LEGISLATIVE COUNCIL

Thursday 10 May 1984

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

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

That Standing Orders be so far suspended as to enable the conference on the Bill to be continued during the sitting of the Council.

Motion carried.

PUBLIC WORKS COMMITTEE REPORTS

The PRESIDENT laid on the table the following reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Gawler East Primary School (replacement),

Port Pirie College of Technical and Further Education (reconstruction).

PAPER TABLED

The following paper was laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Pursuant to Statute—

Office of the Commissioner for Equal Opportunity, Annual Report, 1982-83.

QUESTION TIME

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

That Question Time be postponed.

Motion carried.

PETROLEUM ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 December. Page 2364.)

The Hon. DIANA LAIDLAW: It gives me some pleasure to speak on the second reading of this Bill after waiting 5½ months to do so. We have actually been waiting for amendments which were put on file yesterday and it is on the basis of those amendments that the Opposition is prepared to support this measure to amend the Petroleum Act. The additional amendments are important, for they overcome the Opposition's refusal to support the Bill when it was debated in the other place in December last year.

The purpose of the Bill is to update the provisions that govern onshore oil and gas exploration and development in this State. The Bill provides for a doubling of licence expenditure conditions for the three renewal periods that follow the initial five year licence term; for increased emphasis on work programmes (specific seismic drilling programmes) rather than expenditure obligations as a basic condition for the granting or renewal of petroleum exploration licences; a strengthening of a company's obligation to comply with the work and expenditure conditions applicable to entry into the licence year; a restriction on the carryover of excess expenditure for one year only (not to succeeding years of a licence term); for relinquished areas to be more regular in shape; for petroleum production licences to be confined in size to areas where petroleum of economic quality and quantity has been discovered; and for the Minister to have wide discretionary powers in relation to conditions for renewal of exploration licences, areas to be excised before renewal and the granting of production licences.

When the Bill was introduced last December I believe that, in addition to myself, a number of members of the Opposition supported its concept. Energy resources are absolutely vital to the future development of our State. Without a reliable supply of energy resources, the State will never realise its full potential, never be successful in attracting new industry or encouraging our industries to be cost effective with those overseas or interstate, and not reverse its high level of unemployment or further improve the quality of life for all South Australians. Therefore, it is imperative that the Cooper Basin and other areas be tested as rapidly and thoroughly as possible to determine their full potential of reserves.

I am aware that at times private interests involved in the energy resource exploration and production business may see it to their advantage to restrict development and, therefore, supply, to force up the price of their product. This certainly was the practice in the OPEC countries throughout the 1970s and was the principal reason for the alarm over the supplies and prices during that decade.

South Australia cannot allow this practice to occur in the Cooper Basin or any other field in the State in the future. As far as practicable, our Governments must endeavour to ensure that oil and gas licensees fees maintain adequate exploration levels in order to ensure that the resources of the State are properly evaluated. This amending Bill seeks to address this issue. It is for this reason that I had considerable sympathy for the concept of the Bill when it was introduced.

As an aside, I add that the question of energy supply to a State must be seen to be a shared co-operative responsibility between the Government and private interests. For their part, Governments should, as far as practicable, ensure that the licensees receive a fair return for their labour and risk undertakings. The maintenance of artificially low prices for the producer provides no incentive for further exploration or production and, therefore, is not in the State's best interests.

I have outlined the reasons why a number of members of the Opposition had some sympathy for the concept of a Bill when it was introduced last December. To a person, however, the Opposition objected most strongly at that time to the content of a number of the provisions and to the hasty manner in which the Government handled the Bill's introduction. The validity of these objections has been confirmed subsequently by the extensive nature of the amendments, both in number and content, that were placed on file by the Government yesterday, and by the fact that it took, as indicated earlier, 5½ months of intensive negotiating between the Government and the Cooper Basin producers following the introduction of the Bill for those amendments to see the light of day.

I wish to highlight aspects of the Opposition's original objections as this is essential background to any clear appreciation of why the Government has introduced the amendments, and, as a consequence, the reason for the Opposition's change of heart in respect to this Bill. Firstly, the Bill was introduced by the Minister of Mines and Energy without any consultation with the petroleum industry, notwithstanding the fact that the Bill proposes major amendments. Indeed, the only courtesy extended by the Government to the Cooper Basin partners was the forwarding of a copy of the Minister's press release on the day the Bill was introduced, followed

by an opportunity to meet with the Minister, which opportunity was provided at the urgent request of the partners on the afternoon that the Bill was scheduled for debate. Further, the Bill was introduced without notice on a Tuesday night of the second-last week of a hectic period before the Christmas break, with the expectation that it would be pushed through both Houses in under 48 hours. The Minister's insensitive actions were not only an insult to the Parliament but were interpreted as a slap in the face to a very important industry in this State. Naturally, representatives of the Cooper Basin partners were indignant. A letter was sent by the former General Manager of Santos, Dr John McKee, to the shadow Minister of Labour dated 1 December 1983. It shows the extent of that indignation, so I will read the letter into the *Hansard* record. It states:

On perusal, the Bill to amend the Petroleum Act now before Parliament is much more far-reaching and has many more serious implications than we first envisaged on reading the press release. It in fact represents a major change in the relationship between the State and the exploration oriented resource industry. The following are the more serious aspects:

1. Section 18 (3a): Enables the Minister in effect at his total discretion to determine the area for excision at relinquishment (that is, this could be a prospective area). The concept is totally unacceptable and must be resisted, removing as it does one of the recognised explorationist's rights of decision. The consequences to investor confidence level must be severe.

2. Section 27 (1a): This section removes the statutory right to the grant of a production licence. It now rests on a Ministerial determination of what is sufficient to warrant production. This is a fundamental change and would have far-reaching consequences in the industry's confidence to explore, and its ability to raise exploration finance. It, too, is totally unacceptable.

3. New section 28: The Minister is taking the right to determine the size of a field.

This is often impossible to determine at the time of initial production.

The Minister could override the technical judgment of the operator. Here again the damage to investor confidence is very real as there is the prospect of other production licences now being granted in close contiguous areas that should on normal technical rationale form part of the initial production area. More importantly, under the powers now being sought by the Minister, such areas could be determined by him for relinquishment.

This is a frightening prospect.

The existing 260 square kilometres is more than a sufficient safeguard to the State.

Again, financing ability would be severely affected on the proposed Ministerial discretion.

4. There are several other points important in themselves.

(a) There is the assumption that the explorer can identify a five year programme and expenditure in advance—this is obviously impossible as later years work depends on prior works results.

(b) There is the deletion of the power to defer expenditure to a subsequent year... the Minister is taking rights to vary statutory conditions. Once again this can only erode exploration and investor confidence.

(c) The Minister can vary or revoke conditions attaching to a licence during a previous term. This is unacceptable as it enables the Minister to place Draconian conditions on the old licence holder which he could then relax for the new licence holder. This is a most dangerous situation.

5. This Bill was introduced without any consultation with industry whatsoever. It represents far-reaching changes and removes statutory rights. It must not proceed without prior debate and careful analysis of the consequences to future exploration investment in this State.

6. If the State departments have concerns they are welcome to sit down and discuss these with those companies that have already invested $2 billion in the petroleum resources of this State under the existing conditions—of which $1.5 billion remains borrowed. Changes to these conditions while such international funds are involved can only prejudice the ability of the industry to raise funds for future investment in the State.

7. The proposed amendments, if intended to apply to the existing licensees in the Cooper Basin, could breach the terms of convenants solemnly entered into by the Minister and the State and in reliance upon which both the licensees and the international lending community have invested funds of the magnitude referred to above.

Existing rights must be protected against *ad hoc* 'changes of rules' in the interests of the licensees, their lenders and future investor confidence in the development of South Australia's natural resources.

A letter from the Managing Director of Delhi Petroleum, Mr George Essery, to the Shadow Minister of the same date 1 December, is in a similar vein to Dr McKee's letter. Mr Essery, in particular, highlighted the company's concern about the proposal to allow the Minister such wide discretionary powers over all aspects of their operations. Fortunately, Dr McKee's and Mr Essery's arguments were supported by the Premier in early December at an urgent meeting convened between himself, the Minister and the chairman of Santos, Mr Alex Carmichael. At this meeting it was resolved that, on condition that the producers agreed to a number of propositions regarding the renewal arrangements for petroleum exploration licences 5 and 6 on 27 February 1984, further debate on the Bill would be deferred until the resumption of Parliament in March. On 7 December Mr Essery confirmed in writing the partners' concurrence to those conditions and on the next day the Minister of Mines and Energy issued the following statement:

On Tuesday afternoon the Premier and I received Mr Alex Carmichael, Chairman of Santos, for discussions on the Petroleum Act Amendment Bill. Mr Carmichael offered to provide a letter stating that, if its passage were deferred for the purpose of enabling the consultation they have indicated they desire, the Cooper Basin producers would agree that any subsequent amendments to the Act in terms of this Bill could be applied retrospectively to the renewal of PEL 5 and PEL 6, which is due on 27 February 1984, as if the amendments had passed this month.

This is with the clear understanding that the amendments will not affect the producers' specific rights under the various deeds and indentures, which have been entered into from time to time to facilitate the development of the State's onshore hydrocarbon resources, something which had never been contemplated. It has been further agreed that the terms of this letter, giving the Minister the right to vary the conditions of the renewal of Pel 5 and Pel 6 in terms of the amending Bill when it is subsequently passed by the Parliament, will be incorporated in the conditions of the renewal of Pel 5 and Pel 6.

A letter in these terms has been received from the managing director of Delhi Petroleum on behalf of the licensees of Pel 5 and Pel 6 and the Government will place Bill No. 65 on notice until the March sitting. This arrangement will provide the Cooper Basin producers with the opportunity they have sought for detailed consultations on the Bill and time to assess for themselves its actual implications, without prejudice to the Government's ability to ensure that all future licence renewals in the State are made in accordance with the updated Act envisaged at this time.

I have recounted in some detail the saga of events between the introduction of the amending Bill on 29 November last, because I believe that, with a little more common sense and foresight by the Minister, the Cooper Basin producers and, indeed, the members of the Australian Petroleum Exploration Association, would not have interpreted the Minister's actions as an indication of a hostile attitude to their operations by the Government.

After all, the Cooper Basin liquids project is the largest development yet undertaken in South Australia, and it ranks with other large projects in Australia in scope, cost and national significance. In the past four years alone, $200 000 million has been invested in developing this oil and gas field, while at present 3 000 people are directly employed and 1 200 indirectly employed. Moreover, the project's impact on general revenue is not inconsiderable. In terms of our overall mineral production (and I cite the figures for 1982) of $305.5 million, natural gas and liquid sales represented $141.1 million, compared with the next highest—coal production—which was valued at $40.2 million, and the estimated value of opal production of $28.8 million.

I will now elaborate on the significance of investor confidence in the decision making process by a company when it seeks to determine whether or not it will proceed with a development and, if so, to what extent. I do so because I have a very uneasy feeling that the Government undervalues, if it does not deliberately thumb its nose at, the importance of investor confidence. I acknowledge that it is an intangible quality, but for this very reason perceptions are very important. They are especially important in the field of mineral exploration, which is a difficult and high risk business involving large sums of money.

If South Australia is ever to overcome its present economic difficulties and throw off its classification as a disadvantaged State and the unpalatable distinction that it shares with Tasmania at the present time of being a poor relation among Australian States, it must capitalise on its significant mineral potential. In future, mineral development can play a major role in bringing prosperity and stability to the State's economy, just as it has in the past. Whether we are prepared or able to pursue this path will depend on our Government's maintaining an environment which will encourage competent company exploration activity.

This point was not lost on the former Director-General of the Department of Mines and Energy, Mr Bruce Webb. In the Department's annual report for 1982-83, he offered the following caution to the present Government on a Government's role in stimulating investor confidence. He said:

> The constraints on exploration which result from the setting aside of Aboriginal controlled land and of conservation parks, as well as the negative decisions on proposed development of the Honeymoon and Beverley uranium deposits, need to be assessed and taken into account in dealing with the maintenance of exploration effort in this State.

I suggest that, if Mr Webb were writing the Department's annual report for this year, he would add 'The wide discretionary powers that the Minister of Mines and Energy usurped when he introduced this Bill in December last', as a further instance of Government action that had the potential to undermine investor confidence and, in turn, to undermine the realisation of an active mineral exploration and (in the event of discovery) development effort in South Australia.

It is indeed disturbing to note figures which have just been released by the Bureau of Statistics and which show that mineral exploration in South Australia declined sharply last financial year to $50.5 million. This represented a decline of 21.9 per cent on 1981-82 figures and a severe reversal of the momentum in mineral exploration generated under the Tonkin Liberal Government between 1979 and 1982, when South Australia doubled its share of total national spending on mineral exploration. In 1978-79, our share was 5.8 per cent, or just over half of what it should have been on a per capita basis. By 1981-82, it had increased to 11.8 per cent. Currently, it is declining.

If the present Government is to realise this State's high potential for discoveries of a wide range of mineral commodities and thereby generate new wealth for the State and more long-term employment opportunities for all South Australians, particularly the young, the Government must give the mineral exploration industry positive encouragement to take up these opportunities. The opportunities may not be realised if the Bannon Government continues to undermine investor confidence by actions such as the rash introduction last December of this Bill to amend the Petroleum Act. In the light of the amendments that were placed on file yesterday, I indicate that the Opposition is happy to support this Bill, and I support the second reading.

The Hon. L.H. DAVIS: This is an important amendment to the Petroleum Act. It is perhaps not generally understood that the petroleum exploration licence areas 5 and 6 cover between 20 per cent and 25 per cent of South Australia. Amendments affecting the exploration rights in those areas are of some importance. The Hon. Diana Laidlaw quite rightly pointed out the fiasco that has been associated with the introduction of these amendments. It is pleasing at least to see that the Minister of Mines and Energy has finally consulted the exploration companies most concerned with PEL 5 and PEL 6, namely, Delhi Petroleum and Santos Ltd.

Given that the Government initially opposed the Roxby Downs indenture legislation and then endorsed Roxby Downs before the November 1982 election, exhibiting about the same degree of enthusiasm that one would expect from an icecream vendor in Rundle Mall on a rainy winter day, one would have thought that the Government might have shown some degree of enthusiasm for proper consultation in areas like this.

However, although it has pretended, with some success, to ignore the fact that South Australia may have discovered the largest mine in the world at Roxby Downs, it certainly has not been slow—certainly in pre-election speeches—in praising the virtues of the gas and liquids scheme associated with the development of the oil and gas fields in the north of South Australia. Yet again, we see that the Government has not matched with its actions the rhetoric that was associated with its election campaign.

I find it remarkable that this Government, through its Minister of Mines and Energy, introduced fundamental changes—indeed, Draconian changes—to the Petroleum Act without any prior consultation with Santos Limited, which is the tenth largest company in Australia in terms of market capitalisation and which is the largest public company in South Australia, a company which, from very humble beginnings in 1954, has been one of the very few genuine success stories in the corporate world of South Australia. Indeed, if we look at the growth of Santos over the past five years the figures are remarkable: the number of employees in 1979 was only 321; that figure by the end of 1983 had increased to 1 076; it has some 950 employees in South Australia.

I am told by one of Adelaide's leading real estate consultants that most of the growth in letting in the central business district in 1983 was due to expansion in the natural resources sector. If that is not enough evidence to the Government of the importance of cultivating and developing the natural resource sector, I do not know what is.

Santos Limited has a 34.5 per cent interest in the gas reserves and a 93 per cent interest in the natural liquids. It is, of course, in association with some nine other companies in developing the Cooper Basin oil and gas fields. It has now 18 000 shareholders. Its profit after tax in 1983 was $48.7 million, up 81 per cent on the preceding year. Its profit in 1979 was only $6.2 million.

In the areas PEL 5 and 6 some 28 wells were drilled last year. That resulted in four cased oil wells and 11 cased gas wells. The amount of money spent on exploration by Santos has increased enormously. It is hard to believe that the company spent only $3 million on exploration in 1978. That figure had increased to $38 million in 1983. In the next four years Santos anticipates spending on average some $70 million per annum.

The company has had a high success rate in discovering oil and gas. It has developed an extraordinarily strong management team. It has a very good reputation as an employer of labour, as has been instanced by the success of its Moomba operation, where rather than establishing a permanent township it has an arrangement whereby employees have a short shift of perhaps some 12 days on and then a period with their families, generally in Adelaide.

So Santos, which, as the Hon. Diana Laidlaw has observed, has emerged as the major Australian on-shore oil and gas

producer, with the Cooper Eromanga liquids development, has some 25 million net acres in the Cooper Erimanga Basin with long leases over most prospective areas. Not only has it drilled for oil and gas, but it is also providing for the future because it participated in some 3 700 kilometres of seismic in 1983 to help in the location of future wells.

So, when we look at this Bill, which was first introduced in November 1983, and look at the amendments that were put on file only yesterday, we see the benefit of consultation. We see that the Minister of Mines and Energy in response to the sharp and public criticism of the two producers most involved in PEL 5 and 6 (namely, Santos and Delhi) has actually bent and modified his views. It is not exaggerating to say that the amendments to the Petroleum Act, as they were presented initially, have now been virtually rewritten. If we look at the proposals that were before us in November and the modified version of the amendments that were placed on file only yesterday, we can see how much the Government has changed its direction. Whereas before under clause 6 the Minister would grant a licence in respect of separate areas only if exceptional circumstances existed to justify the inclusion in the same licence of those separate areas, that provision has now been totally modified.

Likewise, clause 8, amending section 17 of the principal Act, has been significantly changed. Under the original amendments that were set down in clause 8 the Minister had Draconian powers. He could have granted a petroleum exploration licence and during the term of the licence varied its conditions. That Draconian power has now been removed.

Similarly, in dealing with section 18 of the principal Act there have been substantial modifications to the Government's original proposals. Section 18 is an important provision in the Act because it deals with petroleum exploration licences and the renewal of those licences. The term of a petroleum exploration licence shall be five years and, on the renewal of a licence for an area, 25 per cent of that area in aggregate shall be given up and excised from the area; and the licence shall be renewed only in respect to the residue. That provision is contained in section 18 (2). As the Bill was initially introduced into the Parliament the Minister had the power to shape the area that was to be relinquished.

The Minister had the power to vary the relinquishment of the licences. He could assess the prospectivity of the area named and play favourites. He could say, 'We do not want you to relinquish this area or an area in this shape. We would prefer to do it another way.' In that way, it may act against the interests of the company that had, for the past five or so years, control of that area and explored it seeking to find oil and gas which, ultimately, would benefit South Australia and Australia.

So, I am pleased to see that that modification has occurred. Similarly, the Minister, when dealing proposed new section 18ab may, when determining a licensee's expenditure in the following year, take into account the whole or part of the excess expenditure by the explorers in preceding years. That was an extraordinarily wide power. The Minister could say, 'Yes, you have spent a lot in the preceding year and when I am looking at your expenditure in the following year, I can, if I wish, take into account the moneys that have been spent in the preceding year.' It was a very broad power, and I am pleased to see that it has been excised. Similarly, a further broad power existed concerning clause 13 where the Minister could, on his own account, determine whether the quantity and quality of petroleum was sufficient to warrant production in the grant of a petroleum production licence. Under clause 14 the Minister could also determine that he would not grant a petroleum production licence in respect of an area that exceeded twice the area of the field concerned. Again, that was left to the Minister's determination and there was no right of appeal.

The Government has bowed, I think, to the objections of the explorers and has modified those clauses so that, if there is a dispute concerning the quantity and quality of petroleum or the area of the field, the companies can go to arbitration to resolve the issue. These are just some of the changes that have occurred. There has also been tacit recognition that the amendments centre very much on the renewal of petroleum exploration licences Nos 5 and 6, because that renewal fell due on 28 February 1984. By the agreement of all parties, this legislation will be retrospective to that date.

In an amendment to clause 9, specific recognition is given to the renewal of petroleum exploration licences Nos 5 and 6. It solves the problem of petroleum licences Nos 5 and 6 overlapping and being akin to a chequerboard. So, if we had not varied the original provisions, the companies would have had some difficulty in a practical sense when it came to the relinquishment of 25 per cent of the area. That provision has been specifically recognised in the new amendments.

Finally, under clause 10, recognition is given to the fact that the Cooper Basin producers have an existing agreement between themselves and the State Government, which was entered into in December 1978. Although there is some legal doubt as to whether the Minister has a right to impose conditions on the renewal of licences that may cut across the existing agreement entered into between the Government and the producers in 1978, the amendments now on file ensure that amendments to the Petroleum Act are subject to the deed. The Minister, in other words, cannot impose conditions that will be at variance with the contractual arrangement entered into in 1978. Therefore, I support the amendments on file.

