as the Hon. Mr Davis has suggested there should be. I have already indicated that I do not think that that is an appropriate direction to take, and what the Hon. Anne Levy says seems to fit in with what decisions have been taken by the Party now in Government over a considerable time. People are, of course, quite free to choose to use the term 'Chairperson'.

PORT PIRIE LEAD LEVELS

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about Port Pirie lead levels.

Leave granted.

The Hon. J.C. BURDETT: On 8 February, Dr Christopher Baker, Acting Deputy Executive Director of Public Health, held a press conference in Port Pirie to discuss issues involved with the high blood lead level tests which had been carried out on children in Port Pirie. A transcript of Dr Baker's interview and a number of media reports showed that Dr Baker clearly stated that there was no evidence that the high lead levels in Port Pirie had caused intellectual retardation in local children. These comments were in conflict with statements by the Minister of Health when he released the Landrigan Report in December last year and when the Minister cited as Dr Landrigan's main concern the fact that some children in Port Pirie might be suffering 'subtle, but irreversible neurological damage as a result of exposure to lead'.

Subsequent to Dr Baker's remarks an article appeared in the *Advertiser* of 9 February alleging that Dr Baker was misquoted and indicating that he was reprimanded by Dr Cornwall when Dr Baker returned from Port Pirie. The evidence clearly shows that Dr Baker was not misquoted, as the Minister of Health has claimed. I stress that the Opposition naturally views the whole issue of lead levels as a serious concern and does not in any way doubt the need to ensure that the health of children in Port Pirie is not in any way jeopardised. However, we do not believe that the Minister should use the issue as a form of political grandstanding. Accordingly, I ask the Minister:

1. Is it true that the Minister of Health attempted to make contact with Dr Baker at Port Pirie to dress him down over his remarks?

2. Is it true that Dr Cornwall met Dr Baker on Dr Baker's return from Port Pirie and demanded that he agree to a suggestion that he was misquoted?

The Hon. J.R. CORNWALL: No, it is not true that I met Dr Baker on his return from Port Pirie at all. Actually, Dr Baker rang me on his return. The first I knew of these words being attributed to Dr Baker was when I was rung up, I think, by the ABC. I think that Les Rochester filed a story from Port Pirie in which he made the claim about what Dr Baker was alleged to have said. Dr Baker at no time used the expression 'intellectual retardation', to my recollection. Quite clearly, what we are talking about at Port Pirie is not intellectual retardation.

I am amazed, and I must say extremely disappointed, that the Hon. Mr Burdett should raise this matter at this point, two months after the event, in an attempt to beat up some sort of political advantage out of it. I can assure him that it causes me no distress whatsoever. I have come to know Dr Chris Baker well in the relatively brief period that he has been in South Australia. Dr Baker, who was brought to South Australia from the United Kingdom, enjoys a high reputation in the public and occupational health areas and has spent a great deal of his time on occupational health work in the private sector. So, I think that he was an excellent appointment.

What Dr Baker did (I suspect as something of a victim of inexperience, if one likes) was perhaps try to go into a great deal of detail to put an even handed interpretation on the situation in Port Pirie with regard to the environmental lead problem and the subtle loss of IQ, which is the problem that occurs, it seems, with low level lead exposure—and I stress 'low level lead'. I should perhaps spend a little time on this matter so that the Hon. Mr Burdett might at least be able to get on top of one small but very significant area within his shadow portfolio.

The Hon. J.C. Burdett: Didn't you say on the air that he was wrong? They were your words.

The Hon. J.R. CORNWALL: I would not have been in a position to say on air that he was wrong. I may have said that, if the words attributed to Dr Baker were correctly reported, they were inaccurate. Dr Baker rang me on his return from Port Pirie (because I certainly did not ride about looking for Dr Baker—he rang me) and gave me some details of the press conference that had taken place. The fact is (and this is agreed by all parties including members of the Local Board of Health in Port Pirie) that there is a significant environmental lead problem in Port Pirie. Nobody with an IQ of more than 72 would deny that. I would hope that not even poor John, despite his terrible problem in coming to grips with his shadow Portfolio, would deny that. It is not surprising that there is an environmental lead problem there, as it is estimated that about 160 000 tonnes of lead have been discharged over the residential area of Port Pirie since 1889 when lead smelting began. That, of course, is now very significantly reduced, and I guess that, in one way or another, it has been coming down since the Royal Commission was held in 1925, when workers were actually being affected by acute lead poisoning and developing the symptoms that go with acute plumbism.

That is not what we are talking about these days. People are making great play of the fact that no child in Port Pirie has had acute lead poisoning. Well, my God, I would hope not in 1984, or in any other period within the ken of people in this place! It would be absolutely abominable to think that levels of contamination were such as to cause acute clinical lead poisoning. What we have got in Pirie—and it is particularly a problem in the highly polluted areas like Solomontown and Pirie West—is a degree of environmental lead contamination that causes an elevation—

The PRESIDENT: Order! Call on the Orders of the Day.

QUESTION ON NOTICE

FESTIVAL OF ARTS

The Hon. C.M. HILL (on notice) asked the Attorney-General, representing the Minister for the Arts: In regard to the financial cost to the State Government of the 1984 Festival of the Arts:

1. What amount was granted to the Adelaide Festival of Arts Board specifically for the planning and staging of the Festival?

2. What was the monetary value of contributions and involvement by staff members from the Adelaide Festival Centre, and/or Government departments, for work carried out in relation to the Festival?

3. What other incidental grants, if any, were made for the staging of either the Festival Fringe, or the Festival?

4. What would be the Minister of Arts' estimate of the total contribution in monetary terms by the State Government towards the biennial Festival in 1984?

The Hon. C.J. SUMNER: The answers are as follows:

1. The amount granted to the Festival of Arts, Inc. for the 1983 Festival of Arts is $900 000 paid over two financial years: $350 000 in 1982-83 and $550 000 in 1983-84.

2. The Adelaide Festival Centre Trust receives a service fee of $279 500 from the Adelaide Festival of Arts Inc. for use of the Trust's staff in the preparation and mounting of the Festival. The Public Buildings Department incurs a cost of $7 000 for lighting of public buildings during the Festival.

3. Other grants for the 1984 Festival of Arts are a provisional grant in the form of a guarantee against loss of $30 000 for State Opera's production of *Lady Macbeth of Mtsensk* and a total grant of $48 500 to Focus Fringe made up of $18 500 in 1982-83 and $30 000 in 1983-84 financial periods.

4. The total contribution in monetary terms of the 1984 Adelaide Festival of Arts is:

	$
Grants—Adelaide Festival of Arts	900 000
—Focus Fringe	48 500
Lighting of Public Buildings	7 000
	$955 500

plus the provisional grant to State Opera of up to $30 000 which is dependent on that organisation's anticipated full year operational deficit based on figures for the nine months to March 1984. However, the above figures do not take into account the contribution by way of State funded bodies participation and other incidental assistance from Government.

JOINT HOUSE COMMITTEE

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

That the members of this Council appointed to the Joint House Committee have permission to sit on that Committee during the sittings of the Council this day.

Motion carried.

YATALA LABOUR PRISON

Adjourned debate on motion of Hon. Diana Laidlaw:

That this Council registers its strong objection to the manner in which the Government used Section 6 of the Planning Act to achieve the demolition of 'A' Division, Yatala Labour Prison. And, further that this Council believes the Government's action not only amounted to a grave misuse of the provisions of the Act but, by circumventing the Heritage Act, has set double standards for the community.

(Continued from 28 March. Page 2915.)

The Hon. ANNE LEVY: I oppose this motion of the Hon. Diana Laidlaw, which I am sure will not surprise her. I will give some factual information on what the situation is with regard to demolition of heritage items. The South Australian Heritage Act, 1978, provides for the compilation of a register of State heritage items. It sets up a procedure for placing items on the Register and a similar procedure for removal of the items from the Register. Demolition control over items on the Register occurs through the operation of the Planning Act. For the purposes of that Act, development in respect of a heritage item is defined as 'the demolition, conversion, alteration of or any addition to the item'.

The Planning Act provides in section 47 that 'no development is permitted in relation to an item of the State heritage without the consent of the relevant planning authority.' Section 48 of the Act further provides that the relevant planning authority to which an application for consent to develop a heritage item is made shall refer the application to the Minister responsible for the State's heritage and shall not grant the authorisation until the Minister's advice has been received and taken into account.

The Crown is bound by these provisions of the Act and, under the terms of section 7, the proponent for development of a heritage item is required to give notice to the Planning Commission and to the relevant local council. In the case of Crown developments, the Cabinet is the actual planning authority, and ultimately arbitrates on conflicting interests between different Government programmes. The registration of a heritage item does not preclude a decision by the relevant planning authority to authorise demolition or destruction of the item. Both in law and philosophically, the decision concerning the fate of a heritage item is separated from the decision about whether it is or is not a heritage item.

If one looks at the situation regarding the removal of an item from the Register, one sees that the South Australian Heritage Act provides for the removal of an item from the Heritage Register. However, before an item can be removed from the Register, the Minister must first inform the South Australian Heritage Committee and consider the representations of the committee on that matter and, secondly, issue a public notice stating that he intends to remove the item from the Register and that persons have the right to object in writing within a minimum period of one month and, having received objections, consider them.

The Hon. Diana Laidlaw: I am not arguing with any of that. I said the same thing.

The Hon. ANNE LEVY: I am trying to set it into context. Having decided that a place is part of the State's heritage and entered it on the Register, it ought not to be removed from the Register except where it loses its heritage significance, which will be lost only where the item is destroyed irrevocably by natural calamity or by the implementation of a decision lawfully made to demolish the item.

Until the item is actually destroyed it does not lose its heritage significance. It then follows in logic that the decision to remove an item from the register ought not precede a decision lawfully made to destroy the item by demolition.

It cannot be removed from the register until it is demolished. If we look at the demolition of 'A' Division at Yatala, the Council will see that it was placed on the Register of State Heritage Items in July 1980. In March 1983, as a result of rioting by prison inmates, the building was partially damaged by fire. Following the fire the task force from the Department of Correctional Services investigated the different options for the future of 'A' Division and recommended that it be demolished in order to create more open space in conjunction with a smaller modern security facility.

In May 1983 Cabinet agreed to proceed with the proposals brought forward by the Department of Correctional Services, including the demolition of 'A' Division. In the normal course of events the decision in May 1983 ought to have resulted in notice to the Planning Commission and the Corporation of the City of Enfield as required under section 7 of the Planning Act. In the event, this requirement was overlooked. In July 1983 the Minister for Environment and Planning sought the advice of the South Australian Heritage Committee and gave public notice of his intention to remove 'A' Division from the Register of State Heritage Items. A period of three months was given for the lodgment of objections, and that was two months more than the minimum required. It could have been only one month.

The Hon. Diana Laidlaw: But the decision had already been made.

The Hon. ANNE LEVY: This is not the decision to demolish—it is the decision to remove it from the Register.

Three months were allowed for objections and, in that time, only seven objections and a petition signed by about 325 people were received by the Department. These were the only objections to the proposed removal of the item. At the time that the demolition contracts were let it became apparent to officers that section 7 of the Planning Act had not been complied with. Faced with further tension in Yatala Labour Prison and the high costs of delaying the demolition contracts, Cabinet decided to invoke the provisions of section 6 of the Planning Act, which would result in the exemption of developments in the prison from the provisions of the Planning Act.

In using this provision of the Planning Act, the Government believed that the security and wellbeing of prisoners was a matter of utmost concern to the State and that in these circumstances the overriding public interest should prevail. The Minister for Environment and Planning has advised the South Australian Heritage Committee that, once urgent work at Yatala Labour Prison has been completed, the Government will recommend to the Governor the revocation of the section 6 proclamation.

Prior to the demolition of 'A' Division, the Heritage Conservation Branch conducted a detailed measured survey and recording of the building; the resulting plans and photographs are lodged in its archives. During the demolition of the building the bluestone has been categorised and stockpiled for reuse, so that 680 tonnes is held by PBD, first class facing stone, some of which will be reused on the Museum Redevelopment Project.

The Hon. L.H. Davis: That's a pretty good consolation prize.

The Hon. ANNE LEVY: It is a very good use for it, I am sure the honourable member would agree. Also, 2 000 tonnes has been stored by the PBD on Highways Department land for general restoration work. The remainder of the stone will be stored by the Adelaide City Council at Wingfield and will be available for restoration purposes to groups who may apply for it. I would like to mention in this context the measures that are being undertaken to strengthen heritage legislation. I point out what is an obvious fact: the Heritage Act introduced by the Labor Government in 1978 does not have in it an absolute prohibition on demolition or alteration of heritage items. It is quite clear that they are to be considered on a case by case basis.

The Government has agreed with the Adelaide City Council on amendments to the City of Adelaide Development Control Act to create more effective planning controls over State heritage items within the City of Adelaide. The present gentleman's agreement sees development applications affecting State heritage items referred to the City of Adelaide Planning Commission, which informally seeks the advice of the Heritage Conservation Branch. But, under the proposed amendments to the legislation, the City Council will be required to refer all development applications affecting an item of the State's heritage to the Minister. The amendments will further constrain the City Council to approve a development only where the City of Adelaide Planning Commission concurs in that decision, and the Commission will be required to consult the Minister and have regard to any representations he may make in respect of the heritage significance of the item before giving its concurrence. Furthermore, the Planning Act Review Committee also focused attention on the need to strengthen the heritage controls under the Planning Act.

The Hon. Diana Laidlaw: Will they be binding on the Crown or will it be able to continue to do as it wishes and as it has done in this case?

The Hon. ANNE LEVY: I point out that the Crown has not done as it wishes. I want to refute strongly the argument that the Hon. Miss Laidlaw put forward in her speech that the Crown had ignored the law. In the case of Yatala the law was not broken. The procedures used were part of the law. It is totally wrong to say that the law was broken or was not followed. The law was followed and there is no doubt about it.

The Hon. Diana Laidlaw: Yes, by invoking the provisions of section 6.

The Hon. ANNE LEVY: That is part of the law. It is not going against the law to use the law. The Planning Act Review Committee has recommended that the Planning Act should be amended to require the planning authority to refuse consent to any development which would 'materially detract from the heritage significance of an item of the State heritage'. Consideration is also being given to a number of amendments to the South Australian Heritage Act to encompass the following matters: first 'stop work' orders, to provide for the urgent assessment of potential items of the State heritage during a period when development is prevented; and, secondly, creation of protected areas—to enable the more effective control of certain heritages sites which are not subject to development control but which require positive protection from the pressures of tourism, vandalism and fossicking.

I now want to say a few words about the Government's record in heritage conservation. Despite a number of very public losses, the Government has done a great deal to advance the cause of heritage conservation. The Hon. Miss Laidlaw mentioned the case of the Grange Vineyards. I want to point out that it was the Liberal Government that placed only the core of the Grange Vineyards on the heritage list and that it was the incoming Labor Government that placed the whole of the Grange Vineyards on the interim heritage list and then fought the developers in the appeal to the Planning Appeal Board.

That was a very well argued case, supported in large measure by evidence from the staff of the Heritage Conservation Branch. It was the court, not the Government, that upheld the appeal and permitted the subdivision to go ahead. It was certainly not the Government. The Government could not have done that unless it acted outside the law. Furthermore, since coming to office, the present Government has continued the emphasis on identifying and registering items of the State's heritage. Members may not be aware that there are now more than 600 items on the State Heritage list. Since October 1982, 427 items have been registered or placed on the interim list. That is more than half the number of items that have been processed since the Act originally came into force in 1978.

At a time of great economic restraint the Government has continued to fund the State Heritage Fund. In concert with the Commonwealth Government's National Estate Financial Assistance Programme, the South Australian Government is spending some $800 000 in 1983-84 on the conservation of the State's cultural heritage. The Heritage Conservation Branch has a most extensive programme of restoration and investigations currently in progress. It is a key arm of Government in implementing the Jubilee 150 projects at Fort Glanville, Moonta mines and Burra. In moving her motion, the Hon. Miss Laidlaw ignored the very real difficulties of the situation with 'A' Division at Yatala. Furthermore, she gave no indication whatsoever of what she would have done or what a Liberal Government would have done.

The Government did not cause the fire at Yatala and, it seems to me, once the building had been damaged there were only three options: the Government could have left the building rotting as it was, and I am sure that everyone would agree that that is a totally unacceptable solution; it could have repaired the building and used it again as a gaol. I suggest that no-one, if they had ever visited that section

of Yatala, would seriously suggest that as an option. I visited that section several years ago and was appalled at the Dickensian conditions pertaining in that gaol. Whilst it might have had great heritage value, it was not something in which we could expect people to live in the 20th century, be they prisoners or anyone else. In fact, I doubt whether I would have allowed pigs to live in it! Therefore, if the building had been repaired with the aim of housing prisoners, it would have been most inhumane. The only other alternative was to pull down the building and provide decent quarters for the prisoners. Not only did they need decent quarters, but also more space. I remind honourable members that 'B' Division still stands in Yatala.

The Hon. Frank Blevins: It's older than 'A' Division.

The Hon. ANNE LEVY: Yes, it is older than 'A' Division. If 'A' Division had been repaired I am sure that honourable members would agree that it could not have been used to house prisoners. The facilities that it provided were not in any way adequate for the 20th century. To repair the building and turn it into a museum would have been impossible, because one cannot have a museum in the middle of a high security gaol. A museum is something that members of the community can visit and enjoy. It is clearly and totally impractical to have a museum in the middle of a high security area such as a gaol. I think it is quite wrong to blame the Government for its decision. I think it was an incredibly difficult decision.

The other matters that I have mentioned illustrate just how much the Government is concerned with our heritage, how much it has done in that area and intends continuing to do. The Government had to consider all the facts of the case and consider the welfare of the prisoners, which is not a negligible matter in the middle of a high security gaol. Contrary to what the Hon. Miss Laidlaw has said, I think the Government should be congratulated on facing up to a very difficult situation, making a difficult decision and, having made it, being prepared to carry it through. It is very interesting that the Liberal spokesperson on correctional services and environment and planning has said that, had he been the Minister responsible, he would have done exactly the same thing. I would like to know from those members opposite who are complaining about the decision what they would have suggested and whether they would have objected if a Liberal Minister had done exactly the same thing as the Government has done. I oppose the motion.

The Hon. C.M. HILL: Whilst I commend the Hon. Miss Laidlaw for introducing this motion, I will not refer directly to the issue that is the core of the debate. Instead, I refer to one aspect of heritage that I think deserves some emphasis in South Australia. I think that my remarks will come within the general ambit of the motion. Heritage and heritage conservation (the term just used by the Hon. Ms Levy) is a subject that is gaining in emphasis and importance within the community. One must commend those people who take a deep interest in it, and by that I mean not only the individuals and the representative bodies concerned but also the media, which is also actively interested in this subject.

This subject is very important and is receiving a great deal of attention from all levels, including local, State and Federal Governments. One reads of committee meetings at about this time on the subject generally within the local government area of the city of Adelaide. In many respects heritage conservation is a topical and very important subject upon which people should place great emphasis and in which people, in my view, should take a great deal of interest.

It has emerged—and this is quite understandable—as a relatively new subject. But there is one aspect of it which reflects a certain degree of immaturity—and I am not being critical in any way by mentioning this point—and that is the emphasis being placed on the architectural merits of buildings to a greater degree than perhaps should be made, compared with other approaches.

When the question arises in the public arena as to whether or not a certain building should be demolished, the advocates of heritage conservation in Adelaide, usually through the media, stress that architecturally the building should be retained. One hears very little about other considerations than the architectural exterior aspects of the building. The South Australian and Adelaide community has to grow out of this attitude and develop a more mature approach.

The Hon. L.H. Davis: For example, the history of the place.

The Hon. C.M. HILL: I was coming to that. More emphasis should be placed on the history of a building, with particular relevance to the people who have been involved in it. I do not want to become involved in, or rake up again, the issues publicly argued regarding the Aurora Hotel dispute, but it was disappointing to me to read at the time that the advocates of demolition stressed that the building did not have any architectural merit and, therefore, need not be retained as a heritage building. One must, of course, keep in mind the exterior aesthetics of the building and its architectural merit; this should not be dismissed, but should not be the only criterion which is taken into account.

The other evening I was a guest of the German Association in Adelaide and that Association is to celebrate its 100th birthday in two years time. I inquired, as it is rather unusual for a community whose roots go back to 1840 in this State and who, as a community are very club and community minded, why it is only now reaching the Association's centennial. It was explained that prior to the German Association being formed there were many German clubs in Adelaide—from memory, I think the number was 11—and that one of them used to meet in the Aurora Hotel.

If the voice of historians had been given some emphasis during public debate concerning the demolition of the Aurora Hotel, perhaps this kind of history might have been a factor taken into account more than it was. It might well be that one or more of the old historic German clubs within the Adelaide community met there and that its history perhaps should have been retained by the retention of that building.

Similarly, I am interested when I visit (as I do on a few occasions) the Sherlock Holmes Hotel in London—perhaps I should call it the Sherlock Holmes Pub—not in the architectural merit of the exterior of the building, but in the historical aspects when one gets inside the bar and sees the pictures, paintings and drawings—the history of Sherlock Holmes and that era displayed within the bar.

That is an example of the kind of heritage which, ultimately, we must come to grips with in Adelaide and South Australia and which we should endeavour to retain. I believe that on our heritage committees, and in our general debating of the subject of heritage here, we should have more historians and listen to them more than has been the case in the past. I think that more emphasis should be placed on the history, as the Hon. Mr Davis mentioned, of the whole era of heritage, especially as it relates to people.

We should look further than the question of architectural merit. We should respect the architects who have led the way in formulating public opinion on this subject so far in the history of heritage preservation in this State. We must respect the opinions of the architects—but their views alone should not be taken into account. If we move to a period when we bring historians and their views into consideration more than has been the case in the past, then we will reach a maturity in this general question of heritage that has never been evident in the past.

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

The Hon. M.B. CAMERON: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

ROAD TRAFFIC ACT REGULATIONS

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That regulations under the Road Traffic Act, 1961, re traffic prohibition (Enfield), made on 27 October 1983 and laid on the table of this Council on 8 November 1983, be disallowed.

In moving this motion I have a feeling of deja vu. Members may recall the road closures in Rose Park and may understand what I mean. It is always a difficult area for members to get involved in and, of course, there are always two sides to the question. There are always people who gain and people who lose—almost inevitably. That is one of the sad things about the need that councils sometimes feel to make these sorts of moves. My own personal view is that before any such step is taken to transfer a social impact from one area of a suburb to another, careful consideration must be given to the end result because, inevitably, there is a feeling amongst a group of people of having been not properly considered.

So, it is with no great pleasure that I put forward this motion today because there are going to be people who feel let down and people who feel they have gained what they were after. It is almost inevitable that the whole community affected loses a little. Unfortunately, it loses a feeling of togetherness as a community, because arguments usually arise. People within that community lose a spirit that is essential even in the suburbs of the metropolitan area. I also acknowledge that the people who have requested this move over a number of years have a legitimate claim to some sort of relief from the traffic congestion in their streets. It would be my desire that, if this motion is successful, that the council and all parties concerned with the problem get their heads together and try to work out a scheme that preserves within each part of the community the quiet that people should be able to enjoy in a suburban residential surrounding, whilst at the same time ensuring that those people have access to the various parts of the district. People in suburban areas deserve quiet neighbourhoods and other factors are involved, such as safety, which is probably the prime factor. It is important that whatever is done ensures that the safety factor is taken to the point where people no longer have to feel concerned through living in those areas.

A concern exists in my mind that insufficient attention has been paid to the reasonable access to main roads surrounding the suburb. It is an area which I believe should be No. 1 on the list but, obviously, it has been left for too long. There is a need for people in this suburb who, let us be frank, to some extent cause the problem of through traffic because of their inability to gain access to main raods with reasonable confidence. From my knowledge of the area—which I believe is sufficient for the purposes of this debate—it is a known factor that the North East Road is a difficult road to which to gain access. I indicate some criticism of the fact that a set of lights has not been placed within reach of these residents to ensure that they can gain access to the North East Road without the dangers now associated with it. I have no doubt that some of the problems that have occurred with this area would not have been as great if lights had been provided earlier.

I guess the best results that can come from this whole issue is that, eventually, the through route will be closed. I know that difficulties are associated with it but it mst surely not be beyond the wit of man to provide some sort of mechanism whereby local residents can gain access to the routes they need without having the problem of people using suburban streets as through routes. I know the problem myself because I live on a road where a similar problem occurs. I know the anger that people must feel when they see people speeding through their streets and feeling completely unable to do anything about it.

However, it does not resolve the issue if there is a transfer of the problem to another area. These people to whom the problem is transferred can also legitimately feel angry that it has developed as a problem within their area. I could go into all the detail of traffic flows and other matters that have been placed before the Subordinate Legislation Committee, but I do not think that that would help towards any final solution of the problem. For the benefit of all people concerned within the area, the people involved need to lay down their arms and get together as a community in order to resolve the problem reasonably. I am not indicating that everybody who has been involved in this problem has taken the matter too far. It is almost inevitable that emotions become very much involved and people tend to see their viewpoint and not see others' viewpoints. That goes for all sides of this sort of argument.

It is important that these people get together and not sit back and say that this has been going on since 1977, that we have not had a solution, that this must be the solution and that there can be no other. I do not agree with that. My own belief is that problems are put there to be solved and not exacerbated. I am sure that this community comprises intelligent and reasonable people and that, between them, they will find a method of resolving the present situation. Therefore, I seek support for my motion.

The Hon. I. GILFILLAN: I indicate that the Democrats will be supporting this move for disallowance. I must say that I support the motive and attitude of the Hon. Mr Cameron in indicating that this is not a judgment of who is right but a recognition of an awareness of a problem that can probably be best resolved by efforts to get more discussion and consideration of the problem. I understand, partly from what the honourable member said, and partly from what I know of his intentions, that he hopes to initiate some situations where this can go ahead. I would like to say publicly that I will be pleased to be part of helping in that process in whatever way I can. There are two areas in which I have been invited to become involved, one at Windsor Gardens and the other at Northfield. Both requests have given me an opportunity to ride my bike in those areas, which is no hardship. It has provided me with a unique, slow-speed method of travel and an awareness of part of the problem in both places.

I think that, talking in general terms, there is always resentment when there is an increase in traffic in an area that has previously had a relatively light traffic load and that people will attempt to reduce such an increase in that traffic load. I have no criticism of those who have argued strenuously for these road blocks to be put in place. As a matter of principle, road blocks do not appeal to me and need to be justified on very strong grounds. That is another reason why I want to be clear about the justification for the extreme step of closing off a public thoroughfare. I think that part of the reason for the penalising of people living in these areas reflects the shortcomings in major road planning. For that, I believe, the Highways Department must take some of the blame and should be asked to apply its best endeavours toward taking whatever steps are necessary to improve matters. If that means increasing the number of intersections on a major highway, then the pros and cons

of that must be looked at and not just ruled out because the Highways Department does not want another intersection on a major highway.

I would like to put some specific comments in the *Hansard* record because there are strong arguments in favour of the closures that have taken place from residents who have felt aggrieved by them. They were very persuasive and the ones I have spoken to presented a very solid argument. I have heard contrary points of view and would like briefly to comment on them. This is perhaps oblique to both those points, but riding through a bus boom gate where the boom does not exist is really a ludicrous situation and I think highlights the point that something has to be done about this matter. There are three suggestions for the Windsor Gardens area that I will put forward as the sorts of options that could be looked at in the working group situation that the Hon. Martin Cameron has indicated he favours. They are:

1. Opening all roads but placing traffic restrictions, that is, angled double lanes in the roads that bear the brunt of the traffic. This will encourage drivers to use an alternative route and will leave Brecon Street open to take the heavy traffic for which it was reconstructed. This route also has the widest roads.

2. Making traffic travel one way up Tindara Avenue and one way down Manunda Avenue. This would halve traffic on these roads.

3. Installing traffic lights that will give residents access to the North East Road. This is the major need of the area, and I understand that the Enfield Council supports this view. The present route takes all traffic of the district—heavy and light—there is no alternative route. Promises to restrict traffic on this route cannot be fulfilled as there is no other route that residents can follow.

I think that it is most alarming that, in the Northfield area, a major access road to Yatala, Strawson Road, has been closed. I am informed that when there were problems at Yatala early last year the Fire Brigade with its heavy equipment landed in some very embarrassing situations in cul-de-sacs and had to do some neat manoeuvring to get anywhere near where it could be of any use. The logic which may have persuaded those in power to close Strawson Road ought to be balanced against the inconvenience of closing it off from proper access to Yatala.

There are road closures in that area and the result of those closures has been quite dramatic. The traffic loading on roads that were in no way planned or prepared for it has increased 300 to 400 per cent. Obviously, that has created enormous problems and stress on people living in this area. It directly, to a large extent, reflects the fault of the highway in that Briens Road, which is only two lanes wide, leads into Hampstead Road which is four lanes wide. Detailed in the correspondence I have are several particular faults and risks that the public is exposed to as a result of these closures. I will not identify them in detail today, but indicate that they are in hand and that I have been persuaded that they are serious enough to be looked at. Therefore, we will be supporting this move for disallowance of the regulations.

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

BUSHFIRES

The Hon. M.B CAMERON (Leader of the Opposition): I move:

That a Select Committee be appointed to inquire into and report upon bushfires in South Australia with particular reference to—

1. The extent, causes and cost of bushfires on State Government or local government controlled land in South Australia including National Parks, conservation parks, the Hills Face Zone and public reserves.

2. The means to prevent or minimise the risk of the outbreak of bushfires within or entry of bushfires into State or local government controlled areas of land, taking into account—

(a) preventing measures; and

(b) ameliorate measures.

3. The appropriate firefighting measures which should be developed to combat bushfires and the co-operative action necessary between the responsible authorities including the Country Fire Service, National Parks and Wildlife Service and the Department of Woods and Forests.

4. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the Committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

5. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

Today, more than 4.5 million hectares of land, much of which is virgin bushland, are held by the State Government as national parks or reserves. Many thousands more hectares are controlled by State or local government for a variety of reasons. There is a growing concern, particularly amongst members of our rural communities (where the vast majority of Government-controlled lands lie), that insufficient fire prevention measures are being taken by authorities responsible for parks and reserves. It is timely with the recent history for serious bushfires still firmly placed in our memories that a Select Committee inquire into bushfire prevention methods used in national and conservation parks and all other State-owned or controlled lands and local government reserves.

I do not intend in this speech today to make a judgment as to what the likely outcome of the Select Committee inquiry would be. Nevertheless, it is important that Council fully understands the parameters of the problem. In 1978-79 according to the National Parks and Wildlife Service, 63 fires in parks and reserves burnt out 20 928 hectares. In 1979-80, again according to National Parks and Wildlife Service estimates, 74 fires in parks burnt out 14 898 hectares. In both instances these estimates ignore the wider impact of the fires: namely, the areas of privately owned land which were burnt out in conjunction with the fires in the parks.

Since 1979-80, many other major bushfires have involved conservation and national parks, not least of which were the Ash Wednesday fires of February last year. All these fires have had a variety of causes: some started from within national parks; others commenced on adjoining properties but soon took hold within the park itself. Some parks are more prone to bushfires and one can understand the concern of those living close to parks or with adjoining properties about the effects of fires in parks and the need for adequate steps to be taken to stop or at least minimise the fire risk.

In December 1980, 13 000 hectares of the Ngarkat/Green Lagoon National Parks were burnt out. In March 1983, 7 468 hectares were added to Ngarkat, lifting its total area to 207 949 hectares. A year later, and earlier this month, over 100 hectares were burnt out. (There is mistake there; I think that it should be more than that.) In the Adelaide Hills alone are 27 national parks, all heavily wooded and (at least until Ash Wednesday) with significant fuel build up on the ground. Today, the Hills are a popular and heavily popular area of the State, and all necessary precautions should be taken to minimise fire risk from or to national parks. A Select Committtee would be able to focus on this issue.

Recent fires in national parks have been very significant. For example, in November last year 15 000 hectares were burnt out in the Hincks Conservation Park; this exceeded the entire area burnt out in all national parks in 1979-80. Members would be aware that that fire started from outside the park; so it is not only a problem within parks, but outside. It is a very significant problem. We need to take all reasonable precautions possible to minimise fire risks, not just for the sake of property but also to contain the threat of life and limb. According to the Minister for Environment and Planning, a number of fires have resulted from the entry of fire into the parks from neighbouring properties. These included, as I said, the 1983 Hincks fire, the 1976 Messent fire, the Ngarkat fires, the 1981 Horsnell Gully fire and the 1982 Mount Boothby fire. Regardless of the source of the fire, the impact on the national park or reserve in assisting it to spread is also an important factor. The Select Committtee would be able to address this issue, too.

Table of Fires, 1977-78 to 1980-81

	Scrub and grass fires	Areas burnt Ha
1977-78	736	79 965
1978-79	1 190	66 204
1979-80	1 313	142 691
1980-81	1 446	90 415

Fires may affect only a relatively small portion of the total area of national parks; however, their total impact is much greater overall.

A Select Committee needs to address many issues. We need a Parliamentary committee to objectively look at the extent, causes and cost of bushfires in State or local government controlled areas of South Australia. I must stress that it is not our intention to concentrate on the Ash Wednesday fires. Indeed, these are the subject of, or have been subject to, coronial inquiries. It is our desire that the Select Committee take a broader perspective, the objective being not to attribute past blame but to point to future progress.

Whilst not dwelling on the past, history shows us that there has been over hundreds of years constructive use of fire in controlled burning to reduce the longer term threat of catastrophic bushfires such as those we saw on Ash Wednesday in 1980 and in 1983. In fact, controlled burning whether it be of private land or national parks or of any other State or Government controlled land, should be an important part of the entire conservation process. Even if it is clearly shown that controlled burning during the appropriate season can reduce undergrowth, which in the longer term poses a serious fire risk, the small loss of fauna and flora in controlled burning is nothing compared to the devastating and long-term impact that a catastrophic fire can have on an area of bush and scrub.

It seems to be popular these days to oppose any form of controlled burning as if that is something anathema to conservation, when in fact it is an important component of a conservation and land use process, and the use of burning as a means of lng-term fire control in Australia extends well beyond the entry of European man. In fact, Abel Tasman and a number of other explorers cite in their records the activities of the natives of Aborigines in lighting fires in a controlled way and in using burning to the advantage of the land and of the environment.

The use of controlled burning is an important aspect of bushfire control that needs to be considered in a much more rational and careful way than it has been in the past, and a Select Committee will enable this consideration to take place. Failure to take preventive action such as controlled burning allows a build-up of fuel which has a devastating effect on not only life and limb in a bushfire but also on the natural vegetation and the fauna and flora that concern us all. I quote from a submission to a University of Adelaide seminar, entitled *Bushfires in the Adelaide Hills 1980* by Oliver Moriarty, of the Association for Protection of Rural Australia:

At Falls Creek the billows of fire swept up the mountain side over the East Kiewa Valley, burning to death unfortunate men. Nearby, one of the great pioneers among Victorian mountain graziers, Frank Blair, was in the West Kiewa Valley. In his *Recollections*, and we quote:

> I happened to be on the Bogong High Plains for a week before this fire (1939) swept through from Buffalo River to Omeo in one day, causing loss of life and destroying large numbers of cattle and sheep; also nearly all the mountain ash on the alps. Only the West Kiewa (Snake Valley) timber avoided destruction. It had been kept reasonably safe by out of season burning and, although the fire burned right through the valley, scarcely one tree was destroyed.

That is an example that, even in such a terrible conflagration as was swept by westerly gales of Victorian and New South Wales alps and mountains in 1939, an area of high fire risk as is the West Kiewa Valley can be made safe by preventive measures as practised by the Aborigines and experienced Australian bushmen.

There are many such examples. My grandfather had grazing rights at the first declared national park in the world, and now the Royal National Park south of Sydney. He and Matey, his son (my uncle), as they rode through the park on mild, calm days dropped lighted waxed matches to start fires to trickle along burning the ground debris, but not large trees. As a small boy I rode on my pony with my uncle as he lit such a fire. That part was never burnt out in my lifetime until it was taken over from the trust which managed it by the National Park Service in the 1960s. In my youthful days it was a place of beauty and joy as I rode or led parties from Sydney University on bush walks through it.

Now, large areas of it are burnt almost yearly to a black and ghastly ruin, which would have horrified the Aborigines and my grandfather. There are some lessons of history in the Kosciusko National Park and the Nadgi Nature Reserve on the south coast of New South Wales. They were places of beauty and utility when graziers did their controlled burning there.

Now large areas of the Kosciusko National Park are frequently burnt to scorched, eroding earth. The Nadgi Nature Reserve was a place of great beauty, never burnt out until it was taken over by the National Parks Service in the 1960s. After that it was completely burnt out within five years, with wild animals drowning after jumping over the cliffs into the ocean trying to escape the terrifying conflagration. The lesson is careful husbandry. The prevention of disastrous fires is necessary to preserve the beauty and utility of our land and to save it and its inheritance from destruction and economic loss.

Further on in his paper Mr Moriarty says:

I came to South Australia in 1953 and took over a property 'Glen Avon' of 36 acres in the Aldgate Valley. From my experience in New South Wales, I saw that it had extreme fire hazards. It had frontages to four roads. The roadsides had masses of fuel of gorze, blackberries, grass and scrub, just right for a conflagration in the spreading of bushfires. With the help of traditional experienced neighbours, I burnt the roadsides in the winter and spring, and burnt the areas of highest fire hazard in the summer.

Black Sunday came on 2 January 1955, and sparks from Upper Sturt Road from Upper Sturt were carried in gale force winds and ignited the hill top along the roadside of a property next to mine. That property had not had controlled burning and it was completely burnt out in a terrifying conflagration. Not a possum or bird was left alive. A neighbour, the most experienced and expert bushman of the Hills, Mr Tom Shanks, and I lit a back burn fire to meet the inferno raging towards Aldgate valley and that property, and that stopped the advancement of the fire. The next day Mr Shanks was denounced by a recent immigrant to Australia for having lit the back burns.

The areas I have burnt in the previous spring on the roadsides and in my property could not burn again. The fire could not proceed into Aldgate Valley, so the valley was saved from Black Sunday. After that, I continued for 25 years controlled burning yearly in bushland or on the roadsides of my property. Grasslands were grazed or cut for hay, water from a dam and a bore was extended in pipes thousands of feet long through the property and parts where irrigated. With such husbandry, the property could not burn even in the most extreme conditions of bushfire.

That, I believe, sums up well the position which we need to consider in South Australia. We need a Select Committee

to more openly and thoroughly review the methods of fire prevention that are carried out not only within national parks but also within any State or local government controlled land, because the action that we take will be very important in determining the extent of Ash Wednesday 3, if that ever occurs, and none of us would want to see that.

We need certainly to provide water supplies in inaccessible regions to ensure that homes are appropriately protected and risk minimised. We also need to ensure that the very large masses of bushland which we have in the Adelaide Hills region, and in the many national parks throughout the State covering those nearly five million hectares, do not become a literally unlit bonfire waiting for just the right circumstances to erupt in a ball of flames.

I mentioned earlier about the fire in the Mount Remarkable National Park. It was disturbing to hear from local people on that occasion that there was a desire by some people to back burn in the park and provide a bulldozer strip on which to back burn. I understand that the necessary permission from the Minister then took from Sunday or Monday until Wednesday to arrive, during which time there was even greater destruction in that park.

One thing that disturbs me now is that every time we have a bushfire in a national park or in Government controlled land there is almost total destruction. That certainly happened on Ash Wednesday in the South-East, and the national park in the path of that fire was wiped out, as was every living creature in it. It is most unfortunate that as a result of that both the flora and fauna have been badly damaged and, in some cases irreparably damaged. I believe that, if some measures had been taken similar to those I have seen taken in the past by neighbours to provide sheltered areas of burnt land, there would have been either a reservoir of animals to restock the national park or at least a place in which those animals could shelter to avoid being destroyed by those fires.

We have seen time and time again in recent years where national parks have been almost totally destroyed. The national park on Fleurieu Peninsula in recent times was almost totally wiped out by fire and the damage that was caused was, in my view, unnecessary because, if proper fire control measures had been taken, we would not have seen damage to the extent that occurred.

It is not as if our native bush has not developed some immunity from burning because, as everyone who is associated with native bush areas in South Australia would know, some good comes from burning those areas, not only in spring but also in autumn. In my opinion it is essential to avoid the very high risk summer burns which are occurring in these areas and which are causing such huge damage. Sometimes I wonder whether some of the people in the conservation movement who oppose these sorts of measures really understand what they are doing. I am quite certain that they do not, as it is because of them that so much damage has been done to our national parks in the past few years.

They seem to have some idea that if one touches anything with a match it is automatically destroyed. That is not the case in native bush areas. If one touches such areas with a match one often does much good, provided that it is not done in the middle of summer, when the extremes of temperature cause absolute destruction, or near to it.

If honourable members visit the Adelaide Hills now and look at some of the older trees, they will see how the temperature extremes killed the trees on Ash Wednesday because the fire was just too hot. It destroyed the potential buds under the bark that would have allowed those trees to revive, and that occurred because there has been no controlled burning. There are parks in South Australia which have not been burned for 30, 40 or 50 years and which are just right for burning. In many cases they are merely a wick for other areas. People who are on the wrong side of these parks are terrified because all that needs to happen is one strike of lightning, one match or one fire burning slightly out of control on the wrong day and this would provide the temperatures and the hot fire that ends up destroying so many other areas. Once a fire gets hot enough, there is little one can do about it. It also puts in jeopardy many of the people who have to assist in the fighting of fires, because no Government can provide the equipment or men who are needed to fight fires in rural areas.

It is necessary for neighbours to assist, and these neighbours, I must say, are getting more and more resentful that they are being placed at risk in many of these areas, because people in the conservation movement have insisted on a no-fire situation in national parks. People in the conservation movement do not have to go in and fight the fires. The people in the conservation movement do not go back and look at the results: they move on to the next part and do not see what we have to see in rural areas; that is, the total destruction of areas, which, it might surprise conservationists to know, are areas that we also love. So be it.

The Northern Territory has a different attitude towards the situation and insists on controlled burning, not only in national parks but also in some station country, in order to provide the sort of control about which I have been speaking. I refer to a report of the House of Representatives Standing Committee on Environment and Conservation which looked into the environmental impact of bushfires. I do not believe there is much difference between native areas in the Northern Territory and those in our State. I intend to quote that report, and I shall be happy to make it available to any honourable member who wishes to look at it. The report states:

> Despite this difference, there is sufficient evidence to suggest that the major vegetation communities across the Territory are fire adapted, have evolved over thousands of years in the presence of fire and rely on fires of varying intensity for maintenance of health and vigour.
>
> Those species of Territory fauna and flora that are fire sensitive either occur in 'fire shadow' areas which do not normally burn, or else rely on early, low intensity fires to remove fuel from the surrounding country.
>
> In the Territory context, fire is an essential land management tool. Total prohibition of fire, if in fact it can be achieved, can have consequences equally as disastrous as catastrophic wild fire in terms of reduction of habitat and species diversity and for maintenance of health and vigour of vegetation communities. There is ample evidence to suggest that Aboriginals used fire as a management tool and that our fauna and flora evolved over thousands of years as a consequence.

That is a very important point. In fact, most of our species in the native vegetation areas of this State have also evolved under the same system. Aborigines used fires as a tool but, as I understand it, they certainly did not have a total prohibition and the total wild fire situation that people seem to believe is necessary now. The report continues:

> Total fire protection cannot be achieved in this situation. The answer lies in a combination of protection through development of a fire break system with improved access; management through use of early dry season burning to reduce hazard; and suppression through the development of a combination of professional and volunteer 'fire brigades'.

It is an interesting report, and anyone who has an interest in this area should read it. I refer to a seminar on bushfires in the Adelaide Hills, 1980, at the University of Adelaide and a paper presented on fuel reduction burning by Mr J.F. Hare, Senior Forester with the Woods and Forests Department. I will read some of the paper, because I believe that it should be looked at not only by a Select Committee but also by the Council when deciding whether to support the establishment of a Select Committee. The report states:

> South Australia, due to her geographical location and the associated weather patterns, is subject to hot dry summers of varying

severity. Whether we like it or not, it is necessary to learn to live with the inevitable wild fires which are part of the Australian scene and will always occur no matter how much effort is put into their prevention. However, every effort should be made to keep the severity of any outbreak to a minimum. Fires will only occur where there is flammable material to provide fuel and it should be our endeavour to reduce this fuel whenever practicable.

Good housekeeping in association with fire protection around the home is a term familiar to most and includes the cleaning up and removal of unwanted materials, raking leaves, cutting grass, composting, clearing dead shrubs and limbs and burning rubbish. By doing these things the available fuel for a wild fire is reduced. When we come to deal with larger areas such as roadside strips of vegetation or areas of natural forest, the problems of fuel reduction are greater. Fuel can be reduced mechanically or by burning . . . The Woods and Forests Department applies prescribed burning to the natural forest under its control and programmes for burning are included in management plans prepared for forest districts. Although areas which have been prescribed burnt may still carry a fire on a severe day, the lower intensity of the fire, because of the reduced quantity of fuel, makes suppression easier for fire fighters.

The marked effect that prescribed burnt natural forest can have on the spread of wild fire was illustrated recently in the South-East. In February 1979 a major fire spread through pine plantations in Caroline forest. But where prescribed burnt forest was in the path of the fire, the progress of the crown fire was halted due to lack of sufficient surface fuel to maintain the fire. Adjacent natural forest which had not been prescribed burnt was completely gutted. Native vegetation is well adapted to fire and has very efficient means of recovery following burning. Nevertheless there is still insufficient knowledge of the long-term effect of frequent burning . . .

I agree with that. In looking at this question we must be careful not to go too far. The paper continues:

Fuel reduction burning should be done before all fuel is dry. Sometimes, as in gullies, it will be too wet to burn, so there is a mosaic of burnt and unburnt patches over the treated area. The usual aim is to achieve a 75 per cent coverage, in which case it may be necessary to burn the gullies later, after they have dried out.

If anyone is interested in this subject, they should read that paper. Another paper presented at the seminar is interesting and should also be looked at by the Select Committee. I refer to a paper prepared by Brian Chatterton, then Labor Party spokesman on rural affairs, and presented to the Seminar on Adelaide Hills Bushfire, 1980. Page 3 of the paper states:

I have every confidence in the CFS's ability to be the core of a fuel reduction programme, and I know members of the CFS would agree with me that a special group of professional officers should be selected to work from the CFS and in co-operation with the Woods and Forests Department and National Parks and Wildlife Service to reduce the future severity of fires in the Adelaide Hills by planned fuel reduction.

No lives were lost in these two fires of 1980, but, unless we take every precaution possible to minimise fires and their resultant damage, it may well be only a matter of time before something more tragic than loss of property occurs.

The Hon. Mr Chatterton was quite correct at that time. I believe that it is essential that this subject is addressed by a Select Committee of this Council so that it can examine all the problems without any bias being attached to its views.

It is necessary to accept that not all fires that occur in national parks begin in those parks. There are problems with neighbours who live alongside national parks. No doubt some of them are careless farmers. That is another area that must be considered, along with the question of whether we should provide ample fire protection from outside as well as from inside. It is essential that this matter is looked at from the point of view not only of the National Parks and Wildlife Service but also of neighbouring properties. There can be areas of native vegetation next to national parks over which the Department has no control. That problem must be addressed. It may well be that we will have to require neighbours to take necessary action such as fuel reduction in order to provide some protection to both national parks and other Government owned land.

I trust that the proposal for a Select Committee will receive the support of all members and that its members will address the task in a fair and unbiased way and come up with some suggestions that will assist in the protection of our national parks and other areas of the State that need to be protected so that the future of native vegetation in this State in the vast areas controlled by the Government are retained and not damaged further by wild fires in summer periods.

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

TAXI-CAB INDUSTRY

Adjourned debate on motion of the Hon. M.B. Cameron:

That a Select Committee be appointed to inquire into and report upon the taxi-cab industry in South Australia with particular reference to—

1. *(a)* the structure and operation of the Metropolitan Taxi-Cab Board;
   (b) the ownership and control of the industry;
   (c) the licensing sytem; and
   (d) the location of taxi stands in the City of Adelaide.
2. The role of the taxi industry as a sector of the tourist industry.
3. That, in the event of a Select Committee being appointed, it consists of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
4. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 21 March. Page 2650.)

The Hon. C.W. CREEDON: The Government opposes the motion. It is hard to know how to separate the arguments in relation to this matter and the matter dealt with last week regarding disallowing regulations made under the Metropolitan Taxi-Cab Act, 1956. The intention of that regulation was to bring eventual peace to an industry that the Hon. Mr Cameron claimed is disturbed. That is possibly the case, seeing that the Opposition seeks to set up another inquiry, this time in the shape of a Legislative Council Select Committee which will no doubt take months to gather evidence and report back to Parliament. Whether or not any evidence will be new would remain to be seen, but most likely it would be the same evidence that has been gathered by previous committees. I have no doubt that the decisive action of introducing the one plate system envisaged by the Government will remove the major bone of contention for the majority of taxi operators. After all, there is a larger number of green plate operators than there are white plate operators. In speaking to the motion to set up a Select Committee, the Hon. Mr Cameron told us that there were 845 licensed taxi-cabs with only 250 being white plates—the majority (more than two to one) being green plates.

The Hon. M.B. Cameron: What about the restricted green?

The Hon. C.W. CREEDON: The number of cabs was 845, of which there were 250 restricted and white plate cabs, and that is roughly one-third of the number of taxi-cabs. A letter written by Mr T. Mazis—a taxi-cab driver of Pasadena, which appeared in the *Advertiser* of 26 March under the heading, 'Getting one's fair share at heart of taxi-plate dispute', stated:

By accident or design the public has been left confused about an apparent intra taxi industry squabble—the one-plate system flare-up.

Under the proposed one-plate system the two-tiered set-up of rights and privileges will be done away with and all cabs will

enjoy the same conditions. The white plate cabs will forfeit exclusive traditional use of main city stands and will share them on a par with green plate cabs.

The impression given is that white plate cabs will be disadvantaged. Is this so? Mr Dean Brown, shadow Minister of Transport, and 250-odd white plates out of 850 cabs in all, strongly push this line. After all, they argue, white plates cost $5 000 to $6 000 more. Why shouldn't they maintain an advantage?

It is unfortunate, however, that only half the story is told. You see, green plate cabs used to once enjoy exclusive traditional rights too! The right to exclusive use of suburban stands. That right was taken away from them back in 1976. Before that the price of white plate and green plate cabs was about the same. The 1976 decision was based on the need for greater efficiency in the taxi industry, even though a class of cabs—the green plates—became relatively disadvantaged.

The current proposal for a one-plate system is also based on the need for greater efficiency in the industry. And, no, the white plate will not be disadvantaged.

On the contrary the hitherto inequitable position will be remedied by abolishing all exclusive rights and openings up all stands to all cabs.