Having discussed this matter with the producers, I am satisfied that they concur in the amendments which have been drafted over the past 5½ months and which have resulted from lengthy consultation between the Minister, departmental officers and the producers themselves. There seems to be concurrence that the amendments represent a significant improvement on amendments that were originally presented to Parliament in November 1983 and that they certainly protect the position of the producers which, by general agreement, have done so much to further the exploration interests in South Australia and which, as I have already indicated by the figures presented, have brought very real benefit to the South Australian economy. I support the second reading.

The Hon. I. GILFILLAN: The Minister of Mines and Energy and his officers have given the Democrats a briefing on this Bill, which deals with a number of matters. Several of the amendments are intended to prevent practices which have not been evident in South Australia, but which apparently have been a problem in other States. The Bill contains a provision to stop the misuse of petroleum production licences to hold exploration acreage for a longer period than would be permitted under a petroleum exploration licence. It also ensures that acreage relinquished at a renewal is of a size and shape which will enable it to be taken up for exploration by another company.

Smaller field sizes are more common now that the Cooper Basin is more developed and smaller structures are being drilled. A new provision will restrict petroleum production licences to a reasonable acreage rather than allowing every licence to be the maximum size. The Bill also clarifies some administrative arrangements associated with renewals and adjusts various fees and penalties for inflation. However, the most significant aspect of these amendments is that they provide a doubling of minimum expenditure requirements

on petroleum exploration licences and a new provision to allow the Minister to attach work conditions in terms of wells and line kilometres of seismic. The Democrats have a query which the Minister may respond to or which could be dealt with during the Committee stage.

There is apparently an idea in the Government's mind that the Minister should determine what should be the balance between seismic and drilling work done during exploration. It is not clear to us that that is a necessary obligation to put on exploration companies provided that the total amount of money required to be spent is being spent. Is there a basic necessity for the Minister to be involved in determining what percentage of funds should be spent on a particular activity? Will the Minister address this question in his reply, or during the Committee stages of this debate?

Given the present uncertainties associated with long-term gas supply, the prospectivity of our sedimentary basins and what new discoveries mean to the economy, ensuring a realistic level of exploration, are vital to the State. Work conditions are normally established by a consultative process between the exploration company and the Department of Mines and Energy. However, proper management of the State's resources requires the Minister to have some prerogative should agreement not be reached. This is not likely to emerge as a problem, because most explorers in the State see their acreage as sufficiently prospective to warrant expenditures far in excess of the minimums prescribed in the Act. Similar provisions giving the Minister a significant prerogative exist in comparable Acts in other States and in the Commonwealth, as well as in South Australia's Mining Act; in particular, I refer to the Commonwealth Offshore Petroleum (Submerged Lands) Act 1967; the Territorial Seas Petroleum (Submerged Lands) Acts applicable in each State; the Western Australian (On-shore) Petroleum Act, 1967-1981; the New South Wales Petroleum Act, 1955; and the Victorian Petroleum Act, 1958. It is apparently also proposed for Northern Territory on-shore legislation.

There was some concern amongst the industry in relation to the original Bill, because of the degree of Ministerial discretion that it contained, and we shared that concern. I understand that discussion over the past five months between the Government and the Cooper Basin producers found satisfactory solutions which exchanged many of these discretions with the specific provisions circulated as amendments. Agreement was also reached on a provision within clause 10 *(e)* to protect rights which exist under other agreements. The Democrats intend to support the Bill, anticipating that the amendments on file will be incorporated in it.

The Hon. FRANK BLEVINS (Minister of Agriculture): I thank honourable members who have participated in the second reading debate on this measure. In particular, I thank the Hon. Diana Laidlaw, the lead speaker for the Opposition.

The Hon. Diana Laidlaw: For her patience.

The Hon. FRANK BLEVINS: For her patience, and for her excellent contribution, which we have come to expect from the honourable member and which was both constructive and well delivered. Before I get carried away, I did have some grave reservations about some of the remarks that the honourable member made in relation to the Minister of Mines and Energy and to the way in which this matter has been handled. However, as the issue arose almost six months ago, it seems to me to be not very worth while or productive to rehash the circumstances that made this Bill (in the Government's eyes at least) necessary. All I say about her critical remarks, and those of the Hon. Mr Davis, is that the Government is pleased that the problems that this Bill addresses have been solved to the satisfaction of all parties—the Government, industry and the Opposition.

I will make a couple of remarks in response to the Hon. Miss Laidlaw, who stated that this Government does not assist in giving business in this State, particularly in the mining and exploration industry, the confidence to expand or involve itself in activities.

The Hon. Diana Laidlaw interjecting:

The Hon. FRANK BLEVINS: The fact is that we do not undervalue this intangible, as the Hon. Miss Laidlaw has stated we do. We do not thumb our nose, to use her phrase, at business in this State. We recognise the absolute necessity of business confidence. In fact, we believe that certainly over the past few years, at least, if not before, the Labor Party and the Government have gone a tremendous way towards building up a rapport with industry that is, I believe, showing some signs of a very real pay-off for the level of business confidence in this State and, therefore, the flow-ons that come from that. I therefore refute completely any suggestion that we undervalue and thumb our noses at the business community in relation to business confidence. In fact, I endorse completely the Hon. Miss Laidlaw's final statement regarding the absolute necessity to build up the exploration, and hopefully the mining, industry in this State.

This Government certainly recognises the absolute importance of that happening in the State and to the economic welfare of South Australia. Anything that this Government can do within reason to assist exploration and mining I think we have done, and done very well. I also point out that the whole import of this Bill is to increase the possibility of exploration, because some practices were perceived to be a problem that could inhibit the freeing up of certain areas to exploration. Therefore, the whole thrust of the Bill was to encourage further exploration in particular areas.

The Hon. Diana Laidlaw: I didn't argue with the concept.

The Hon. FRANK BLEVINS: I appreciate that. Again, this is an indication of our desire to have more mineral exploration and, hopefully, more mining activity, because it is a very significant, and I hope growing, sector of the South Australian economy. The Hon. Miss Laidlaw also quoted figures which purported to show that somehow, because of actions of this Government, the percentage of mining exploration taking place in South Australia was declining. That may or may not be the case.

The Hon. Diana Laidlaw: The figures are from the Australian Bureau of Statistics.

The Hon. FRANK BLEVINS: Indeed, but I would like to have a further look at those statistics and the reasons behind them. It may be that other States, through coal mining, or whatever, have had a sudden surge of mining exploration, or did so a few years ago.

The Hon. Diana Laidlaw: Coal in New South Wales?

The Hon. FRANK BLEVINS: In Queensland, for example, while our main thrust was in the Roxby Downs area. I am not arguing the case one way or the other. I am merely saying that it is too simplistic to introduce statistics and try to relate them to the Government's performance. In fact (and I am sure that the Hon. Miss Laidlaw would not do this), they could be quite misleading. However, I appreciate the comments that all honourable members have made and their general support for the Bill and the amendments.

The Hon. Mr Gilfillan, in his contribution, asked for an explanation about certain matters. I am advised that the Minister does not want to establish how much seismic work is done and how many wells are drilled; rather, it involves the setting of an exploration programme as a matter of consultation between the Department's technical staff and the company, the company generally offering a work programme of its own design.

The Minister only requires the right to determine how much seismic activity and how many wells if the company fails to present an adequate programme in terms of the

prospectivity of the acreage that it holds. I am advised that this is standard practice in the Western world and in Australia in particular. I hope that that information answers the query raised by the Hon. Mr Gilfillan. I commend the second reading to the Council.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. FRANK BLEVINS: I oppose this clause. I understand from the speeches in the second reading debate that honourable members agree with the Government's amendments.

Clause negatived.

Clause 4—'Persons who may apply for licence.'

The Hon. DIANA LAIDLAW: This clause involves amendments which seek to remove anomalies. As I have indicated, there are several amendments, and the Opposition has no trouble with any of them. However, this one is perhaps more interesting than some of the others in that it seeks to overcome the anomaly which was presented following the enactment of the new Companies Code in 1982 which meant that some foreign companies previously registered in this State became recognised companies within the meaning of the Code. As a consequence, the strict interpretation of section 6 of the Petroleum Act would not have permitted those companies to apply for whole tenements. I have outlined this because I wonder, as a further part to this clause has a retrospective aspect and allows the clause to come into effect from the commencement of the Companies Act itself in 1982, how many companies have come into this category where they have been continuing their work but were actually not legally entitled to do so since the enactment of the Companies Act?

The Hon. FRANK BLEVINS: My information is that only one company has fallen into that category, but I give the Hon. Miss Laidlaw the assurance that I will have that information checked. If what I have told her is inaccurate, I will get my colleague to communicate with her and give her a complete list.

Clause passed.

Clause 5—'Application for licence.'

The Hon. DIANA LAIDLAW: This clause has two paragraphs, and I address both briefly. The first is one area where fees or charges are to be doubled. These charges have not been increased in any way since 1978. In this instance the fee for lodging an application for either an exploration or production licence is increased from $200 to $400. In other instances the amounts for various applications or other work are not anywhere in that vicinity. In fact, the annual fee for a petroleum exploration licence during the initial period of the licence is increased from 8 cents to 16 cents.

The Opposition does not agree with any of the fees or charges that have been doubled in this clause or throughout the Bill. Indeed, we acknowledged that in December last year when the Cooper Basin partners responded to the Minister's Ministerial statement that they accepted that, given the passage of this Bill, the proposed increased licence fees and charges would have a retrospective effect to cover the renewal periods of PEL 5 and 6, which were renewed on 28 February. So, this is a further aspect of the retrospective nature of the Bill.

The other matter on which I wanted to comment involves the major introduction in this Bill of work programmes. Paragraph *(b)* introduces the proposal of a work programme for each year of the five-year licence term. The Opposition supports this amendment, as it recognises that expenditure conditions alone are no longer appropriate as the prime condition for a licensee to receive an exploration licence. In fact, the amendment simply confirms the situation that was introduced under the former Liberal Government in 1982, when work conditions in addition to expenditure obligations were attached to the leases, a matter to which I will refer in a moment. I received this information from the Minister's office. For that assistance and for other assistance that I have received during this period, I would like to take the opportunity to thank the staff of the Minister's office.

The 1982 licences applied to PEL 22, Beach Petroleum; PEL 23, Comalco; and PEL 24, CRA. This step was taken under the guardianship of the Hon. Roger Goldsworthy in accordance with section 12 of the principal Act, which gives the Minister the power to impose duties on the licensee and to cover ancillary matters as the Minister thinks necessary. The Opposition shares the view presented by the Government that the response to submit proposed work programmes for a five-year licence term should be clearly defined in the Act and not left to the Minister's discretion. We acknowledge also that this is a requirement in the Acts of several other States and even in Queensland. The two Petroleum Acts regulating exploration off shore in South Australia both contain specific powers requiring licensees to submit work programmes. As I indicated in my second reading speech (as did the Hon. Mr Davis and the Hon. Mr Gilfillan), work programmes are desirable if we in South Australia are to be sure that we have an adequate and constant supply of energy resources.

Clause passed.

Clause 6—'Licence in respect of separate areas.'

The Hon. FRANK BLEVINS: I move:

Page 2, lines 11 to 14—Leave out section 8a and insert new section as follows:

8a. A licence may be granted in respect of two or more separate areas of land only—

(a) if the licence is granted in renewal of a licence that applied in respect of two or more separate areas of land;

or

(b) if, in the opinion of the Minister, exceptional circumstances exist justifying the inclusion in the same licence of those separate areas.

Amendment carried; clause as amended passed.

Clause 7 passed.

Clause 8—'Expenditure in relation to initial term.'

The Hon. FRANK BLEVINS: I move:

Page 2, lines 17 to 30—Leave out paragraphs *(a)* and *(b)* and insert the following paragraphs:

(a) by striking out all the words preceding paragraph *(a)* of subsection (1) and substituting the following passage:

It shall be a condition of a petroleum exploration licence during its initial term that the licensee must, in carrying out the exploratory operations required by the licence, expend not less than the following amounts:—

(b) by inserting after subsection (1) the following subsection:

(1a) The Minister may, when granting a petroleum exploration licence—

(a) attach to the licence conditions prescribing the exploratory operations to be carried out by the licensee in each year of the term of the licence;

(b) vary the condition referred to in subsection (1);

and

(c) by striking out subsections (3) and (4) and substituting the following subsection:

(3) On application by the licensee, the Minister may, at any time during the term of a licence, vary or revoke a condition of the licence (including the condition referred to in subsection (1)) or attach new conditions to the licence.

The Hon. DIANA LAIDLAW: The Opposition is very pleased that in this clause and others a compromise has been reached between the partners, the producers and the Government in regard to the producers' major concern

about the wide discretionary powers contained in the Bill. The fact that a compromise has been reached, even though it took 5½ months, suggests that perhaps the process of wider and more intense consultation could have been employed before the Bill was introduced. In that event, much of the stress and anxiety caused by the Bill would never have occurred in the first instance. The Opposition welcomes the amendment and others that deal with the Minister's wide discretionary powers.

Amendment carried; clause as amended passed.

Clause 9—'Renewal of petroleum exploration licence.'

The Hon. FRANK BLEVINS: I move:

Page 2—

After line 33—Insert new subsection as follows:

(a1) The holder of a petroleum exploration licence may apply to the Minister for the renewal of the licence.

Lines 34 and 35—Leave out 'The holder of a petroleum exploration licence who applies for the renewal of his licence' and insert 'The applicant'.

Page 3—

Lines 1 to 10—Leave out these lines and insert—

and

(b) by striking out subsections (3), (4) and (5) and substituting the following subsections:

(3) If the licensee does not include in his application for renewal of a licence a description of the area or areas that he selects for excision pursuant to subsection (2) the Minister may select the area or areas to be excised.

(4) The area or areas to be excised shall be selected so as to satisfy the following requirements:

(a) the area or areas excised and the area retained shall be bounded by straight lines and, where the boundary does not coincide with the boundary of the area comprised in the existing licence, the boundary shall be comprised, as far as possible, of parallels of latitude or meridians of longitude or both parallels of latitude and meridians of longitude;

(b) where possible no point on a straight line that forms part of the boundary of an excised area or the retained area shall lie closer than ten minutes of latitude or ten minutes of longitude to any point on any other straight line that forms part of the boundary of that area except the straight lines with which that line forms a junction;

(c) where two or more areas are excised each of them shall comprise at least two thousand square kilometres.

(5) Subsection (4) shall not apply in relation to the renewal of petroleum exploration licences numbers 5 and 6 but the areas to be excised from those licences upon renewal shall be within an area that would have been excised, pursuant to this section, from an area that is the sum of the areas of each of those licences if a licence comprising that total area had been renewed pursuant to this section.

(5a) If the holders of petroleum exploration licences numbers 5 and 6 cannot agree on the areas to be excised from their licences the Minister may select the areas for excision pursuant to this section.

(5b) An application for the renewal of a licence under this section must be made not less than three months before the existing licence is due to expire.

After line 18—Insert new subsection as follows:

(8) Where, by virtue of subsection (7), the notional commencement of the renewed term of a licence is likely to precede the final determination of the application for renewal by three months or more the Minister shall, when determining the conditions with which the licensee must comply in the first year of the renewed term, take into account the reduced period during which the licensee will have to comply with those conditions.

Amendments carried; clause as amended passed.

Clause 10—'Expenditure to be incurred by licensee upon renewal of petroleum exploration licence.'

The Hon. FRANK BLEVINS: I move:

Page 3—

Lines 20 and 21—Leave out paragraph *(a)* and insert the following paragraph:

(a) by striking out all the words preceding paragraph *(a)* of subsection (1) and substituting the following passage:

After the renewal of a petroleum exploration licence for a second or subsequent term it shall be a condition of the licence that the licensee must, in carrying out the exploratory operations required by the licence, expend not less than the following amounts in each year of the term of the licence—.

Lines 30 to 45—Leave out these lines and insert—

(e) by inserting after subsection (1) the following subsections:

(1a) Subject to subsection (1b), the Minister may, when renewing a petroleum exploration licence—

(a) attach to the licence conditions prescribing the exploratory operations to be carried out by the licensee in each year of the renewed term of the licence;

(b) vary the condition referred to in subsection (1).

(1b) Unless the Minister has the approval of the licensee concerned, he shall not—

(a) pursuant to subsection (1a), attach a condition to a licence that is inconsistent with an agreement subsisting between him and the licensee;

or

(b) vary the condition referred to in subsection (1) in a manner that is inconsistent with that agreement;

and

(f) by striking out subsections (3) and (4) and substituting the following subsection:

(3) On application by the licensee, the Minister may, at any time during the renewed term of the licence, vary or revoke a condition of the licence (including the condition referred to in subsection (1)) or attach new conditions to the licence.

Amendments carried; clause as amended passed.

Clause 11—'Carrying over of excess expenditure.'

The Hon. FRANK BLEVINS: I move:

Page 4—

Line 1—Leave out 'sections are' and insert 'section is'.

Lines 3 to 8—Leave out section 18ab.

Line 9—Leave out '18ac. The licensee' and insert '18ab. The holder of a petroleum exploration licence'.

Amendments carried; clause as amended passed.

Clause 12 passed.

Clause 13—'Right to petroleum production licensing.'

The Hon. FRANK BLEVINS: I move:

Page 4, lines 27 to 29—Leave out subsection (1a) and insert the following subsection:

(1a) A licence shall not be granted under subsection (1) if the quantity or quality of the petroleum is not sufficient to warrant production.

Amendment carried; clause as amended passed.

Clause 14—'Area of petroleum production licence.'

The Hon. FRANK BLEVINS: I move:

Page 4, lines 34 and 35—Leave out 'as determined by the Minister'.

The Hon. L.H. DAVIS: During the second reading debate I mentioned that clauses 13 and 14 excise Ministerial discretion. I understand that in the event of a dispute over matters contained in clauses 13 and 14 the dispute would be resolved by an arbitral process.

The Hon. FRANK BLEVINS: I understand that the procedure to be followed is that the company concerned, the Department and the Government will attempt to come to some agreement. I think that everyone anticipates that agreement will always be reached. However, there is a safeguard in that if agreement is not reached a company can take out a prerogative writ.

Amendment carried; clause as amended passed.
Remaining clauses (15 to 20) and title passed.
Bill read a third time and passed.

STATUTE LAW REVISION BILL

Adjourned debate on second reading.
(Continued from 9 May. Page 4140.)

The Hon. K.T. GRIFFIN: There is a saga behind consideration of this Bill, which was introduced into the Council yesterday. On Friday the Government provided me with a typewritten copy of the Bill, and earlier this week a first print. The Bill has now been introduced. I have had little time to consider the amendments proposed in the Bill. It is a significant Bill containing 31 pages of amendments. The amendments are largely designed to make minor changes to six Acts of Parliament to enable the consolidation of those Acts to be completed as soon as possible.

I understand from the second reading explanation that the consolidation process is well advanced. The six Statutes that are subject to amendment by this Bill are Acts of Parliament that are used quite extensively not only by the legal profession but also by many other people in the community. The Criminal Law Consolidation Act is, of course, in constant use in the criminal jurisdiction of the courts of this State. The Police Offences Act has been amended quite substantially over a long period and needs to be consolidated. But probably the most significant Acts to be consolidated with the largest number of amendments over recent years are the Road Traffic Act and the Motor Vehicles Act.

The Stamp Duties Act has also been subject to a number of amendments in the past three or four years, and it will be helpful to many people if it is consolidated. I do not believe that the Education Act has suffered so many amendments, but it is referred to on the schedule and, if it was available in a consolidated form, it would be a good thing. The amendments are very largely drafting amendments.

There were some matters of substance included in the schedules, but my amendments will remove those matters of substance, in some instances because time does not permit adequate research and at this stage of the session it is not really possible to develop considered debate on those questions. In any event, a Statute Revision Bill is not ordinarily a Bill in which matters of substance are considered. The amendments are designed to remove from the schedules those matters which may be regarded as matters of substance or about which there is some doubt about the need for amendment. In several instances they will remove amendments made by earlier legislation and which therefore are not necessary, and in several instances they remove matters which, in terms of drafting, may not on reflection be necessary for consolidation.

In considering the Bill and in drafting the amendments, I have appreciated the support of Parliamentary Counsel in what has been a fairly large task. However, it is important to get this Bill through, and with the amendments that I will move it will not be a controversial matter from our point of view. I hope that the Bill will be passed by the end of today. I support the second reading.

The Hon. C.J. SUMNER (Attorney-General): I thank the honourable member for his support for the Bill, which will tidy up the Acts that were subject to amendment and enable the consolidations to be presented at the earliest opportunity. It is important that those consolidations be available for the legal profession, the Judiciary, members of Parliament and members of the public. I appreciate the attention that the honourable member has given to the detailed provisions of the Bill although, as I say, it is a tidying up Bill that should not be subject to any substantive amendment. The honourable member on perusing the Bill had some concerns that the amendments might alter the substance of the law in some way, and I agree with him that that is not the intention of the legislation. I am pleased to see that he has placed amendments on file to overcome the problems that he foresaw. I thank the honourable member for his assistance.