This letter does not seem to indicate that there are sufficient problems in the industry to warrant the setting up of a Select Committee. A Select Committee will only delay for a considerable time the possibility of settling the industry squabble. The main reason for the disharmony and dissatisfaction can be removed by the introduction of a one-plate system. A Select Committee is not needed to tell us that. This disharmony, if not a direct result of it, is severely aggravated by the decision in 1977, when the right of restricted or white plate taxi-cabs to stand for hire was extended to allow them to use stands in the suburban areas, where previously the green or unrestricted licensed taxis had the exclusive right to stand for hire.

Since then there has been a class distinction, which was emphasised by the so-called 'tooting off' rule applied to taxi stands in the restricted areas. Until 1977, the goodwill value of taxi licences was roughly equal when considering green plates and white plates. But, the 1977 action gave the white plates an inflated goodwill value for a few years. Since 1982 the relative difference has reduced until recently; it was found that in some cases the goodwill of green plate taxi-cabs at the time of sale was equal to or greater than that of a white plate taxi-cab at the same time.

During the days of the Tonkin Government, in response to representations from the taxi industry, both the Government and the Opposition agreed that the two plate system was an anachronism and that the matter of taxi-cab licensing would be examined. Following its successful bid for office, the present Government persevered with the examination and, following examination by a committee of inquiry, public submissions and a review by the Metropolitan Taxi-Cab Board, it had decided to amend the regulations and gradually introduce a one plate taxi licensing system.

Although gazetted on 5 January 1984, the one plate system was to come into full regulatory force by April 1985. The suburban restricted areas in Glenelg, Port Adelaide, Salisbury and Elizabeth were to be abolished from 1 April 1984, while the 'tooting off' rule was to be amended forthwith, allowing the green unrestricted licensed cabs to stand for hire on a vacant stand in the restricted areas. The industry has, therefore, been alert to and is, in the main, supportive of the one plate licensing system. It has been that way for over three years.

More recently the Minister of Transport requested a study of the role, functions and membership of the Metropolitan Taxi-Cab Board and is considering a preliminary report and recommendations from that study. But, the prime identified need for the taxi industry in Adelaide is a common one plate licensing system for taxis if the public is to get value for money from a harmoniously functioning and efficient taxi industry. The Hon. Mr Cameron said that no-one in the industry would deny that there are problems. These problems cover a wide variety of issues. He mentioned in the first instance the conflict between the green and white plate owners, which has been amply covered.

A conflict exists between independent operators, small companies and large companies. I have tried to look into this matter and I believe there are only two large companies—United Yellow and Suburban—and between them they control most of the radio network and all radio cabs pay a fee or a percentage for being able to use that network. There appears to be some dissatisfaction with the Metropolitan Taxi Board, the Hon. Mr Cameron stated. I take it that it probably revolves around the idea of creating equality within the industry because, no doubt, white plate owners are not wanting this sort of action; there is pressure from the union movement for greater involvement in the industry. That, no doubt, is a matter being looked at by the Minister in his inquiry into the role, function and membership of the Metropolitan Taxi Board.

Mr Cameron said that there is an over-supply of taxis. That is no doubt his own opinion, for he has presented no evidence to back up that statement. I am quoting facts when I say that the number of cabs per head of population in Adelaide would compare favourably with Victoria and New South Wales. Perhaps to give a further example, I will read a paragraph where the Hon. Mr Cameron stated:

In Tasmania, for example, recent legislation has been passed enabling the Tasmanian Commission of Transport to buy back licences issued to taxi-cabs operating in the metropolitan area. The main reason for this legislation was the realisation that the Hobart area was over supplied with taxi-cabs.

What the honourable member did not say (perhaps he did not know) was that about 10 years ago the Hobart bridge was demolished, causing great difficulties to Hobart commuters. One of the actions taken by the Government to alleviate transport problems was to license more taxis. When the bridge was rebuilt and travelling resumed its normal pattern, it was found that the extra taxis could no longer provide a satisfactory living for those operating them. Consequently, there was action by the Tasmanian Government to buy back excess licences. How it bought them back was an interesting point. The funding for the buy-back arrangement was by way of a levy on the remaining taxi fleets which, I believe, is about 250 cabs. So, it was not very expensive for the Government to buy them back. The present taxi operators are the persons who will pay to buy them back.

The Hon. Mr Cameron also referred to incomes being inadequate, stress increasing and the hours worked by drivers. I have no doubt that there are problems in this area, but that would be common to most other industries. So it is a matter to be sorted out by individuals and the industry itself. The Hon. Mr Cameron mentioned a movement to eliminate any taxi which did not have a radio. I did not find that kind of evidence but I did find that some cab operators—about 50—who are mostly white plate holders and who prefer not to have radio installed are content to collect fares by other means. I must admit that there are certainly a number of factions within the industry, including the Committee of Equality, the White Plate Operators Association, the Green Plate Operators Association and the Restricted Green Plate Operators Association. All of those organisations would have been eliminated if the plate matter had been settled when the Metropolitan Taxi-Cab Act regulations were before us. However, we denied them that opportunity.

There is also an Independent Operators Association involving non-radio people. They have no desire to have radio installed in their cabs. The Transport Workers Union has some membership and there is the Taxi Cab Operators Association.

The Hon. M.B. Cameron: With 35 members.

The Hon. C.W. CREEDON: Some—that is what I said. The Minister is maintaining a continuing review of the taxi industry. He, like the taxi industry and the Taxi-Cab Board, wants a uniform system of equal status. This he would have achieved had not this Council thrown out his desired regulation change in favour of this attempt to set up a slow-moving Select Committee.

The Hon. M.B. CAMERON (Leader of the Opposition): In summing up this debate, I did not find that the attack on the case I put was very devastating. I am certain that, having listened to the last contribution, members will realise that there is a great deal of concern within the industry. I believe that it is important that the industry receive attention from a group of independent persons such as members of this Council who are detached from this industry and who will look at it in an endeavour to resolve the many difficulties within it. I am certain that members will find that there are not many taxi-cab owners who would deny that a need exists for a searching inquiry by a Select Committee of the Upper House into the industry. I urge members to support the motion.

The PRESIDENT: The question is that the Hon. Mr Cameron's motion be agreed to. Those in favour say 'Aye'.

The Hon. M.B. Cameron: Aye.

The PRESIDENT: Those against say 'No'.

Several members: No.

The PRESIDENT: I think the 'Noes' have it.

The Hon. M.B. Cameron: Divide!

The Hon. C.J. SUMNER: On a point of order, as only one person called 'Aye', no division can be called for in those circumstances.

The Hon. M.B. CAMERON: Mr President, I draw your attention to the state of the Council.

The Hon. C.J. SUMNER: The question has been put. The Leader ought to keep his business in order.

The Hon. M.B. CAMERON: Mr President, I ask that you put the question again.

The Hon. C.J. SUMNER: I have raised a point of order. The 'Noes' have it and there is no point in calling for a division.

The Hon. M.B. Cameron: I heard another voice.

The Hon. C.J. SUMNER: There was no other voice, as you know, Mr President. I have raised a point of order and ask for your ruling.

The PRESIDENT: I have to uphold the point of order. I did suggest that the Leader draw my attention to the state of the Council before I put the question.

The Hon. M.B. CAMERON: This is a silly situation in which we have found ourselves. I do not believe that the vote represents the wishes of the Council and ask that the question be put again. This is not the first time that this has occurred. The same thing happened yesterday on the Government side and it would be rather mischievous of the Leader of the Government to insist on the vote. I am certain that he would find that his own Minister of Transport would be very unhappy if this situation was not resolved. He will find that the Minister desires the Committee to be set up. Therefore, I ask that Standing Orders be so far suspended as to enable the question to be put again.

The PRESIDENT: The Leader will be in the same position again unless he calls for a quorum.

The Hon. M.B. CAMERON: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

The Hon. M.B. CAMERON (Leader of the Opposition): I move:

That Standing Order 159 be so far suspended as to enable me to move forthwith that the resolution of the Council not to appoint a Select Committee on the taxi-cab industry be rescinded.

Motion carried.

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

That the resolution of the Council not to appoint a Select Committee on the taxi-cab industry be rescinded.

Motion carried.

The PRESIDENT: Having rescinded the last result, the Council should now vote on the following motion moved by the Hon. Mr Cameron:

That a Select Committee be appointed to inquire into and report upon the taxi-cab industry in South Australia with particular reference to—

1. *(a)* the structure and operation of the Metropolitan Taxi-Cab Board;
(b) the ownership and control of the industry;
(c) the licensing system; and
(d) the location of taxi stands in the City of Adelaide.
2. The role of the taxi industry as a sector of the tourist industry.
3. That, in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order No. 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.
4. That this Council permit the Select Committee to authorise the disclosure, or publication, as it thinks fit, of any evidence presented to the Committee prior to such evidence being reported to the Council.

The Council divided on the motion:

Ayes (9)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, R.C. DeGaris, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, and R.I. Lucas.

Noes (6)—The Hons Frank Blevins, B.A. Chatterton, J.R. Cornwall, C.W. Creedon (teller), M.S. Feleppa, and Anne Levy.

Majority of 3 for the Ayes.

Motion thus carried.

The Council appointed a Select Committee consisting of the Hons B.A. Chatterton, C.W. Creedon, L.H. Davis, I. Gilfillan, R.I. Lucas, and Barbara Wiese; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 8 May 1984.

ROAD TRAFFIC ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 3000.)

The Hon. M.B. CAMERON (Leader of the Opposition): This Bill seeks to amend the Road Traffic Act in a variety of ways. Some of the amendments are practical changes which the Opposition supports. There are other changes in relation to powers of inspectors and penalties for misdemeanors on the part of vehicle operators which we oppose. At the outset, it is worth noting that in 1982 amendments to the Road Traffic Act were passed, some of which if proclaimed would have had the same effect as changes being sought by the Government in this Bill. The Government has, after more than 16 months, still not proclaimed these changes, but now pursues further amendments. The Minister has been unable to give any satisfactory explanation for not proclaiming the 1982 legislation.

The changes being proposed in this legislation, particularly as they relate to heavy vehicles, have not been canvassed with the Minister's Heavy Vehicle Advisory Committee, which in fact has not met during the entire term of this Government. Why not? It seems extraordinary that significant changes to this area would be made without the appro-

priate consultative committee being involved and without it having met for such a long time.

We support the changes being made to allow road maintenance equipment to operate against the flow of traffic, driving on the wrong side of the road or disobeying various road signs, etc. It makes sense to allow operators carrying out improvement work on roads to have this limitation lifted from them, and we would certainly want to remove any liability from an individual required to operate such equipment as part of his normal work.

We believe that thought should be given to extending the provisions of the Act for vehicles being used by the State Emergency Services during any emergency situation. Presently, the CFS, Metropolitan Fire Brigade, ambulances and the police and, with this amendment, road maintenance equipment, are all exempted from the appropriate provisions, It makes sense that such an exemption should be allowed for the State Emergency Services.

As I indicated earlier, amendments to the Road Traffic Act were passed in 1982 but not proclaimed. One of these relates to increasing the penalty from $300 to $1 000 for a breach of the provisions in the Bill dealing with the inspection and maintenance of buses and tow trucks. In its 1982 Act, the former Government increased general penalties under the Road Traffic Act from $300 to $1 000. If the present Government had proclaimed that legislation there would be no need for these amendments. The Minister has failed totally to explain why the Government has failed to proclaim those provisions of the legislation.

Of general concern to the Opposition has been the power of inspectors, in particular, in carrying out their roles under the Road Traffic Act. Honourable Members may have seen press articles and listened to the debate in another place on this matter. If they had they would be well aware of the many vivid examples given by members in another place of instances where the powers of inspectors were clearly used beyond the intention of the legislation. Examples were given of inspectors being quite unfair and acting quite unwarrantably towards drivers or people in charge of vehicles to carry out certain instructions.

We oppose the huge increase in penalties from $600 to $2 000 for drivers failing adequately to determine the mass of vehicles and loads and the mass carried on vehicles. There are many instances, the transport of livestock being one, where it is almost impossible to tell prior to attending a weighbridge the exact weight of a vehicle fully loaded, and consequently there will be occasions when a vehicle quite inadvertently will be overweight; yet drivers are, under these proposals, to be severely dealt with. In the case of livestock transport, Mr President, as you would be aware, one can have a load of sheep in the wool, and a shower of rain can have a dramatic impact on the weight being carried on the vehicle through no fault of the person who loaded the vehicle and had it checked at the weighbridge. Quite a difference could occur during the journey.

We also oppose the present changes requiring the offloading of excess weight. A good example of the problems that can arise is that of interstate cold storage hauliers where, prior to departure, a refrigerated van is sealed by the appropriate health authorities and is unable to be opened until it reaches its destination, where the seal is broken and the contents of the van checked. Under changes being advocated by the Government, drivers of refrigerated trucks are placed in a no-win position where, if for some reason their vehicles are even slightly overweight, they will be required to offload some of the excess weight. This means breaking the seal on the refrigerated truck and therefore breaking health regulations, and at the same time potentially destroying or wasting a significant amount of cargo if there are sufficient small items that can be offloaded manually to comply with the direction of the inspector.

Another area of concern relates to the cost of inspection fees. The former Government prescribed a maximum charge that could be levied of $20. This Government has been totally unconstrained by its promise not to increase State taxes and charges and has broken that promise on more than 80 occasions to this date; yet it seeks to remove any limit so that inspection fees could become yet another form of the backdoor taxation that this Government seems so fond of. If any increase would be acceptable to the Opposition, it would be an increase in line with rises in the Consumer Price Index since the introduction of the $20 limit. At present this would lift the maximum allowable inspection fee to $30, but we would not support the lifting of any limitation whatsoever. There are a number of other points which other members of this side will make in Committee. At this stage I support the Bill, but there are, as I said, a number of areas of concern, and the Opposition will reserve its position on this legislation until the completion of the Committee stages.

The Hon. PETER DUNN secured the adjournment of the debate.

OMBUDSMAN ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 2996.)

The Hon. K.T. GRIFFIN: This Bill does not do what the present Attorney-General said that he would do when he was in Opposition. In a statement quoted in the *Advertiser* of 16 October 1982, he said:

> A Labor Government would immediately review the powers of the Ombudsman and would remove a requirement for the Ombudsman to notify a Government department before starting an investigation into it.

Instead, we have a distinction between a 'preliminary investigation' of an administrative act and a 'full investigation' of an administrative act. Neither 'investigation' is defined, and that will create uncertainties for the future.

The second reading explanation justifies the Bill by reference to the Ombudsman's special 'report' to Parliament in March 1982. It says:

> The Ombudsman, in his report to Parliament in 1982, indicated that the duty placed on him to give notice before he formally exercises powers of investigation, vested in him under the Ombudsman Act, 1972, unduly hampers his efforts to properly investigate complaints.

There is no attempt to justify the change in the Act by anything other than reference to that 1982 Ombudsman 'report'. That is not good enough in an area which has been subject to considerable public debate. Perhaps the Government was hoping that it could slip through a change very much less than it promised before the last election on the basis that there might be a reluctance to debate the issues in the light of what the Government perceived as a widespread view that anything that 'brought down the Public Service to size' would not be popular to oppose.

In fact, the Opposition will support the Bill, but will propose an amendment to make it fair to all concerned, thus adopting the spirit of the second reading explanation by the Attorney-General. As the Government has relied upon the 1982 Ombudsman 'report' as the basis for this Bill, it is appropriate to look at that 'report', as well as the newspaper report by the *Advertiser* on Tuesday 13 March 1984.

It may be remembered that the Ombudsman forwarded to the Parliamentary Presiding Officers what purported to

be a report involving pilfering of vegetables by prison officers. It was claimed by the Ombudsman that he received a complaint from an inmate of one of the correctional institutions that his classification and work location were being improperly affected by his involvement, involuntarily, in the pilfering of vegetables by prison officers.

In the final paragraph of page 1 of the special report by the Ombudsman and tabled in Parliament (not being his annual report), the Ombudsman states:

I have tried to live with section 18 (1) since becoming Ombudsman.

The inference from this statement is that the requirement of that section that he should give notice to the principal officer of the department or instrumentality before commencing an investigation has been the source of continuing difficulty in conducting full investigations. However, the only example quoted by the Ombudsman in suppport of this proposition in the March 1982 report is the case of vegetable pilfering. The fact of the matter is that the requirement to give notice did not in that case in any way impede the Ombudsman's investigation. The Ombudsman gave notice, albeit by telephone, of the proposed investigation and then proceeded without hindrance to conduct a full and complete investigation. He has at no time suggested that information necessary for the investigation was withheld from him, or that he was in any way hampered in conducting the investigation. The result of the Ombudsman's investigation into that case was that: *(a)* the complaint that the prisoners' classification and transfer system was being abused and the complainant thereby victimised, was not justified; and *(b)* that evidence existed that three prison officers were involved in pilfering vegetables from the gaol garden.

Of course, only the first of these matters constituted an 'administrative act' within the meaning of the Ombudsman Act and, therefore, was within his jurisdiction. Be that as it may, the investigation into the second aspect of the matter was also completed, notwithstanding that notice had been given to the Director of Correctional Services, thereby creating the opportunity for 'cover-up activities', 'doctoring of public records', 'withholding of information', or other obstructions. It cannot, therefore, be said that the case affords an example of the difficulties with which the Ombudsman has had to live.

In that case the Ombudsman reported to the Director of Correctional Services that he had discovered evidence of pilfering of vegetables. This initial report was made by telephone call to the Director on 13 May 1981. On receipt of that information, the Director immediately contacted the Crown Solicitor's office by telephone for advice. The Director was advised to immediately refer the matter to the Commissioner of Police for investigation. The Director acted correctly, and immediately he had the matter investigated by police. The Ombudsman acknowledged in his report that the Director had by letter dated 27 May 1981 notified the Ombudsman as a matter of courtesy that the matter had been placed in the hands of the Police Commissioner. In fact, the report of the Police Commissioner was that, in view of the amateurish attempted investigation by officers of the Ombudsman's Office (not by the Ombudsman, I should say), effective investigation by the police had been rendered impossible.

Even if there had been evidence obtained by the Ombudsman's officers sufficient to establish a *prima facie* case, the secrecy provisions of the Ombudsman Act would have prevented the use of the evidence in criminal prosecution, and the manner of obtaining the evidence would have made it inadmissible in a court.

In that case, there was no failure to provide information necessary for the purposes of the Ombudsman's investigation. In fact, the then Director of Correctional Services was adamant that at no time was he notified that the subject of the investigation was an alleged manipulation of the classification and transfer system.

The Ombudsman, in his 1982 report and, again, in the *Advertiser* of 13 March 1984 says that notice gives a department an opportunity to 'doctor' departmental records, 'fabricate' evidence or 'collaborate' upon evidence. In the time that I was Attorney-General I have no knowledge of any instance where this occurred. In fact, immediately upon reading these allegations in 1982 I wrote to the Ombudsman asking him to provide details of the allegations because I found them particularly disturbing and wished to have them investigated immediately. The Ombudsman did indicate that he had seven examples of alleged cover-up or fabrication from which he concluded that section 18 (1) of his Act should be amended.

Immediately the allegations were made and when these examples were provided I requested the Government Investigating Office (attached to the Crown Solicitor's Office) to make its own inquiries to establish whether or not there had been such a cover-up or fabrication. During the course of the investigation by the Government Investigating Office, the Senior Investigating Officer of the Ombudsman's Office gave details of three other incidents which he claimed gave further support for his request for amendment to section 18 (1). The earliest incident referred to by the Ombudsman occurred at the end of 1975 and the beginning of 1976, and the alleged incidents covered a period of about five or six years.

The Government Investigating Officer completed his report. There was no evidence at all in any of the 10 matters referred to by the Ombudsman which could justify an amendment to section 18 (1) to remove the notice requirement. There was no compromise to the Ombudsman's inquiries by the requirement for him to crystallise in his own mind the administrative act he was investigating and inform the permanent head of the relevant department or agency. In nine out of 10 incidents the Government Investigating Office reached the positive conclusion that there was no cover-up or fabrication. In the tenth matter (involving a local government council) there was some suggestion of amendments to papers, but no evidence from which it could be established who made the alterations to those papers, and no evidence that it occurred as a result of the notice requirements of section 18 (1). In any event, the local council strenuously denies the allegations.

So, there is no evidence at all which could justify the assertion that papers had been doctored or evidence fabricated or collaboration on evidence had occurred in consequence of notice being given by the Ombudsman. In any event, as I pointed out to the Ombudsman on a number of occasions, the notice required by section 18 (1) of his Act did not require notice in writing and such notice could have been given at the point when he arrived on the door-step of the department or agency seeking to gain access to files and dockets.

I remember that on 18 September 1981 I did have a telephone discussion with the Ombudsman in respect of informal inquiries, and I replied to him on 23 September 1981 by letter, as follows:

You did indicate that you were concerned about the prospect of over 4 000 complaints being the subject of notice in writing by you to Government departments or agencies when many of them were resolved informally. You did indicate that about 900 of the complaints that you receive in a year are registered and that something like 3 700 are sorted out on the telephone or otherwise in an informal way.

I appreciate the difficulty to which you refer, however, I think that it is something that can be resolved. I suggest that in respect of the complaints which are registered, there be a requirement that notice of the administrative act be given to the appropriate department or agency. There is no reason at all why those initial

informal contacts on the telephone should have to be reduced to writing until they present a difficulty or personal attendance at a department or agency is believed to be necessary. At that point, it seems to be appropriate to reduce the notice to writing. I am sure you will agree that that is in everybody's interest, including the Ombudsman's, to ensure the proper record of matters. Would you please let me have your views on that possibility.

From everybody's point of view it is important that, if the Ombudsman is to gain access to departmental dockets and papers, he crystallise the 'administrative act' he is investigating either before or at the time he presents himself to search those dockets so that departmental officers know the issues upon which attention is being focused and which dockets they should be searching for in order to satisfy the inquiries of the Ombudsman. The Premier's answers to questions in the House of Assembly clearly recognise the need for appropriate procedures relating to the Ombudsman's right to inquire.

In no case, not even in a preliminary investigation, whatever that is, is it in anyone's interest that the Ombudsman have access to departmental dockets which may be totally unrelated to the matter about which a complaint has been made to him by a citizen and which is the subject of an investigation. To that extent, the Government's amendment in respect of a preliminary investigation does refer to that investigation being limited to 'an administrative act'. But, the difficulty with the Bill is to define 'preliminary' investigation, and to determine when a 'preliminary' investigation becomes a 'full' investigation. The Premier in the other place admitted that it was a grey area. If 'preliminary' investigation is in fact a 'telephone inquiry', then that ought to be clear. If it is something more, then it ought to be so expressed. The Opposition has no difficulty with telephone inquiries.

Nowhere has any justification been shown for the change which the Ombudsman sought, namely, to remove any requirement for notice (either before or concurrently with commencement of an investigation) in respect of the investigation of an administrative act. In all the cases of which I am aware during the period that I was Attorney-General, public servants did desire to co-operate and did co-operate fully with the Ombudsman and his officers, albeit that on rare occasions the response was slower than one should ordinarily have expected. It must be remembered that it is in the interests of the public servant, a career officer, that problems with the public be resolved, and be resolved at the earliest opportunity.

The requirement of notice either before or at the time of entering a department to conduct an investigation exists, as far as I am aware, in the Ombudsman Acts across Australia. All other Ombudsmen have, as has the South Australian Ombudsman whoever he is or may have been, received co-operation and a measure of goodwill from Government and the Public Service in ensuring that, if an administrative act is complained of by a citizen, it is reviewed at the earliest opportunity by a person occupying an independent office responsible to Parliament.

The Opposition will not oppose the Bill even though it is not regarded as necessary, but will move an amendment seeking to require some clarification of the point at which information is required to be given by the Ombudsman to a department or agency where the Ombudsman wishes to inspect a document held by the department in the course of conducting a preliminary investigation. For the purpose of considering that amendment, I support the second reading of the Bill.

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

CLEAN AIR BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 3003.)

The Hon. J.C. BURDETT: I support the second reading of the Bill. In his second reading explanation, the Minister gave as his principal reason for the introduction of the Bill the fact that it was desirable to bring all the pieces of legislation on air pollution together in one place. At the moment, under existing law they are scattered throughout various regulations and Acts. I certainly approve of this principle of bringing together all the legislation on one subject where it is practicable to do so. Of course, the previous Government also did that. In 1982, it introduced a Clean Air Bill, largely with the same basic principles as this Bill, but it lapsed on the prorogation of Parliament.

In passing, I think that the process of bringing together in one place all the law relating to a particular subject is good, where that is practical (although that is not always possible). I suppose in this respect this Bill can be likened to the Controlled Substances Bill, which was debated at some length in the Committee stage last night, because it sought to bring together in one place all the laws relating to drugs.

The Hon. R.C. DeGaris: Is that satisfactory?

The Hon. J.C. BURDETT: Not in all respects. I believe that the Bill introduced by the previous Government was satisfactory, but it lapsed on prorogation in 1982. The Bill now before the Council contains some significant changes from the previous Government's Bill. I do not agree with those changes. In the circumstances, because I obviously agree with the principles of the Bill, I will not enlarge on them. The Liberal Party clearly supports the major thrust of the Bill. Therefore, I will address myself to the changes and differences between this Bill and that introduced by the previous Government.

First, I refer to the definition clause, clause 3, and the definition of 'prescribed matters', which is obviously most important in the administration of the Bill. The prescribed matters are those that must be taken into account when an inspector is considering whether or not to require the occupier of premises to carry out any work. Obviously, those matters are important. The cost of carrying out the work could be astronomical; it could be enormous. It is necessary that there be a proper and just set of guidelines which an inspector or the Minister must take into account when deciding whether or not to require an occupier to carry out work.

In the Bill presented by the previous Government, the matters that had to be taken into account included 'the economic implications of requiring any person in question to install or use those technological processes'. I do not suggest for a moment that economic implications should be the only consideration. If the situation in question is such that the harm being done to residents by the pollution is so great that, whatever the economic cost, changes should be imposed by the Minister or an inspector, that must be done. It would be quite improper to ignore them. The Bill in its present form means that they must be ignored. The definition of 'prescribed matters' uses the word 'means', and it does not include 'economic matters'. The word 'means' is exhaustive. The prescribed matters listed are the only things that the Minister or an inspector can take into account.

The Bill defines 'prescribed matters', as follows:

(a) prevailing weather patterns and meteorological conditions;
(b) the topography of all relevant land;
(c) current technological processes for controlling air pollution and minimising the harmful effects of air pollution;
(d) the availability of those technological processes, and the suitability of the premises in question for the implementation of those processes;

(e) the likely effect of the air pollution in question on persons, animals, plants and property:

All those things are quite proper and quite diverse. Surely, added to that list should be 'the economic implications of requiring any person in question to install or use those technological processes'. That would mean that a balance could be struck by the Minister or an inspector, as the case may be, as to how all that comes out when all those things are taken into account.

Because of the way in which the Bill is presently drafted, economic implications cannot be taken into account at all and, of course, those economic implications could be enormous. A person conducting premises might be required by the Minister or an inspector to expend an enormous amount of money, which could be detrimental to his business. It could be fatal to his business and, of course, it could involve a very considerable loss in employment, which is most important at present. It is quite ridiculous to exclude economic factors. Once again, I do not say that they are the main or the only factors, because there may be occasions when they should be taken into account and then rejected. But, they should be able to be taken into account, and this should be one of the things to which the Minister or inspector, as the case may be, has regard.

Another change between this Bill and the previous Government's Bill I find quite extraordinary. Clause 33 (1) states:

Subject to this section, after the expiration of the period of three months from the commencement of this Act, the occupier of premises shall not cause, suffer or permit the emission of an excessive odour from those premises.

That is fine. Subclause (2) states:

An odour emitted from premises is excessive if—

(a) a complaint is made to the Department by a member of the public alleging that the odour is offensive or causes discomfort;

(b) it is detected outside the premises by an authorised officer relying solely on his sense of smell;

So, the officer relies solely on his nose—solely on his old factory organ; that is, his own nose—a purely subjective test. The clause continues:

and

(c) in the opinion of the authorised officer, the odour—

(i) is offensive, or causes discomfort, to a degree or an extent that members of the public ought not reasonably be expected to tolerate;

and

(ii) is of a strength that exceeds to a significant extent the level at which the odour is normally emitted (if at all) from the premises.

(3) It shall be a defence for a person charged with an offence under this section to prove that the emission of the odour could not, by the exercise of reasonable diligence, have been prevented.

Subclause (3) provides the only defence. Clause 33 is extraordinary. It provides that an offence is committed if a complaint is made to the Department and an inspector relying solely on his sense of smell—and they are the words of the Bill—is of the opinion that it is offensive, and so on, as stated in the Bill.

The Hon. R.C. DeGaris: It depends whether or not he has a cold.

The Hon. J.C. BURDETT: Yes, and that creates an offence. There is only one defence, and that is, if the person charged can prove (and he has to prove it) that the emission of the odour could not, by the exercise of reasonable diligence, have been prevented.

It is an amazing situation that a person can be charged solely relying on the subjective evidence of another person's sense of smell. There is no defence unless that person can prove that he could not have prevented by the exercise of reasonable diligence, the escape of that odour. I find this quite intolerable and, during the Committee stage, I will be opposing this clause.

The Hon. J.R. Cornwall: Will you be trying to amend it or will you just rub it out altogether?

The Hon. J.C. BURDETT: I will oppose the clause entirely.

The Hon. J.R. Cornwall: So, you leave Bolivar, Royal Park, and Toohey Street?

The Hon. J.C. BURDETT: Not at all. Other steps can be taken. Concerning the creation of this offence, I say that offences should not be created in such circumstances. One of the other differences between this Bill and the previous Government's Bill concerns clause 40, which provides for inspectors to be able to break and enter. In part, it states:

... enter, or break into, and take possession of such premises or parts of premises and do, or cause to be done, such things as full and proper compliance with the notice or order may require.

I am not opposed to there being a power of entry, even a power of breaking and entering, provided that it is exercised on reasonable grounds. I would propose that the person breaking and entering as authorised by the Act should not be able to do anything or cause anything to be done on the premises other than in the prescribed manner. That can be prescribed by regulation. The power should be able to be exercised only in order to avert serious injury to public health. It should not be for any other purpose—for the purpose of spying, gaining information or anything of that kind. Surely, under a Clean Air Bill this kind of thing ought to be able to be undertaken only where it is necessary, for the purpose of the Bill, to avert serious injury to public health.

The other change between this Bill and the previous Government's Bill concerns the ability of councils to determine the hours during which burning should be allowed. I will move an amendment during the Committee stage to provide for a determination by a council of the hours during which the burning of matter by fire in the open may or may not be carried out. It should be up to councils to determine these matters. There are great differences in the requirements as to burning in the inner metropolitan area, the outer metropolitan area, country areas, country towns and rural situations. The local council is the body which will best know what should be done and what hours should be used.

The situation will be quite different in all areas of the State—in rural areas of the West Coast, the Far North, South-East, small country towns, large provincial cities and in the metropolitan area. It is ridiculous not to allow the body best able to determine the hours most suited to a particular area to determine those hours. During the Committee stage I will move an amendment to that effect. As I have said, it is obvious that I support the principle of the Bill because the Liberal Government first introduced a Bill of this kind. Therefore, I have confined my remarks to talking about the differences between this Bill and that of the previous Government. In these circumstances I consider the Bill to be essentially a Committee Bill and will be raising in Committee the matters that I have outlined. I support the second reading.

The Hon. PETER DUNN: In supporting this Bill, I find some things in it quite amazing. I wish to refer to them in the context of how they affect people who live away from the city. I am aware that the intention of this Bill is to control pollution in the city. I am aware of that just as much as anyone who drives from the Hills into the city and sees the pollution that is evident in the air. On my once a week trip I find that it is obvious on still, calm days that there is a large pool of polluted air sitting over the city, which is obvious from as far away as 100 miles. It appears as a brown haze on the horizon and usually tends to wander to the south. Perhaps Adelaide is lucky in that it has the

Hills in the background, which tends to cause air currents to carry away that pollution.

I believe that this Bill is complex and breaks new ground. As has been said by previous speakers, there are some very disturbing clauses in it. Clause 33 has been spoken about and I, too, am quite amazed at how subjective the clause is. No practical application can be made of it. It states that an odour emitted from premises, if excessive, shall be detected outside the premises by an authorised officer relying solely on his sense of smell. Many people have very different senses of smell. I, for one, do not have a strong sense of smell and that puts me at a disadvantage, especially when I am eating fine food and drinking fine wine.

The Hon. Frank Blevins: It does not stop you.

The Hon. PETER DUNN: No, it does not stop me but it demonstrates that we do not all have the same ability to determine what is an odour and what is not an odour. If someone with a high sense of smell drives past my property, they may pick up an odour. Odours have various causes, primarily rotting vegetation, decaying animal tissue—

The Hon. M.B. Cameron interjecting:

The Hon. PETER DUNN: That is rotting vegetation. Odours also come from chemicals. Some of the chemicals today have a very powerful odour. I can cite some of the aphicides that are being used today. I am not sure whether they kill the aphids by chemical reaction or purely with the smell. They almost kill me. There is need for control over those smells. We can imagine someone with a high sense of smell being some distance away, picking up a smell, and finding it offensive. The officer then determines that that person has committed an offence. Yet the neighbour, who may not have a sense of smell of such finesse, is quite happy with that smell passing by him.

It also does not take account of the fact that there could have been a bust-up between neighbours. Any smell, whether it be odoriferous or not, could be used to inhibit a neighbour carrying out burning or whatever. He may have a vegetable patch from which he is making compost. It is legitimate to do so but, because his neighbour believes that it is too strong, that person has to get rid of the material. So, whether the smell is too strong or too obnoxious will not be determined by a number of people—it will be determined by one person. I object to that strongly and will support the amendments placed on file by the Hon. Mr Burdett.

[*Sitting suspended from 6 to 7.45 p.m.*]

The Hon. PETER DUNN: Prior to the break we were endeavouring to establish what is a smell or an odour. Maybe an odour is a scent to somebody else; maybe it is a pleasant experience to one, but an odour to others. That is a very difficult thing to determine and is purely subjective. That brings me to the conclusion that an industry may put out an odour that may be a scent to it. I can demonstrate that by saying that piggeries, which to me have a very high odour, have a smell that has often been referred to as the smell of money. That demonstrates that an odour can be quite acceptable to a group of people.

The Hon. M.B. Cameron: Not necessarily for the neighbours.

The Hon. PETER DUNN: No, not necessarily for the neighbours. That brings me to the point of asking how industry will know when it is polluting the atmosphere with an odour. It has to determine that itself; otherwise, it is likely to be picked off by an officer who has a big nose and is able to determine that it is an odour. If we have a relocation of industry because it cannot in any way control its odour that would cause great financial and physical disruption to that industry, probably because of no cause of its own. I refer particularly to those industries that have traditionally been on the periphery of the township or city but because of the growth of that township or city they become offensive to the people who surround them; that would cause them to have to shift. So, that becomes a very big physical and financial burden. The Bill does not address that problem; it does not address the economic hardship that it may cause to an industry.

The Hon. J.C. Burdett interjecting:

The Hon. PETER DUNN: No, under the Bill it cannot be referred to and therefore it cannot be taken into consideration by anyone at all. Those industries that are most likely to be affected in that way are the poultry industry and the pig industry. Many of these industries are relatively close to the city; many of them are in the Barossa Valley, just over the Adelaide Hills, and in areas that are having more and more people move in and settle. Thus, people will complain about the odour from those industries, which is very difficult to control.

Often these industries are set up so that the prevailing winds carry that odour away from the general populace but, as honourable members all know, the wind does not blow in the same direction all the time; it changes frequently. At different times of the year the prevailing wind would tend to blow the odour back over the populated areas so that it creates a great problem if the big sniffer turns up and says that that is not acceptable.

However, improvements are being made in all these industries. I refer particularly to the pig industry, which has been the subject of a great deal of talk and concern by people who consider that the odour from those places is very high. Today, with the new methods of bucket flushing, whereby the water flushes the effluent from them at about hourly intervals, the odour is much less and the decomposition of the offal and so on from the piggery is much less. So, they are improving those processes. It still boils down to the fact that it can be a very great economic burden for those people who in good faith a few years ago started that industry at that spot and now under this Bill could quite likely be asked to shut down and move to another area.

The Hon. J.R. Cornwall: Do you have trouble detecting that odour without a mechanical aid?

The Hon. PETER DUNN: I admit that I do not smell particularly well, particularly after shearing sheep all day. My olfactory glands do not pick up those smells greatly because I may have become used to them, but other people may be offended. It is subjective and it is offensive to other people. This Bill appears to be another Big Brother tactic and has the ability to wield a fairly big stick to regulate those people who offend.

Moving on to clause 39—burning in the open and of incinerators—I am not particularly worried about incinerators. I realise that they are a problem; they are a problem even on a small property, not so much for the smoke that they produce—that can happen—but mostly in the summer it is difficult to get suitable days on which to burn. Burning in the open creates a problem, which is brought about when people wish to burn stubble or grass to get ready for the opening of the season and for working up their soils. If we stipulate that they should burn only between 10 a.m. and 3 p.m.—and that has already been forecast—that will make out of bounds those periods that are the most suitable times for burning grass, that is, in the cool of the evening when fires can be easily controlled and put out and do not do a great deal of damage.

It is reasonable to assume that it is likely that the metropolitan area can put a ban on. If that is taken up by the district council it is reasonable to assume that what is applicable here in the city may not be applicable further inland, and vice versa. For the burning of stubble generally they wish for a fairly hot day or a north wind in those areas

bordering the coast, but for those inland it is just the opposite. They look for a cooler day in which to do that.

That is another restriction that is placed on those people by this Bill. If we look at the composition of the Clean Air Advisory Committee we see that it comprises an officer nominated by the Minister, a chemical engineer nominated by the Minister, a person with experience in fuel technology, a person with experience in meteorology, one with experience in the field of air pollution, and another nominated by the Minister of Health.

In consultation with the Local Government Association there will be a person from that background, a person from the Chamber of Commerce and Industry, a person from the UTLC and the Minister, after consultation with a conservation group, will appoint someone from that background. All those departments and groups have an input, true, but there has been no mention of the people who use burning and are affected by it; that is, the farming community. There has apparently been no consideration for that lobby at all. It is not so much a lobby, but there is no mention of that group. I would have thought that the UTLC and the Chamber of Commerce having a member it would be reasonable to assume that perhaps a representative of the United Farmers and Stockowners should have been asked to nominate a member and have an input into that body. Certainly, I disagree with the Bill because of that factor.

Finally, the most odious clause in the Bill is clause 40, which can be described as the 'breaking and entering' clause. This is an enormous power to give to a person about whom it has been said might not go in there for any reason other than to determine what is causing an odour or pollution problem. Who knows? That could be (pardon the pun) a smoke screen to go in for other business, because that person can go in so easily.

The Hon. K.T. Griffin: Untrained people with more power than the police!

The Hon. PETER DUNN: That is exactly right. It sounds to me like the Third Reich and its activities. Clause 40 (2) provides:

> An authorised person shall not exercise his power to break into premises except upon the authority of a warrant issued by a justice, unless the authorised person believes—

he only has to believe—

> on reasonable grounds, that the circumstances require immediate action to be taken.

The Hon. K.T. Griffin: We deleted that last night when the Government agreed in another Bill.

The Hon. PETER DUNN: It is to be hoped that we can excise this section out of that clause because, to me, that is quite odious. The provision could be used in a most improper manner. I agree with what the Bill is aiming at but I do not agree with some of its methods. Therefore, I will be supporting the amendments to be moved by the Hon. Mr Burdett. As I said, some provisions sound much like activities of the Third Reich with a big nose. I support the Bill at this stage and will support the amendments to be moved.

The Hon. J.R. CORNWALL (Minister of Health): I thank honourable members for their contributions. They have raised some valid matters for further consideration and some matters that I do not believe ought to be proceeded with by way of amendment or by way of deletion. I will not go into the details at this stage. The Hon. Mr Burdett said that this Bill in many ways was a Committee Bill, that it is wide ranging and affects people from suburban backyard burners to the Hon. Mr Dunn's people involved in intensive and extensive pighusbandry and involves a range of considerations from quite technical matters and measurements which can be done with great accuracy to the use of the olfactory apparatus, in other words, the human nose. The question arises of whether the human nose is subjective or objective in a range of human circumstances.

So, as the Hon. Mr Burdett said, it would be more valuable to consider the Bill clause by clause and to speak to each of those specific clauses rather than to make an extensive second reading reply at this time. Therefore, I believe that we should get the Bill into Committee as quickly as we reasonably can. I indicate that I intend to report progress quickly in Committee so that everyone can sleep on it and the processes of consultation which are proceeding can hopefully come to some fruition within the next 24 hours or thereabouts.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: As there are a number of matters on which I have to take advice from my colleague the Minister for Environment and Planning, it would be wise if at this stage we reported progress.

Progress reported; Committee to sit again.

HEALTH ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 2925.)

The Hon. J.C. BURDETT: This Bill is entirely consequential on the Clean Air Bill and I support it.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: Although this Bill, taken in isolation, is a very simple and uncontroversial Bill, it has to be considered in conjunction with the Clean Air Bill and it is appropriate for the Committee to follow the procedure of reporting progress.

Progress reported; Committee to sit again.

PLANNING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 28 March. Page 2926.)

The Hon. J.C. BURDETT: This Bill is also consequential on the Clean Air Bill. I support the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. J.R. CORNWALL: Again, this Bill travels appropriately with the Clean Air Bill, on which the Committee recently reported progress and sought leave to sit again. In the circumstances, I think it is appropriate that we should also report progress on this Bill and seek leave to sit again.

Progress reported; Committee to sit again.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL (No. 4)

Adjourned debate on second reading.

(Continued from 29 March. Page 2998.)

The Hon. K.T. GRIFFIN: Although I have a number of grave concerns about this Bill, I am prepared to support

the second reading to enable it to reach the Committee stage so that we can consider a number of the issues that it raises. This Bill reflects the most serious intrusion into normal employer/employee relationships for at least the past decade and probably longer. If passed, it will impose considerably upon the normal relationship between employers and employees. It will undoubtedly force up costs, which will ultimately be reflected in the cost structure of South Australian industry and commerce and, ultimately, it will affect our competitiveness and our capacity to attract business and thus jobs to South Australia. I am not really sure why the Government is pursuing this Bill in that context, because one of the things that we need in South Australia is more industry so that we can relieve the unemployment problem, which is such a great problem in this State. However, this Bill will probably make South Australia the greatest haven for union activity of any State in Australia, if it passes.

The Bill is essentially a Committee Bill. Whilst it may be more appropriately dealt with in the Committee stage, I will focus on a number of clauses because of the seriousness of the issues that they raise. First, I refer to clause 4, which seeks to make quite a radical amendment to the common law position as to who is and is not an employee and who is or is not an employer. Section 6 of the Industrial Conciliation and Arbitration Act defines 'employee' as:

(a) any person employed for remuneration in any industry.

The qualification is employment. An employee is also:

(b) any person engaged to drive a motor vehicle, used for the purposes of transporting members of the public, which is not registered in his name, whether or not the relationship of master and servant exists between that person and the person who has so engaged him;

That is a deviation from the normal common law relationship of employer and employee. The same can be said about the next part of the definition, as follows:

(c) any person (not being the owner or occupier of premises) who is, pursuant to a contract or agreement, engaged to perform personally the work of the cleaning of those premises whether or not the relationship of master and servant exists between that person and the person who has so engaged him;

or

(d) any person who is usually employed for remuneration in an industry or who is usually engaged in an occupation or calling specified in paragraphs *(b)* or *(c)*, notwithstanding that at the material time he is not so employed or engaged;

I draw honourable members' attention to the fact that the emphasis is on 'any person who is usually employed' in the final part of the definition.

The present definition also provides that certain persons are not to be included within the definition of 'employee'. Among those categories not to be included is:

any person or person of a class prescribed as not being an employee or employees for the purposes of this definition:

Clause 4 seeks to provide that the Industrial Commission can recommend to the Government that any person engaged for remuneration in an industry is to be deemed to be an employee for the purposes of the definition and therefore for the purposes of the whole Act, and then the Government may make a regulation adopting the recommendation of the Commission. That really means that any group of persons can be prescribed as employees for the purpose of this legislation, with all the obligations, responsibilities and benefits that that confers, if the Commission determines that it is appropriate for a certain class of persons (or any person for that matter who may be singled out) to be employees and subject to the Act. I find that quite alarming.

This Bill again adopts the practice that this Government seems to be intent upon adopting, that is, to legislate by regulation rather than by the principal Statute, and rather than by defining specifically for Parliament who is or is not to be an employee for the purpose of this legislation. As I have said in other debates, it is correct that a regulation may be disallowed, but there is no capacity in either House of Parliament to amend a regulation. There is nothing to stop the Government of the day, if a regulation is disallowed, from immediately promulgating it again the following day. That could go on *ad infinitum:* namely, disallowance, repromulgation, disallowance and repromulgation.

It is a matter of some concern also that this amendment can extend to groups of contractors, subcontractors and a whole range of other persons in the community where there is no employment in law and probably not even by any stretch of reasonable imagination. Yet, here we have a capacity of a Government to bind a whole range of people who should not, ordinarily, be subject to the obligations and responsibilities of this Bill. So, when amendments are moved to delete that amendment, I will support them.

In relation to clause 4, there is also a question concerning new subsection (3) of section 6 which provides:

An award or order made against the Public Service Board in pursuance of this Act, or an industrial agreement made by the Public Service Board in pursuance of this Act, is binding upon, and enforceable against, any body corporate or other person who would, at common law, be regarded as the employer of the employees to whom the award, order or agreement relates.

That seems to have some fairly significant consequences, particularly if the body on whom the award or order is binding has not been a party to any proceedings before the Industrial Commission in respect of any debate about the order or award to be made against the Public Service Board, or even in relation to an industrial agreement made by the Public Service Board. So, it may be that I have missed something in respect of the powers of the Public Service Board or the consequences of including this in the legislation. At the appropriate time can the Minister clarify the position?

In relation to clause 5, I see that the President of the Industrial Court is to have his rank, status and precedence clarified once and for all. It was a matter of concern to the Industrial Court over a period of time that the President of that Court, whilst he had a salary equivalent to a Supreme Court Judge, was not ordinarily referred to as 'honourable', although there was a general view that that was appropriate. I now see that the Government has included this in the Bill, to put that question beyond any doubt.

In relation to clause 11, new subsection (4) of section 22 provides that a Deputy President of the Industrial Commission may be appointed and that he be, in effect, either a lay member of the Commission—that is, not having any legal qualifications—or a legal practitioner who does not have sufficient qualifications to be appointed a judge of the Industrial Court. I have no objection to this occurring. It will mean that Deputy Presidents of the Commission will not necessarily be judges of the Industrial Court. This new subsection should be linked to clause 65, which provides that, for the purposes of the Judges' Pensions Act, a lay Deputy President of the Commission is to be deemed to be a judge. This means that a lay Deputy President of the Industrial Commission, not being a member of the Court, is to obtain all the quite generous benefits of the Judges' Pensions Act—a non-contributory pension after a qualifying period of, I think, 10 years, and all the other trimmings which come from being entitled to participate in the Judges' Pensions Act.

I do not know of any other lay person who is deemed to be a judge for the purposes of the Judges' Pensions Act. At the appropriate time I would like to explore that issue further to ascertain from the Minister who else has been deemed to be a judge for the purposes of the Judges' Pensions Act but who is not otherwise qualified by profession to be a judge within the normal description of that term. My

recollection is that the Commissioners of the Industrial Court are not entitled to participate in the Judges' Pensions Act, nor the lay commissioners in the various appeal tribunals. If that is the case, I would certainly not support a lay Deputy President being admitted to all the very generous provisions of the Judges' Pensions Act. The other thing about a Deputy President who is not otherwise qualified to be a judge of the Industrial Court is that, as far as I can see, that person is not afforded the normal protection which a judge of the Industrial Court and other courts have in respect of removal.

Concerning clause 13, I have some concern about the change in the membership of the Full Commission. My understanding at the present time is that section 24 of the principal Act provides that the Commission should be constituted of a Presidential Member or a Commissioner and, that a Full Commission shall comprise two Presidential Members, that is, two judges of the Industrial Court and one Commissioner, or a Presidential Member and two Commissioners. The amendment seems to make some variation to that provision. I am not clear why that is occurring.

The next major issue relates to clause 14 of the Bill. This allows the Full Commission to make awards of general application regulating remuneration or conditions of appointment. That is quite a serious matter because under the scheme of this clause the application for such an award of general application is made only by the Minister, the United Trades and Labor Council, the South Australian Chamber of Commerce and Industry, the South Australian Employers Federation or any other registered association that applies by leave of the Full Commission. There is no provision at all for others who will be affected by the making of that award to appear as a right to defend their position and to oppose the making of an award of general application. That issue should be debated extensively. At the moment I am not prepared to support that provision of the Bill.

The other part of clause 14 relates to new proposed section 25b, which provides:

> The Commission has jurisdiction to inquire into, and report and make recommendations to the Minister upon, a question related to any industrial or other matter that is referred to the Commission for inquiry by the Minister.

That is quite a serious development because it allows the Minister to refer any question to the Commission for inquiry, whether or not it has any relationship to industrial matters.

That means that the Minister could refer to the commission for inquiry questions in other Ministers portfolios that have no relationship to industrial matters. The Commission has no special expertise necessarily to deal with that matter. It is set up as a specialist industrial-oriented body, and that is where it ought to be concentrating its efforts. It ought not to be undertaking inquiries into matters that have no relationship, and no suggestion of any relationship, to industrial matters. So, that clause also will be opposed.

Clause 18 provides a marked widening of the powers of an official of a registered association. Reading 'union' for 'registered association' new paragraph *(c)* of section 29 (1), inserted in clause 18, provides that an award may authorise an official of a union to enter premises of an employer, subject to an award, for the purpose of inspecting time books and wage records of the employer of those premises. He may also inspect the work carried out by the employees and note the conditions under which the work is carried out. He may also interview employees in relation to the membership and business of the association.

That means that at any time of the day when the premises are open, a union organiser can be authorised by an award to enter the employer's premises, inspect a whole range of records, inspect work conditions, and work carried out (and, presumably, that means the quality of work carried out by any employees), and also interview employees in respect of the business of the association. That is quite an extraordinary power that is to be given to an association of employees and an official of such an organisation to disrupt the business of an employer, to snoop around the employer's premises and generally to act in a mischievous and disruptive manner in matters which are of no concern to the union organiser. So, I would oppose that clause also.