Bill read a second time.
In Committee.
Clauses 1 to 3 passed.
First schedule.
The Hon. K.T. GRIFFIN: I move:

Page 2—
Leave out the item:
'Section 29—
Strike out "committee" and substitute "administrator" ' and substitute the item:
'Strike out ", either as a husband, parent, guardian, committee, master, mistress, nurse, or otherwise,".'

Page 3—
Leave out the item:
'Strike out "lunatic, idiot" first occurring and substitute "person who is suffering from a mental illness or mental handicap" ' and substitute the item:
'Strike out "lunatic, idiot" first occurring and substitute "person who is suffering from a mental illness or intellectual handicap".'
Leave out the item:
'Section 57a (3)—
Strike out ", before or at the opening of the said court on the first sitting thereof, or at such other time as the judge who is to preside in such court may order".'
Leave out the item:
'Section 77 (4)—
Strike out "His Majesty's pleasure" and substitute "the Governor's pleasure".'
Leave out the item:
'Section 77a (3)—
Strike out "His Majesty's pleasure" and substitute "the Governor's pleasure".'
Leave out the item:
'Section 77a (4)—
Strike out from the first paragraph *(a)* "His Majesty's pleasure" and substitute "the Governor's pleasure".'

Page 4—
Leave out the item:
'Strike out from the second paragraph *(b)* "where the detention is ordered during Her Majesty's pleasure, shall" and substitute "shall, if the court or judge has directed that he be detained during the Governor's pleasure,".'
Leave out the item:
'Section 77a (5)—
Strike out "His Majesty's pleasure" and substitute "the Governor's pleasure".'
Leave out the item:
'Strike out "*bona fide*" and substitute "genuine".'

Page 5—
Leave out the item:
'Section 100—
Strike out "(in case the amount of the damage or injury exceeds two dollars)" and substitute "(where the amount of the damage or injury exceeds two hundred dollars)".'
Leave out the item:
'Section 101 (1) *(a)*—
Strike out "(in case the amount of the damage done is less than two dollars)" and substitute "(where the amount of the damage or injury is less than two hundred dollars)".'

Page 6—
Leave out the item:
'Section 145 (3)—
Strike out "*bona fide* instituted" and substitute "instituted in good faith".'
Leave out the item:
'Section 148—
Strike out "(in case the value of the article stolen or the amount of damage done exceeds the sum of ten cents)" and substitue "(where the value of the

article stolen or the amount of the damage exceeds ten dollars)".'

Leave out the item:

'Section 149 (1)—

Strike out "the sum of ten cents" and substitute "ten dollars".'

Page 7—

Leave out the item:

'Section 163 (2)—

Strike out "any *bona fide*" and substitute "a genuine".'

Leave out the item:

'Strike out "*bona fide* instituted" and substitute "instituted in good faith".'

Page 8—

Leave out the item:

'Section 201 (5)—

Strike out "*bona fide* taken or received" wherever occurring and substitute in each case "taken or received in good faith".'

Leave out the item:

'After "where such assembly is" insert "taking place".'

Page 9—

Leave out the item:

'Strike out "by noise," and substitute "by".' and substitute the item:

'Strike out "or by any unnecessary noise".'

Leave out the item:

'Section 288 (4)—

Strike out "(subject to the provisions of section 20 of the Evidence Act, 1929),".'

Page 10—

Leave out the item:

'Section 321 (1)—

Strike out "Her Majesty's pleasure" and substitute "the Governor's pleasure".'

The amendments largely remove items that I regard as perhaps having some substance and, as I indicated earlier, I do not believe that this is the appropriate time to debate these substantive issues. In several instances an item has been removed and a new item has been inserted in its place, but that is only to ensure that the terminology and the drafting is up to date. For example, the first schedule sought to strike out 'a committee' referring to a committee of a lunatic and substituting 'administrator'. There is some debate as to whether there is a committee of a lunatic still in existence. The general view is that there is, and for that reason I did not believe that that amendment was appropriate. Therefore, a substitute amendment overcomes that problem.

There was also a reference to deleting the words 'lunatic, idiot', which I believe are very much outdated and certainly not acceptable in the wider community these days. Instead of the item in the schedule to delete those words and to replace them with the description 'person who is suffering from mental illness or mental handicap', I seek to insert the words 'person who is suffering from a mental illness or intellectual handicap', which I believe is a much more precise description. That sort of change has been made in several instances, but basically the deletion of items that may be matters of substance for debate at some later time, if that becomes necessary, are at issue.

Amendments carried; schedule as amended passed.

Second and third schedules passed.

Fourth schedule.

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

Page 17—

Leave out the item:

'Section 36 (1) *(c)*—

Strike out "bona fide" and substitute "genuine".'

Leave out the item:

'Section 36 (1) *(d)*—

Strike out "bona fide" and substitute "genuinely".'

Page 20—

Leave out the item:

'Strike out "Any person to whom any property is offered to be sold, pawned, or delivered, if he" and substitute "If a person to whom any property is offered for sale or as a pawn".' and substitute the item:

'Strike out "Any person to whom any property is offered to be sold, pawned, or delivered, if he" and substitute "If a person to whom any property is offered (whether for sale, as a pawn or otherwise)".'

These amendments follow the same sorts of amendments and are for the same sorts of reasons to which I referred earlier.

Amendments carried; schedule as amended passed.

Fifth schedule.

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

Page 24—

Leave out the item:

'Section 160 (4a)—

Strike out "bona fide" and substitute "in good faith".'

Page 25—

Leave out the item:

'Section 168 (1) *(i)*—

Strike out "holding and obtaining" and substitute "holding or obtaining".'

Leave out the item:

'Section 168 (4)—

Strike out "holding and obtaining" and substitute "holding or obtaining".'

Leave out the item:

'Section 169 (2)—

Strike out "holding and obtaining" and substitute "holding or obtaining".

Strike out ": provided that" and substitute ", but".' and substitute the item:

'Section 169 (2)—

Strike out ": provided that" and substitute ", but".'

Leave out the item:

'Section 170—

Strike out "holding and obtaining" and substitute "holding or obtaining".'

Leave out the item:

'Section 172 (1)—

Strike out "holding and obtaining" and substitute "holding or obtaining".'

Leave out the item:

'Section 173 (1)—

Strike out "holding and obtaining" and substitute "holding or obtaining".'

In this schedule, in addition to the same sorts of amendments that I have moved in relation to other schedules, there is a series of amendments that are not necessary because the amendments have been previously made by a 1981 amendment to the Road Traffic Act.

Amendments carried; schedule as amended passed.

Sixth schedule.

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

Page 27—

After the item:

'Section 22—

Strike out "Except as provided in section 21, no" and substitute "No".' insert the item:

'Strike out "wheresoever executed" and substitute "wherever it was executed".'

Page 30—

Leave out the item:

'Section 70—

Section 70 is repealed and the following section is substituted:

70. (1) Subject to subsection (2), an instrument executed in order, either directly or indirectly, to avoid or evade the payment of the duty payable upon a conveyance on sale is void.

(2) Where a third party relying in good faith on an instrument that is void by virtue of subsection (1) purports to acquire for value an interest in property subject to the instrument, the instrument shall, for the purposes of that transaction, be treated as valid provided that it is duly stamped as a conveyance on sale.' and substitute the item:

'Section 70—

Section 70 is repealed and the following section is substituted:

70. (1) Subject to subsection (2), an instrument executed in order, either directly or indi-

rectly, to avoid or evade the payment of the duty payable upon a conveyance on sale is void.

(2) Where a third party relying in good faith on an instrument that is void by virtue of subsection (1) purports to acquire an interest in property subject to the instrument, the instrument shall, for the purposes of that transaction, be treated as valid provided that it is duly stamped as a conveyance on sale.'

These are largely of a drafting nature. One in particular seeks to delete a term that was not included in the original section, but the amendment now ensures that it coincides with the meaning of the existing section.

Amendments carried; schedule as amended passed.

Title passed.

Bill read a third time and passed.

[*Sitting suspended from 3.55 to 5.20 p.m.*]

QUESTIONS

PRESIDENT'S VOTE

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Attorney-General a question regarding court action on the President's vote.

Leave granted.

The Hon. M.B. CAMERON: In the *News* today there is some speculation as to what is occurring over the matter that was raised when the Planning Bill was before the Council and when you, Mr President, exercised your right to vote. At that time the Attorney-General said that he expected Government proceedings to be filed within a week (that was on 17 April) and served on the President, and that the Government then intended to apply for an early hearing. What action has occurred? Does the Government intend to continue with the action concerning the President's vote?

The Hon. C.J. SUMNER: The Government is firm in its resolve to have this matter decided. The matter was referred to the Solicitor-General following the purported exercise of the vote by you, Mr President, on the first occasion that an attempt was made to read the Planning Act Amendment Bill a third time. It was following the purported use of that vote that I indicated that the Government would have the matter tested in the courts. Since then the third reading of the Bill was again moved in this Council, and on that occasion you, Mr President, did not exercise a vote and the third reading of the Bill was carried.

The situation immediately following the purported exercise of your vote, Mr President, on the first occasion is not now the same because, on the second vote when the third reading was before the Parliament, you did not exercise your vote and the Bill passed. That changed circumstance, from the time that the announcement of the court action was taken, has been referred to the Solicitor-General, and the Government is considering advice on that situation as well as preparing any court proceedings that are necessary. So, as I said before, that changed circumstance has been referred to the Solicitor-General for an opinion. That opinion will be considered shortly.

COMPANIES AND SECURITIES LEGISLATION

The Hon. K.T. GRIFFIN: Has the Attorney-General an answer to the question that I asked on 3 April concerning companies and securities legislation?

The Hon. C.J. SUMNER: In my initial response to the honourable member on this matter, I indicated that there had been no change in the policy of the Ministerial Council relating to the exposure of legislation that was to form part of the co-operative scheme. This information technically is correct in that there has been no change to the settled procedures for exposure of amendments to legislation coming within the ambit of the co-operative scheme. The particular Bill referred to in the question was introduced as a matter of priority to ensure that the deadline of 1 April 1984, relating to the deregulation of the stockbroking industry consequent upon the determination by the Trade Practices Commission with respect to corporate membership of stock exchanges, could be met. It was not possible to accommodate this need within the normal exposure time frame.

Two other substantive matters were also dealt with in this Bill and I will indicate the reasons for the inclusion of these matters. The first is that of registration of charges, which is basically a drafting point that was identified in the administration of the legislation, and the change in the Act is a facilitatory measure to avoid duplication within the co-operative scheme arrangements. The second matter, that is, that of 'time sharing' was introduced as a matter of urgency following the decision in *Brentwood Village v. Corporate Affairs Commission* which highlighted a loophole in the current regulatory scheme relating to the protection provided to members of the public in the general context of 'prescribed interests'. The Ministerial Council was made aware of the fact that there were a number of similar type schemes to that of Brentwood Village 'in the pipeline' and that it was important that legislation be introduced as a matter of urgency to ensure that there was adequate public protection for those persons seeking to make investments in similar type schemes.

ELDERS INVESTIGATION

The Hon. K.T. GRIFFIN: Has the Attorney-General an answer to the question that I asked on 11 April concerning the Elders investigation?

The Hon. C.J. SUMNER: The questions raised by the honourable member relating to the prosecution of offences arising from the report of the special investigator into the sale of shares in Elder Smith Goldsbrough Mort Ltd fall into two categories. The first part relates to proceedings that may be instituted in other States and/or by the Commonwealth and the second part relates to the matter of possible prosecution action against other companies and/or persons in South Australia in addition to those proceedings that have already been instituted against Peter John Owens.

With respect to the matter of what action is being taken by other State authorities and/or the Commonwealth, I am advised that the National Companies and Securities Commission has been informed that the Commonwealth Government is still examining certain matters relating to the report and that at this stage it is not possible to say whether or not any action will be taken. As would be appreciated, any action that may be taken by the Commonwealth and/or any other State Government arising out of the special investigation is not within the control of the South Australian Corporate Affairs Commission and/or the South Australian Government.

With respect to the matter of what prosecutions other than the matter which is currently before the courts relating to Mr Owens, I believe that it would be inappropriate for me to make any statement which could be in any way prejudicial to the present proceedings. I would be prepared to arrange for the Commissioner for Corporate Affairs to be available to discuss this matter and advise the honourable member of the position relating to the investigation arising out of the special investigation report.

KIT HOMES

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Minister of Consumer Affairs a question about prefabricated kit homes.

Leave granted.

The Hon. BARBARA WIESE: A recent decision of the Builders Appellate and Disciplinary Tribunal overruled a decision of the Builders Licensing Board and held that the supply of prefabricated components for a house, apparently even in the supply of a complete log cabin in kit form, does not involve building work. This means that if those components are not manufactured properly the consumer has no recourse to the Builders Licensing Board and must enforce his rights through expensive litigation in the ordinary courts. Is the Minister aware of this decision and are there any steps that can be taken to ensure that a consumer who purchases a home in kit form has the same rights as a consumer who has his home built on site?

The Hon. C.J. SUMNER: I can advise the honourable member about this matter because she was kind enough to give notice of this question. I have made some inquiries into the matter she has raised. It is true that the Tribunal has decided that the supply of a prefabricated kit home does not constitute building work within the meaning of the Builders Licensing Act. This does not mean, of course, that there are no other rights of action available to a consumer who purchases such a home. If the home, or components of it, turn out to be unsatisfactory, the consumer would have rights under the Manufacturers Warranties Act and the Federal Trade Practices Act. Further, if he engages a contractor to erect the kit home on his behalf (whether the contractor is the manufacturer or some other builder), the Builders Licensing Act would apply to the work done on site and the warranties under the Defective Houses Act would also apply.

However, I am concerned that this decision does produce something of an anomoly in relation to the Builders Licensing Act. There seems no reason why, for example, the wall of a house should not be subject to the same legislative provisions regardless of whether the wall was built on site or built in a factory and supplied to the owner. With the increased popularity of various forms of kit homes for which large components are prefabricated in a factory, we must ensure that the laws keep pace with this trend. I have therefore asked my Department to examine the possibility of amending the Builders Licensing Act to cover this type of transaction.

As far as the particular matter which was before the Tribunal is concerned, a conference was held yesterday between all parties involved in an attempt to settle the dispute. I am very concerned that the supplier in question seems to have been far more concerned with taking this technical point before the Appellate Tribunal than with discharging his obligations to the consumers who purchased the home from him. There appear to be many serious faults in this home, some of which stem from faulty manufacture and others of which result from faulty installation. In view of the unfortunate position in which consumers now find themselves as a result of the Tribunal decision, I have asked my Department to do everything possible to assist consumers to resolve this dispute as quickly as possible.

If the supplier of the kit home and the contractor engaged to erect it do not very quickly come to an agreement regarding their respective responsibilities for the obvious defects which exist in this home, I shall have no hesitation in naming them and publicising details of this case as an illustration of the potential pitfalls involved in this type of transaction.

In the meantime, consumers should be aware that where they enter into a contract with one firm for the supply of a prefabricated kit home, and with another contractor for the erection of it, there is a very real danger that each party will blame the other if any faults appear in the house. The consumer is likely to have far less difficulty if he is involved with only one firm for the supply and erection of the home. Alternatively, the consumer should ask the supplier to recommend builders who are experienced in this type of work. A builder who is thoroughly familiar with the particular design of a kit home and the proper methods of erection is more likely to produce a satisfactory result than a general builder who may be generally competent but is not familiar with this particular type of construction.

HAIRDRESSING

The Hon. M.B. CAMERON: I seek leave to make a short statement prior to asking the Attorney-General a question about hairdressing.

Leave granted.

The Hon. M.B CAMERON: I am the only one who has no interest in the answer to this question.

The Hon. J.R. Cornwall: In your case, they charge a search fee, don't they?

The Hon. M.B. CAMERON: Yes, they do actually. I have a series of questions that I want to put to the Attorney-General. I realise that he may not have the answers to all of them.

The Hon. K.T. Griffin: Off the top of his head.

The Hon. M.B. CAMERON: Yes. I ask that the questions that the Attorney is unable to answer today be put on notice so that they can be answered by letter during the break rather than there being no answer to them. They relate to the hairdressing industry, which appears to be running into some sort of difficulty, as I think the Attorney pointed out when he answered a question that I asked yesterday. My questions are as follows:

1. Has the inquiry into hairdressing referred to by the Hon. Mr Crafter on Tuesday 8 May been completed?
2. What issues have been considered, or are being considered by that inquiry?
3. Are the paid examiners of the hairdressers profession also members of the Hairdressers Registration Board and, if so, what is the total remuneration received by them in any financial year?
4. What is the name of the inspector employed by the registration board?
5. Is he related to a member of the board who was a member at the time of the appointment of this inspector?
6. What is the salary of this inspector?
7. When did he commence employment with the registration board?
8. Did the Attorney-General approve the appointment of the present inspector?
9. Is the present Chairman of the board about to retire?

The Hon. C.J. SUMNER: I am not in a position to answer all the questions raised by the honourable member. His first question related to the inquiry into hairdressing referred to by the Hon. Mr Crafter in another place on Tuesday 8 May. That, I assume, is the same review to which I referred yesterday into the Hairdressers Registration Act and which would include, of course, the structure of the board and the method of occupational licensing that is desirable for hairdressers.

The answer is that that review has not been completed and that it will be some time before it is completed. That is a matter, primarily, of resources within the Department of Business and Consumer Affairs. Other matters that have already been approved by the Parliament are being worked on. Nevertheless, I reiterate what I said yesterday, namely,

that the Government believes there is a need for a complete revamp of the Hairdressers Registration Act and the administration of the licensing of hairdressers in this State. The review will proceed as soon as possible.

It may be necessary in the meantime to introduce interim amendments to the Act to overcome certain problems that have arisen in the interim, that is, prior to the complete review being completed. However, as I said yesterday, that review will proceed as soon as possible, and I take into account the resource difficulties that we have. I can assure the honourable member that I understand the problems that he has raised.

The second question related to what issues are being considered by the inquiry. I have already answered that question. It involves a general review of the Act and would cover the method of licensing of hairdressers and the conditions that apply to hairdressing at the present time.

The third question relates to the paid examiners of the hairdressing profession and membership of the Hairdressers Registration Board. That is detailed information that I will obtain for the honourable member. I do not think that it is appropriate for me to name the inspector employed by the registration board, but I can say, in answer to the fifth question, that I believe that the inspector is related to a member of the board and that that board member was a member at the time of the appointment of this inspector.

I do not have an answer to the sixth question, namely, what is the salary of the inspector. I believe, in answer to the seventh question, that the inspector would have commenced employment with the board and was appointed at a meeting of the board on 11 October 1983. The next question was whether or not I, as Attorney-General and Minister of Consumer Affairs, approved the appointment of that inspector. The Chairman of the Hairdressers Registration Board of South Australia (Mr Holden) wrote to me on 29 September 1983 expressing his concern that the board was considering appointing as an inspector to the board a person who was the father of one of the board members. That appointment did, in fact, go ahead, as I said, at a meeting of the board on 11 October 1983.

As a result of Mr Holden's letter to me on 29 September 1983, I arranged for my Acting Secretary, Mr Holland (at that time), to write to the Chairman of the Hairdressers Registration Board. I did not sign the letter myself, because I was not available to sign it. Nevertheless, the Acting Secretary to the Minister of Consumer Affairs, Mr Holland, wrote to Mr Holden in the following terms on 4 October:

> I refer to your letter of 29 September 1983 regarding the manner in which the Board proposes to appoint a part-time inspector to replace . . . I have discussed this with the Minister, who has asked me to say that he shares your concern regarding this proposed decision. The Minister feels that the appointment of the father of one of the members of the Board, without advertising the position and interviewing applicants in the normal manner, could attract criticism from some members of the hairdressing profession and, indeed, from the public.
>
> Under the Hairdressers Registration Act, your Board enjoys greater autonomy than most other occupational licensing authorities in that it is able to employ its own staff.
>
> The Minister hopes that the Board would not do anything which might attract criticism of the way in which this autonomy is exercised. The decision is one for the Board to make and the Minister can do no more than express his concern. However, in the event of any criticism being levelled at the Government as a result of the appointment, the Minister would dissociate himself from the decision. He would point out that the Board is responsible under the Act for decisions of this kind and he would make it known that he had expressed his concern about the matter before the appointment was made. In view of your imminent meeting, the Minister has asked that I forward this letter to you on his behalf.