The other equally and perhaps more serious amendment proposed by clause 18 is in paragraph *(d)* because it seeks to provide that the Commission may make an award retrospective—not retrospective to the date when the claim was filed at the Industrial Commission but to any earlier time. That really means that an employer who may be acting within the law in accordance with an award now and fully believing that that position is unlikely to change, may suddenly find, as a result of an award made by the Industrial Commission on an application made some time subsequent to the time when the employer believed that he was acting—and was, in fact, acting—lawfully, that, as a result of retrospective application, he is acting illegally. I am appalled at the prospect of this retrospective operation of an award. I am most surprised that the Government, which professes to be so concerned about civil liberties, is prepared to so amend the law as to make that which is legal now illegal by an Act of Parliament which is passed at some time in the future.

We have heard a lot about retrospective legislation in recent times in the Federal arena, with great clamour by members of the Federal Labor Government to enact tax legislation that has retrospective operation. But, whether it is tax legislation, industrial legislation or whatever, there can be no justification for the Parliament of a State or the Commonwealth enacting legislation now to make illegal something which in the past was legal. It is contrary to all principles of justice and contrary to all basic rights in our system of democracy. I certainly will oppose most strenuously any suggestion of an award being given retrospective operation prior to the date on which it was lodged in the Industrial Commission.

Clause 19 relates to the power of the Commission to direct that preference may be given in an award to members of registered associations or persons who are willing to become members of registered associations—in other words, preference to unions. It is correct that, in some respects, there is a limited provision in the principal Act which allows an award to contain provision relating to preference to unionists. However, that present power is qualified because an award cannot be made where preference in employment is given to members of a registered association of employees unless there are circumstances where, and to the extent that, all factors relevant to the employment of such members and the other person or persons affected or likely to be affected by the award are otherwise equal. There is no such qualification to the amendment in clause 19. I cannot support that because I believe it is contrary again to all basic rights that preference ought to be given to persons who happen to belong to a registered association.

The next amendment of a serious nature is contained in clause 21, which seeks to insert a new section 31 dealing with cases of unfair dismissal. The Law Society has raised this question with the Minister and its council decided to make known to both the Government and the Opposition its views on this and other issues affecting the citizen under the amendments proposed by the Bill. I will read that part of the letter from the Law Society which relates to re-employment applications or unfair dismissal cases, as follows:

Our concern with these provisions relates to the removal of re-employment applications from the jurisdiction of the Industrial Court and the transfer of them to the Industrial Commission, constituted of a single Commissioner, with power of the Commission to award compensation in some circumstances, and, further, with a right of appeal limited to a hearing before a single judge.

It then sets out a number of paragraphs, as follows:

(1) The re-employment jurisdiction in South Australia at present is far wider than that existing in any other State, in that it allows any individual to obtain relief by means of a curial process on his own application. He does not have to be represented by or have the support of a union, and the exercise of the jurisdiction is not dependent upon the existence of a collective dispute or a union sponsored application. The determination of the matter is essentially judicial in concept rather than arbitral. These concepts remain in the present Bill, and, so long as they remain, the jurisdiction ought to remain with the court as the judicial body, rather than the Commission. The functions of the Commission have been and are to remain arbitral in character. The re-employment jurisdiction in its concept has never been an arbitral one, and is quite inappropriate that in its present form it should become a function of the Commission.

(2) Of more concern, however, is the proposal to allow compensation to be assessed (with no apparent limits) by a single Commissioner, untrained in the principles of assessment of compensation. If that is to be allowed as an alternative to re-employment, it is of the utmost importance that it be determined in a proper and judicial manner, upon sound legal principles, for which members of the Court are eminently suited and trained.

(3) With the transfer of the jurisdiction to the Commission, the 'equity and good conscience' provisions of section 28 (5) of the Act will become applicable to re-employment applications. This means that such applications, and the assessment of compensation, need not be determined, as has been the case, according to rules of law and well-established principles, but in a much more arbitrary fashion. It will become impossible to give any sound advice on the outcome of such applications, let alone the assessment of compensation.

(4) Section 60 of the Bill introduces a right to compensation where an employee is dismissed or injured in his employment on certain grounds set forth in sections 156 and 157 of the Act. Alleged breaches of those sections (being industrial offences under the Justices Act) are heard by industrial magistrates. If they are to exercise a compensation jurisdiction in those circumstances, consistency requires that they should retain it in respect of re-employment applications.

(5) The addition of compensation to the possible remedies available will greatly increase the number of applications made to the Court purely for the purpose of endeavouring to force some settlement by monetary payment based on the inevitable cost to which the employer will be put to defend the action if it proceeds. Under the proposed Bill the Commission may make an order for costs against the applicant (without reference to any scale) only if the application is frivolous or vexatious. By virtue of section 34 (2) of the Act this would not include legal costs, and no legal costs could be granted to an applicant. The Court at present has an unlimited discretion to award costs, which it exercises very sparingly. Frivolous and vexatious actions constitute an extremely restricted class of actions, and the combined effect of these provisions is to limit severely the circumstances in which costs may be awarded. If compensation is able to be awarded as an alternative, and in order to avoid the type of abuses referred to in this paragraph, then discretion to award costs should be more freely exercised rather than restricted. Otherwise the process will be abused in a great many cases which cannot be described in law as frivolous or vexatious. With the addition of compensation to the remedy, and with the proceedings remaining the true inter-partes proceedings that they are, the legislation should ensure that the normal rules applicable in civil actions for recovery of money or compensation should apply.

(6) The Society notes that Mr Cawthorne's report on the review of the Act recommended *against* transfer of the jurisdiction to the Commission except for the purposes of pre-trial conciliation.

(7) Difficulties have already arisen in re-employment applications because appeals from Industrial Magistrates are limited to a single judge (section 93 (2) of the Act), and conflicting decisions have been given. That general problem is now eliminated by section 40 of the Bill so far as the Industrial Court is concerned. However, section 42 of the Bill would appear to limit appeals in re-employment applications to the Commission constituted of a single judge, thereby perpetuating the problem in this type of application.

The Society therefore requests that the Government reconsider these matters and that:

(a) the jurisdiction not be transferred to the Commission, particularly if there is to be a power to award compensation;

(b) if compensation is to remain as an alternative, the widest possible discretion remain with the tribunal to award legal costs; and

(c) the appeal provisions allow access to the Full Court or the Full Commission as the case may be.

That quite clearly expresses the issues of principle that are involved in the transfer of the jurisdiction in relation to unfair dismissal cases to the Industrial Commission and to an untrained commissioner. The Law Society quite properly relates these significant issues and puts them succinctly. I adopt the criticisms of the clause that are made in the letter from the Law Society.

Clause 22 provides that, where the interests of a registered association, or its members, that is affiliated with the United Trades and Labor Council are affected (either directly or indirectly) by proceedings before the Commission, the United Trades and Labor Council is entitled to intervene in the proceedings. I have some difficulties with this clause but, if it were made subject to the concurrence of the association and other parties who are already parties to the matter before the Commission, that would certainly make it more equitable so far as those parties are concerned and, I believe, more acceptable.

I turn now to clause 37, which deals with section 88 of the principal Act. Section 88 presently provides that the permanent head or any officer authorised by him may on application by an aged, slow, inexperienced or infirm worker grant that worker a licence to work at a wage less than that fixed by the award. There are certain constraints on the permanent head or other officer; for example, the permanent head or officer has to be satisfied that the worker is by reason of age, slowness, inexperience or infirmity unable to obtain employment at the wage fixed by the award. There is an appeal to the Commission, constituted by a presidential member, from a refusal by the permanent head or other officer to grant such a licence.

This section in the principal Act is of particular significance. It has been used on a number of occasions by persons who experience a disability, whether intellectual or physical. It is a matter of considerable importance to the disabled community that a provision such as section 88 be left in the principal Act because, for many people with disability, it is not possible to obtain work at a wage fixed by an award, but it is possible to obtain work at a lower rate. It may be impossible to obtain employment at the wage fixed by the award by reason of that disability and the inability of the person to produce as much in the time spent on the job as a person without disability.

But the matter of real concern about this clause is not that the decision will be taken from the permanent head and given to the Commission but that the clause provides that, where a registered association may have an interest in an application by a person seeking a permit, the Commission may give the association at least seven days notice of the time and place at which it intends to hear and determine the application. The registered association shall then be entitled to appear and be heard on the application.

That is an extraordinary provision: that the matter will now move from being a relatively informal application before the permanent head or other officer appointed by him to being dealt with by the Industrial Commission. Not only will it go to the Commission but it looks as though there is likely to be a formal hearing, and not only a formal hearing but an opportunity will be given to a union to appear on the application and be heard. One presumes that

that union, if it appears, is likely to argue against the granting of a permit.

I suppose, with the funds which unions have behind them, that they may well be able to deter persons who would otherwise be entitled to these permits from making application for such a permit or from proceeding with the application if, in fact, the association indicates that it will appear. It is not just a matter of giving the right to appear: there is to be a delay, because at least seven days notice is to be given to the association of the intention of the Commission to hear an application. I suggest that there is nothing more likely to deter aged, slow, inexperienced, or infirm workers from applying for a permit, for a right to work at a rate less than the award, than having to appear before the Commission and having to combat the resources and activities of a union in being heard upon such an application.

In fact, I am appalled, because I thought, in South Australia's being the leading State in respect of the rights of persons with a disability, that we would have long passed the point at which we put more hurdles in people's way in respect of opportunities to work rather than adopting this attitude reflected in clause 37 which will not only be a deterrent but which is likely to result in many fewer persons either making applications or, in fact, continuing with an application for a permit if a union is to be involved. What is more, there does not appear to be any appeal from a decision of the Commission, although the Registrar may be able to deal with these sorts of applications at the direction of the Commission. I will oppose this clause in respect of the impediments it places in the way of persons with disability.

Clause 40 has again raised some comment from the Law Society in its letter to the Minister and, so that the view of the Law Society is on the record, let me read that part of its letter which relates to appeals generally. The letter states:

> The Society approves of the removal, by clause 40 of the Bill, of the anomaly that appeals from an industrial magistrate can go no further than a single judge. It submits, however, that there should be a right of appeal in all matters on questions of law only from decisions of the Full Industrial Court to the Supreme Court. (It does not suggest such appeals from the Commission.)
>
> (1) For many years the Full Court of the Industrial Court has been the court of last resort for all matters heard in the industrial jurisdiction of the court. In that time the court has had to deal with very important and complex questions of law, of considerable significance to the community, but with no further rights of appeal. Access to the full appellate system of our courts is a right which every citizen ought to have, particularly on matters of such importance.
>
> (2) The present system is anomalous in that the Workers Compensation Act allows a right of appeal on questions of law to the Supreme Court. The very same judges are, therefore, treated as fallible for one purpose yet infallible for another.
>
> (3) A further anomaly occurs in the system of industrial offences being heard by industrial magistrates. We do not criticize that concept. However, a citizen convicted of any offence against the law, no matter how minor, has rights of appeal to the Supreme Court and beyond. If he happens to commit an industrial offence the appeal is to the Industrial Court only with no further right of appeal.
>
> (4) A right of appeal of this nature we suggest would probably limit the number of prerogative writs taken against the court and Commission in that questions relating to the Commission's jurisdiction would more often be heard by the Industrial Court, if it were known that there was a right of appeal, and parties would be more willing to allow these and other matters to proceed in the court to finality, rather than rush off to the Supreme Court on prohibition.
>
> (5) The Federal Court of Australia has jurisdiction to hear and determine offences and claims for penalties for breaches of awards under the Conciliation and Arbitration Act. There is no restriction on the right of appeal from that Court to the Full Federal Court (a Court of at least equal standing to the Supreme Court) and, if necessary, to the High Court.
>
> The Society therefore urges the Government to introduce a right of appeal from decisions of the Full Industrial Court to the Full Court of the Supreme Court on questions of law.

Clause 44 deals with the capacity of unregistered associations of employees being parties to an industrial agreement entered into after the commencement of this Bill. That is a matter of considerable concern because there is no valid reason why the present position ought not to continue which allows unregistered associations to enter into industrial agreements and to have them registered by the Commission. One of the areas in which this will undoubtedly have considerable impact is the private schools sector, where there are a number of unregistered associations of teachers employed at various schools and, in many instances, a separate unregistered association exists in each school, not covering a number of schools.

At the present time such an unregistered association of teachers in those private schools can make an industrial agreement with the school council or board of governors or other governing body. The agreement can then be registered as an industrial agreement and is binding on the employer in the employing school and on the teachers who are members of that unregistered association. The consequences of this provision will be that the South Australian Institute of Teachers, for example, after this Bill comes into operation (if it passes, in one form or another), will be the body representing teachers in those schools because unregistered associations of employees will no longer be able to enter into industrial agreements under the Industrial Conciliation and Arbitration Act.

That means that those teachers who have decided not to join the South Australian Institute of Teachers and who have preferred to join their own association and deal with their employer on an amicable basis will now be compelled either to join SAIT or otherwise be unprotected and be unable to enter into agreements with their employer. That is a clear infringement of the rights of those teachers to undertake their own industrial negotiations and reach amicable agreements within the context of a particular school. What this clause seeks to do is to provide greater opportunities for unions—the South Australian Institute of Teachers and others—to harass members and to harass the private schools sector. We know the policy of SAIT in respect of private schools: it can hardly bear to see them continue in the existence.

I believe that that will be a very serious threat not only to the rights of those teachers who of their own free will have elected to be independent of the Institute of Teachers, but there will also be a very serious problem for all those parents who have chosen to send their children to private schools rather than allow them to participate in the State education system. I do not intend to enter into a debate about the funding of private schools—that is an issue for another day. I believe that everyone in the community who has any association with private schools should be aware of the very serious intrusion into the affairs of those schools and upon the rights of teachers, councils and others to conduct their affairs as they so wish, and as they should be allowed to do under normal democratic conditions.

Clause 45 is related to some extent, although it has a slightly different ambit. It allows a registered association, with the approval of the Registrar, to intervene in any application for the approval of an industrial agreement that involves an unregistered association of employees. No reason is given as to why that should occur, and there is no suggestion that the association will be able to do anything more than delay proceedings. It seems to me that there is no good reason at law or in principle why a registered association ought to be able to intervene and meddle in the affairs of unregistered associations before the Industrial Commission, where a freely negotiated industrial agreement is the subject of an application for approval. The intervention

will undoubtedly be an harassing exercise, a delaying exercise, and it will add to the costs of unregistered associations.

The next serious matter is in clause 51, which deals with the question of whether or not industrial disputes ought to be outside the ambit of the ordinary law of the land. At present, no-one, whether involved in an industrial dispute or otherwise, is outside or beyond the law of the land. The law of the land applies to every citizen equally. This clause seeks to severely emasculate the rights of ordinary citizens to resort to ordinary common law in respect of industrial disputes. The only time that they can resort to the law and to the ordinary courts is if the Full Industrial Commission, which may only comprise one presidential or judicial member and two lay commissioners under the Bill, 'is satisfied, on the application of any person, that all means provided under this Act for settling an industrial dispute by conciliation or arbitration have failed; and that there is no immediate prospect of the resolution of the industrial dispute'. It is only in those circumstances that the Full Commission is able to authorise and resort to the ordinary law of the land. I find that an appalling abrogation of the rights of every citizen in the community.

The Hon. R.C. DeGaris: I agree with that. I think that Cabinet members should be listening to you.

The Hon. K.T. GRIFFIN: Obviously they have preconceived ideas or have received a direction from Trades Hall. The power of Trades Hall is so strong on Cabinet members that they will not be able to exercise independent judgment on this issue. For the lawyers particularly, who by their very profession ought to have a sensitivity for ordinary common law rights and give pre-eminence to the powers of the courts in determining disputes between citizens and the protection of rights, this matter should be of critical importance. The Bill seeks to abrogate that almost entirely. Although there is a right to go to common law if the Full Commission is satisfied that certain criteria are met, it is my assessment that the Full Commission will rarely—if ever—reach that point, because it is not of a nature that it will ultimately resort to what in the short term may be confrontation with a view to settling a dispute.

I remind honourable members that there are a number of significant cases that have raised the question of common law rights in South Australia. I am disappointed that the Hon. Mr Gilfillan is not here to listen to this, because the most celebrated case is probably *Woolley v Dunford,* which involved a resident of Kangaroo Island. As far as I know, Mr Woolley is still resident there. The case involved a matter that affected all residents of Kangaroo Island. In that case Mr Woolley resorted to the Supreme Court, to the ordinary rights and privileges of any citizen of the land to deal with a particularly difficult union organiser who subsequently became a member of this Council. The case occurred in 1972 and I will refresh honourable members' memories of its facts.

Mr Woolley, a sheep farmer on Kangaroo Island, employed two shearers who were not members of the appropriate trade union for that occupation. The organiser for that union having visited Kangaroo Island and failed to induce the two shearers to join the union, reported that fact to Dunford, the secretary of the union. Dunford thereupon informed Woolley that, if the two shearers did not join the union, Woolley's wool would not be handled by union labour. The matter was referred by Dunford, as Secretary of the union, to the United Trades and Labor Council of South Australia, which resolved that wool and other produce of owners on Kangaroo Island who employed non-union labour would not be transported or handled by union labour. Dunford thereupon wrote to a shipping company with which Woolley had a contract for the shipment of his wool from Kangaroo Island to the mainland advising that the United Trades and Labor Council had placed a 'black ban' on the wool shorn on Woolley's property and requesting that the shipping company should not ship or transport the wool until notified by the union. In consequence of this notice the shipping company declined to ship Woolley's wool. Woolley sued Dunford for an injunction restraining Dunford from doing any act that caused or procured an interference with any contract made between Woolley and any other party for the carriage of Woolley's wool or produce.

The matter went to the Supreme Court and the trial judge found, on the facts, that the shipping company had contracted with Woolley to transport Woolley's wool to the mainland; that the refusal of the shipping company to perform the contract had been brought about by the notice given by Dunford to the shipping company; that Dunford was aware, when he gave such notice that Woolley had entered into some form of contract with the shipping company for the transport of his wool to the mainland; and that Dunford had intentionally procured an interference with the performance of that contract. In the light of those facts the Supreme Court ordered that Dunford withdraw the notice to the shipping company not to ship or transport Woolley's wool until notified by the union and, secondly, to restrain Dunford from doing or continuing any act that directly or indirectly caused, procured or induced any breach of any contract for the carriage of Woolley's wool or other produce, or that caused, procured or induced any interference with the performance of any such contract.

Ultimately, that dispute was resolved. My recollection is that the Government of the day paid Mr Dunford's costs and that Mr Woolley was then able to—

Members interjecting:

The Hon. K.T. GRIFFIN: It was a Labor Government. A Liberal Government would not do that.

The Hon. R.I. Lucas: Was it taxpayers' money?

The Hon. K.T. GRIFFIN: Yes, taxpayers' money.

The Hon. R.C. De Garis: A pity when one thinks about it, because the late Jim Dunford did not like common law in some cases, but liked it in other ways.

The Hon. K.T. GRIFFIN: It is a matter of being selective in what one resorts to from time to time. But, that case in itself should be sufficient reason to come to the conclusion that there is an advantage in retaining the benefit of resorting to common law proceedings. Also, in 1972, there was the celebrated case of *Adriatic Terrazzo v. Robinson, Owens* and the Australian Building and Construction Workers Federation. It may be remembered that there was a ban placed by the union organisers on Adriatic Terrazzo. I will not go through all the facts but, basically, because of that union ban, Adriatic Terrazzo's activities were curtailed, it suffered loss and took action against Robinson and Owens. It then obtained a court order which was abused by Robinson and Owens, who were then committed to gaol. They subsequently purged their contempt and the matter was resolved and the bans on Adriatic Terrazzo were called off. It is interesting that once Robinson and Owens had been gaoled, there was very little stirring, if any, from other members of the union movement to get them out.

Then there was the celebrated case of *Davies v. Nyland* in relation to the Transport Workers Union. Because of the hour I will not detail the facts of that. Again, the Supreme Court became involved and applied common law principles to those who were seeking to prevent the lawful, legitimate activities of Davies. We have also the case of the Seven Stars Hotel, where again, common law was the final resort of those who were being severely prejudiced by the blocking, delaying and banning techniques of a particular union. Only in the past week Continental Airlines in Sydney resorted to the Federal Court and obtained an injunction and as a result of subsequent negotiations—which I am sure to a very large

extent resulted from Continental Airlines' resort to the Federal Court—it was not necessary finally to apply the Federal Court injunction. On many occasions resort to common law is a factor which begins to knock some heads together and make those who would disrupt, for unlawful and unreasonable purposes, come to heel and encourage settlements of disputes.

The Hon. R.C. DeGaris: Was there any other recourse for those people other than common law in the cases you mentioned?

The Hon. K.T. GRIFFIN: There was no other recourse. Under the Bill before us, clause 51 would mean that they would have to keep plodding away in the Industrial Commission until the Full Commission was satisfied that all means provided under this Act for settling an industrial dispute by conciliation or arbitration had failed and that there was no immediate prospect of the resolution of the industrial dispute.

The Hon. R.C. DeGaris: Who made that decision?

The Hon. K.T. GRIFFIN: That is the Full Commission. It need only comprise one person with judicial experience and two lay commissioners. All members know what the Full Commission is like—it tends to puddle on hoping that there will be a settlement or that there will be some arbitration or conciliation. I do not believe that it will ever get to the point of allowing common law action to be taken. I believe that that is a severe, serious and basic infringement of the rights of citizens. I briefly mention clause 52 which deals with conscientious objection, it is very much one way because subclause (3) thereof provides:

> An employer who discriminates against an employee, or an applicant for employment, on the ground that he is the holder of a certificate under this section (that is a certificate of conscientious objection) shall be guilty of an offence.

What about other employees discriminating against an employee who is a conscientious objector? That matter is not covered and I believe that if there is to be a provision similar to that in proposed subsection (3) of section 114, it should be even handed and apply equally to employers and employees who discriminate against a conscientious objector.

I have raised questions concerning clause 65 which deals with the Judges' Pensions Act. That matter can be resolved in Committee. In clause 63 the reference to 'a special magistrate' is deleted and in its place is an industrial magistrate, which allows industrial magistrates to deal with offences of an industrial nature committed in breach of the principal Act. I am not sure that that is a particularly good thing. I give notice that at the time we come to consider the clause there will be questions in relation to that matter.

Honourable members can see that I have very many serious reservations about many clauses in the Bill and, also, that there are basic objections on either a civil liberty basis or infringement of basic rights which, I believe, should be drawn to the attention of the Council and which will be the basis on which I will support the amendments to be moved by the Hon. Mr Cameron. I support the second reading.

The Hon. L.H. DAVIS: Likewise, I indicate that I support the second reading of this Bill. I believe that this is one of the most important pieces of legislation to come into this Chamber in the 4½ years I have been a member of the Legislative Council. One should not under-rate the significance of the proposed amendments of the Government to this Act. Certainly, many of the recommendations of the Cawthorne Report are embodied in the legislation before us. I have no quibble with many of these measures. However, I find it somewhat childish for the second reading explanation to make the point that of the 113 individual recommendations in the Cawthorne Report 78 per cent were accepted, 4 per cent were reserved for further consideration and 18 per cent were not adopted.

If one accepts the logic of that argument, one could say that 15 pieces of cake out of 20 were very nice—never mind that the other five pieces contained poison. I believe that that is precisely what we have in this legislation—a sugar-coated pill. The initial view is very nice, the initial taste is all right, but when one cuts away the outside surface of this Bill one sees that it contains the seeds of disaster.

I shall concentrate my remarks on several of the important areas covered in the Bill. First, who benefits from this legislation? Does the community benefit? Do small businesses benefit? Will the legislation contain costs? Will it achieve the consensus which has become fashionable over the past 12 months? As far as consensus is concerned, in my view this legislation puts the emphasis on the 'con'. Has the Government undertaken an economic impact statement on the effects of this legislation? The Deputy Premier claims that every clause is supported by representatives from employer and union groups. That, of course, was a cheap but perhaps clever political trick. The simple fact is that IRAC—a group containing employer and employee representatives—received the draft Bill and was asked to examine it on the same day. I understand that the draft Bill was not circularised to employer groups for discussion. There was little opportunity for a view to be put from the broad employer representatives.

This is a Trades Hall Bill. It does not represent a consensus view of employer and employee groups. Certainly, I would suggest that the employee groups are very happy but I do not believe that the Deputy Premier can claim, as he did, that employer groups are satisfied. Many employer groups have publicly questioned the wisdom of many of the issues raised in this legislation.

The Australian Industry Development Association recently made the point that on-costs today account for 44 per cent of average hourly earnings compared with only 33 per cent in 1974. When we talk about on-costs, of course we are talking about a whole range of taxation areas: pay-roll tax; superannuation; workers compensation; annual leave; sick leave; long service leave, and so on.

The Hon. R.C. DeGaris: It is 63 per cent in the building industry.

The Hon. L.H. DAVIS: The Hon. Mr DeGaris says that on-costs account for 63 per cent of annual hourly earnings in the building industry. This Bill does nothing to reduce the impact of on-costs. We have already seen that this Government is keen to extend the influence of unions, quite unmindful of whether or not it is in the interests of the community at large.

We have had an example where the Housing Trust Board has been changed to ensure that the preference system for unionists is carried out. The Deputy Premier, Mr Wright, earlier this year said that he had set up an inquiry to establish minimum rates of payment to subcontractors carrying out work for the Housing Trust. He was also working towards a system of preference to unionists for subcontractors with the Housing Trust. The Housing Industry Association, through its chief executive, Mr Cummings, was opposed to this. He stated:

> The Association considers any amount paid to a subcontractor is a matter of negotiation between the subcontractor and the builder.

There we have a Government seeking to interfere in a contract, an arrangement, between an employer (a builder) and a subcontractor. Of course, this emphasis is again seen in clause 4 of the Bill. We see also in the case of the teachers that preference is given to unionists.

The President of the South Australian Primary Principals Association, Mr Talbot, some 12 months ago criticised a

State Cabinet instruction calling for preference being given to unionists when recruiting ancillary staff. They demand a written undertaking from any non-unionist employed that that employee will join the appropriate union. The South Australian Institute of Teachers, not surprisingly, has a long-standing policy of preference for unionists. Last year it considered a motion to reaffirm and upgrade that policy to give preference to unionists. In a practical fashion it was even suggesting that one of the criteria to rank would be that, if one was a member of the union, it could give one preference when seeking leave without pay. So, it comes as no surprise to see that with teachers, with the Housing Trust and, indeed, in hospitals, and within the Public Service, pressure has been put on employees to join a union. It is an extension of the Government's wellknown compulsory union policy. We have had instances in the hospitals where information has been required about all employees, whether or not they are unionists, to ensure that union membership is increased.

In clause 4 we have the worst example yet of this Government's approach to union matters. I accept unhesitatingly that trade unions have a role, and an important role, in the community. But, when a Government seeks to give them preference to the extent that it is not in the interest of the community at large, the time has come for a stand to be taken. Let us then look at the impact of clause 4. It is an outrageous provision because it provides that subcontracting in the building, transport and cleaning industries could disappear if the proposed amendments to section 6 of the principal Act are passed. Instead, subcontractors would lose their independence and become employees. The impact of this change would be dramatic. There would be a ballooning in costs and prices. Let us take a practical example.

In South Australia about half the value of houses built in the private sector could be attributed to subcontracting. In the calendar year 1984 it is estimated that 8 000 private sector houses will be completed in South Australia. Assuming a conservative cost of $40 000 per house, the total value of construction will be $320 million with approximately $160 million attributable to subcontractors. If clause 4 is passed and a regulation is subsequently passed requiring subcontractors in the building and construction industry to become employees, this will lead to a dramatic increase in costs. It will lead to delays because weekend work will attract penalty rates. Annual leave, sick leave and other costs will now have to be borne by the employer. Additional staff will be required for supervision. The subcontracting system has served South Australia and Australia well. It is generally recognised that the cost of building per square is less in Australia than overseas because of the subcontracting system. It is an effective and efficient system. No evidence has been advanced by the Government that subcontractors want a change. This change will see them lose their independence.

I will be asking the Government in the Committee stages to produce what evidence it has had from subcontractors that a change is wanted and, indeed, needed. The losers will be the subcontractors, their new employers and the community. Costs will obviously rise—estimates vary but certainly a minimum of 10 per cent and, in fact, some people say it could be as high as 30 per cent. Quite clearly, there will be a loss of productivity and of jobs. There will be a loss of initiative. The only winner—and the big winner—will be the unions.

I have mentioned that one of the features of subcontracting is the priority that it gives to people with initiative, skill and vigour, who are proud of the quality of their work and of their ability to remain independent and to do the job in their own time. A competitive element is involved in subcontracting, obviously because they are competing for work all the time. It is one of the healthier features of the free enterprise system that it enables people to compete with their labour and skills in a very productive fashion.

A lot has been said in recent times about the importance of productivity in our community. It is perhaps to some a buzz word; it should be much more than that. To underline the importance of productivity and the desperate need that Australia has for increased productivity, I draw the attention of honourable members to a very recent and practical example. The Managing Director and chief executive of Western Mining Corporation, Mr Hugh Morgan, said in February this year that Western Mining had commissioned project engineering consultants to carry out an arms length analysis into the comparative costs of building a generic downstream processing plant in Australia as opposed to building the same plant overseas. One consultant costed a United Kingdom plant as being in the order of $85.2 million; in Australia the same plant would have cost $131.5. The cost of the British plant, therefore, would be less than two-thirds that of the identical Australian plant. The biggest difference was labour costs. The weighted average labour cost in the UK was $13.30 an hour, including overheads; the Australian equivalent was $28.40. Putting this another way, labour and overheads accounted for 21 per cent of the British plant, but 33 per cent of the Australian plant.

With productivity of approximately 65 per cent Australia has the same rating as a developing third world country. It costs approximately 70 per cent more to build a plant in Australia compared with the United States, Europe and Singapore, and approximately 30 per cent more than a plant in Malaysia. In going further in investigating international productivity, Australian labour was said to be 70 per cent as productive as American. Australian productivity was 40 per cent below European levels, mainly because of the greater number of trade assistants employed in Australia, but for civil, electrical and structural steel work our productivity was only 10 per cent lower.

I use that example to underline the point that at an international level our productivity in the building and construction areas falls well short of our European and American counterparts. We cannot ignore the reality of that example. However, in the domestic housing industry Australia, as I have already indicated, stands up very well. Our costs are regarded as below those of our European and American neighbours. The reason, as I have already indicated, is the effectiveness and efficiency of the subcontracting system. Yet this Government, in the grip of Trades Hall, has resolved to wipe out, by regulation, subcontracting.

When we are talking about wiping out subcontracting, we are talking not only about the building industry but also about the transport, cleaning and many other industries. I will be interested to hear the Government's response as to why it has introduced this amendment and what it proposes to use it for. There is no other reason to introduce this clause but to get rid of subcontracting. I do not accept it; it will have horrendous consequences for South Australia. We are already regarded by many as the Cinderella State. If we are not careful we will not even deserve that title because there will be no music to dance to at all. At least Cinderella had a ball to go to; South Australia will not even have that if we pass this clause.

One of the reasons why this clause has been introduced is that unions wish to get control of the building and construction industry. Under the the subcontracting arrangements they lose control; with pyramid subcontracting and with the many trades and skills that are necessarily involved in the building and construction industry, it is impossible, given the independence of subcontractors, for unions to effect any real pressure on the building and construction industry at this level.

If everyone is required to cease being a subcontractor and become an employee the unions will have a chance. Not only the cost of labour but also that of building will become a problem; there will be an increased incidence of industrial unrest. So, I express my abhorrence at the proposal contained in clause 4, and I will oppose that most strongly in Committee.

I also oppose clause 14, which introduces new sections 25a and 25b into the legislation. New section 25a provides that the Full Commission can make a general award affecting all employees under its jurisdiction. It will allow the Commission to make an award that will not need to have regard to differences between industries. For example, it could apply across the board a $4.50 tea allowance. It may require certain hours for industries which are quite unalike. An extreme example that one could see is a requirement that oyster farming should take place between 9 a.m. and 5 p.m., which simply will not work if the high tide is at 8 p.m. But that is the impact of new section 25a. The Full Commission has jurisdiction to make an award of general application, regulating remuneration or conditions of employment. That is an absurd clause; I do not really believe that it could be effectively implemented or policed.

Quite obviously it is much more appropriate for the Commission to make awards that are appropriate to the industry in question, given industries of different conditions of employment and varying levels of remuneration. So, new section 25a as it now stands is inappropriate. Similarly, new section 25b is extraordinarily broad in its application. It provides:

> The Commission has jurisdiction to inquire into, and report and make recommendations to the Minister upon, a question related to any industrial or other matter that is referred to the Commission for inquiry by the Minister.

At first reading that is perhaps an appealing provision because the Commission, obviously comprising people of wisdom, is competent to examine industrial matters. It has already been mentioned that this broad power given to the Full Commission could be used, for example, to inquire into the bread industry, retail shopping hours or contract labour. I suggest that it could be used to take an important issue out of the hands of the Government, the Parliament and the public. It could be used as a cop out. It is entirely inappropriate to give the Full Commission such a broad power, and I indicate that I will also oppose new section 25b, which gives the Commission a charter to examine matters falling outside the definition of 'industrial matters'. That is not the purpose of the Industrial Conciliation and Arbitration Act.

Further, I express concern about section 29, as amended by clause 18. It provides for an extension of power for union officials which will enable officials of registered associations to enter the premises of an employer subject to the award or any of the premises where employees of the employer may be working and inspect time books, the employer's wage books and work carried out by the employees, as well as note the conditions under which the work is carried out. At present, trade union rules are broadly worded and can allow entry to many unions. In fact, we often see more than one union with members in the one factory. I believe that the whole proposal in clause 18 will destabilise union relations and could lead to union warfare. It is simply not in the interests of unions or the community. This provision is an open invitation to unions to enter into an employer's premises to interview employees regardless of the fact that they may be members of another union.

Further, in clause 18 *(d)* provision is made for awards of the Commission in new subsections (3) and (4). The Commission is given the power to make an award that will have retrospective operation. So, an employer who has not even been a party to an original dispute may suddenly find that he is liable to pay wages retrospectively for up to 12 months. I refer again to a practical example. Back in 1980, the Australian Road Transport Federation and the Transport Workers Union had what was at the time a well known sweetheart deal worth $20 a week to workers. That deal was negotiated in Sydney and had no impact in South Australia. It was a controversial deal and was not formalised in court until about 12 months later. If the provisions of new subsections (3) and (4), which are inserted by clause 18 *(d)*, applied, the Commission would have had the power to retrospectively award $20 a week for 12 months to State Transport Authority workers, which would have amounted to over $1 000 a year to 1 000 workers. That is an enormous amount of money. This clause has a tremendous impact and consequence on employers and the community in South Australia.

I turn now to clause 21. Existing section 15 (1) *(e)* is restrictive in so far as it allows the court to determine whether an employee has been harshly or unjustifiably dismissed, and it provides for reinstatement. However, the suggested amendments through the insertion of new section 31 opens up a Pandora's box. New section 31 (3) provides:

> Where, in proceedings under this section the Commission is of the opinion that the decision of the employer to dismiss the employee was harsh, unjust or unreasonable, the Commission—
>
> *(a)* may—
>
> (i) order that the applicant be re-employed by the employer in his former position without prejudice to his former conditions of employment;
>
> or
>
> (ii) where it would be impracticable for the employer to re-employ the applicant in accordance with an order under subparagraph (i), or such re-employment would not, for some other reason, be an appropriate remedy—order that the applicant be re-employed by the employer in a position other than his former position on conditions (if any) determined by the Commission;

There is an example of where the Commission can determine what positions the employer needs to fill. The Commission is given the power to say, 'You, the employer, will reinstate this dismissed employee in a position other than his former position, irrespective of whether there is a need, whether you need three account clerks instead of two or whether your firm can afford to take on an additional person.' That reinstatement provision is outrageous. New section 31 (3) *(b)* provides:

> . . . the Commission—
>
> may, where it would be impracticable for the employer to re-employ the applicant in any position, or re-employment would not, for any other reason, be an appropriate remedy—order the employer to pay to the applicant an amount of compensation determined by the Commission.

No criteria are set down for the amount of compensation payable, and there is no limit to the compensation which could be paid.

Altogether, clause 21 provides a reinstatement mechanism that will give employees no incentive to settle. It will encourage unions to lodge claims and, of course, it will increase the cost of litigation. It will be a very expensive device for reinstatement. Several other matters have already been mentioned during the debate. I conclude by looking at one of those issues, that is, the matter of tort action. The effect of the legislation will be to modify the action that now exists for tort. It is not common for tort action to be taken—perhaps it would be only two or three times a year in South Australia. Nevertheless, it is an extremely useful device which can be used to break a dispute and to further the conciliation and arbitration mechanism.

I refer to a recent practical example where a tort action worked successfully. Frigmobile South Australia had a dispute with the Storemen and Packers Union in recent times.

On 3 November 1983, a representative of the Storemen and Packers Union signed up nine employees of Frigmobile who were then all members of the Federated Cold Storage and Meat Preserving Employees' Union, and bound to follow the agreement that Frigmobile had with that union. Consequent upon signing up those members, Mr Apap then demanded talks with the company and, as the company did not respond promptly, pickets were placed on 4 November 1983.

During November 1983 through to January 1984, voluntary and compulsory conferences attempted to resolve the issue. However, the State Industrial Commission does not have the right to determine union representation on any one site, and therefore the discussions revolved around the issue of appropriate agreements and whether anything could be resolved. During the discussions, four employees (who had signed with the Storemen and Packers) returned to the Federated Cold Storage and Meat Preserving Employees' Union.

However, as at 6 February 1984, five employees of Frigmobile were still members of the Storemen and Packers' Union and their membership of the Federated Cold Storage and Meat Preserving Employee's Union ceased as at midnight on 6 February. Once their membership of the Cold Storage Union had ceased, they could no longer be employed under the agreement and the company would become bound to employ them under the Storemen and Packers (General Stores) Award. This award does not have provisions for shift work as does the agreement, and therefore to have to employ these storemen and packers under the general stores award meant that they would have to have been paid 38 hours at ordinary time, plus something in excess of 30 hours overtime per week to be able to work the hours that they had been working under the agreement.

Consequently, Frigmobile gave the five employees the opportunity to return to the Cold Storage Union and work under the agreement. They were not requested to resign from the Storemen and Packers' Union and could have held dual union membership if they had wished. One employee decided to rejoin the Cold Storage Union and four did not. Consequently, the company's attitude was that, as the four could no longer work under the terms and conditions that they had agreed to work under when they were employed, they had repudiated their contract of employment, and the company accepted the repudiation.

On 7 February, the pickets were again placed on the Frigmobile site, comprising the remaining four Storemen and Packers' Union members. Frigmobile supplies to stores 'short life' shelf products and they could not fulfil their contracts, nor could the stores to which they supplied have the goods available for their customers. On 13 February 1984, after further meetings had been unable to resolve the situation, a Supreme Court injunction against the picket line was obtained until 16 February. The grounds for obtaining the injunction was that the employer and also Coles, which is the major retailer to whom Frigmobile distributes, could not carry out their business due to the picket lines and therefore they were suffering a substantial loss.

On 16 February, Mr Apap, with counsel, appeared before the judge, and, on obtaining undertakings from Mr Apap on behalf of himself, his union and his members that the picket lines would not be put in place again (note that they had been lifted only on 15 February, and technically the union and its members had been in breach of the injunction on 14 February), the applicants for the injunction adjourned the application. Since the adjourned application, there has been no further industrial action, and therefore the matter in relation to the picket lines has been, at least temporarily, resolved.

That is a very good example of where tort action has assisted the process of conciliation and arbitration. Without the ability to obtain the Supreme Court injunction the matter in relation to the picket lines might never have been resolved.

The Government in presenting this legislation has claimed that Cawthorne in his report actually suggests that tort action should be limited. Cawthorne says that, if one is to limit tort action, it is necessary that the Commission be given explicit power to make and enforce specific orders, and that the Commission's powers should be strengthened if tort action was going to be limited. I do not believe that that has been done. I feel that there is a very strong case to retain the common law provision relating to tort action. Certainly, there is a device whereby employers could take action in certain cases under section 45D of the Trade Practices Act for a secondary boycott. In fact, if the common law action is removed, it may well force employers into the Federal arena. At the moment, the provisions that exist are necessary, in my view. They should not be weakened.

In conclusion, this is an important piece of legislation. It contains many of the suggestions and recommendations of the Cawthorne Report, which I do not quibble with. However, there are several areas already indicated by Opposition speakers that will be strenuously debated and equally strenuously opposed during the Committee stage. Accordingly, I support the second reading and hope that the Government will consider the Opposition's amendments.

The Hon. R.I. LUCAS: The Bill as drafted is an anti-freedom Bill in many respects. It further restricts the freedom of individuals to choose to join or not join a union, it restricts the freedom of unregistered associations to register industrial agreements, it restricts the freedom of individuals to operate small businesses as subcontractors, and it restricts the freedom of individuals to sue for damages caused by strikes. I intend to dwell on only one matter at any length in my contribution, because speakers prior to me have covered in great detail most aspects of the Bill.

The one matter that I will cover in some detail deals with compulsory unionism or preference to unionists. The question of preference to unionists or compulsory unionism is an example of a fundamental philosophical difference between the two major political Parties in South Australia—the Liberal Party and the Labor Party. I accept that there is some logic in the argument put forward by the Labor Party and its industrial wing, the trade union movement, that people who gain some advantage from the benefits won by the trade union movement should make some contribution to the work done by the trade union movement in winning those benefits.

However, in my view there is a much more important principle that must be offset against that particular principle, that is the freedom of an individual to join or not to join a particular association.

I support the important role that unions and unionism play in our arbitration system. I have seen the value of the work of unions in representing the aspirations of workers from my family situation. My father was the local representative of the Printing and Kindred Industries Union at the *Border Watch* in Mount Gambier. I saw the value at first hand of the power of the union movement in representing the needs of ordinary working class people who, when put up against the undoubted power of particular employers, require organised assistance. In that particular example, and in others, the union movement does achieve good things for workers and responsible unionism like that should be encouraged, not only by representatives of the Labor Party but also by representatives of my own Party, the Liberal Party.

I take the view that we, as Liberals, should encourage responsible unions and encourage people to become members of them. I disagree with those people who put the view that because a particular union takes a stand that is contrary to their views, they should resign from that union. In recent times there have been many Liberals who, having been members of the South Australian Institute of Teachers or the PSA, because of the stance those bodies have taken in relation to recent elections, have chosen to resign. I do not think that that is the way to go about it. I believe that those people should stay in those unions and work to change the particular views to which they object.

The current situation in South Australia in relation to preference to unionists is covered by current section 29 (1) *(c)* and section 29 (2) of the principal Act. Section 29 (1) provides:

In the exercise of its powers the Commission may—subject to subsection (2) of this section, by award authorise that preference in employment shall, in relation to such matters, in such manner and subject to such conditions as are specified in the award, be given to members of a registered association of employees;

Section 29 (2) provides:

An award referred to in paragraph *(c)* of subsection (1) of this section shall only provide for preference in employment to members of a registered association of employees in circumstances where and to the extent that all factors relevant to the employment of such members and the other person or persons affected or likely to be affected by the award, are otherwise equal.

The words 'otherwise equal' are the operative words of the present 'preference to unionists' sections in the principal Act. Clearly, the present situation is that the Industrial Commission has the power to award preference in the limited instance of all things being otherwise equal. The final Cawthorne Report, page 29, recommended a strengthening of the power for preference to unionists—a strengthening of the present provisions. It states:

I adhere to the view originally expressed in the discussion paper that there is a case for allowing the Commission a discretion to award preference to unionists in appropriate cases.

It is merely a suggestion that the Full Commission be vested with a discretion to award preference to unionists at the point of engagement and on termination of employment where it considered it just and equitable to do so.

Whilst on the issue of preference, it is my view that if a decision is made to allow the Commission a discretion to award preference to unionists, then it should be able to award preference in favour of members of a particular union.

The last point is relevant to an example given by the Hon. Mr Davis concerning the Frigmobile situation. That particular power recommended by Mr Cawthorne would have been of use in demarking areas of employment. However, the particular recommendations contained in the Bill take the Cawthorne recommendations and further extend them, by picking up a relevant part of the preference section of the Federal Act. I make it clear that in this instance, as in many others, the Government recommendations in this Bill do not comply with the recommendations made by Mr Cawthorne. In effect, in this instance and in many others, they go much further. The recommendations of the Government are covered under clause 19, which amends section 29 of the principal Act. New section 29a (1) provides:

The Commission may, by an award—
(a) direct that preference shall, in relation to engaging a person, be given to such members of registered associations or persons who are willing to become members of registered associations as are specified in the award; *(b)* direct that preference shall, in relation to any other matter specified in an award, be given, in such manner as may be specified, to such registered associations or members of registered associations as are specified in the award.

New section 29a (2) provides:

Whenever, in the opinion of the Commission, it is necessary, for the prevention or settlement of an industrial dispute, for ensuring that effect will be given to the purposes and objectives of an award, for the maintenance of industrial peace or for the welfare of society to make a direction as provided by subsection (1), the Commission shall make such a direction.

That is the particular new subsection that extends the recommendation of Mr Cawthorne along the lines of the Federal Act. If a particular union or unions can manufacture or manipulate an industrial situation in such a manner as to convince the Industrial Commission that there really is no other way of achieving industrial peace or the welfare of society then the Commission shall make a direction for preference to unionists in the particular award.

That subsection, which was taken from a similar provision in the Federal Act, has over many years been interpreted by the Commonwealth Commission in very many ways. Industrial Magistrate Cawthorne, on page 244 and 245 of his discussion paper, gives an example of how those preference clauses of the Federal Commission have been interpreted. He gives an example of a clause which was ultimately awarded in the *Federated Clerks Union of Australia v. Altona Petrochemical Co Pty Ltd* case in March or April of 1973. It is a very elaborate prescription, as follows:

. . . which may require the employer
(a) to give preference to a union member at the time of engagement;
(b) not to fill a job until the union has been notified of the existence of a vacancy and has had an opportunity to advise its members of it. This ensures that unionists who may be interested in the position have an opportunity to be considered;
(c) to give preference to unionists in the upgrading or promotion of employees;
(d) to give preference to unionists in the matter of retention in employment;
(e) to give preference to unionists when determining the times when employees shall take their annual leave.

That is a very wide preference clause in that case. We are talking about the original employment, which I am sure most of us would have anticipated. However, we are also talking about vacancies where members of unions will be given preference. If there are to be promotions or upgradings, members of unions are to be given preference. With respect to the present industrial climate and retrenchments, preference will be given to unionists in regard to retention in employment. If we have two people, one a unionist and one a non-unionist, the non-unionist will be laid off and unionist will be retained. In our industrial climate now that will be a common situation.

This is the preference clause which operates in the Federal jurisdiction and which the Government is seeking to insert in our legislation in South Australia. This is the way in which the Federal clause is being interpreted, and it is therefore highly likely that we will see a similar situation in South Australia. In the unfortunate instance of people having to be laid off, the non-unionist will be laid off rather than a union member.

Finally (and I find this incredible as well), preference is given to unionists in determining times of taking annual leave. All members, particularly those who have worked in a company situation, would be aware, that certain times of the year are popular for holidays amongst employees, particularly amongst employees with young children going to school. It is popular to take holidays during school holidays. Because of the way in which the Federal Act is being interpreted, unionists will have first chop at the best times for holidays and the non-unionist will take what is left over. If we have a similar provision in a State Act, it is highly likely that non-unionists will be discriminated against in a similar way. Frankly, I do not believe that that is right or fair. That sort of situation should not be supported by any Government, particularly a Government which purports to represent the workers of South Australia.

Over the years we have all heard many an argument that the number of people who do not want to join the unions

is not significant and that really only a recalcitrant few are either not prepared or do not want to be a trade unionist. I must confess that over the years that I have been involved in politics I have not seen any evidence or any definitive argument as to how many people in working situations are concerned about having to join unions. It was only during the last week that I found some indication of evidence. It was contained in an article by D.W. Rawson of the Australian National University entitled 'Changes in union membership in the 1970s and beyond.' On page 40 of the article he states:

> Secondly, there is a substantial, and perhaps growing, minority of unionists who belong only because they believe that they must do so in order to retain their jobs. A survey in 1976 suggested that about 25 per cent of unionists were 'unwilling conscripts' to unionism; and that the proportion was probably higher in some of those unions which had grown most rapidly during the 1970s, sometimes because of closed shop agreements between their unions and their employers.

That survey is covered in a book by D.W. Rawson and is entitled 'Unionists in Australia'. The article continues:

> Data not yet published from a survey in 1979 suggests an even higher figure.

That is, even higher than the 25 per cent of unwilling conscripts to unionism, as suggested in the 1976 survey. I have not been able to obtain copies of the survey to ascertain whether they are well based in sample size and question design, but at least, if that can be established, some evidence exists to show that a substantial percentage of the workforce are unwilling conscripts to trade union membership and would like their representatives in the Parliament to do something about it.

I believe that the Government in this Bill is going in the wrong direction and that we ought to go in the complete reverse direction. I am disappointed in the performance of my own Party in respect of preference to unionist clauses in both Commonwealth legislation and in the State arena. My own Party has been in power for many years in the Federal arena and, in all those years, it has not achieved—if, in effect, it did seek to achieve—the removal of these preference clauses in the Commonwealth Act. My own Party in its three-year term from 1979 to 1982 similarly did not achieve the removal of the preference to unionist clauses in the State Act. I understand that, towards the end of that term, legislation may have been introduced, but I am unsure how far it went. I am sure that it was not voted on, although it may well have been introduced.

Certainly, my own Party was not able to achieve the removal of preference to unionist clauses in State legislation. For the Liberal Party and for Liberals who espouse the freedom of the individual as a tenet of their basic philosophy, this is a fundamental principle which Liberal Parties when in Government, both State and Federal, ought to have as a matter of high priority. I certainly hope that when the Liberal Party is returned to power federally and in this State this will be a matter of high priority.

Associated with the question of preference to unionists is the vexed question of the closed shop, which simply is *de facto* compulsory unionism. It means simply that if I as a prospective employee wish to get a job from a company that has negotiated a cosy closed shop arrangement with the relevant trade union, before I can be employed I must agree to join the appropriate trade union. There is no question in this instance of other things being equal. I may well be far more qualified on any objective test when compared to another prospective employee, and yet, if I refuse to join the particular trade union and another prospective employee agrees to join it, quite simply I do not get the job but the other person does.

I must support the very wise words of my Leader in this place, the Hon. Mr Cameron, in his contribution to this second reading debate. I am sure that the Hon. Mr Cameron appreciates that on most occasions I support him in his contributions to debates in this Chamber. The honourable member cited the widespread existence of cosy closed shop arrangements entered into by employers and trade unions in South Australia. Therein lies a significant problem: that is, the attitude of business and of employers with respect to preference to unionists and closed shops. Quite clearly, the major employers in South Australia, Australia and overseas are quite happy to enter into a cosy arrangement with trade unions because they see it as being adminstratively easier for management of their enterprise. What it does for the rights of an individual to join or not join a union does not come into it at all. Industrial Magistrate Cawthorne, in his final report on page 29, says:

> I mentioned in the discussion paper the widespread incidence of the closed shop in South Australia. The subsequent discussion phase has demonstrated that it is even more widespread than I imagined and, in addition, has much more committed support from the employer side than expected. In brief, many employers with whom I spoke where enthusiastic about the enhanced industrial relationships which resulted from the practice of the closed shop in their plants.