That letter is dated 4 October. On 13 October I received a reply from Mr Holden, Chairman of the Board, which indicated that the appointment had in fact been made on 11 October 1983 and that that occurred despite advice by Mr Holden and the Registrar and despite the reading of the letter which I had written to the Board. The appointment did in fact proceed. Mr Holden apparently instructed the Registrar to record in the minutes his strongest objection to the decision which had been made and which he regarded as being completely improper.

All I can say is what I said in the letter: the Hairdressers Registration Board has an autonomy that is not available to most other licensing authorities. It was not in my power to direct the Board in this case but I made known to it that I felt that the matter should be advertised in the normal manner and applicants interviewed. The Board decided not to do that and appoint a person who was, as the honourable member has asked in his question, related to the person who was the father of a member of the Board. I expressed my concern in that letter. Again, I express my concern that that occurred and, as I said in the letter, I dissociate myself completely from the decision taken by the Hairdressers Registration Board about the manner in which this appointment proceeded.

In answer to the final question whether the present Chairman of the Board is about to retire, I do not have any knowledge to that effect, but I will certainly make inquiries and advise the honourable member by letter during the recess on that and the other matters that are outstanding from the question that he has asked.

EQUAL OPPORTUNITY

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Premier, a question about equal opportunity.

Leave granted.

The Hon. ANNE LEVY: Some few weeks ago there was available the initial report of the Review of Public Sector Management, which is making suggestions for a change in the structure of the Public Service. I am given to understand that there is very little reference within this report to equal opportunity but a considerable emphasis on more effective personnel management. I wonder whether the Minister can ascertain, given this emphasis on effective personnel management, how equal opportunity management plans can be integrated into the corporate management structure of the departments in the Public Service. Also, has he or can he find any information on what can be the future location of the Equal Opportunities Branch of the Public Service Board and what assistance there will be to departments to implement equal opportunity management plans? Finally, can the Minister find out to whom departments will be accountable for demonstrating improvement in the employment position of women, Aboriginals, disabled people and people from different ethnic groups, and how will this improvement be monitored?

The Hon. C.J. SUMNER: I will obtain a report on those matters for the honourable member and bring back a reply.

PAROLE

The Hon. K.T. GRIFFIN: Has the Minister of Correctional Services a reply to my question of 27 March about parole?

The Hon. FRANK BLEVINS: During the period from 1 January 1984 to 31 March 1984 the Parole Board of South Australia approved the release of 155 prisoners, of whom 145 accepted the conditions of release. The requested details relating to each prisoner's offence, sentence, and non-parole period are extensive and are detailed in tabulated form which I will provide to the honourable member. Of the

prisoners released in December 1983 and in January, February and March 1984, a total of 10 parolees have committed offences to the knowledge of the Parole Board.

ANTI-DISCRIMINATION LEGISLATION

The Hon. BARBARA WIESE: As a Bill to reorganise and update South Australia's anti-discrimination legislation has not been introduced during this session of Parliament as was previously announced, can the Attorney advise the Council what has caused the delay and when he now expects such a Bill to be introduced to Parliament?

The Hon. C.J. SUMNER: The Hon. Mr Lucas raised this question yesterday. He said that I had indicated in response to a question that he asked last year that the Bill would be introduced in 1983-84. That is still the case. We are still in 1984 and will be until 31 December this year. Initially, when the Government came to office it was intended to introduce a Bill to amend the Sex Discrimination Act, which has been in place in this State since 1976 and which does need some amendment. Those amendments were substantially prepared during last year but I then received the report of a working party which had also been set up early in the life of the Government to look at the desirability of one Act dealing with discrimination; that is, one Act dealing with sex discrimination, handicapped persons, equal opportunity and race discrimination.

That working party reported and it was decided that, because we had the working party report, it would be preferable to introduce a Bill that implemented the recommendations of the working party and have one anti-discrimination Act. That caused some delay because it was a more complex drafting operation. An anti-discrimination Bill has been drafted to incorporate the three aspects of discrimination. One section will deal with machinery matters, and the Commissioner for Equal Opportunity will be responsible for each area: the anti-discrimination tribunal and the other powers of the Commission and the Tribunal.

Procedural matters will be dealt with in one section; another section will deal with sex discrimination, marital status, pregnancy and sexuality; another section will deal with race; and another section will deal with the handicapped. there will be a regime of anti-discrimination legislation encompassed in the one Bill and administered by the Commissioner for Equal Opportunity. As I have said, that Bill has been drafted.

The Hon. R.I. Lucas: Has it been through Caucus?

The Hon. C.J. SUMNER: No, it has not yet been approved by Caucus. Several outstanding matters have yet to be resolved. Discussions will proceed during the Parliamentary recess with officers of my Department, Cabinet, Caucus members, and with Parliamentary Counsel. I see no reason why the Bill should not be available for introduction early in the Budget session.

The Hon. Diana Laidlaw: With considerable time to assess it?

The Hon. C.J. SUMNER: That will be a matter for the Council. However, I am very reasonable about giving Parliament time to digest complex legislation. I suppose it really depends on how quickly honourable members opposite pick up salient points in the legislation when it is introduced. That is the basic scheme. The delay was caused by transferring amendments from the Sex Discrimination Act to a broader anti-discrimination Bill. The Government believed that there was no point in proceeding with amendments to the Sex Discrimination Act, because it would be superseded within a few months by a broader anti-discrimination Act.

NURSE EDUCATION

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister of Health a question about nurse education.

Leave granted.

The Hon. DIANA LAIDLAW: At the last ALP State Convention the Hon. Dr Cornwall, with the assistance of the Federal Minister for Health (Dr Blewett), managed to secure the passage of a resolution to expand tertiary nursing education in South Australia over a three year period (1985 to 1987) from the present 110 students to 300 students at the Sturt CAE Campus and using one or two additional campuses. The proposal, which envisaged maintaining the intake of trainees to hospital schools at around 450 a year, was conditional upon the State receiving extra funding from the Federal Government.

I understand from a member of the Council of the Nursing Federation that the resolution was a compromise following strong opposition to tertiary training by left wing unions which do not want to lose nurse membership to professional bodies. As members will be aware, college based education has many advantages, including the preparation of nurses for a much wider role in areas such as mental health, community care and care for the aged. It also provides an opportunity for nurses to receive an education on the same level and terms as professionals in fields such as teaching, social work, and the health area.

Last week, following a meeting with the Federal Minister for Education (Senator Ryan), the Minister of Health indicated that his efforts to negotiate Federal funding for South Australia's relatively modest college nursing programme were inconclusive. He implied that the New South Wales bold initiative to proceed with total college based tuition from next year was jeopardising any future initiative in this direction in South Australia. That news is disappointing, especially so considering the lead time necessary to ensure that the expanded programme for college based education commences on schedule next year. Will the Minister clarify the present situation and in so doing will he indicate whether he still believes that it will be possible to implement the expanded programme for college based training in South Australia next year?

The Hon. J.R. CORNWALL: This is the sort of sensible question that should have been asked in this Parliament earlier this week. I have indicated to the Federal Minister for Education (Senator Susan Ryan), to my colleague (Dr Blewett) and to the entire Health Ministers conference a month ago, that I regard this as the single greatest problem facing me in my first term as South Australian Minister of Health. The Hon. Diana Laidlaw referred to 'the New South Wales bold initiative'. In fact, the action taken by the New South Wales Government in this respect, as far as South Australians and, in fact, all Australians are concerned, could be better described as irresponsible and selfish. The matter is cause for grave concern to me.

In the middle of last year I spent a great deal of time engaged in shuttle diplomacy—at which I have some skills—to put together a very sensible package between the RANF and the AGWA in particular, to achieve peace in our time. The PSA was also involved, at least peripherally, in those discussions. As a result, there was an exchange of letters concerning the coverage of nurses in the psychiatric nursing area and nurses in the general area. The concern of the AGWA, to which the Hon. Miss Laidlaw alluded briefly, was that, because of the changed training for South Australian psychiatric nurses (whereby they now do their general nursing training before starting psychiatric training), they were coming into psychiatric training already as members of the RANF.

Since both unions are respondents to the relevant award, they were tending to retain their RANF membership. To that extent, there was a demarcation dispute. There was a concern about the loss of membership which, in industrial terms, was perfectly valid. However, in professional terms, it may be somewhat more questionable or certainly somewhat more controversial. The deal that I put together, which was ratified on the floor of the State convention (and thereby binding on the Government), was a very good and modest package. We intended to move from a situation where 110 of the approximately 750 trainee student nurses trained each year would have become 300 in tertiary based nursing education.

That would have involved an additional school on one of the other existing campuses, and there would be 450 in hospital based nurse training. That would have ensured that in the 1985-87 triennium we would have moved sensibly and in an evolutionary way towards tertiary based nurse education. At the end of the 1987 triennium we would have been in a position to proceed in either direction. The RANF and many members of the nursing profession believe with passion that that is the way to go. In fact, in their enthusiasm I suspect that they deplored the initiative in New South Wales, which might be quite destructive—but I will return to that in a moment.

On the other hand, there are many people, particularly in the Labor Party across the spectrum—not simply the left-wing unions to which the Hon. Miss Laidlaw referred—who believe with equal passion that the apprentice style hospital based nurse training should be retained. It is no secret that the Hon. Mr Blevins is among the leaders of those who have a passion to retain the apprentice based system. There are several reasons for that, not the least of which is the fact that those boys and girls who elect to do their nurse training in that way are paid award rates during the course, which *vis-a-vis* a TEAS allowance or nothing, which is what some tertiary students get, depending on parental and family income, is quite substantial. Indeed, the Hon. Mr Blevins can relate to me from personal experience (not from within his own family, but in relation to families with whom he has a personal acquaintance in Whyalla) that boys and girls in Whyalla have been able to enter the nursing profession because they were paid during their training. They came from low or low to middle income families.

The Hon. Frank Blevins: Or no income.

The Hon. J.R. CORNWALL: Indeed. In some respects, they come from quite deprived families, and in other circumstances it would have been close to impossible for them to enter the nursing profession via the tertiary route. My position on balance—

The Hon. M.B. Cameron interjecting:

The Hon. J.R. CORNWALL: No. This is a matter of far greater importance than that raised yesterday by way of scurrilous questions by the Hon. Mr Lucas. It is a matter of great importance to the State, and I intend to answer it at considerable length, because we lost a lot of time yesterday in an exercise that was a total disgrace to this Parliament, as every commentator and every responsible journalist in this town has said in the past 24 hours.

The position that I have adopted is pretty much in the middle. On balance, it is my personal view that the move to tertiary based nurse education is inexorable and in general terms I support it. However, we should proceed over a decade in a sensible and evolutionary way.

That was the position that I put on South Australia's behalf to both the Health Ministers conference and in an urgent flight to Canberra last week (and I had my priorities right in going to Canberra last week). It was agreed that in relation to South Australia our action was very sensible and if it had been adopted as a matter of policy by other States, particularly by New South Wales, we would all have been in a much happier position. The difficulty with the New South Wales bold initiative (as the Hon. Miss Laidlaw describes it) is that 8 000 student nurses will be put into tertiary education in one fell swoop in the 1985-87 triennium.

The Hon. Diana Laidlaw: You would have to admit that's bold.

The Hon. J.R. CORNWALL: That is bold indeed, but from South Australia's point of view it is irresponsible and selfish. There was no regard at all to the rest of the country.

The Hon. Diana Laidlaw: Where are they getting the money to do it when we can't?

The Hon. J.R. CORNWALL: Hang on a minute.

The Hon. Anne Levy: You have asked your question.

The PRESIDENT: Order!

The Hon. Diana Laidlaw: I am looking for an answer.

The Hon. J.R. CORNWALL: You are getting your answer. There is a lot of detail. I know that the honourable member will not be able to absorb it all at once. But she can study *Hansard* over the next week or two and she will become something of an expert. In new South Wales 8 000 student nurses will be taken out of the nursing system and put into the tertiary system in the 1985-87 triennium. They will have to be replaced in the wards by 5 500 qualified nurses. That comes on top of great pressure for the 38-hour week, and in the nursing area there are not many offsets available, so additional nursing staff will be required when the 38-hour week comes into nursing in this State, as it inevitably will. I hope that it is later rather than sooner, because it will be a tremendous and additional strain on the State Budget. The fact that New South Wales will be looking for 5 500 additional nurses means that no doubt the hospitals there will be tempted to buy them from South Australia and other States.

We have also increased from 1 000 to 1 200 hours the teaching time for the hospital based courses. So we are looking at a potential shortfall of about 400 nurses in the wards of our hospitals in that 1985-87 triennium, no matter what. At present New South Wales is also pressing—

The Hon. DIANA LAIDLAW: I rise on a point of order. For 10 minutes the Minister has gone on and, because of the concern of all members of the Council in regard to the time, I would like to know whether he will perhaps address the question whether it will be possible to implement the expanded programme this coming year.

The PRESIDENT: It is not within my province to tell the Minister how to answer.

The Hon. J.R. CORNWALL: In New South Wales 8 000 student nurses will go into tertiary education and will be paid a TEAS allowance. That will involve an enormous amount of money, and that State will be looking to the Federal Government in that regard. The Federal Government is presently considering its position. In fact and in practice, it means that the Federal funding that might otherwise have been available to South Australia might be placed in jeopardy—but I am not saying that it will be. The Tertiary Education Commission report has been handed to the Federal Minister and is currently being considered by Cabinet. I understand that it will be released in the immediate future.

We and the Federal Government have been placed in a difficult position by the New South Wales Government. Nonetheless, I have pressed our case as strongly as possible. It will not be possible to implement that policy unless we get Federal funding for further tertiary based courses. Tertiary education is a Federal responsibility, and no-one since the time of Robert Gordon Menzies has contested that. Therefore, it will be necessary to obtain Federal funding. In the event, because of what New South Wales has done to distort the system, that is not available. We in South Australia will

not be able to implement the policy that we are so anxious to see in place. In the event that that happens, I will be directing the RANF straight to Canberra.

REPLIES TO QUESTIONS

The Hon. FRANK BLEVINS: I seek leave to incorporate in *Hansard* without my reading them a number of answers to questions that have been asked previously during the session.

Leave granted.

PORT LINCOLN ABATTOIR

In reply to the **Hon. PETER DUNN** (3 May).

The Hon. FRANK BLEVINS: The Government has applied the same financial criterion to Samcor Gepps Cross as it did to Samcor Port Lincoln, but the profit and loss accounts for Gepps Cross and Port Lincoln are treated differently. Port Lincoln has paid no pay-roll tax and Gepps Cross has paid notional tax on its profits to the South Australian Government. If these factors are taken into account by adding the amount paid in pay-roll tax and notional tax by Samcor Gepps Cross to its financial profit then Samcor Gepps Cross has made a profit of $3 569 026 over the past three years. This compares with a loss of $2 071 164 by Samcor Port Lincoln over the same period. Even ignoring the payment of pay-roll tax and notional tax Samcor Gepps Cross made a profit of $493 178 over the past three years. Clearly Samcor Gepps Cross is in a totally different financial situation to Samcor Port Lincoln.

Over the past 10 years Samcor Gepps Cross has made a financial loss of $9 166 511. Again, however, it must be remembered that Samcor Gepps Cross has paid pay-roll tax and in recent years a notional tax. If these amounts are deducted from the financial loss then this figure is reduced to a loss of $2 016 323. This compares to the $9 million loss of Samcor Port Lincoln over the past 10 years. Samcor Port Lincoln has had a history of one loss after the other. Samcor Gepps Cross has incurred big losses in the past but as stated above it has made a good profit in recent years.

AUSSAT SATELLITE

In reply to the **Hon. PETER DUNN** (10 April).

The Hon. FRANK BLEVINS: The various facilities of the AUSSAT satellite will only be made available by the AUSSAT company on a commercial basis. Other than for trials, there has been no offer made for a free service to education in any mode of operation. The educational use that is made by this State of the AUSSAT satellite will depend on the availability of terrestrial lines to a particular group or location within the State. Telecom lines and ordinary School of the Air type facilities must be considered as adjuncts as well as alternatives to satellite usage. A loan video scheme, currently in operation, also provides a limited alternative. Meanwhile, research and trials are taking place within the State for various educational activities relating to satellite usage.

If the AUSSAT facility itself were made available at no charge, its use would still be very costly in view of the high cost of ground equipment required in remote locations. Certainly, if such equipment were available, it would be possible to conduct a distance education programme completely by satellite, but such an approach would be extremely costly, in terms of the establishment and maintenance of TV studios, transmission facilities, etc. There is no proposal to provide receiving or transmitting equipment to educational users for this function under consideration at present.

There have been no direct approaches to AUSSAT by this State Government for the use of transponder capacity for educational purposes. However, approaches via the Government and advisory division of the Department of the Premier and Cabinet have been made to the ABC as well as the AUSSAT company on behalf of all Government departments and estimates of the total requirement have been provided for planning purposes and further discussion with AUSSAT.

WATERWORKS ACT AMENDMENT BILL

In reply to the **Hon. DIANA LAIDLAW** (5 April).

The Hon. FRANK BLEVINS: On 5 April during the second reading debate dealing with the Waterworks Act Amendment Bill I undertook to obtain a response to a number of questions asked by the honourable member which related to inspectors employed by the Engineering and Water Supply Department. My colleague, the Minister of Water Resources, has advised that there are two functional groups of inspectors associated with water activities in the Engineering and Water Supply Department.

The first of these are the plumbing and drainage inspectors, a part of whose duties it is to inspect installations by the plumbing industry of new water supply and sewerage pipework and fittings. It is this group to which the Minister of Water Resources referred when stating that the department 'will employ more inspectors to ensure that minimum delays occur in the housing industry.' The other group are the waterworks inspectors whose duties include investigations of incidents, such as that cited by the Hon. Diana Laidlaw, relating to illegal tampering with water meters. The following information details the present and proposed number of inspectors in relation to both groups.

	Plumbing and Drainage Inspectors	Waterworks Inspectors
Present Number	53	22
Approximate total salaries	$1 270 000 per year	$420 000 per year
Proposed number of additional inspectors	3 Approval has been given recently for 5 additional employees including replacements for 2 existing vacancies	0

The increase in the number of Plumbing and Drainage Inspectors is proposed to match the recent upturn of activity in the building industry.

CORPORAL PUNISHMENT

In reply to the **Hon. ANNE LEVY** (28 March).

The Hon. FRANK BLEVINS: The information requested is not available and cannot be provided unless all schools are circularised. It is not intended that this be done, because a policy development paper is in the course of preparation and will be distributed to schools later this year. At that time, school staff, school councils, parent organisations and the community generally will have the opportunity to comment, not only on that paper, but also on the issues raised by the honourable member regarding the present arrangements for exempting students from corporal punishment.

SEX EDUCATION

In reply to the **Hon. ANNE LEVY** (10 April).

The Hon. FRANK BLEVINS: The health education course is taught in 120 secondary and area schools and 390 primary schools. There is no data available as to how many of these teach the growth and development or sex and family life strands. The most recent figures show that either the Family Planning Association or the Family Life Movement has been used by some 150 schools.

The Education Department has no data as to the number of students who are withdrawn from these courses as this is a school based decision negotiated between principals and parents. However, the belief of advisory staff working in the area is that there are very few instances of this happening.

PEACE EDUCATION

In reply to the **Hon. ANNE LEVY** (12 April).

The Hon. FRANK BLEVINS: My colleague, the Minister of Education, has advised me that the present view is that peace education should not be introduced into the curriculum of Government schools as a separate subject but that the appropriate issues should be incorporated into other relevant subject areas. Officers have prepared a departmental position paper, An Approach to Teaching for Peace, which is being discussed. The Education Department is currently taking the following initiatives with respect to peace education:

(1) A three-day conference will be held in July 1984 for the purpose of:

- preparing an outline unit for a Year 12 module of work;
- consulting with advisers from subject areas such as English, social studies, history, geography and art to explore ways of integrating topics related to peace education into other curriculum areas.

(2) An officer appointed part-time is engaged in gathering appropriate resource materials.

(3) The possibility of co-operation and collaboration with the Curriculum Development Centre and with other State departments of education is being discussed. Officers of the Education Department strongly support co-operative curriculum development in this area as well as in others such as Australian Studies, English and Mathematics.

With regard to the commitment of resources, curriculum priorities and the allocation of school support staff for 1985 are being reviewed at present. The level of support for all subjects and across the curriculum areas will be carefully considered and due consideration given to those areas emerging as matters of growing community concern. Peace education is certainly one of these areas.

QUESTION WITHOUT NOTICE

The Hon. R.J. RITSON: I direct a question to the Minister of Health, and I seek leave to make a brief statement before—

The Hon. Anne Levy: Don't you go from side to side, Mr President?

The PRESIDENT: I like to give everyone an opportunity to ask questions if I possibly can.