So, there is no doubt that Industrial Magistrate Cawthorne, after his wide examination of the situation, agrees with the Hon. Mr Cameron and with the views that I am putting in the debate this evening as well.

We have had many instances of closed shop arrangements. One of the most familiar is the one that has now been entered into by the present State Labor Government with respect to the South Australian Public Service. We have also had the situation where heads of departments have been asked by the Government to compile lists of non-members and to send them to the relevant trade union so that the appropriate trade union officials can chase up those non-members, seek to place industrial pressure on them and ensure that they become members of the South Australian Public Service Association. That is a disgraceful situation for a Government that professes to believe in civil liberties, and which says it wants to prohibit discrimination of any sort.

That is the problem; what can be done about it? In the first instance, we must remove the power to award preference in awards. We must first defeat the additional powers to award preference that are included in this Bill, and eventually we must remove the existing provisions from the parent Act. However, if that is done it does not solve the situation. The problem of the closed shop remains, and what can be done about the closed shop? One option that has been tried by Governments—the United Kingdom Government and, recently, the previous Western Australian Liberal Government—has been an attempt to ban the closed shop. I am unable to find my reference to the provisions that the previous Western Autralian Liberal Government attempted to introduce. They were along the lines of banning it and fining severely companies that entered into closed shop arrangements. As I understand it, that Government did not get very far with the attempt in Western Australia.

The question that remains is how succesful would be any attempt to ban closed shop arrangements. The Cawthorne final report on page 29 gives Mr Cawthorne's view on the possibility of success. He says:

> I suggest that relevant experience has shown that, even if one accepted that the practice of the closed shop is in all cases a bad thing, no law attempting to outlaw the practice will have any significant impact. . . .
>
> Given that degree of acceptance and the entrenched nature of such agreements, any law outlawing the closed shop will have little or no general impact.

He goes on:

> To an extent, however, the Act already places some limitations on the closed shop in that it recognises that, like the unionist, the

non-unionist in employment should not be dismissed by reason only of the fact that he is or is not an officer or member of an association.

In my view that begs the question because it is talking about the non-unionist in employment. The simple fact is that the closed shop means that someone who is not prepared to join a union is not going to get into employment with a company that is engaged in a closed shop agreement with a trade union.

As further evidence of the possibility of success of banning closed shops I would like to quote from what is commonly known in the United Kingdom as the green paper. This green paper was presented to the United Kingdom Parliament in January 1981 by the Secretary of State for Employment, and I quote from paragraph 264:

The Industrial Relations Act, 1971, declared some closed shop agreements void and provided a right for employees not to belong to a union. It created the alternative of an agency shop to registered unions. This enabled those who did not wish to be associated with the policies of the union and conscientious objectors to remain non-union members but to contribute to union funds or to a charity. The Act met considerable resistance from trade unions and in practice its closed shop provisions were circumvented by many employers and unions. The closed shop continued much as before.

Clearly, the Secretary of State for Employment in the United Kingdom and Industrial Magistrate Cawthorne agree that, however one tries to ban in legislation the closed shop, methods attempted thus far have not been successful. In my view the only way that it will be successful is if the attitude of employers changes, because it is unlikely that the attitude of employees or unions will be changed. Therefore, if the attitude of employers entering into closed shop arrangements could somehow be changed, that may be one solution. I must say that I am at a loss to see how a Government can change the attitude of employers in this respect. So, if the closed shop is to continue, what else can be done? In my view we must widen the provisions for conscientious objection, which is covered under existing section 144 of the State Act. At present a person can become a conscientious objector only on religious grounds. I believe that those grounds should be widened to cover a similar provision as exists in the United Kingdom legislation.

That allows an exemption to be granted where a person 'genuinely objects on the grounds of conscience or other deeply held personal conviction to being a member of any trade union whatsoever' or a particular trade union'. I am not keen on the last six or seven words, 'whatsoever, or a particular trade union', but I believe that the first part of the provision in the United Kingdom would be a useful reform to the existing law in South Australia. It is a recommendation of Industrial Magistrate Cawthorne, but it is a recommendation that this Government has not chosen to take up in this Bill. Secondly, in my view the procedure by which a certificate of exemption is obtained should be reviewed. At present it is a form of litigious procedure involving a hearing in open court and formal involvement of the union concerned. In the Federal arena the position is different and in his final report Mr Cawthorne states:

The action is commenced by a relatively straightforward approach to the Registrar who makes his decision following a personal interview with the applicant in his chambers without the relative union being present. This procedure appears to be a well accepted and effective way of dealing with the issue and there seems to be no general reason why it should not be followed in the State jurisdiction.

Again, that is a recommendation from Magistrate Cawthorne. Rather than the formal procedures under the present Act, (where the union is involved, and where there is much work for the person who wants to seek exemption), we should look at the Federal arena and use those provisions, so that the person who wants to gain exemption just has to go along to the Registrar and have a personal interview without the relevant union being present. That is a simpler way and is the way I believe our State Act should be amended.

With those amendments the situation needs to ensure that the holder of an exemption certificate cannot be discriminated against by the employee association or the employers. There ought to be within the Act provision for effective penalties if a holder of an exemption certificate is discriminated against. Clearly, in respect to preference to unionists this Bill and the existing Act are anti-freedom.

As I indicated at the outset, this Bill is also anti-freedom in that it will not allow unregistered associations to register new agreements. There will be a ban on unregistered associations registering new industrial agreements, and the Hon. Mr Griffin covered the situation of independent schools most capably, and I will not expand on that. Most independent schools form unregistered staff associations and register those agreements. Existing agreements will be allowed to continue but new ones will not be entertained.

This Bill is also anti-freedom with respect to the ability of individuals to operate as subcontractors. People choose to be small business men and choose to operate as subcontractors. There are important advantages and disadvantages in making their particular choices. However, there are advantages in being able to choose when one wants to work, where one wants to work and for what hours and months of the year. These are all choices that small business people can make for themselves. Of course, employees cannot do that. People choose this way of conducting their lives and I believe that they ought to be allowed to continue to make that choice. The Hon. Mr Cameron has covered this matter in greater detail, and I am not going to expand on it.

Finally, the Bill is anti-freedom in respect of restricting the ability of individuals to sue for strike damage. Once again, the Hon. Mr Griffin together with the Hon. Mr Davis gave considerable details concerning the problems involved in this provision.

Once again, I will not expand on them at length; suffice to say that, under the situation proposed by the Government in this Bill, a particular individual employer could go broke because of pickets or industrial action undertaken by unions, possibly without having any recourse to common law. One situation that I will certainly pursue in Committee and which has not been covered in any detail by the Hon. Mr Griffin is not only the limitation on access to common law but also the removal of the provision for claiming damages for economic loss. If that provision is accepted, it takes the absolute guts out of the provision for common law action. If an individual cannot sue for economic loss, what on earth is the use of suing for damages?

I refer to a company or an individual whose very livelihood might be threatened by industrial action, yet if and when they are able to get access to common law, they are not allowed to sue for economic damage. I believe that that is a ludicrous provision and one that should not be entertained, even by this Government which is seeking to restrict access to common law in that other way. In conclusion, this Bill in the four aspects that I have mentioned is anti-freedom. There are many other instances in this Bill where it is anti-freedom. Unless those provisions are changed, I certainly cannot support the Bill.

The Hon. C.M. HILL: I commend members on this side who have spoken to this measure. The degree of detail that they have discussed and the many concerns that they have expressed highlight the great dangers that are involved in this piece of legislation. I am prepared to support the second reading so that the matter can get into Committee and all the points that have been raised can be argued. I certainly hope that many of the Government's measures are defeated in the Committee stage so that this State does not come

under the influence of such dangerous legislation as we have before us at the present time.

I do not intend to repeat all the arguments that have been put by members on this side in regard to this legislation. There is just one aspect upon which I believe that strong emphasis should be placed. I refer to that part of the Bill which will mean that the Government will eliminate the subcontracting system in this State, if the measure passes. I condemn the Government for a provision of this kind in the Bill, and I particularly refer to the housing industry in that regard. I know that the Hon. Mr Davis mentioned it a few moments ago, but I think that it is so important to the State that it is worthy of further mention.

Opposition to this measure comes from all quarters interested in the genuine economic development of the State. Opposition has come from the Employers Federation, the Chamber of Commerce, the Metal Industries Association, the Printing and Allied Trades Employers Federation, and the Master Builders Association. Of course, the Housing Industry Association is most perturbed about the proposition.

The Hon. J.C. Burdett: I thought the Government said that there was consensus.

The Hon. C.M. HILL: There is certainly no consensus in regard to this measure. The truth is that the Government is under the power of unions which want this measure on the Statute Book of this State and have been pressing for the measure for many years. That support comes from the union movement because it wants to maximise its membership. It wants to break the system of free enterprise within the small business area of this State. The Government has now wholeheartedly taken up the union call. That is perhaps understandable because, in effect, it is a servant of the unions. The Government is yielding to union pressure, and people could well ask just who is running the State when they see legislation like this.

The Hon. R.I. Lucas: A master/servant relationship.

The Hon. C.M. HILL: Yes, it is a master/servant relationship in reard to the unions and the Government and this measure. What worries me is the Bill's effect on the little people of this State, the people whom the Labor Party claims to represent and fight for. They are the people whom the Labor Party is supposed to support, and they are the people who are grasping at the last straw as they seek home ownership. Building costs have risen to such an extent that it is only just possible for them to become home owners. They can still reach that goal: we should all encourage them to reach it, and we should give them great credit. However, if housing costs rise higher than they are at present, a large number of young couples here in South Australia simply will not be able to afford home ownership.

In the present environment we have this measure which the housing industry claims will increase the cost of housing by between 10 per cent and 30 per cent. If we take the middle figure of, say, 20 per cent and if we consider the cost of a house for young couples—say, $40 000—on today's market as fair and reasonable, and if the cost of a dwelling rises by 20 per cent as the result of this measure, it is on the Government's head that it has increased the cost of housing up to, say, $48 000, with the result that young couples will not be able to afford to proceed to home ownership. That is a very serious matter indeed.

There is no reason for this particular measure, because the subcontracting system is a very efficient factor in our building industry. We hear a lot from the Government about its help for small business, and it even has a Bill before Parliament at the moment setting up a small business corporation. The Government has said publicly that it supports small business. Of course, subcontractors are small businessmen with small business operations. When the crunch comes and the unions tell the Government that it has to kill the subcontracting system, the Government responds to that pressure and forgets all its talk and all its publicity about helping small business in this State. Therefore, the Government is playing its part in killing individual business operations. Of course, the exact opposite should be the case.

The Government, the Parliament and all of us interested in the extension of people's initiative and enterprise in South Australia should be encouraging more small businesses to establish—not the reverse; however, that is the effect of this part of the Bill. As I said earlier, I believe that the Government should be condemned for introducing a provision that will, in effect, eliminate the subcontracting system in the housing industry in this State. It will do a great deal of damage to the industry and its efficiency and the rate of production, and it will also damage the ambitions, hopes and aspirations of many young couples who aspire to the goal of home ownership but will not be able to reach it.

The reason for that lies squarely on the shoulders of this Government. I most strongly oppose that provision and will have something more to say about the matter during the Committee stage.

The Hon. PETER DUNN secured the adjournment of the debate.

PHYLLOXERA ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 21 March. Page 2650.)

The Hon. PETER DUNN: I support the Bill, as it clears up a problem that has occurred concerning the investment of money by the Phylloxera Board. The second reading explanation does not address itself to the matter at hand. The Bill suggests that the Board cannot bid for inscribed stock, for Australian bonds, but I believe that it can, although probably not as easily as it can once it is incorporated.

The Phylloxera Fund at the moment stands at more than $300 000. This fund has been gathered together from the contributions of vignerons since before the beginning of this century. The fund has built up over a long period and is now begininng to feel the effects of inflation. The Board handles this money and invests it so that it obtains the best interest rate in an endeavour to keep the fund as high as possible. The reason for this is that if there is an outbreak of phylloxera—an aphis that attacks the root system of vines—the disease is so devastating that it would be necessary for the affected area to have all the vines removed and the soil sterilised, with the result that compensation would be necessary for those vignerons so that they could keep going until they could replant and get grapes growing again. So, it is very important to grapegrowing in this State. Victoria has phylloxera, but South Australia does not. In that situation this State has an advantage.

It has been pointed out to me in the past that the advantage and reason that South Australia has such a viable, strong wine growing and wine producing industry is that we did not get phylloxera in the first instance and were able to produce wines and capture the market for those wines in the early days. As a result, it is still a very viable and most important part of the State's agricultural (or viticultural) system. These funds may, in future, need to be reinvested in large lots, and those lots will probably be in sums in the vicinity of $100 000. As the Reserve Bank has said, if the Board wished to bid for inscribed stock in that order it would need to be incorporated.

At the moment the Phylloxera Board has approximately $40 000 to invest. This can be handled by other methods or by agents. The Board no doubt will invest that money as bearer securities or bonds put in safe custody at the bank. The Phylloxera Fund is not only for compensation but also is concerned with research. The research carried out mostly concerns the vine improvement programme in this State. Over a period of years the fund has lent considerable money for this programme to continue the development of vine stock. It has invested considerable sums of money, somewhere between $5 000 and $11 000, in Victoria which is being used to try to discover phylloxera resistant vine varieties in that State. Victoria has phylloxera and South Australia does not, so it is sensible, as Victoria has the areas to determine whether or not the vines are resistant. Therefore, the Phylloxera Board plays an important role in that project.

There are two parts to the Bill. It deals with the Board's being liable for action and individuals being responsible for the Board's decisions, and thus able to be sued one after the other. I believe that incorporation would reduce that risk. It is reasonable to assume that, if growers are contributing money to this fund, somewhere along the line someone will get put off that the contributions are not being invested or used in the best manner, and those persons may try to influence the Board. If in fact they do not have success in doing that, they will probably get off-side and want to sue some members of the Board. Incorporation will help to stop that, as Board members could not be sued one by one until that person got his own way. Incorporation will facilitate the Board's operation. After all, it deals with the funds of the growers. The Board is made up mostly of growers, although there are some winemakers. I believe that it is handling its own business and, if it wishes to be incorporated, I see no reason to resist it.

The Hon. K.T. GRIFFIN: I rise on a matter of principle. I do not intend to oppose the Bill. It seems strange that, although under the Act there has been a Phylloxera Committee since 1899, continued by the Phylloxera Act of 1936, it now becomes necessary, after some 85 years, to incorporate. I hold a very strong view that there ought to be as few statutory corporations as possible and that statutory incorporation ought to be pursued only in those circumstances where there is absolutely no alternative and the need is established beyond any question.

The problem with the Phylloxera Board is that it cannot participate, as presently constituted, in competitive tendering for Treasury bonds, because it is not incorporated. However, it still has the capacity, under the Reserve Bank guidelines, to hold Treasury bonds in the non-competitive sector. In the competitive sector in any event it has to have a minimum of $100 000 to participate in competitive tendering. As I understand it, the amount which it currently has for investment is something like $40 000. I can see no reason to incorporate for the purpose of its being able to participate in the competitive tendering sector for Commonwealth Treasury bonds. In the non-competitive sector it is still eligible to apply for Commonwealth bonds in multiples of $1 000 and in amounts up to $200 000. Power already exists in the principal Act for the Treasurer to act on behalf of the Board in respect of payments out of the fund.

The only other matter is in respect of liability of members. I am not satisfied that incorporation is going to give them the statutory protection that they seek. In any event, a simple amendment to the principal Act rather than proceeding to a full statutory incorporation would have been adequate, and that is a three or four line section which provided that members of the Board have no personal liability for any of their actions when taken in the discharge or purported discharge of their responsibilities under the Act, provided they acted in good faith. That seems to be adequate for other statutory bodies: I would have thought that it was adequate here.

So, on two grounds I do not believe that the Bill is necessary, and I am not sure that it is going to achieve what members of the Board want in respect of their own personal liability. It is not an issue on which I want to go to the wall and, for that reason, I am not proposing to oppose the second reading.

The Hon. R.I. LUCAS: I rise to support wholeheartedly the views that the Hon. Trevor Griffin has just put to the Chamber with respect to the proliferation in South Australia and Australia of statutory corporations. We have many instances in South Australia and Australia of statutory corporations being established when there is no genuine need for them to be established. The Hon. Trevor Griffin has quite concisely explained why this statutory corporation is not required. We have before us another Bill where a similar argument on the Small Business Corporation can be put. I certainly will be putting that view in debate on that matter. I want to place on the public record my concern at the general trend of government in South Australia and Australia, as instanced by this Bill, and I trust that a Liberal Government would do its utmost to reverse that trend when next in power.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Continuance of Board.'

The Hon. C.M. HILL: This clause deals with the powers of the Board and states that one of the powers shall be that it is capable of 'acquiring, holding, dealing with and disposing of real and personal property'. Could the Minister advise me whether the question of the Board's having the right to lease property or lease an interest in property would, in his opinion, be covered by the phrase 'dealing with'? Obviously the power is being given to acquire, hold, and dispose of real property. There have been instances where the Board has leased an interest in property, and I wonder whether that power could still be exercised under the phrase 'dealing with'.

The Hon. C.J. SUMNER: I believe that it is a form of words used in many Acts dealing with statutory authorities, and that the phraseology of 'acquiring, holding, dealing with and disposing of real and personal property' is broad enough to cover the matter raised by the honourable member. I suppose one could argue about the word 'acquiring' and whether it means ownership or whether it encompasses a lease. I would have thought that 'holding' would be broad enough to encompass a lease. 'Dealing with' may also cover it. I would have thought that it was broad enough but, if the honourable member is concerned about it I am happy to report progress and obtain the opinion of Parliamentary Counsel. This Bill has agreement, albeit reluctant, but certainly if the honourable member believes it needs to be clarified, I am happy to facilitate that.

The Hon. C.M. HILL: I do not wish to delay the Committee any further. I thought it prudent to seek the Minister's interpretation, not only in his ministerial capacity but because he is learned in the law. I was prompted to ask the question because many years ago I was a tenant of the Phylloxera Board. I presumed that it had the power to lease the property to me and I believe that it ought to retain such a right and power. I was of the view that it would include leasing, but I wanted to double check.

The Hon. K.T. GRIFFIN: This is becoming a most interesting debate. I want to touch on another matter which the Hon. Mr Hill's question has triggered in relation to the Government Financing Authority. There is now the poten-

tion for this body to be proclaimed a semi-government authority under the Government Financing Authority Act. If it is proclaimed a semi-government authority the Government Financing Authority has some very wide-ranging powers in relation to the funds of that body, both in respect of investment and loans.

The Hon. L.H. Davis: The hollow logs.

The Hon. K.T. GRIFFIN: I do not suggest that this was ever in the mind of the Government at the time that it was proposed, but it raises a very important question, because this body becomes a body corporate. I would like the Minister or, if he cannot, his colleague the Minister of Agriculture to give an undertaking that this body, the Phylloxera Board, as a statutory corporation, will not be proclaimed by the Government as a semi-government authority for the purposes of the Government Financing Authority, bearing in mind that the funds of the Board are raised solely from levies on growers, although if there is a deficiency at any time it may be supplemented by public funds in carrying out its functions in dealing with an outbreak of phylloxera. If the Minister cannot answer it, he may like to report progress.

The Hon. C.J. SUMNER: Obviously I am not in a position to answer that question. As I indicated before, I am happy to report progress on the Bill. The Bill is one for the Minister of Agriculture; he may wish to reply to some of the questions from the second reading debate. As there are now further questions it may be better for him to obtain responses. Having got this far with it, I am happy to move that progress be reported.

Progress reported; Committee to sit again.

SMALL BUSINESS CORPORATION OF SOUTH AUSTRALIA BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 3005.)

The Hon. L.H. DAVIS: It is an unhappy coincidence that the Bill to amend the Industrial Conciliation and Arbitration Act and the Bill to create the Small Business Corporation of South Australia are currently being debated in this Council. One Bill purports to offer hope; the other contains the seeds of destruction. If we were seeking an analogy, it would not be too colourful to suggest that the two Bills in conjunction with each other are a bit like a hangman offering his victim a box of chocolates the minute before springing the trapdoor.

We know that small business is an important part of the South Australian economy. The second reading explanation claimed that some 60 per cent of the private sector was involved in the small business area, and my observations and investigations suggest that it could be claimed that there are some 60 000 small business in South Australia. It is perhaps somewhat surprising that if we look at the Small Business Advisory Bureau as it is now constituted we see that it contains only six staff members; yet if one looks, for instance, at the South Australian Egg Industry Board, to take an example of a statutory authority, where there are only 588 registered producers, one sees that there are 43 permanent staff members. I am therefore pleased to see that the Small Business Corporation of South Australia as proposed is designed to strengthen the role of small business in this State, although one may query whether a statutory authority is a necessary vehicle to achieve this aim. Nevertheless, the introduction of this legislation fulfils an election commitment of the Government. It fulfils in large part the recommendations of the working party into small business, which reported last August, and it has the support of the small business community.

The introduction of this legislation provides us with an opportunity to review the South Australian economy and the important contribution that small business makes to it. I seek leave to have incorporated in *Hansard* tables of a purely statistical nature that indicate by industry groups the percentage of employed persons in Australia and South Australia from 1901-81.

Leave granted.

EMPLOYED PERSONS BY INDUSTRY: AUSTRALIA
1901 TO 1981
(percentage of employed persons)

Industry	Year 1901	1933	1954	1971	1981
Agriculture etc.	33.0	19.0	13.5	7.4	6.0
Mining & Quarrying		2.2	1.7	1.5	1.4
Manufacturing		28.0	28.0	23.2	17.7
Electricity, Gas & Water	26.4		2.0	1.7	2.0
Construction			8.9	7.9	6.3
Wholesale/Retail Trade	13.8	27.4	15.8	18.9	17.4
Finance			2.7	6.9	8.4
Transport	7.6	7.2	7.0	5.2	5.2
Communication			2.2	2.0	2.0
Public Administration	6.9	7.5	12.2	5.4	5.6
Community Service				10.8	14.9
Recreation & Domestic Service etc.	12.4	8.6	6.1	5.1	5.2
Other	—	—	—	4.1	7.7
Total *(a)*	100.0	100.0	100.0	100.0	100.0

(a) Due to rounding errors, components may not sum to Total.

EMPLOYED PERSONS BY INDUSTRY: SOUTH AUSTRALIA
1901 TO 1981
(percentage of employed persons)

Industry	Year 1901 *(b)*	1933	1954	1971	1981
Agriculture etc.	32.7	23.9	14.9	8.6	7.7
Mining & Quarrying		0.8	0.8	0.8	0.8
Manufacturing			28.4	28.4	19.0
Electricity, Gas & Water	27.4	29.9	1.7	1.8	1.9
Construction			9.1	7.4	5.5
Wholesale/Retail Trade	13.4	18.4	16.6	19.7	18.2
Finance			2.5	5.9	7.0
Transport	8.6	8.7	7.4	4.8	4.5
Communication			2.2	1.9	1.9
Public Administration	5.9	8.0	10.8	4.0	4.9
Community Service				12.6	17.5
Recreation & Domestic Service etc.	12.0	10.4	5.7	4.9	5.1
Other	—	—	—	3.2	6.3
Total *(a)*	100.0	100.0	100.0	100.0	100.0

(a) Due to rounding errors, components may not sum to Total.
(b) Includes Northern Territory.
(c) Source: ABS Census results 1981, 1971, 1954, 1933 and 1921.

The Hon. L.H. DAVIS: This table indicates that there has been a sharp decline in employment in the manufacturing sector. Indeed, in South Australia over the past 30 years the percentage of employed persons in the manufacturing sector has declined from 28.4 per cent of the work force to 19 per cent. That is in line with trends Australia wide; it is also mirrored in the agricultural sector, where there has been a decline from 14.9 per cent 30 years ago to 7.7 per cent in 1981. The decline in agriculture and manufacturing industries has been matched by an increase in the tertiary and service sectors, and I believe that that trend will continue. There is no question that small businesses are to the fore in picking up this increased employment. We would be whistling in the dark if we were to suggest that the employment opportunities in the 1980s and the 1990s in South Australia will be in big manufacturing industry. I do not believe that that will be the case.

Nor do I believe that sunrise industries will take the large bulk of the jobs that will become available. Certainly, they will create some jobs, but more jobs will be created by making existing companies more technologically efficient. Indeed, I have been interested to note that in America the occupations expecting the fastest growth rates over the next few years are waiters, office clerks, fast food workers, truck drivers, cashiers, sales assistants, cleaners and secretaries. This indicates that we must train the unemployed and those seeking employment in skills that will be relevant to the job needs of the 1980s.

So, there is a very strong suggestion that the growth will occur not only in high technology industries but also in low technology areas in society.

I seek leave to have a statistical table inserted in *Hansard* outlining the employment situation in South Australia over the last decade. The table shows the movement in Government and non-Government employment in South Australia in the years 1973 to 1983 in comparison with movement in Government and non-Government employment in all other States.

Leave granted.

CIVILIAN EMPLOYEES ('000 PERSONS)
(Source: Various A.B.S. tables)

Date	State Government: Persons Employed	All Governments: Persons Employed	Non-Government: Persons Employed	Employed Persons
South Australia				
August 1973	84.7	121.4	419.6	541.0
" 1974	92.9	130.1	419.3	549.4
" 1975	99.8	140.5	408.8	549.3
" 1976	105.0	143.4	420.8	564.2
" 1977	109.2	147.9	420.1	568.0
" 1978	104.0	150.8	402.6	553.4
" 1979	102.9	148.6	398.8	547.4
" 1980	102.0	147.0	403.4	550.4
" 1981	100.5	145.3	411.0	556.3
" 1982	99.3	143.5	405.7	549.2
June 1983	100.5	144.7	394.7	539.4
New South Wales				
August 1973	278.7	450.8	1 628.7	2 079.5
June 1983	340.0	525.9	1 640.6	2 166.5
Queensland				
August 1973	118.7	177.3	618.6	795.9
June 1983	157.6	229.0	742.8	971.8
Tasmania				
August 1973	30.2	40.6	121.0	161.6
June 1983	35.9	48.8	120.2	169.0
Victoria				
August 1973	207.8	326.6	1 267.1	1 593.7
June 1983	276.9	410.1	1 261.9	1 672.0
Western Australia				
August 1973	82.3	111.7	368.9	480.6
June 1983	109.7	143.5	423.0	566.5

The Hon. L.H. DAVIS: The table indicates that South Australia alone has had a decrease in the total number of people employed over the past 10 years. In August 1973 the total employment in South Australia in both the Government and private sectors was 541 000. In June 1983 (the latest available figure) the number of employed persons was only 539 400, a decline of 1 600 people. That decline is extraordinary, and it is a frightening figure.

Indeed, Tasmania, which is generally regarded as the State with no growth, has had an increase of about 5 per cent over the same 10 years, and all other States have shown healthy increases. On the other hand, having had a fall in overall employment, South Australia has had a significant fall in private sector employment over that 10-year period, falling from about 419 600 to 394 700, and had the greatest increase in public sector employment in that decade. Public sector employment in that decade (aggregating Federal and State Government and local government employment) increased by nearly 20 per cent.

When talking about small business, we talk about the private sector and, when we talk about the private sector, we are talking about jobs. When we see a shrinkage in the number of jobs in the private sector over the last decade in South Australia, unmatched by any other State, we can see that, unless we create an economic climate conducive to economic growth, conducive to people investing and expanding in South Australia, and investing in small business in South Australia, we are on the road to nowhere: we will not even be a Cinderella State.

Unquestionably, significant initiatives have been undertaken at Federal and State level in respect of small business. At the Federal Government level we have seen that the Australian Industries Development Corporation is now able to increase equity and loan finance for industry, including small business. Small business is represented on the Economic Planning and Advisory Council (EPAC). The Small Business Council has been established in recent times with industry councils under it. In co-operation with the States, the Commonwealth is expanding small business education counselling and information programmes as well as the resources available to the Department of Industry and Commerce. Also, a National Biotechnology Programme has been established in recent times.

These are exciting initiatives, some developed by the previous Federal Liberal Government and some taken up by the recently elected Labor Government. It is pleasing to see these initiatives, because little more than 12 months ago small business was not represented at the Economic Summit, notwithstanding that it accounted for 60 per cent of the private sector labour force.

In addition to those initiatives at the Federal Government level, there is a National Training Committee, which is to the forefront in establishing better education in the area of technology at secondary and tertiary level and, of course, this is of special importance also to small business. Around the States, too, initiatives have been taken. In the dying days of the Thompson Liberal Government, Victoria introduced equity capital to high technology small business. Styled

the Preferred Industry Scheme, it was administered by the Victorian Economic Development Corporation, and equity capital provided to high technology by that Government some years ago marked the first initiative by a State Government for small business in Australia.

More recently, a venture capital corporation has been established by the Government to finance high technology industry. Indeed, only today it was mentioned in the *Financial Review* that the Victorian Government has taken an 11 per cent interest in a corporation along with Elders IXL, which is applying for a Federal MIC licence in high technology. Another important initiative undertaken by the Victorian Government is through the compiliation of an information register for all companies or individuals associated with high technology. Of course, that picks up a variety of areas—biotechnology, information services, software, hardware, micro-electronics, plastics, and the like. I hope that, if the South Australian Government does not already have such an information register, it will consider following the initiative that has been shown by Victoria.

Honourable members may be familiar with the controversy associated with the Western Australian Government's recent attempt to establish the Western Australian Development Corporation, which was to be the vehicle for equity in the Ashton diamond project, have an interest in a chain of tourist hotels, and establish a factory to make medical technology products. The Western Australian Development Corporation has a much broader function and role than that of the South Australian Small Business Corporation, and problems have been experienced in having legislation passed in the Legislative Council in that State.

Finally, New South Wales has two areas of significance to small business. New South Wales established late last year an Advanced Technology Development Assistance Fund to provide loans, loan guarantees, and grants for the introduction of high technology processes for established and new businesses, and they have a New South Wales Science and Technology Council, which has set aside $10 million venture capital to take up to a 49 per cent equity in high technology companies.

In addition, there are initiatives in the small business arena and, indeed, all States have had similar initiatives. South Australia has had the Small Business Advisory Bureau, which followed on through the 1970s a long list of initiatives that were designed to support small business. At no stage did it ever reach any great heights, but it was under the Tonkin Liberal Government that the South Australian Small Business Advisory Bureau increased its activities to the extent that $5 million was made available through the State Bank for loans of up to $100 000 to small business.

Small business consultancy grants were provided to enable the employment of professional consultants; an export bridging finance loan scheme was introduced; a group apprenticeship scheme was implemented; and the Small Business Advisory Council was established. There were some important initiatives in the past three years. The present Labor Government, as we know, has promised the South Australian Enterprise Fund. It has been long in conception and also in labour; indeed, it has not yet been delivered. The Government purports to raise $5.5 million from the public through convertible notes and equity capital. It is going to provide long term debt and equity finance and, presumably, some of this money at least will go into areas which would be styled as the small business sector. Most certainly, as the Government has indicated, it will not be used to prop up lame ducks.

In summary, one can see that we have come a long way in the past few years around Australia in terms of taking initiatives in the small business area. Indeed, that is necessary because, if one looks at the private sector in Australia and at comparative statistics, one finds that we suffer at the hands of European, American and Asian countries. For example, of 24 OECD countries, Australia heads only Portugal and Greece on the value per capita of technology intensive exports. Australia is ranked twenty-third on the ratio of technology intensive imports over exports of 24 OECD countries. In the tertiary sector throughout Australia there are 78 fulltime research professors, but not one of them works in the engineering field. We depend on other nations for our technology. We are importing our technology far too much.

If one compares the recently released research and development expenditure figures for 1981-82 with the 1978-79 data, we can see that there has been a decline of 2 per cent in real terms in research and development expenditure in this nation. In fact, that is made up of a 3 per cent decline in the private sector and a 3 per cent increase in public sector expenditure in research and development. Certainly, there have been some healthy signs. One of the most exciting developments to me has been one that has received reasonable publicity in South Australia, and I refer to the whitegoods area, which I suppose could be regarded as an unfashionable manufacturing industry. There has been a very dramatic rationalisation in that industry following the Email takeover of Kelvinator and the Simpson takeover of Malleys. Tariffs in the whitegoods area have been reduced from 45 to 30 per cent over the past nine years, forcing these companies to adopt new technologies to survive and forcing them to take up automation, which has led to Simpson creating a new dishwasher factory out of Adelaide, developing its own automation and robotics production and, in fact, exporting and competing in world markets.

The Hon. C.J. Sumner: You don't support tariffs?

The Hon. L.H. DAVIS: We cannot debate that tonight. We see some examples provided by larger companies, which smaller companies must be encouraged to follow through research and development and through appropriate education and Government encouragement. We have slipped in the worldwide pecking order. If we look at income per capita, we see that we were ranked first around the world in 1900; in 1982 we rank eleventh amongst industrialised nations. If one takes into account some of the Middle East countries like Kuwait, we are sixteenth overall. Only 1 per cent of our export earnings comes from research, books, design, and other technology-related creative products, compared with Japan, France and Sweden where the intellectual component of their exports contributes up to in excess of 50 per cent. In America, three times as many of their young people, pro rata, attempt science degrees compared with their counterparts in Australia. One could go on.

When we are talking about the small business sector, we are talking about an enormous and exciting challenge. It is a challenge which is for this State Government to grasp. As I mentioned in an earlier contribution to the Industrial Conciliation and Arbitration Act Amendment Bill, I fear for South Australia when Draconian amendments are imposed on an economy which is trying to survive and which is trying to bring itself up to the mark to compete interstate and, more particularly, overseas. The importance of technology and grappling with it, even for small business, is I think outlined quite brilliantly in a recent OECD publication which examined the various studies undertaken on technology amongst major countries, including Australia, Canada, the United Kingdom, the United States of America, France, and so on.

The conclusion which emerged from all the studies and which was endorsed by the OECD was that new technology in principle is not job destroying but that slowness, hesitation or obstruction in introducing it is. The more rapid the diffusion of technology, the better off the country will be,

and failure to introduce it is likely to result in lower real incomes. Certainly, there will be massive structural adjustments in introducing new technologies. The message is that, if we do not adapt new technology rapidly and invest heavily in it, we will suffer more. If we are to minimise the costs, we also need to invest heavily in education and training.

The report notes the fact that the kinds of education and training that are most important are those that produce literacy, numeracy, flexibility and problem-solving capacities. We have it on every side that, if as a nation we are to live up to our reputation as the 'lucky country', we have to grasp the nettle. We have to take some hard decisions and learn that employers and employees should interact with each other rather than react against each other. Turning more particularly to the role of Government and the need for change, I will make two or three points.

First, I shall deal with the observation concerning red tape. Last year the Company Directors' Association stated that there were 550 000 Australian businesses each employing fewer than 10 people. Those businesses were being suffocated by the National Companies Code. That Association suggested that the code be simplified and that there be a less expansive code. It proposed a Small Enterprise Act which would allow the advantages of incorporation, provided the parties accepted unlimited liability. I do not know whether or not the Attorneys-General have looked at that proposition. It makes sense to me because, quite frankly, apart from the Attorneys-General and corporate lawyers specialising in that field, there are very few other people—

The Hon. C.J. Sumner: It has been referred to the Companies Law Review Committee set up by the Ministerial Council on Companies and Securities.

The Hon. L.H. DAVIS: I am pleased to hear the Attorney respond to that suggestion made last year by the Company Directors' Association. The other aspect to deregulation is the very real struggle that small businesses have in coping with the continual demands of Government agencies for licences and statistics. The often quoted figure from the deregulation report commissioned by the then Liberal Government used the example of the delicatessen that might have up to 20 licences a year just to stay in business. Indeed, of the 44 recommendations made regarding deregulation, the Liberal Government fulfilled 18 and there were another eight on the way when the 1982 election was held. Of course, that covered areas relating to health, food, occupational licensing, industrial and business affairs.

The Liberal Government continues to have a commitment to repeal licences in these areas to make life more bearable and less costly to small business. Yet, what we saw from the Government, which says it supports small business and has introduced a Small Business Corporation Bill, is the abolition of the deregulation unit.

The Hon. C.J. Sumner: We did not abandon the policy, though.

The Hon. L.H. DAVIS: What the Labor Government did was say that the various Departments of Government were the best people to deregulate—that it would put it back to them. What a fancy policy that was.

The Hon. C.J. Sumner: The deregulation unit did not work.

The Hon. L.H. DAVIS: The deregulation unit worked. We have seen an example where over half the recommendations were fulfilled or on the way to being implemented. I do not wish to be diverted by the Attorney-General, who has been caught on the hop by that penetrating allegation. He will have an opportunity—

The Hon. C.J. Sumner: That is the funniest deregulation proposal I have ever heard of—establish another bureaucracy in order to deregulate.

The Hon. L.H. DAVIS: The Attorney will have an opportunity to respond to that in due course, if he can.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Small Business Corporation Bill is not about bailing out flagging industries with taxpayers' money; it is not about supporting half-baked ideas and exciting but totally impractical brainstorms. Hopefully, it is about extolling and encouraging the virtues of private enterprise which encourage intiative, at the same time imposing the discipline of the market place on people. I hope that the Bill will, in practical terms, achieve its goal. I will now turn to the goals and briefly review the sections of the Act that closely follow the recommendations of the working party's report brought down last August.

The Hon. C.J. Sumner: Are you making a bid for the shadow Ministry?

The Hon. L.H. DAVIS: No, this is a subject close to my heart. I was once a small businessman. The report of the working party into small business indicated that the establishment of a statutory authority was justified, but said that it could not be justified unless sufficient resources were available to put into effect the initiatives recommended by it. During the Committee stage I will be asking questions about the intentions of the Government as to how much money it intends to spend in the areas covered by the Bill, for example, in management education, in establishing the Small Business Pathfinder Service, in increasing the number of counsellors and in providing cash grants for the cost of hiring relief management whilst owners attend education training courses. As the working party indicated, a statutory authority can be justified but only if it is upgraded.

I was disappointed to see that there has been no indication as to what the Government will do with this corporation, how much money will be spent on it and whether or not the Government will follow the working party's recommendation of spending a one-off amount of $100 000 in establishing the corporation and then an additional $325 000 in operating the expanded corporation which, on the recommendations, should have 12 employees rather than the current six. One of the very strong recommendations I concur with was the higher priority needed for business education in secondary schools. The recommendations are matched by the very strong concern expressed by the Small Business Association.

The views of that Association in the area of education are that the community should be educated to appreciate entrepreneurship as beneficial and to accept the profit motive, that students in high schools should be equipped with knowledge in this area and that colleges of advanced education and universities should offer training in self-employment. One of its aims is to press for inclusion of teaching small business management in courses at existing educational institutions. I remember standing in this place three years ago and suggesting that it was unfortunate that the South Australian Institute of Teachers had effectively blocked such a scheme which would have established a programme in secondary schools to better explain to students how the economy worked, the role of unions and employers, and the profit motive—Enterprise Australia. I was appalled on raising that subject by way of question that members opposite, who are now in Government, actually laughed at the proposition and accused me of supporting a biased right-wing organisation.

I hope that they will think again, because the report of the working party very firmly establishes the priority that needs to be given to education in this important area. They make the point that, in the only detailed and quantitative study on small business education and training in Australia, which was the Bailey Report of 1980, small businessmen

perceived their major knowledege needs as information on how others run their business, taxation planning, business law and the Australian economy. A lot of the problems of small business could be avoided if education takes place ahead of their entering small business and with education courses being available to them during the establishment and operation of that business.

Another observation of the working party report was that the availability of finance is not a major problem. That also was a conclusion of the Campbell Committee. It may come as a surprise to honourable members who believe that the great problem with small business is the lack of finance. But, the Campbell Committee of Inquiry, which looked at the Australian capital market and was a milestone in the examination of that market, made the following observation:

> Regarding small business, the Committee sees no need on efficient grounds to recommend further Government initiatives in respect to small business and new ventures. Encouragement should be given to the establishment of private small business investment companies which invest in the equity of small business by making subscriptions to their shares eligible for personal tax relief.

That is not so much a subject for the State Government but is a matter that can be pursued at a Federal level. Small business investment companies can be established similar to management investment companies which provide tax write-offs for approved investments. We need to do much more of this. We are starting to look at these initiatives in high technology and in small businesses in the 1980s, whilst other countries in the world have been looking at them during the 1970s. We are well behind and must act speedily and well.

There was a recommendation of a ceiling on the total of guarantees issued to the Corporation at any one time. That has been pursued in the Bill. It recommends, however, that, in the provision of guarantees and grants through the Small Business Corporation, the administration and investigation of the small business should be undertaken by an officer of the Department of State Development who investigates and administers the existing scheme and that these same officers should continue to monitor the small business which has received the loan or the grant.

The Hon. C.M. Hill: What is the grant ceiling going to be?

The Hon. L.H. DAVIS: The Hon. Mr Hill has raised a point to which I was just coming, namely, that there is no proposed ceiling for the guarantee amount in the Bill. Indeed, the report of the working party into small business made the following observation—

The Hon. C.M. Hill: It was the grant that I was asking about.

The Hon. L.H. DAVIS: We will come to that in a minute. As honourable members will be aware, existing grants and establishment payments are operated through the Industries Development Committee—a bipartisan committee of the Parliament with members from each side of each House, together with a representative from the Treasury, who, at the moment is the Assistant Under Treasurer. That Committee of five people has acted in a bipartisan fashion and has had an upgraded role since the winding up of the South Australian Development Corporation a few years ago.

The committee meets *in camera*, and the minutes of those meetings remain confidential. I am not aware of any leak from that committee in all that time, even though some of the matters before it have been contentious and others highly political in flavour. Yet, the committee has worked extraordinarily well and is a practical demonstration of the usefulness of Parliamentary committees.

However, the working party report, with which I agree very much in large part, makes an observation on page 39, namely, that the existing Government guarantee scheme is unnecessarily complicated and time consuming. The working party considered that there was justification for the introduction of a streamlined small business loan guarantee scheme for smaller Government guarantees with these being given by the Small Business Corporation. That was a harsh observation. There is no undue delay in treating applications for guarantee through the Industries Development Committee. An enormous amount of detail is required even for small businesses which may be looking for a guarantee as low as $10 000. One will often find that these small businesses do not have proper books of accounts, that details are sketchy and inadequate and that it takes time for them to be brought together and properly evaluated. I do not support the argument that a speedier process will necessarily be developed by enabling the Small Business Corporation to have the ability to grant guarantees to appropriate small businesses. There will not be a great number of guarantees to small businesses.

In 1982-83, 10 guarantees were approved by Industries Development Committee. Only four of those were under $100 000, and the total amount of guarantees approved was $20 million. That included the ill-fated Ramsay Trust, which received a guarantee of $10 million. As we know, that did not come to pass. I do not believe that the provision for a Small Business Corporation guarantee facility will necessarily lead to a welter of applications, because small businesses must meet criteria set out in clause 13, namely, that it is in the public interest, that there be reasonable prospects of the business being financially viable, and that the person is not able to obtain the loan upon reasonable terms and conditions without the guarantee of the corporation; that is, that person has exhausted all commercial finance opportunities that may be available.

The Hon. Mr Hill raised the pertinent point of the limit of the grant. I have placed on file two amendments, one of which relates to the term of board members. That amendment is of no great consequence, although it is a matter on which I will be fighting strongly. The matter that is of more consequence is that in relation to clause 13. An amendment on file seeks to limit the guarantee to $50 000. We are seeking to insert a new paragraph which provides that, where the total amount of a person's liabilities under the loan exceeds $50 000, the liabilities shall not be guaranteed by the Corporation unless it has referred the matter to the Industries Development Committee and that committee has approved the giving of the guarantee.

The Hon. C.M. Hill: That doesn't cover the question of the grant.

The Hon. L.H. DAVIS: No, it does not. I will come to that in a moment. I am a little uneasy about giving the Corporation the facility to provide a guarantee and, indeed, to provide a grant. However, I am persuaded by the working party in its argument that the small business sector will believe the Corporation is more effective if it has that power. There is something psychological about it. I am not persuaded to the view that it will make the Corporation more effective, but it is a matter of perception, and I accept that. There is some evidence from the working party that perhaps not too many people knew about the Small Business Advisory Bureau. Perhaps the Corporation will need publicity; we should accept that.

It should not be forgotten that it will not be a panacea and will not solve the problems of small business. It will not provide a golden fleece for a struggling small business, but it will provide education, skilled counsellors, advice, in some cases, guarantees, and in other cases grants to enable a manager to go off and train.

Finally, I have been pleased to see the development of small business in Australia beyond the stage of having 550 000 small businesses and providing 60 per cent of the

private sector to the stage where there is a Council of Small Businesses of Australia—COSBOA as it is styled—and in July 1983 the Australian Small Business Association was formed with the prime objective of creating a positive environment of incentive and reward for Australian enterprise. The fact is that 5 million Australians depend on small business for a livelihood; 60 per cent of private sector employment and 55 per cent of gross national product is accounted for by the activities of small business. Indeed, I understand that the Australian Small Business Association has just held its annual elections for a State Council and a new State President has been appointed here.

One of the key objectives of the Australian Small Business Association, which is worth quoting, is to maximise the subcontracting of work to the private sector and to ensure that small businesses receive an equitable share of contracts and purchases. They wish to minimise Government interference in the affairs of small business and to establish deregulation units. Where a small business development corporation exists they believe that it should include a representative of the Australian Small Business Association. So, I hope that, in selecting members for the important board positions in the Small Business Corporation of South Australia, the Government will take note of that aim.

I commend the Government for this initiative. I remain, as I said, slightly dubious about the need for a statutory authority, but, given that the working party, comprised of a very strong group both from Government and the private sector, has recommended it, I am persuaded by its argument and the arguments advanced by the Government, provided that the money will be spent wisely in upgrading the Small Business Corporation and following the recommendations of the working party. I support the second reading. However, as I have indicated, there are two amendments on file.

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

ADELAIDE RAILWAY STATION DEVELOPMENT BILL

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

[Midnight]

REGIONAL CULTURAL CENTRES 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.

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

Leave granted.

Explanation of Bill

This Bill makes an amendment to the Regional Cultural Centres Act, 1976. Under that Act, four regions were designated in the State, and a Trust was established in respect of each region, the purpose of each Trust being to provide a venue for the performing arts within its own region. Each of the four Trusts has nearly accomplished this objective. The South-East and Northern regional venues have been completed and it is envisaged that the Riverland and Eyre Peninsula regional venues will be completed prior to or during 1985. At the same time, the Trusts, together with the Arts Council of South Australia and the Department for the Arts, have formulated regional arts policies.

Now that the initial objective of establishing venues has been, or is being, achieved, the long-term objective of each Trust is to provide for the overall cultural needs of the community served by it. The purpose of this Bill is to facilitate the achievement of that long-term objective. The Bill provides for a change of emphasis in the principal Act. The principal Act presently focuses on the centre in relation to which a Trust is established. The effect of the Bill is to widen that focus and require each Trust to consider the overall needs of the region it serves, fostering a general appreciation of the arts while maintaining a venue within which they may be enjoyed.

While the number of trustees appointed to each Trust has not been increased, the Bill requires that at least six of the trustees be resident within the region served by the Trust, in order to ensure adequate representation within each region. The Bill also provides for a widening of the powers of each Trust to encourage the development and appreciation of the arts within the community served by it. The opportunity has also been taken to transfer provisions dealing with budget, accounts and annual report from the regulations into the principal Act.

Clauses 1 and 2 are formal. Clause 3 amends the long title to the principal Act to An Act to provide for the establishment of Cultural Trusts; to provide for their operation and management and for other purposes. Clause 4 amends the short title of the principal Act to the Cultural Trusts Act, 1976. Clause 5 amends section 3 of the principal Act. The definition of 'Centre' is struck out and definitions of 'local resident' (being, in relation to a particular Trust, a person whose principal place of residence is situated in a part of the State in relation to which the Trust is established) and 'Trust' are inserted. Clause 6 is a transitional provision. Notwithstanding the change in the name of each of the existing Trusts, each is deemed to have been established under the principal Act as amended by the Regional Cultural Centres Act Amendment Act, 1984, as if the principal Act as so amended had been in force at the time of the establishment of each Trust.

Clause 7 repeals sections 4, 5, 6 and 7 of the principal Act, substituting new sections as follows: New section 4 provides that the Governor may by proclamation establish a Trust in relation to a defined part of the State, specifying a name for the Trust. New section 5 provides that such a Trust is a body corporate with perpetual succession and common seal, may sue and be sued, and is capable of dealing with real and personal property. New section 6 provides that a Trust shall consist of eight trustees appointed by the Governor. At least six trustees must be local residents and where the part of the State in relation to which the Trust operates contains the area or areas of one or more councils, at least two of the local residents are to be nominated by the council or councils. One of the trustees is appointed chairman of the Trust by the Governor. A trustee holds office for a term, specified in the instrument of his appointment, not exceeding three years. He is eligible for reappointment. A trustee may be removed from office by the Governor on the ground of mental or physical incapacity, dishonourable conduct or neglect of duty. A trustee's office is vacated if he dies, his term expires, he resigns, or in a case where he was nominated by a council—that nomination is revoked, or the trustee is removed from office by the Governor.

Clause 8 amends section 8 of the principal Act. The existing subsection (1) is struck out and a new subsection substituted, which provides that, subject to the Act, a trust may provide, manage and control premises and facilities for the arts, encourage the development and appreciation of the arts within the community served by the Trust and exercise any incidental or ancillary function. A consequential amendment is made to subsection (3). Clause 9 amends section 14 of the principal Act by striking out subsection (4), a provision relating to the incidence of duty under the Gift Duties Act, 1968, which no longer serves any purpose.

Clause 10 inserts new section 14a, 14b and 14c after section 14 of the principal Act. Section 14a provides that, before the commencement of a financial year, each Trust must present the Minister with a budget showing estimates of its receipts and payments for that year. The Minister may approve such a budget with or without amendment. A Trust shall not, without the Minister's consent, make any expenditure not disclosed by an approved budget. Section 14b requires each Trust to keep proper accounts. The Auditor-General is empowered at any time, and at least once per year, to audit the accounts. The powers vested by the Audit Act, 1921, in relation to public accounts and accounting officers are conferred upon him in relation to a Trust established under the Act. Section 14c requires each Trust to deliver, on or before the thirtieth day of September every year, a written report upon its activities for the preceding financial year. The report must incorporate the audited accounts for that year. The Minister must cause a copy of the report to be laid before each House of Parliament.

The Hon. C.M. HILL secured the adjournment of the debate.

ADJOURNMENT

At 12.3 a.m. the Council adjourned until Thursday 5 April at 11 a.m.