The Hon. Anne Levy: I thought the principle was from one side to the other

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

The Hon. R.J. RITSON: I am very happy to yield to the Hon. Ms Levy's greed, and I point out in doing so that when in Opposition she stated that Question Time was for the Opposition to call the Government to account.

REPLIES TO QUESTIONS

The Hon. C.J. SUMNER: I seek leave to incorporate in *Hansard* without my reading them answers to questions that have been asked previously during the session.

Leave granted.

RECLAIM THE NIGHT MARCH

In reply to the **Hon. ANNE LEVY** (18 April).

The Hon. C.J. SUMNER: The reply is as follows:

1. A total of 12 persons were arrested during the march. Three males were arrested in Hindley Street for disorderly behaviour immediately before the march passed. Nine females were arrested as a result of an incident which took place at 'The Box' Adult Bookshop in Hindley Street after the head of the march had passed. It involved a breakaway group of female demonstrators, who entered the premises and proceeded to pull books and other items from bookshelves and other display areas and throw them to the floor. Two plainclothes police arrived, identified themselves to those present, and requested the manager to close the door in order to prevent a larger group of females from entering the premises. As the manager attempted to close the door the police members were attacked, initially by the females on the premises and then by a crowd of approximately 30 females who forced their way into the premises. The arrests resulted from that incident.

2. Plainclothes police were placed along the route of the march in order to effectively monitor offences against property and to identify persons throwing objects from both within and without the ranks of the marchers. Plainclothes police were involved in the arrests that took place.

3. Members of the STAR Force were present. They acted as a support group, were in uniform, and followed at the rear of the march in police vehicles. A STAR Force member arrested one female during the incident which took place at the Adult Bookshop.

4. Plainclothes police were not inside a sex shop when women from the march entered the premises. Plainclothes police members entered the premises shortly after a number of women from the march had entered. The police members immediately identified themselves to all persons on the premises.

LINEAR PARK

In reply to the **Hon. M.B. CAMERON** (12 April).

The Hon. C.J. SUMNER: Most of the land adjacent to O.G. Road, to which the honourable member referred and which is subject to disposal, was acquired by the Highways Department several years ago for the Modbury Freeway proposals. The remainder was purchased more recently by the State Transport Authority specifically for the Northeast Busway Project. None of the land was purchased for the Linear Park, nor is it shown in the River Torrens Study Report as part of the Linear Park. The landscape and development map of the relevant area in the report clearly designates the land as a car park for the LRT facility.

With the change of design that resulted from the decision to construct a busway rather than an LRT facility, it became necessary to relocate the station to the eastern side of O.G. Road, removing the need for a car park on the old site. Following design of the busway and adjoining areas of Linear Park it has consistently been Government policy to dispose of land surplus to the needs of those projects. In this particular case a boundary for both facilities was defined to be consistent with adjoining sections. The width retained for park development is generous, being some 50 m outside the busway fence line and some 80 m from the River Torrens.

The area south of the busway alignment and bounded by O.G. Road and the River Torrens was also shown as car park in the River Torrens Study Report. This area will now be landscaped as part of the combined Busway/Linear Park project. This amply compensates for the car parks to be constructed on the eastern side of O.G. Road. The amount of land which is being retained for the development of the Linear Park and for the landscape treatment adjacent to the busway is generous, and retention of the land currently being disposed of is not necessary for either of these projects. Nevertheless, the Government regrets that action for the disposal of this land commenced without prior consultation with the Corporation of the City of Enfield, and advice to this effect has been forwarded to council.

SCHOOL OF ART

In reply to the **Hon. L.H. DAVIS** (3 April).

The Hon. C.J. SUMNER: In general terms the allegations emphasise the quality of art education within the college. But it should be noted that they ignore the broadening of the school's concerns from the fine arts to developments in photography and many areas of design. One further preliminary point is that the staff concern is understandable since the School of Art has undergone three mergers, not of its own volition, since 1972. These Government-prompted amalgamations naturally have an effect on morale.

In regard to the detailed comments, it is conceded the School of Art has lost by chance, not by design, several highly respected teachers within the past year or so. Replacements for these senior staff have not yet been made; the council has, however, already approved the appointment of the new Head of School by open advertisement and this position will be advertised in the near future. The principle of replacing retiring staff has not been abandoned, but should be seen in the context of the overall financial position of the college which, like all tertiary institutions, is suffering from a diminution of Commonwealth funding. It is true that there have been no promotions within the School of Art since 1981; on the other hand, it should be noted that in the current year, for example, each faculty has been asked to nominate two persons for promotion to senior lecturer, that is, a total of 12; it is expected that only five will be so appointed. All faculties within the college are suffering from the current financial position.

Mr Waller is also quoted as saying that the student ratio in the School of Art is 1:13 compared to the national ratio of 1:8. While it is true that the teacher education in the field of art is staffed on a 1:13 ratio (in common with teacher education throughout the college), the School of Art area is itself staffed on a 1:10 ratio. It is also claimed that staff are teaching classes of 17 students for 20 to 24 hours a week in studio-based subjects. Throughout the college the number of hours for staff teaching 'hands-on' classes is greater than in areas requiring much greater preliminary preparation, for example, lectures. In the number of 'hands-on' hours, School of Art lecturers are at no greater disadvantage than other staff in the college.

Another point made is that the visiting lecturers programme has been 'savagely cut back'. Since visiting lecturers are in effect part of the ordinary lecturing staff there has of course been some cut back. Nevertheless, there has been an Artist in Residence at the school both this and last year. In addition, a significant number of art lecturers have applied for and been granted leave for professional development over the past ten years. In general, Mr Waller's comments, although containing some truth, are exaggerated.

With regard to the buying of essays, the college has no evidence of such a practice; no member of staff at the School of Art is aware of any such practice and no student has drawn attention to the matter. If such a practice exists the college would welcome concrete evidence. It should be noted that the Hon. Mr Davis himself mentions that the allegation is strenuously denied by the senior lecturer of Visual Art Theory in a letter to the same edition of *Artlink*. As indicated earlier, the college has been under funding constraints because of stringency in Commonwealth funding. It has had, furthermore, a problem with the over-supply of college graduates in certain areas and the need to develop new courses required by the community. Dr Ramsey comments in the *Advertiser* thus:

> We have retained all the sites (of the former autonomous colleges) but with almost a 10 per cent reduction in funds over the period 1981 to 1984, and that is a very difficult management situation and one which we have come through extremely well.

His comment is supported by the Chairman of the Tertiary Education Authority of South Australia, Mr K.R. Gilding.

VOTING TRENDS

In reply to the **Hon. R.I. LUCAS** (4 April).

The Hon. C.J. SUMNER: The primary objective of the Commonwealth exercise was to ascertain the reasons why young people failed to enrol. The primary objective of this State's programme is to ascertain why, having enrolled, young people in particular fail to vote. The programme conducted by the Australian Electoral Commission addressed the latter only in passing. Consequently, the report is of little or no assistance. This is also borne out by the fact that the Australian Commission has directed all its efforts towards enrolment, whereas the State programme is directed at providing information which may enable the Electoral Commissioner to realise a better voting response.

Where the State programme has a significant advantage is that the Electoral Commissioner knows who failed to vote. There is no way of knowing precisely who is not enrolled. From the survey to be conducted the Electoral Commissioner hopes to ascertain:

1. The demography of non-voters.
2. Attitudes/reasons for not voting.
3. Effectiveness of existing voting facilities.
4. Why there is a differential between 18 to 20 year olds and 20 to 30 year olds, the former representing 8 per cent of the population to be studied and 8 per cent of the non-voters, compared with the latter, who represent 27 per cent of the population and more than 50 per cent of the non-voters.
5. What steps to take (if any) to improve the voting rate.

In summary, the study to be undertaken differs in almost every respect from that undertaken by our Commonwealth counterparts.

The Hon. J.R. CORNWALL: I seek leave to have incorporated in *Hansard* without my reading it an answer to a question that has been asked previously during the session.

Leave granted.

CAMPBELLTOWN FLOOD MITIGATION

In reply to the **Hon. C.M. HILL** (27 March).

The Hon. J.R. CORNWALL: My colleague, the Minister of Local Government, has not given approval for compulsory acquisition of land for works associated with the Third Creek by the Corporation of the City of Campbelltown. The Town Clerk has been informed that the procedure for acquisition undertaken by the council does not meet the correct requirements, and therefore the matter will not proceed. It is now understood that the council has settled the matter and compulsory acquisition will not be required.

The honourable member can be assured that the Minister of Local Government is fully aware of the sensitive nature of actions involving the compulsory acquisition of a person's property. Any proposal for acquisition will always be treated with extreme caution. As my colleague has not given approval to any compulsory acquisition proposal related to the Corporation of the City of Campbelltown and Third Creek, there has been no consideration and therefore no judgment on the council's present plans.

QUESTIONS RESUMED

LIVING ARTS CENTRE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for the Arts, a question about the Living Arts Centre.

Leave granted.

The Hon. L.H. DAVIS: North Terrace cultural institutions are increasingly concerned about the proposal for a Living Arts Centre at the D. & J. Fowler building in North Terrace, just west of the Morphett Street Bridge. There has been controversy about the site and the cost of redevelopment, although many concede that the idea has some merit. However, existing North Terrace institutions are suffering from difficult budgetary conditions. The State Museum stage 2 project has been deferred indefinitely. The Art Gallery is cramped for space in which to show its significant Australian collection. The Carrick Hill property and grounds will obviously require funds if its full potential is to be realised in time for its official opening in 1986, and there are many cultural groups—some of a voluntary nature—which have had their Government grants cut in real, and in some cases money, terms. For example, the deferral of stage 2 of the Museum has meant a compromise in the use of the refurbished Armory building, causing some difficulty to the people concerned with that project.

The Government first announced that it had taken an option on the D. & J. Fowler property last October, and earlier this month the Premier and Minister for the Arts, Mr Bannon, confirmed that the Government had paid $1.2 million for the property. He warned that there was no guarantee that the proposed Living Arts Centre would proceed, and said that the site could be resold if the project did not go ahead or if no alternative use could be found. This action in itself surprised many people; that is, that the Government on its own admission had been prepared to buy a property and at the time say that it would sell it if something did not turn up.

I recently heard that the initial feasibility study indicated that the cost of developing the building as a Living Arts Centre was $6 million, but that a recent revised estimate has seen that figure soar to close to $10 million. My questions are:

1. Will the Government advise the cost of the Living Arts Centre project?

2. If the Living Arts Centre project proceeds, will the funding of the centre affect budgetary allocations for other cultural institutions in North Terrace?

The Hon. C.J. SUMNER: I am not in a position to respond to those questions, but I will see whether the information is available for the honourable member. But in response to some of the matters that he raised, the Government, because it was still assessing the feasibility of establishing a Living Arts Centre on North Terrace, believed that the prudent thing to do was purchase the property because if the property had not been purchased and had been sold to someone else the chance of establishing a Living Arts Centre at that site would have passed. That site has been identified as one that is acceptable to those groups that are interested in participating in a Living Arts Centre, which would involve the current Jam Factory and other organisations; so it would not be a completely new venture.

The Government believed, because of the potential importance of the project and the need to find an alternative home for the Jam Factory at some stage in the reasonably near future, that it was prudent to purchase the property, knowing that, if the proposal for a Living Arts Centre on that site did not proceed for one reason or another, the property could be sold. I do not see that anything can be criticised about that action; in fact, it is action that should be supported by the community. It is a holding operation for the Living Arts Centre, the viability and feasibility of which are currently being investigated. I will see whether any further information can be given to the honourable member.

AGRICULTURAL ADVISORY SERVICES

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the amalgamation of advisory services to his Department.

Leave granted.

The Hon. PETER DUNN: As previously reported in the rural media, the Minister has announced that he will now have a Rural Advisory Council, which will comprise three bodies: the Advisory Board of Agriculture, the Women's Agricultural Bureau and Rural Youth. These bodies have had a fairly long history in South Australia, and they have had a history of independence. In fact, the Advisory Board of Agriculture precedes all other agricultural bodies in this State. It was here before the Department of Agriculture and was set up by a Mr Albert Molyneux back in the late nineteenth century, when he was a scribe for the then *Register*. He also had practical experience with gardening in the Klemzig area. However, the Minister has seen fit to amalgamate all these bodies into one. I ask the following questions:

1. Will the amalgamation make any change to the advice given to the Minister?

2. How will this action strengthen the Women's Agricultural Bureau, Rural Youth and the Advisory Board of Agriculture?

3. Did the three bodies request the amalgamation, or were they directed to do so?

4. Is the Minister reducing the number of persons on the new Advisory Council?

The Hon. FRANK BLEVINS: The honourable member's question is based on a false premise. There is no amalgamation. An additional body has been formed.

[*Sitting suspended from 6.14 to 7.50 p.m.*]

SUPPLY BILL (No. 1) (1984)

Adjourned debate on second reading.
(Continued from 3 May. Page 4017.)

The Hon. R.I. LUCAS: In this debate I wish to address the specific topic of rustproofing and, in particular, the *Choice* article of September last year. This would come under the heading of the consumer affairs section. At the outset, I support the Australian Consumers Association and the work and activities of the *Choice* magazine and, in general, I believe it does a good job in the public interest. However, it carries a very heavy burden that it must, on all occasions when it—

The Hon. C.J. SUMNER: I rise on a point of order. I am not sure what this has to do with the Supply Bill. The Supply Bill is introduced at this time to enable funds to be appropriated for the ordinary services of Government for the first period of the financial year. I am not sure what the honourable member has to say—

The Hon. J.C. Burdett: One can have a broad sort of grievance.

The Hon. C.J. SUMNER: One can have a broad debate, that is true. It is traditional to have a grievance debate in the Lower House. There is specific provision for a grievance debate on the Supply Bill in the Lower House, but that does not apply in the Upper House.

The PRESIDENT: It is most extraordinary of course, to bring such a subject into the debate on a Supply Bill. I think that it is outside general convention, but I do not see in Standing Orders any ability to change the flow.

The Hon. C.J. Sumner: What is it relevant to?

The PRESIDENT: I think that the Attorney's explanation of the need for the Supply Bill is correct within my interpretation of the Supply Bill. However, I do not know that I have any means of curtailing the speaker, if that is what he wants to do.

The Hon. R.I. LUCAS: Before undertaking to speak on this subject in the Supply Bill I took advice that technically I am able to speak on this matter in this Chamber. It is for that reason that I will raise the matter. It is very difficult for members of the Legislative Council to raise matters of a general grievance nature as we do not have the opportunity that members in the other Chamber have. It is only in the Appropriation and Supply debates that members are able to raise matters that have been raised with them by constituents.

The Hon. C.J. Sumner: What about Address in Reply?

The Hon. R.I. LUCAS: That is once a year. I do not wish to delay the Council any longer than I need, so I will not respond to any more interjections from the other side of the Chamber. Mr President, I am sure that you would not want me to.

The September 1983 edition of *Choice* magazine included the results of a substantial study on rustproofing. Under the heading 'Car rustproofing: our shock findings will stun many car owners' the first paragraph states:

> The astonishing finding of this survey of 2 426 cars is that rustproofing is a waste of time and money. More rustproofed cars had rust problems than unproofed cars—that was the consistent pattern across the age range! The graph below shows the pattern.

It states later:

> The owners who were worried about leaving their cars in the open—and so had them rustproofed—would have been better off had they found a garage or just done nothing at all.

As a result of that issue of *Choice* magazine the Australian Consumers Association, and in particular Mr Alan Asher, who at that stage was their public relations officer, undertook a substantial and extensive public relations programme through copies of the survey being distributed and through a press release summarising the major aspects of that survey being sent to virtually all sections of the media in Australia. An an example of the way the press treated that press release and this study, the *Advertiser* of 31 August at page 3 under the heading 'Rustproofing waste of money: *Choice'*, summarised the major allegations made in *Choice* magazine. The first paragraph of that article states:

> Rustproofing treatments for cars are a waste of time and money, according to the latest issue of *Choice* magazine.

It goes on to repeat some of the major allegations in the *Choice* article. On *Nationwide* on ABC television on the evening of 31 August, Mr Alan Asher continued his assault. He was interviewed by reporter Paul Murphy, who asked Asher the following question:

> Does it really mean that the rustproofing industry is pulling a giant confidence trick?

Mr Asher replied:

> Well, that is certainly the case. They might not even realise it themselves.

That attack continued in following weeks in various interviews, in particular in morning talk-back radio programmes throughout most of the major capital cities in Australia. *Choice* magazine and Mr Asher, acting on behalf of the Australian Consumers Association, undoubtedly in a calculated way through this survey, have attacked and downgraded the whole of the rustproofing industry and in particular made no distinction between—

The Hon. C.J. Sumner: Who has been on to you?

The Hon. R.I. LUCAS: The Attorney interjects and says, 'Who has been on to you?' I am quite happy to tell the Attorney that Mr Bob Lee from Endrust has made—

The Hon. C.J. Sumner: Surprise! Surprise!

The Hon. R.I. LUCAS: I hope that the Attorney is not casting aspersions on the ability of Mr Lee as the Attorney is on record as defending, by inference, the interests represented by Mr Lee and Endrust in this Chamber.

The Hon. Frank Blevins: You'd be the only one naive enough to fall for it.

The Hon. R.I. LUCAS: The Hon. Mr Blevins should listen for once: it would be a great surprise. This attack made no distinction at all between genuine rustproofing agents and those dealers who may have taken on rustproofing as an extra service to their normal range of services. My interest is primarily in *Choice* magazine's role in this matter, and the fact that its allegations were based on its own attempts at market research. I do not intend to go into too much detail about the pros and cons of rustproofing.

The Hon. L.H. Davis: They didn't do any polling.

The Hon. R.I. LUCAS: They did do some polling, and that is the point I intend raising in some detail this evening. The Australian Consumers' Association, through *Choice* magazine, distributed its questionnaire, its attempt at market research—

The Hon.L.H. Davis interjecting:

The Hon. R.I. LUCAS: No, not through the Minister of Health and ANOP, but to *Choice* readers. In response to its questionnaire, sent to 180 000 readers, *Choice* magazine received about 2 400 questionnaires in the return mail, a response rate of about 1.35 per cent. The results of the survey were published in the September edition of *Choice* and one company, the Endrust Company, was so concerned about the allegations made in that article that it commissioned a reputable nationwide market research company, the Roy Morgan Market Research Centre Proprietary Limited, of which Gary Morgan is Managing Director. I wish to quote from a letter to Mr Quayle, who I presume is the Managing Director or head of Endrust Australia Pty Ltd, in Melbourne, from Gary Morgan. The letter states:

Dear Mr Quayle,

Re: *Choice* article, 'Car Rustproofing' September 1983

. . . Our reply is that the information contained in the *Choice* article, the supporting computer tables supplied to you by Mr Norman Crothers of the Australian Consumers Association and his letter to you dated September 23, do not support, as expressed in the *Choice* article, 'The astonishing finding . . . that rustproofing is a waste of time and money'. Nor does the information supplied disprove it.

On the information supplied, the conclusion should be 'the case is not proved'.

1. For survey results to be valid, they must come from persons representative of the groups under study.

Before exploring that, it is clear from a reputable nationwide market research company that this attempt at market research by *Choice* magazine was not justified in coming to the conclusions to which it came in its September issue. These conclusions were not only distributed to its readers, but by way of press and media release and media appearances it sought to put them to the whole Australian population.

The major criticism made by Morgan Research of the survey by *Choice* magazine is that it did not come from persons representative of the groups under study. Under a heading, 'Representativeness of *Choice* Subscriber Surveys', the letter continues:

Mr Crothers of ACA says, 'We know that *Choice* subscribers are not a representative sample of the Australian population . . . .' He goes on to say that the results of subscriber surveys are 'directly relevant to those people for whom *Choice* is published'. On the basis of Mr Crothers' statements, findings of any *choice* subscriber surveys, published in *Choice* or elsewhere, should be qualified by a statement to the effect that the findings are applicable to *Choice* subscribers and are not necessarily applicable to the Australian population.

In this area and others I believe that *Choice* and the ACA have erred significantly in that, first, not only have they conducted market research which quite clearly is not valid, but, secondly, they have sought to distribute those invalid results not only to their subscribers but to the Australian community at large.

I refer now to a paper by Dr John Blakemore, a metallurgical engineer with some impressive qualifications (I will not read them all out): he is a member of the American Society of Metals and the Metallurgical Society of the AMIE and author of 115 technical reports, papers, publications and secured patents in a variety of fields. For many years he was Chief Metallurgist at John Lysaght, Pty Ltd. From paper dated 3 December 1983, headed 'Endrust minimised corrosion of cars' under his company's name (MASC Pty Ltd, Marketing and Scientific Consultants and Metallurgical Engineers), it appears that Dr Blakemore also has looked at the *Choice* survey. Appendix I to that article, under the heading, 'A critique of the *Choice* article—car rustproofing', summarises, first, the conclusions made by *Choice* (which I will not repeat), which is followed by a section headed, 'Comments on the above *Choice* conclusions'; which states:

All the above four conclusions are invalid because of the following reasons:

1. *Choice* did not distinguish between outside and inside rust, i.e., rust which started from the inside compared with rust which started from the outside. This major oversignt alone invalidated all four conclusions.

2. A sample size of 2 426 cars of 180 000 is a response of 1.35 per cent on a volunteer basis

That is an important point. it was on a volunteer basis.

The Hon.R.J. Ritson: You would only get dissatisfied people.

The Hon.R.I. LUCAS: That is a possibility. It is not a random sample of the 180 000 respondents that were then pursued by the interviewers. If one is doing market research in the population at large, one chooses a random sample of the population and then, as far as is possible, one pursues the respondents in that random sample, perhaps calling on them again two or three times to receive the response to the interview. That was not done. The responses were done on a volunteer basis. Dr Blakemore's comments continue:

No attempt by *Choice* was made to follow up the other 98.65 per cent who did not respond. The probability of volunteer bias in the results is very high indeed. Hence the sampling technique was poor and non representative.

4. No adequate discussion is given to distinguish between reputable professional rust proofers and other less reputable ones. Clearly poor preparation and application and/or the use of wrong materials by some operators can give the whole industry a bad name.

The Hon. C.J. Sumner: Whom are you supporting?

The Hon. R.I. LUCAS: The Attorney ought to listen. The point I am trying to make is that *Choice* magazine has been less than professional in its whole approach to this matter. That is the significant point I am attempting to make in this contribution to this debate.

The Hon. L.H. Davis: Not another crook poll!

The Hon. R.I. LUCAS: This may well be another John Cornwall poll. What is the effect of that *Choice* magazine article on those companies involved in the rustproofing industry in South Australia? One leading company in South Australia, Endrust (Adelaide) Pty Ltd, has had its business affected significantly since the publication of the article and the publicity given to the allegations made by *Choice*. I repeat that a professional nationwide market research company states that the conclusions made by *Choice* were not valid, yet since the *Choice* article of September last year Endrust (Adelaide) Pty Ltd has had its retail sales cut by about one half.

In this day and age it is difficult enough to survive in business in South Australia with all the other costs inflicted upon small to medium size businesses without the contribution made by articles such as the one published in *Choice*, which obviously has had a great deal to do with the significant fall in the retail sales of the Endrust company. Needless to say, this situation upset that company no end. It made representations to the Attorney-General. There were a number of questions addressed to the Attorney-General in this Chamber and to his counterpart in another place. On 20 October, the Hon. Mr Sumner stated:

The article in *Choice* magazine came to the conclusion that rustproofing is a waste of time and money. I am not satisfied that this conclusion is valid.

So, the Attorney need not laugh at my contribution this evening. He is at least in part agreeing with the viewpoint I am putting there.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I am quite happy to tell the Attorney-General. The Attorney went on to say that he had sighted letters from large companies which have had fleets of vehicles treated by rustproofing specialists and which have been satisfied with the result. I imagine that he has probably seen the same letters that have been provided to me as well, so—

Members interjecting:

The Hon. R.I. LUCAS: There is no cause for blame in this. As I said, Mr Lee and others in the Endrust company were upset. Mr Quayle, the Chairman and Managing Director of Endrust (Australia) Pty Ltd, wrote to Mr Bannerman, the Chairman of the Trade Practices Commission, with respect to the article. Page 3 of that letter states:

Apart from the questions of representatives and size of sampling, the conclusions reached by *Choice* were also unwarranted in our view because the report was based on no scientific testing, controlled or otherwise, of the process of rustproofing . . . We feel the industry has been done considerable harm, had its very legitimacy questioned by the *Choice* article and sensationalised headlines produced without qualification through the media at large. To rectify this will cost the industry hundreds of thousands of dollars through corrective and positive promotion and advertising.

In one aspect I agree with the approach of *Choice* to most matters, that is, that the interests of consumers are most important. To that extent it is pleasing to see that some progress has been made towards the achievement of an

Australian standard and, I would hope, of changes to ensure that rustproofers comply with new standards. In his letter to Mr Bannerman, Mr Quayle indicated some progress as follows:

> Endrust was the first in 1978 to approach the Australian Standards Association with the need to establish an industry standard because of the entry of irresponsible elements into the industry. An Australian standard on rustproofing is currently being drawn up. The first part which is Australian Standard AS 2662 on 'Product' was published on 4 November 1983; Part II, Application of Product; and Part III, Guarantee and Contractual Conditions, are expected to be published within the next six months.

That letter was written in November last year. I understand from Mr Lee that the six-month period referred to is up about now. It is not likely that we will see the second part of the Australian standard until November this year. It is interesting to note that Mr Lee has informed me that at the moment Endrust complies with the product standards and, if the draft copy of the application of product standards is finally approved, Endrust will comply with that standard.

Surveys can be dangerous things: they have a facade of respectability but, as I have indicated in previous debates and in this debate, for many reasons they can give biased and incorrect results—perhaps not intentionally, but that is beside the point. In my view, the *Choice* survey is one such example. The main danger is not with the publication of the information in *Choice* magazine but the wide publicity generated in the press and the media. Of course, any corrections or details of the other side of the story published do not generate as much publicity or prominence in the press and media as the original claims generate. Once the damage is done, the allegations are made, and the publicity has been achieved, companies such as Endrust are the ones that suffer.

On that basis I believe that *Choice* magazine has been most irresponsible in its use of the survey results concerning rustproofing. As I indicated earlier, in general I do place some faith in the approach made by *Choice* and the Australian Consumers Association but, because of the considerable reservoir of good faith in *Choice* magazine recommendations, it needs to be doubly careful about its surveys and about how it publicises the results. On this occasion it has not done that, and thus not only has it cost some reputable companies in South Australia many thousands of dollars but also it may have cost many individuals hundreds of dollars, because as a result of the allegations made by *Choice* they may have decided not to rustproof their cars in the proper fashion.

I would hope (perhaps it is a forlorn hope) that at some stage *Choice* announces publicly that it was in error in this matter and that it indeed misled the public. I am disappointed that the generally good reputation of *Choice* has been spoilt by its performance in this area. I shall now leave that matter of the poor attempt at market research by *Choice* in the area of rustproofing.

The Hon. R.J. RITSON: I support the Bill. In doing so, I take the opportunity of attempting to make a brief and hopefully succinct minor grievance speech. I wish to refer to three things. I want to comment on the question of Medicare and relate that particularly to problems in country hospitals. I want to make some passing comments on nurse education, because Question Time became a mini debate on this subject and closed with some remarks about the Legislature in this State and the system of government. The advent of Medicare represents a major overturning of a system of health care which has evolved over the decades and, indeed, over centuries and which has served the community well, albeit with some imperfections.

I am not sure that the general public realises the very fundamental overtones of certain established social factors that Medicare represents. Let me compare and contrast that with the British system, which is said to be nationalised medicine. In Britain, private medical insurance, that is, medical insurance to pay doctors' bills, is permitted. In some quarters it is encouraged and, in fact, the very substantial part of Britain's manufacturing industry offers workers private medical insurance as part of the package of pay and conditions.

In Australia, for the first time since the first white settlers landed, private medical insurance, as distinct from hospital insurance, is now totally forbidden by law. I think it is a pity that the national acquisitiveness of citizens in terms of the hip pocket nerve has obscured this fundamental fact and led the debate into the question of gap insurance. I am sure that the Hon. Dr Cornwall and others realise that the question of having gap insurance is quite new in the arena of health insurance in Australia. In the 1960s and early 1970s the non-profit health insurance organisations were prohibited by law from covering more than 90 per cent of the account, whatever that account was.

If a doctor rendered an account of 10c, the patient would get back only 9c. The concessions to pensioners in those days were based on the direct billing voucher system, such as is being protested against now, and the discounted fee was not 85 per cent of the usual fee but 75 per cent. In those days the greatest spokespersons for the preservation of this gap were doctors, and the AMA argued that to eliminate the gap would encourage over-servicing. What has come upon us is not the re-establishment of a gap; it is not the granting of concessions to disadvantaged people; and it is not even the direct billing of disadvantaged people, because that was there in the 1960s.

However, in those days it was possible for the private insurance industry to offer all manner of policies to cover people for medical bills. With one stroke of the legislative pen, the Federal Government has for the first time ever prohibited private medical insurance. That is the fundamental—

The Hon. C.J. SUMNER: Mr President, I rise again on a point of order. The fact is that we are debating the Supply Bill, which deals with the provision of funds for the Government for the first part of the 1984-85 financial year. It allocates several million dollars for that purpose. I think that an extraordinary amount of leniency was provided to the Hon. Mr Lucas during this debate. The Supply Bill is a simple Bill.

The Bill has five clauses and provides for a sum of $360 million out of Consolidated Account to be issued and applied for the Public Service of the State for the financial year ending on 30 June 1985. The payments are not to exceed the amounts voted last year with respect to these payments. I do not understand the relevance of the topic being debated by the Hon. Dr Ritson to the Supply Bill, just as I did not understand the relevance of the Hon. Mr Lucas's comments on rustproofing to the Supply Bill. Members of the Council do not have a grievance debate on the Supply Bill. There are rulings to the effect that only matters in the Bill itself or in the estimates on which it is based can be discussed. There is no Committee of Supply as such in the Legislative Council as there is in another place, which has a set procedure that allows for a grievance debate for a set period of time. In fact, the discussion of a grievance is not permitted. The Supply Bill should be confined to matters—

The PRESIDENT: Order! What are the rulings?

The Hon. C.J. SUMNER: The rulings have been provided to me by the people responsible for advising about rulings in these matters. If we want Standing Orders to be changed to provide a grievance debate as part of the Supply procedure, let us do it.

The Hon. L.H. Davis: Would you be in favour of that?

The Hon. C.J. SUMNER: I think that there is a case for looking at procedures to provide for a grievance debate in the Legislative Council. Generally, grievances are conducted by having a very flexible Question Time. That was the effect of my interjection to the Hon. Mr Lucas. This Council is quite flexible in relation to Question Time.

The Hon. M.B. Cameron: We have a problem with the long answers given by Ministers.

The Hon. C.J. SUMNER: Still, there is a degree of flexibility in terms of explanations during Question Time. I suppose that Question Time provides a reasonable chance to grieve in a limited way about particular issues. Perhaps there is a need to change Standing Orders. I am saying that from my experience in this Council the Supply Bill does not provide an opportunity for members to grieve about any subject. A member is only permitted to debate lines in the Government's financial provision. I doubt that Endrust or rustproofing of motor cars has anything to do with the Supply Bill. The Supply Bill does not direct its attention to more funds or what the Department of Public and Consumer Affairs should do. The Hon. Mr Lucas's contribution was a general spiel and a criticism of *Choice* magazine because of its approach on an article on a rustproofing survey. We are now about to get some sort of general discussion about hospitals and nationalised medicine. That is nothing to do with the Supply Bill, with respect.

The Hon. R.J. RITSON: May I speak to the point of order?

The PRESIDENT: I have not ruled that it is a point of order. Apparently the Attorney took a point of order. I agree with what the Attorney is saying but, if he can show me something in Standing Orders that says I have a right to prohibit the present debate, I will be quite happy to invoke the provision. The Attorney has mentioned a change to Standing Orders, but I suggest that if that is done it would provide that the Supply Bill cannot be debated rather than having the present situation where to me it is quite open. I also took advice before the debate commenced, because I believed that it is unconventional that members debate at length on the Supply Bill. However, unless the Attorney can quote something from Standing Orders that gives me the right to prohibit, I cannot do so.

The Hon. C.J. SUMNER: It is not a matter of prohibition. It is a general rule that, apart from the Address in Reply debate, debate must be relevant to a Bill. Standing Order 185 provides:

> No member shall digress from the subject matter of the question under discussion . . .

There is a basic rule in any meeting that one's comments must be relevant to the motion before the Chair, and the motion before the Chair is that the Supply Bill be read a second time. This Bill appropriates $360 million to enable the Public Service of this State to continue until the Budget is passed. If the honourable member wants to talk about the Public Service and the appropriation of this money in regard to certain aspects of the Public Service, I suppose there could be a certain leniency. Really, the Bill is about the approval by Parliament of funds for Public Service departments.

Neither of the contributions this evening has been directed to that—they have not been anywhere near it. The Hon. Mr Lucas, it was stated, said something about consumer affairs, but the honourable member did not relate to the Department. He did not say that five extra staff should be provided on the rust-proofing question. He made a critique of a *Choice* article. The contribution was a general grievance and had nothing to do with this Bill. Now the Hon. Dr Ritson is on the same track.

The Hon. R.J. RITSON: I rise on a further point of order. If the Attorney-General had not sought to extend this debate by another nine minutes but had waited for two minutes, he would have heard that I intended, as I intimated in my opening remarks, to discuss problems in country hospitals which are at the heart of the need for increased funding. I am absolutely sure that a large part of the funds supplied under this Bill will be for additional funds for the health portfolio.

The Hon. G.L. BRUCE: Surely, Mr President, precedents must set some guidelines. If there is a relevant clause in Standing Orders that provides that certain issues must be debated, that is fair enough, but surely in conjunction with that previous precedents must also be considered. Has this procedure taken place before in this Council?

The PRESIDENT: I do not follow that.

The Hon. G.L. BRUCE: Has this Bill been debated previously in this way?

The PRESIDENT: I cannot remember that the Supply Bill has ever been debated in this way.

The Hon. G.L. BRUCE: Surely precedents should be considered in regard to whether certain comments are allowed.

The PRESIDENT: Precedents are one thing but the power to adjudicate is another thing. I have no jurisdiction under Standing Orders and, until I hear the debate, I do not know what section of Supply it might be tied to. Did the Hon. M.B. Cameron want to speak to the point of order?

The Hon. M.B. CAMERON: I used the Supply Bill for a grievance debate last year.

The Hon. G.L. Bruce: Well, you shouldn't have.

The PRESIDENT: Order! I do not believe that the honourable member did so to this extent. At this stage I can find no reason to prohibit the remarks.

The Hon. C.J. SUMNER: What is the meaning of Standing Order 185?

The PRESIDENT: Can the Hon. Dr Ritson tell me whether what he is talking about will be relevant to the Supply Bill?

The Hon. R.J. RITSON: It certainly will be at least as relevant as rust prevention, to which no point of order or Presidential objection was taken.

The Hon. C.J. SUMNER: I raised a point of order in relation to rust prevention.

The Hon. Anne Levy: He did raise a point of order. You were not listening.

The PRESIDENT: Order! We are talking to the point of order. I agree wholeheartedly with you on that point that it could not be less relevant, anyway, but that does not help me in this situation where now I have a point of order raised. It was not raised on rust proofing.

The Hon. C.J. SUMNER: On a point or order, that is not true. I did raise it in relation to rust proofing. You ruled against me, Mr President.

The PRESIDENT: I did not rule against you; I appealed to the speaker.

The Hon. R.J. RITSON: I can explain the relevance. I have said that this appropriation of many millions of dollars must necessarily include a substantial amount of Supply for the Health budget. It is therefore relevant to discuss the sorts of factors that lead to the necessity to augment the Health budget. I argue that it is relevant to do that. I was leading into it. The Attorney-General certainly does not take his point in order to shorten the debate. It must be to stifle an Opposition point of view, because he is extending the debate by taking this point.

The PRESIDENT: Having been rust proofed, it seems to me that the honourable member should have the opportunity to continue, provided that he does it in as relevant a manner as possible.

The Hon. R.J. RITSON: I thank you, Mr President, and commend you on your wisdom. The fact of the matter is

that with this major overturning of the health system, whereby private medical—as distinct from hospital—insurance is now prohibited at law, the real point that people sometimes fail to see is that now everybody is compulsorily a Medicare patient and every doctor is compulsorily a Medicare doctor. It is this creation of an absolute, legislated for, Government monopoly that is the most crucial issue, and it will cause budget overruns and deterioration of health care.

We are asked here to vote additional sums of money to the Government. I know that each year at this time the money runs out because the Estimates never quite fit with the reality and the Budget needs topping up prior to the principal Budget in August. But there are changes, to which the Minister of Health referred rather glibly in answering a question earlier, in the quantity of State funding required. These are changes that were probably unforeseen, I think negligently, by the Government when it collaborated and conspired with the Federal Government over the Medicare issue.

I will not canvass more widely the philosophy of Medicare because, although I did win the point of order, I respect the spirit of some of the remarks made by the Attorney-General. But approximately two weeks ago I asked the Minister of Health a question about the effect of not the drift but the landslide of transfer of patient status in country hospitals. This is of the order of 80 per cent plus from private to public hospitals.

The PRESIDENT: Can this drift be arrested with any provision in the Supply Bill? Unless the honourable member can tell me that it can, I will have to hold that he is away from the intent of the Bill.

The Hon. R.J. RITSON: Thank you, Mr President.

Bill read a second time.

The Hon. G.L. BRUCE: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

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

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

That this Bill be now read a third time.

In moving the third reading, may I say that the reason for raising the points of order during the second reading debate was not because I wanted to stifle members in their contributions to the Council. I have never done that. If the honourable member had wanted questions raised in the health portfolio, there was not much point in debating them with me. If he had given us notice, and if they were genuine questions about the funds that were required—

The Hon. R.J. Ritson: I wanted to do it during Question Time, but we got 20 minute answers.

The Hon. C.J. SUMNER: I do not know why the honourable member did not get a chance to ask his question, because there was ample time during Question Time for him to do so. In fact, quite an amount of time which could have been taken up by our providing honourable members with answers formally by reading them out and which would have taken up the whole of Question Time was saved by having those answers inserted in *Hansard*. All I wish to raise in supporting the third reading—

The Hon. M.B. CAMERON: I rise on a point of order, Mr President. The matters being raised by the Attorney-General have absolutely nothing to do with the Supply Bill.

The PRESIDENT: I uphold that point of order.

The Hon. C.J. SUMNER: What I am saying is relevant to the Supply Bill because a question was raised in relation to it. I agree that the question raised by way of interjection in relation to Question Time was completely irrelevant. All I wish to say is that, in raising points of order during this debate, I did not seek to stifle honourable members' contributions. I want to make clear for future reference what I understand the Supply Bill debate to be about. The Supply Bill is about the approval of the Parliament for funds for normal Public Service operations to continue until the Budget is brought down by the Government. Therefore, it is legitimate to ask questions about the operations of departments and the funds that are needed for the continuation of their operation. If honourable members have questions I think that it is reasonable for them, during the Committee stage, to address their questions to the Minister responsible. If notice is given of that happening, then that facility can be made available to members during the Committee stage. The only point I make is that the contributions of the Hon. Dr Ritson and the Hon. Mr Lucas were not relevant to the Bill.

The Hon. M.B. Cameron: You wouldn't have had this problem if you had curbed your Ministers during Question Time.

The Hon. C.J. SUMNER: That is another issue.

The PRESIDENT: Order! We are dealing here with the third reading of the Supply Bill.

The Hon. C.J. SUMNER: We are dealing with what I understand are the guidelines for honourable members when debating a Supply Bill. The reason I raised points of orders during debate was that I thought the contributions being made were utterly irrelevant to the Bill. If there are questions that need to be asked about the appropriations and the financial affairs of the Government, they can be asked of the relevant Ministers in this Council during the Committee stages of the Supply Bill. However, questions must be relevant to what is in the Bill. I support the third reading. I merely wish to provide some guidance to honourable members as to what I understand to be the limits of the debate on the Supply Bill.

Bill read a third time and passed.

HIGHWAYS ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

POLICE OFFENCES ACT AMENDMENT BILL (No. 2)

Returned from the House of Assembly without amendment.

PRISONERS (INTERSTATE TRANSFER) ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

ENVIRONMENT PROTECTION (SEA DUMPING) BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

[*Sitting suspended from 8.50 to 10 p.m.*]

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

At 10 p.m. the following recommendations of the conference were reported to the Council:

As to Amendment No. 1:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 2:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 3:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October' and inserting in lieu thereof the words 'first Saturday of May' and that the House of Assembly agree thereto.

As to Amendment No. 4:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 5:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 6:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 8:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 9:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 10:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 11:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 27, proposed new section 49, lines 7 to 10 (clause 7)—Leave out all words in these lines and insert:

(a) an annual allowance for expenses (other than expenses referred to in paragraph *(b)*) incurred in performing the duties of his office; and

(b) reimbursement of expenses of a prescribed kind incurred in performing those duties.

and that the House of Assembly agree thereto.

As to Amendment No. 12:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October' and inserting in lieu thereof the words 'first Saturday of May' and that the House of Assembly agree thereto.

As to Amendment No. 13:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 14:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 15:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 16:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 17:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 18:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 31, proposed new section 58, line 35 (clause 7)—leave out paragraph *(b)* and insert:

(b) in the case of a municipal council, may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously by all members of the council.

(4a) A resolution under subsection (4) *(b)* shall not operate in relation to a meeting held after the conclusion of the periodical elections next following the making of the resolution.

and that the House of Assembly agree thereto.

As to Amendment No. 19:

That the Legislative Council do not further insist on its amendment but make the following amendment in lieu thereof:

Page 33, proposed new section 61, lines 9 and 10 (clause 7)—Leave out subclause (2) and insert subclauses as follow:

(2) In the case of a municipal council, meetings of a council committee may not be held before 5 p.m. unless the council committee resolves otherwise by a resolution supported unanimously by all members of the council committee.

(3) A resolution under subsection (2) shall not operate in relation to a meeting held after the conclusion of the periodical elections next following the making of the resolution.

and that the House of Assembly agree thereto.

As to Amendment No. 23:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 24:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 25:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 26:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 27:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 28:

That the Legislative Council amend its amendment by leaving out the words 'third Saturday of October in 1984, on the third Saturday of October in 1986, on the third Saturday of October in 1988' and inserting in lieu thereof the words 'first Saturday of May in 1985, on the first Saturday of May in 1987, on the first Saturday of May in 1989'

and that the House of Assembly agree thereto.

As to Amendment No. 29:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 30:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 31:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 32:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 33:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 35:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 37:

That the House of Assembly do not further insist on its disagreement.

As to Amendment No. 41:

That the Legislative Council amend its amendment by inserting after subclause (1) of proposed new section 121a the following subclause:

(1a) A council may not determine that the method of voting set out in section 121 (3a) shall apply at elections for the council if the area of the council is divided into wards.

and that the House of Assembly agree thereto.

As to Amendment No. 42:

That the Legislative Council do not further insist on its amendment but make the following amendments in lieu thereof:

Page 68 proposed new section 149, line 8 (clause 7)—Leave out 'public' and insert 'council'.

Page 68 proposed new section 149, line 9 (Clause 7)—Leave out all words in this line.

Page 68 proposed new section 150, lines 18 to 36 (clause 7)—Leave out subclauses (1) and (2) and insert the subclause as follows:

(1) A person shall not disclose to any other person any information furnished by a member of a council pursuant to this Part unless the disclosure—

(a) is necessary for the purposes of the preparation of the Register and statement under section 149; or

(b) is made at a meeting of the council or a council committee (not being an advisory committee) at a time at which an order is in force under section 62 excluding the public from attendance at the meeting.

Penalty: Ten thousand dollars or imprisonment for three months.

and that the House of Assembly agree thereto.

Consequential Amendment:

That the following consequential amendment be made to the Bill:

Page 33, proposed new section 62, after line 30 (clause 7)—Insert paragraph as follows:

(ha) matters relating to the contents of the Register or a statement prepared under Part VIII or any actual

or possible conflict of interest of a member of the council;

Consideration in Committee of the recommendations of the conference.

The Hon. J.R. CORNWALL: I move:

That the recommendations of the conference be agreed to.

I believe that it is appropriate for me at this time to give at least a brief outline (I stress 'brief') of the major amendments at least to the original Bill that have been agreed to by the conference. In respect of the date of election the managers have agreed that it should be on the first Saturday of May. Secondly, the conference has agreed that a legal practitioner of not less than seven years standing would be appropriate rather than the judge who was originally proposed for the Local Government Advisory Commission. At the conference the House of Assembly agreed that it would be appropriate for the Minister to select people for that Commission from panels of three, rather than the original nominees as proposed.

The House of Assembly also was quite conciliatory and helpful ultimately with the question of whether a council should be suspended or dismissed. In the event the LC managers prevailed and it was agreed that the amendment that was inserted that gives the Minister power to dismiss councils rather than simply suspend them was the appropriate way in which the Bill should come to us. After lengthy discussion the House of Assembly did not further insist on its disagreement as to two-year terms and the conference agreed that there should be two-year terms at the conclusion of which the entire membership should go out and be replaced at the subsequent election.

The Assembly was also very co-operative with regard to the allowance for expenses. I am sure that the Committee recalls that the Hon. Mr Milne in particular had some concern that the allowance as originally proposed might have attracted the eagle eye of the Commissioner of Taxation and, in the event, it might well have been that councils via councillors would have been paying almost as much money to the Commissioner of Taxation federally as to the councillors, so we have agreed in conference, as the Committee will see at the bottom of page 1 of the amendments, that an annual allowance for expenses actually incurred in the performance of duties of office should be paid and the Minister in another place of course has indicated the sorts of limits within which that should operate. Secondly, that should not be prejudicial in any way to the payment of additional expenses for trips necessarily undertaken in the pursuit of council business, for example, to Canberra.

The House of Assembly agreed also that it would not insist on its disagreement regarding the payment and acceptance of those allowances by councillors. The penalties that were inserted by amendment in this Chamber increasing from $5 000 to $10 000 were accepted by the Assembly. In fact, this is almost a litany of remarkable co-operation from the managers of the House of Assembly.

We then come to a major part of a major Bill in regard to the time of meetings. This was the subject of very lengthy and intelligent discussion amongst the managers. Ultimately, it was agreed that in the case of a municipal council the meeting may not be held before 5 p.m. unless the council resolves otherwise by a resolution supported unanimously, that is, by all members of the council. The practical effect of that will be that no-one who is running for election as a councillor for a municipal council need be concerned that he or she would not be able to attend daytime meetings because, unless there is unanimous agreement, meetings must be held after 5 p.m. In practical terms, that will be determined at the first meeting at which all councillors are present. That is a significant improvement because it now means that all wage and salary earners wishing to stand for elected office in local government need not be hindered by the fact that they have a daytime job, which 75 per cent of all wage and salary earners do have.

There is a further provision that a resolution made under that subsection shall not operate in relation to a meeting held after the conclusion of the periodical elections next following the making of that resolution. In other words, that resolution expires with the expiry of the term of that council. The same sort of provisions apply to the meetings of committees. That concerns actual meetings at which decisions are made, rather than some sort of inspection that may be undertaken by those committees from time to time. There are a number of other amendments but I do not think I need canvass them in any depth at all.

The next important amendment that comes up concerns the question of voting and here again there was a very satisfactory compromise reached. I am sure that the Committee will recall that the question of preferential voting was canvassed at length when the Bill was before the Council. The Hon. Mr Gilfillan wanted all councillors to be elected by a particular system of proportional representation. The Government's Bill contained provisions whereby all councils would have been elected by optional preferential voting. In the event, we compromised. The conference of managers recommended a new subclause, as follows:

(1a) A council may not determine that the method of voting set out in section 121 (3a) shall apply at elections for the council if the area of the council is divided into wards.

In other words, those councils other than municipal councils which have abolished wards will have the option of proportional representation in the conduct of their elections; otherwise, all councils will use optional preferential voting.

One other major decision was taken by at least a majority of the conference of managers. I stress that it was a majority because I think that we may be in the unusual circumstance of not being unanimous (I almost said 'entirely unanimous', but I do not want to win the Rex Mossop Award for 1984). The conference may not have been unanimous in relation to this matter, but the majority of the managers agreed that with respect to pecuniary interests there should be a confidential register. Of course, that did not go as far as the Government proposal in the original Bill went, and it certainly did not go as far as the deletion of that provision altogether, which was strenuously espoused by the Opposition. Initially, as is plain to see on the record, that was also espoused by the Democrats until they were convinced by the sheer logic of the arguments put forward by the managers from the House of Assembly.

In summary, the pecuniary interests provisions will provide for a confidential register of pecuniary interests, which will be available to all members of the council on request. It will be made to the Clerk and in practice will be available on request to members of the council meeting in camera. It will not be a public document, but it will be available to all council members. Any council member will be able to request details of any other member if there is any doubt in a particular debate as to whether or not a councillor should have withdrawn his or her chair.

The penalties for disclosure are severe and, on balance, it was felt that they should be. Some reservations were expressed about the almost Draconian maximum penalty of three months imprisonment or $10 000. However, as I have said, following a lengthy debate, it was felt on balance that that penalty was appropriate. I think it is appropriate that I read the relevant part in relation to disclosure, as follows:

A person shall not disclose to any other person any information furnished by a member of a council pursuant to this Part unless the disclosure—

(a) is necessary for the purposes of the preparation of the registrar and statement under section 149; or

(b) is made at a meeting of the council or a council committee (not being an advisory committee) at a time at which an order is in force under section 62 excluding the public from attendance at the meeting.

That register or the details available from the register concerning particular members of the council will be available only in closed session. It will be a serious offence for any member of a council to disclose information that he or she may receive as a result of the tabling or disclosure of those interests. As I have said, the maximum penalty for disclosure is $10 000 or three months imprisonment.

I have given a brief outline of the result of the conference of managers which began at 9 a.m. this morning and concluded at 9.10 p.m. this evening. In conclusion, I make the observation that, as Minister of Health, I cannot imagine anything less conducive to a healthy lifestyle than the dreadful committee room down in the dungeon of this building. That room is really quite inadequate for 10 members of the two Houses, the officers and the advisers. Having made that point, I commend to the Committee the very good work of the conference, and I hope that we can proceed expeditiously, as I have a very important engagement shortly after lunch tomorrow and I would like to get some sleep before then.

The Hon. C.M. HILL: I thank the Minister of Health for the very fair way in which he explained the conference. I reluctantly support the motion. I say 'reluctantly' because on balance I think it is absolutely essential that we get the first Bill for major reform for local government through this Parliament. If this Bill had been rejected— and I think in some respects that it should have been—and bearing in mind that the present Government has taken 18 months since coming to office to reach this stage (remembering that 95 per cent of it had been drafted when Labor took office), I hate to think how long it would have been before we saw it again.

Another reason for reluctantly supporting the motion is that my Party does not have the numbers in this Council to do much about it, anyway. I know that I may repeat some of the information that has been supplied by the Minister, but I feel that it is essential to do that from my own point of view and on behalf of Liberal Party members in this Chamber. In relation to pecuniary interests, my Party was opposed (and remains opposed) to the principle of pecuniary interests in local government. However, in the spirit of compromise, members of my Party at the conference were prepared to go along with a form of registration of pecuniary interests in which those interests were to be supplied to the Clerk of a council. The Clerk of a council was to be given the right to investigate any query raised with him. In the establishment of facts relative to such a query the Clerk was to be given the opportunity to consult with the Mayor or Chairman of the council or, if the query related to the Mayor or Chairman, with the Deputy Mayor or Deputy Chairman or, alternatively, with a senior member of the council.

That proposal was not acceptable to the Government or the Australian Democrats, who insisted that the pecuniary interests schedule be known to all members of the council. We parted company on that change to the measure. I state quite categorically that I am opposed not only to that principle but I also do not agree with this section of the measure. It goes too far in regard to the matter of pecuniary interests entering the whole field of local government.

The Council yielded on the question of giving local government the opportunity to postpone the dates of elections in certain circumstances. I believe it was a little bit too visionary for the Government to really understand or accept, so that provision will no longer be in the legislation. The Council also yielded on the date of the elections, and members of my Party agreed that this ought to be changed from the October date, for which we had fought quite strongly earlier. We yielded on that because the Local Government Association continued to make very strong appeals for the May date rather than the October date, and my Party has a high respect for the Local Government Association, as I have said previously in this place.

I was very pleased to note that the Government agreed to change the qualification for the Chairman of the Local Government Advisory Commission—he shall be a solicitor of at least seven years standing. The Government also agreed to the principle that representatives on that Commission should come from panels of three supplied by both the Local Government Association and the United Trades and Labor Council. This returns to a practice that was the normal practice for many years. Regarding the defaulting councils and the procedures that flow from a council being named as a defaulting council, the Government has agreed that, as one of the very last steps, the Minister may cause a defaulting council to face the people for the balance of the term.

The Government agreed to a two-year term for council service and honourable members will recall that a two-year term was sought by this Council as being the most suitable term. I would stress that that means that it will be two years at this stage, but if at some future time the Local Government Association, the people in local government and the people generally who vote in local government elections indicate that they prefer a three-year term, that could easily be brought about by amendment.

On the very important question of allowances, I believe that a sensible compromise has been found. Certainly, every effort has been made to avoid an allowance being regarded as remuneration. Every effort was made in regard to the amendments to ensure that the expenses incurred in performing the duties of council office shall be reimbursed by what we will call an expense allowance. Secondly, if members of a council were involved with expense on behalf of the council, the expenses will be borne by the council. For example, a certain council sent councillors to Canberra for discussions—an expense of that kind will be borne by the council without question and not by the councillors. I am not unhappy about the way in which that subject has been resolved.

The subclauses of the original Bill giving councillors the right to decline to accept the expense allowance, or the allowance or the expenses, are still deleted and that means of course that human problems that sometimes occur when people do not want to accept the allowance when others want to accept it will be overcome. If any member of local government does not want the allowance, most certainly he will have to accept it, but it is up to him whether he gives it to charity or whatever. The penalties that were inserted in the Bill by this Council, in the main increasing from $5 000 to $10 000 for several of the offences, remain.

I refer now to what I deem to be the most important issue in this whole matter, and that is council meeting times. I express my extreme disappointment that the Government and the Australian Democrats did not reject this whole principle from local government legislation. If one listened closely to the Hon. Mr Milne when he was debating this issue (and I have re-read from *Hansard* what he said) one heard that he stood like the rock of Gibraltar against enforcement by the State Government and its telling councils when they should meet.

The Hon. L.H. Davis: He got the jelly-roll blues again.

The CHAIRMAN: Order!

The Hon. C.M. HILL: Unfortunately, the honourable member did not retain that degree of resolve and he and the Government have now fashioned a scheme that the

Government thinks is pretty good, because it has released all district councils from the need to hold council meetings after 5 o'clock. They have released the country from the net, but they have retained the net over all municipal councils. They know that the principal council to be affected is the Adelaide City Council. For some reason or other, the Government seems to hate the Adelaide City Council. I have heard by interjection in this place from time to time that members opposite call that council the bastion of liberalism, but that is simply their politics coming to the surface.

The Hon. Diana Laidlaw: And their prejudices.

The Hon. C.M. HILL: Their prejudices, too. It is quite ridiculous for anyone to tell me that liberal politics plays an active part in the Adelaide City Council, because that is simply not true. It might have been true many years ago. I entered the Adelaide City Council 25 years ago this year. No-one worried then about who was Liberal and who was Labor or what people's political leanings were: councillors were concerned to serve the city and to maintain a standard of local government. They tried to set an example for other councils because of that high standard. Those people were concerned with the task of serving the ratepayers.

But the Government has now seen to it that there is every chance that the Adelaide City Council will have to alter its time honoured meeting periods. It meets in the daytime, and has done so for as long as I can remember. However, the first meeting to be held after the Bill is proclaimed will have to be held at night, as will all committee meetings. A vote can be taken as to whether the council returns to daytime meetings but, unless there is a unanimous vote, the council will have to continue meeting at night. In other words, I think it will mean that the council will continue to meet at night, which, I believe, will be completely contrary to the best interests of the city. Argue though the Liberal Party members did and as strongly as we could in the conference, we could not convince the Government on that point of freeing up control over local government and letting local government make its own decision.

The Hon. M.B. Cameron: It is supposed to be a sovereign body.

The Hon. C.M. HILL: Exactly. The more autonomy this Government or any other State Government can give local government, the better. Therefore, I was very disappointed with the Hon. Mr Milne and the Government for allowing this approach to win the day. I hope that the good workings of the Adelaide City Council, in the interests of the people of this city, will not be adversely affected by this quite retrograde move. I know that the Government and the Hon. Mr Milne have no idea of the complexity of committee meetings in which members of the Adelaide City Council are involved. Yet they just throw their net wide and say that all those Committees must meet at night unless they can carry a vote unanimously that they can return to the day time.

The other council that is involved in this is the Noarlunga council, which has been a splendid council over its history and has come through all the growing pains of tremendous urban growth and expansion which places stresses and strains on local government. They have done all that and serve their people well; but they are brought into the net, too. It is disgraceful!

Many of the other amendments that appear on members' sheets deal with the question of increased penalties and the changing of the date. Then we come to amendment 35 which, as the Hon. Dr. Cornwall has said, deals with the method of voting and the counting of votes. The Government has agreed that the principle of proportional representation can come on to the Statute Book for local government, but it has agreed only that four councils out of 125 will have at this stage the opportunity to consider it as an option to the approach that is in the Bill. It means that councils that have not got wards may embrace proportional representation if they so desire. The Government even rejected the proposal that other councils could have the right to do it subject to the Minister's consent, and it also rejected the further option that I put forward in the Council that the first past the post system ought to be written back into the Bill as an option for local government to choose. All this flexibility and imagination that we want to see in local government, giving local government choice, seems to be crushed by the Government's approach.

However, I hope that those country councils that have been interested in proportional representation will watch the experience of those few councils that will be eligible to introduce it as their voting method, and in due course it might mean that some of them might like to dispense with their ward systems; if they do that they will then be eligible to accept this changed voting on the proportional representation system.

The Hon. Diana Laidlaw: Didn't the Democrats move an amendment for proportional representation across the whole State?

The Hon. C.M. HILL: The Democrats introduced an amendment for the system to be proportional representation, deleting the Government's approach of optional preference with a bottom-up system of counting from the original Bill. They wanted that done away with and everyone to have proportional representation. I do not know whether the Hon. Mr Milne forgot about that or whether he was not talking to his colleague, but he certainly sold out on proportional representation at the conference today.

The Hon. K.L. Milne: I beg your pardon.

The Hon. C.M. HILL: The honourable member has allowed four councils out of 125 to consider it. If that is not a sell out, I do not know what is. There are on the paper further amendments concerning pecuniary interests, which I have already mentioned. I did not, however, mention that a further exception for councils has been included, allowing them to go into camera when matters relating to the contents of the register are discussed in council. That, I am sure everyone will agree, is proper.

In summary, I support the Bill. I certainly hope that I will see the day when the State Government of the day will cull out of the Local Government Act all reference to fixing of times of council meetings. I feel sure that if my Party is successful at the next election that provision will be out very soon thereafter. It is absolutely ridiculous! The whole of local government is up in arms about it. As I say, I thought with the speech that the Hon. Mr Milne made in this Council earlier in this debate that we could go into conference, hold firm and put some common sense into the legislation, not put the boots into the Adelaide City Council, as the Government and the Hon. Mr Milne have done in this matter.

I fear the consequences of pecuniary interests. It is all very well, as we have done, laying down very heavy penalties, but, with every councillor in this State having knowledge of the pecuniary interests of his fellow councillors on his or her council, I cannot help thinking that at some stage a few documents will drop off the back of a truck somewhere. It will be very hard to prove who has committed the offence. Inquiries may not be brought to fruition because of that difficulty, and the very thing that should always be avoided in this area of pecuniary interests will occur in local government; if it does, the fault will be on those who supported this widened approach to that subject in this Bill.

The Hon. K.L. MILNE: I thank the managers for the conduct of this meeting and for the spirit of co-operation and compromise throughout the meeting. I thank the Min-

ister of Local Government for the very splendid way in which he conducted the meeting and for being very generous with the time allowed and with the compromises that the Government made. Likewise, I thank the Minister of Health and the Hon. Murray Hill who, as members know, is very well versed in local government—not entirely unbiased here or there, but nevertheless very much experienced. I appreciate very much the help that he gave me in making up my mind. On a number of matters some of his advice I was unable to accept, but the majority of things that he said and did in this case were very helpful and sensible indeed.

The date of election was a matter of concern. The decision made by the meeting was at the suggestion of the Government that it was sensible either to have two-year terms, with all councillors retiring at the same time, with the election in May, or three-year terms, with the election in October. The Government believed—and I think that it is right—that to have elections in October with a two-year term would mean electioneering budgets all the time, and that they would never get down to taking the hard options. The two-year term was finally agreed on, 'all in all out', on the first Saturday in May.

I am pleased to say that the meeting agreed with the expense allowance. For some reason or other, the Liberal Party did not want that; it wanted some odd scheme that did not really solve the difficulty. All that it was thinking about was getting rid of the salary aspect. That was not difficult, but it did it the wrong way.

The Hon. C.M. Hill interjecting:

The Hon. K.L. MILNE: The honourable member knows that he did it the wrong way because he changed his mind

The Hon. C.M. Hill: No, we did not.

The Hon. K.L. MILNE: He did. He agreed with what I put to him in the first place—that we had to make sure that the expense allowance was tax free. Nobody considered this. If the Government suggestion of an allowance plus reimbursement of expenses was introduced, the Taxation Department would obviously treat that as being taxable and, being put on top of incomes—particularly the incomes of some people in local government—it would mean that either 46 cents or 60 cents in the dollar would be sent straight to Canberra.

There is no sense in that. We have reached a situation whereby there will be an expense allowance—probably small—of between $300 and, say, $1 200, which will be fixed by regulation. There will also be stipulated expenses such as travelling expenses for conferences and interstate visits, which may be expensive but which are necessary in connection with council duties.

The Hon. R.I. Lucas: That sounds pretty simple.

The Hon. K.L. MILNE: It had to be simple for your people to understand it.

The Hon. R.I. Lucas: That was hurtful, Lance!

The Hon. K.L. MILNE: Well, it took a while to get the message. These allowances will be set at the first council meeting after an election; they will vary from council to council and may even vary from councillor to councillor. This method is simply an extension of the mayoral allowance system to apply to aldermen and councillors, and I am glad that we have all accepted it.

I turn now to the matter involving 5 p.m. meetings. We were all against this, but I think that we all realise that when we go to a conference there is no point in saying that we will not compromise, because if everybody did that conferences would not be worth while. I do not see the logic in the Hon. Mr Hill's saying that he thought the Bill should be thrown out but then being prepared to compromise on the grounds that he did not have the numbers.

The Hon. Diana Laidlaw interjecting:

The Hon. K.L. MILNE: He only did it so that he could blame me. It is easy to blame me. The Hon. Mr Hill could have objected earlier but did not.

The Hon. C.M. Hill: I did.

The Hon. K.L. MILNE: The honourable member did not. He said, albeit reluctantly, that he agreed to the register of interests.

The Hon. C.M. Hill: In our form, but you twisted on us and went and—

Members interjecting:

The Hon. J.R. CORNWALL: I rise on a point of order. This barrage of interjections and this cowardly attack on the Hon. Mr Milne should not continue, and I ask for protection for the honourable member.

The CHAIRMAN: Order! I think that the Hon. Mr Milne is defending himself adequately.

The Hon. K.L. MILNE: We will now see what actually happened. The Hon. Mr Hill and I, and one or two others, discussed this matter. He did not ask me to fight the—

The Hon. C.M. Hill: You agreed on it, and then you twisted.

The CHAIRMAN: Order! The Hon. Mr Hill has already had a chance to speak on this matter.

The Hon. K.L. MILNE: We said that we would agree to the register of interests and that it would be available only to the Clerk. We then talked to a number of people who agreed that that was the sensible thing to do. However, when we worked out how that would operate, it was evident that it would place far too much responsibility on the Clerk. We then suggested the Clerk and the Mayor and somebody said, 'What if the Mayor is the person under scrutiny? We would then need the next person, — who might not be the deputy but the senior member of the council — 'Who's the senior member of the council?' We did not quite know.We then went back to the conference with that idea, which was rejected, and I was invited to discuss the matter with the Government.

Members interjecting:

The Hon. K.L. MILNE: I was invited to discuss the matter with Opposition members: what is so funny about that? Is that underhand? It probably is! I should have discussed the matter with the Government first, if I observed the proper courtesy.

The Hon. R.I. Lucas: And then come and seen us—that would have been better.

The CHAIRMAN: Order!

The Hon. K.L. MILNE: We then sought advice on how this might work, but it was quite impossible, because if the Mayor, one other councillor and the Clerk knew what was in the register of pecuniary interests it could cause a rift in the council. There is no alternative to having the register available to all members of the council. As a matter of fact, the Adelaide City Council has for a long time had a voluntary register of interests which is kept by the Clerk and is available only to council members. I congratulate the Adelaide City Council on that progressive move. We have taken a leaf out of its book in relation to this matter. District councils may meet at any time (this involves a large number of councils), and they may meet at night if they wish. I think that that was a great step forward.

The Hon. Mr Hill has tried to make the matter concerning 5 p.m. meetings an attack on the City Council. I think that that was most unfair. He knows perfectly well that the Adelaide City Council is the only city council meeting during the day in Australia except for the Brisbane City Council, where the councillors, who are all fully paid, look after the whole metropolitan area, which is an entirely different matter. The Hon. Mr Hill also knows that when the Parliament gets into a conference situation someone has to compromise somewhere.

The Hon. R.I. Lucas interjecting:

The Hon. K.L. MILNE: You did on this occasion. Only two municipal councils in South Australia meet in the daytime: Noarlunga and the Adelaide City Council. There has been some suggestion that Noarlunga council received complaints from some people who could not join the council because it did not meet at night. When we talk about councils meeting at night we must remember that being on a council is a part-time unpaid occupation, so one must have another occupation during the day to earn a living. Therefore, meeting at night is not all that illogical. We have reached a compromise, which the Government did not want, that if a municipal council at its first meeting, when all members are present, unanimously agrees to meet at some other time it may do so. I will bet a million to a gooseberry that the City Council will still be meeting during the daytime.

The Hon. R.I. Lucas: I'll put the gooseberry up.

The Hon. K.L. MILNE: The honourable member ought to, he has been one for long enough. The Hon. Mr Hill is very learned in local government. I admire his knowledge and accept most of what he says. However, he is looking at this matter from entirely one point of view. What he has to consider is what hope a person on a salary or wage has of standing for council if councils meet during the daytime. It is not only a matter of council meetings, because there are also committee meetings and other commitments to be considered. The whole idea in relation to this matter was mine and is introduced so that the whole community has access to local government. I am not prepared to do anything that will spoil that. The Hon. Mr Cameron may think that this is funny. I am not surprised; he may not feel like that.

The Hon. M.B. Cameron: I do.

The Hon. K.L. MILNE: Do you not think that if councils meet at night it will help people on wages and salaries who wish to serve on councils?

The Hon. M.B. Cameron: If you feel so firmly about it why haven't you done this with the country?

The Hon. K.L. MILNE: District councils are an entirely different matter from other councils and members opposite know that perfectly well. The Hon. Mr Hill talked about the counting system. The Government preference for all council counting systems is optional preferential voting, but it has said that councils without wards—and there are not a large number of them—may opt for proportional representation. It is no good joking about how few councils that refers to. It has now gone into the legislation that councils without wards may opt for proportional representation. The hope is, for those who believe in proportional representation—which, after all, is the fairest method of voting even in councils with relatively few voters and candidates—that when some councils opt for proportional representation (and I understand the President's local council will be one of the first) that will encourage other councils to accept proportional representation.

The trouble is that there are 37 councils forbidden by law to get rid of wards. Therefore, this form of voting cannot apply to those councils without further legislation. The Minister's answer to that was that if he finds people supporting proportional representation and a large number of councils are persuaded to accept—

The CHAIRMAN: Order! I ask the Minister of Health and the Minister of Agriculture to tone down their conversation.

The Hon. K.L. MILNE: If there is a ground-swell for other councils to accept proportional representation—and I know that one or two will do this because optional preferential counting with bottom-up counting has brought unintended results in some councils—I would hope that the legislation, having got through, will be more successful. We have talked about the register of interests. One of the reasons I agreed to this compromise was that I can remember that, not so long ago, planning was invented and the Planning Act passed. In the old days one could build what one liked where one liked and it did not matter. Now, it does matter. The Planning Act and Development Plan, prepared in minute detail for South Australia (an excellent Development Plan) have resulted in an obvious temptation for people to try to bribe or persuade councillors to make decisions that may not be in the interests of the entire council area—or the State for that matter. Glenelg is one example. There is now the temptation for councillors who see the opportunity to earn a bob from someone who wants to get special recognition from them.

Members have to realise that, in the 20th century, the situation changed when planning began. I used to say it was unfair that councillors were not paid. Once there were planning laws that became irrelevant because one had enormous multi-million dollar developments being handled by people who were not paid. So, the temptation is probably bigger than if they were paid. The case put by the Government for some sort of register of interests was very strong. I will not labour these points any more. The compromise will not please everybody (it has not pleased the Government very much). I regret that the Hon. Mr Murray Hill, after all his co-operation, has chosen to speak to the gallery (he was speaking to the gallery, that was who it was for) and try to put the blame on me for what has happened in relation to this matter. That is cowardly. He knows the situation I was in could not be avoided.

The Hon. C.M. Hill: What do you mean by that? All you had to do was stand firm.

Members interjecting:

The CHAIRMAN: Order! Will the Hon. Mr Davis and the Hon. Miss Laidlaw come to order.

The Hon. K.L. MILNE: The honourable member could easily have objected at the conference but, instead he objected before the gallery and I think that that was reprehensible. I thank the Government for its co-operation in this matter. There has been much give and take. This is a very good start to the first of these new Bills of local government. If there is any difficulty with it I have an undertaking from the Minister that he will be prepared to discuss the matter and, if necessary, make amendments to come at it again.

The Hon. R.I. LUCAS: One learns something every day in this funny game. The one thing I learned today from the conference is that, if one is going to have a chat with the Hon. Mr Milne, one makes sure that one is in the last group to chat to him. The Hon. Mr Milne had a discussion with certain members of the conference—and that was quite proper—and gave an indication that he was going to put a view to the conference. No sooner had we returned to the conference than he retired for another discussion with another group of people—

The CHAIRMAN: Order! I ask the Hon. Mr Lucas to confine his remarks as much as possible to the recommendations of the conference. We have already had one attack on the Hon. Mr Milne. I would prefer that the honourable member keep as close as possible to the recommendations before the Council.

The Hon. R.I. LUCAS:—He then came with another view. Concerning the register of interests, the specific provision we are talking about, the Hon. Mr Milne justifies the position he took and says that it was quite proper for him to have discussions. I do not disagree with that. Of course it is quite proper, but the simple fact of life is that if the Hon. Mr Milne still has doubt concerning the position, it is quite easy for him to have expressed that doubt. No-one is critical of the Hon. Mr Milne, although he certainly misinterpreted what the Hon. Mr Hill said in respect of

having discussions about certain aspects of the Bill and, in this respect, the register of interests. It was unfortunate that the Hon. Mr Milne made that attack on the Hon. Mr Hill at the end of his contribution.

The only matter I want to refer to as the Bill comes out of conference concerns the voting systems. Some days ago we listened to an impassioned speech from the Hon. Mr Gilfillan concerning proportional representation. The original position laid down by the Hon. Mr Gilfillan for the Australian Democrats was for proportional representation to be compulsory in all council areas in South Australia. Through the sheer persuasiveness of his logic, that amendment being defeated, the Hon. Mr Gilfillan convinced the Opposition that the proposition was worthwhile being accepted as an option for all councils in South Australia.

We took to conference the position that there would be two options: the Government's optional preferential bottom-up method of counting, and the Australian Democrats proportional representation system as an option for all councils in South Australia.

As it has come out of conference, that optional preferential system will be the only one to be used for all municipalities in South Australia. They will not be entitled to experiment with the option of proportional representation, because the Bill states that the option can be applied only to a council without wards. Under clause 13, municipalities must be divided into wards. There is no way in which municipalities can abolish the ward system so therefore they will not be able to experiment with proportional representation.

The Hon. Mr Hill indicated that only four out of 125 councils are wardless, so many continue with the system of wards for many reasons. It is likely that many, if not all, of those district councils will want to continue with the system of wards for some time yet and, if they do so, they will not be able to experiment with proportional representation.

So, the great reform was put with passionate zeal by the Democrats for proportional representation, the system that was, in their own words, the fairest system The Hon. Mr Gilfillan and I, in my contribution in Committee, outlined the distortion effect evident in the Government's optional preferential bottom-up method of counting. It is not a fair system of counting, but merely a refined version of the Labor Party's and the present first past the post voting system. There are significant distortions in that method of counting. Local government deserves a fair electoral system. Questions of complexity and simplicity, either for the voter or the returning officer, ought to be subsidiary to the major principle of fairness, but we are being asked by this Government and by the Australian Democrats to accept that all municipalities in South Australia must accept this refined version of first past the post voting, this unfair system of counting.

That is what we are being asked, by this Government and the Australian Democrats, to accept, coming from a Party that for 10 or 20 years campaigned about fairness of electoral systems, whether it be for Commonwealth, State or local government. It made great play in its electoral platforms of fairness of electoral systems for State Government and, in particular, for this very Chamber. It achieved reforms, and worthwhile reforms, but it is saying here that it is fine to have a fair electoral voting system for State and Commonwealth Governments, but that we should not worry about local government: let us accept an unfair system because it is simple and because the returning officers and the electors will understand it. Yet the electors are using forms of proportional representation in the Senate and the Legislative Council already.

The Hon. L.H. Davis: The Labor Party is introducing proportional representation in local government in Victoria.

The Hon. R.I. LUCAS: The Labor Party has it in New South Wales in local government, and Victoria will be introducing it but that is another matter. This Government, supported by the Australian Democrats in this Chamber, has campaigned long and hard about the fairness of electoral systems. I agree with them, but why leave out local government? Why on earth—

The Hon. I. GILFILLAN: I rise on a point of order. Is it not reasonable to ask the honourable member to discuss the content of this clause, rather than analysing the Democrats?

The CHAIRMAN: I think that is quite fair. I ask the Hon. Mr Lucas to get back to the recommendations of the conference.

The Hon. K.L. Milne: Can we ask what contribution he made to the debate in the conference?

The Hon. C.M. Hill: Don't be too hard on Mr Gilfillan. He wanted proportional representation; it's his Leader.

The Hon. R.I. LUCAS: We are discussing the conference attitude to amendment No. 41, and, for the benefit of the Hon. Mr Gilfillan and the Hon. Mr Milne, it concerns the voting systems for councils, which are optional preferential or the refined version of first past the post and the proportional representation system.

The Hon. M.B. Cameron: He's embarrassed about it; don't worry.

The CHAIRMAN: I am sure we all understand what the Hon. Mr Lucas is talking about; he has said it a dozen times now.

The Hon. R.I. LUCAS: Thank you very much for that contribution, Mr Chairman.

The Hon. J.R. CORNWALL: He is reflecting on the Chair.

The CHAIRMAN: That is fairly common!

The Hon. R.I. LUCAS: There are two Parties in this Chamber—

The Hon. J.R. Cornwall: We have three Parties.

The Hon. R.I. LUCAS: We have two to which I am referring, and two Parties that were party to the conference, the amendments of which we are now debating. Those Parties have campaigned about fairness, yet they want us to accept a system for municipalities and the bulk of district councils which, through the distortion effect, will enable well organised minority groups which may poll only 5 per cent of the vote, to be elected. Taking the example I looked at in Committee, a well organised Nazi faction might be opposed wholeheartedly by 95 per cent of the voters in that poll—

The Hon. J.R. Cornwall: Tell us about Graham Cornes.

The Hon. R.I. LUCAS: I will not get back to Graham Cornes at the moment. Because of this voting system, well organised extremist minorities, polling perhaps only 5 per cent (perhaps less than 100 votes), will be entitled to perhaps achieve election to the position of alderperson on the Adelaide City Council, or as councillor to a municipality or a district council.

The Hon. M.B. Cameron: You mean alderman.

The Hon. R.I. LUCAS: My female colleagues—

The Hon. J.R. CORNWALL: I rise on a point of order. I remember very clearly when I first came into this place that the rules were much more strict with the reporting of conferences and managers.

Indeed, I remember the Hon. Mr DeGaris, as Leader of the Opposition at that time, chastising me very sternly and appropriately for even referring to the Government and the Opposition. As I understand it, this is supposed to be a report from the proceedings of the conference of managers and the decisions taken by that conference. What we are getting at the moment is a rehash of the learned treatise that we had the other night on proportional representation. Everyone in the Council knows that, the Hon. Mr Lucas is

following the well worn track of most new members who take a particular interest in voting systems and debate them in a learned fashion here. I submit that what the Hon. Mr Lucas is canvassing and debating at the moment has nothing to do with the proceedings of the conference of managers upon which we are now reporting to this Chamber.

The CHAIRMAN: I think that the Hon. Mr Lucas is over-emphasising the point that he has made several times to the Chamber. Without quite upholding what the Minister has said, I ask the Hon. Mr Lucas to confine his remarks to the report of the conference.

The Hon. R.I. LUCAS: Thank you, Mr Chairman. If it were not for the constant points of order I would have been winding up some time ago. I take your advice, Sir. In summary, as a manager from this Council, I know that the position when we went into conference with respect to voting systems, whilst not my personal preference (as I indicated in the Committee stage), was a decision of this Chamber for which I argued in conference. I am disappointed in the change of mind of certain managers from this Council in that conference. Also, I am disappointed at the way in which the voting system amendments have come out of that conference. I can only say that I hope that, when there is a change of Government, we will see as fair an electoral system for the third tier of Government as we have at the moment for State and Commonwealth Governments.

The Hon. C.W. CREEDON: I rise to support the Minister, and I thank Mr Milne also for his contribution. I find it very hard to support the political contribution of the Hon. Mr Lucas, and to some extent that of the Hon. Mr Hill. There was a great gulf between us today, but it was a political gulf which we had made before we went to the conference. I thought that we did very well after 12 hours to sort it out. Politically, I do not agree with the end result, but nonetheless it is something under which local government can work.

I do not intend to speak for very long, but I feel incensed that this has been made into a political matter in the Chamber after we were supposed to have dealt with it in a way that was intended to remove politics from the matter. This will greatly benefit local government. In all fairness, I think that some credit must be given to the Hon. Mr Hill for being the Minister who got this show on the road. It has taken a long time to get to this stage.

The Hon. M.B. Cameron: It has taken a long time to get through, too.

The Hon. C.W. CREEDON: Yes, because of the political connotations of the whole thing. Also, great credit must be given to the Department, under Dr McPhail, and those who worked with him in helping to draft the legislation. The Local Government Association and individual councils greatly assisted. Some managers on the conference were somewhat upset today about this new approach, but I assure them that, if they look around the world, they will see that, for instance, one State in Germany has a six-year term of office for councillors. Many councillors are paid in other parts of the world. I express a certain amount of satisfaction that this measure has got through, because it will give local government a new look.

The Hon. I. GILFILLAN: I do not pretend not to be disappointed with the result of amendment No. 41. Everyone would know, and if they did not the Hon. Robert Lucas would have enforced it in their minds beyond any question of doubt, about my enthusiasm for proportional representation. But, I realise that this is a process of give and take. Unfortunately, had the attention been given to my definitive work on proportional representation (the speech I made, which was acknowledged by the Hon. Rob Lucas), had the Government been listening, and had the gallery been as well filled then as it is now, there may have been more support for it. I see that proportional representation will be included in the Act. I see it as an option. I believe that those who may have listened to the Hon. Rob Lucas may take the time to read my speech. Councils may well move the Minister, who is a very rational man, and members of the Government who have listened to my speech may again take the trouble to look at it and study its ingredients. We may yet see proportional representation gradually cover South Australian local government. I fully recognise and sympathise with the work of the conference. Although my disappointment is real, I bear no resentment, nor do I criticise the work of the managers. For that reason, I support the amendments.

The Hon. M.B. CAMERON: I do not wish to delay the passage of this measure. I have not spoken on this Bill at all. I have kept silent because the Hon. Murray Hill has handled this situation extremely well. There seems to be some feeling amongst the manager on behalf of the Democrats and, in fact, in the Australian Democrats, that there has to be some sort of give and take when one attends conferences between Houses. That is not necessarily the case. If the House that makes those amendments believes in them, there is no reason why there cannot be a very firm stand taken on them. If that had happened in this case, our amendments would have survived. It is most unfortunate that in some areas there have been amendments, because I believe that the amendments passed by the majority in this Chamber were good and should have been protected by the Council right to the end.

I cannot understand the logic, for instance, of the 5 p.m. closing for metropolitan councils and non 5 p.m. closing for country councils. If it is good for one, it is good for the other. Councillors are intelligent, responsible people who should be allowed to make up their own minds about meeting times, as we do in this place. From time to time we change: we have an early morning meeting or an afternoon meeting. We forgo our Question Time. We are responsible people, like those in local government. It is a matter of whether one considers local government to be composed of mature responsible people.

What was said, in effect, was that country councils are composed of mature responsible people but city councils are not. That is ridiculous. In my opinion, that will now cause a deep division in local government, through this Bill, which is unnecessary and unfortunate. It is all very well to sell out on a couple of councils on the basis that it is a compromise, as the Hon. Murray Hill said. But what was said was that they are not responsible people and they cannot make a reasoned decision. The logic that this enables workers to be elected to councils applies just as much to one council area as to another. There is no difference between the two. It is most unfortunate.

I do not accept the remarks of the Hon. Mr Gilfillan that we had to compromise on proportional representation. If it was good enough, it should have stayed in. There was no reason to compromise on that matter. If it was a good system it should have remained and been an option for everyone, but there we are. The question of compromise seems to have permeated this Chamber to too great an extent.

The Hon. I. Gilfillan interjecting:

The Hon. M.B. CAMERON: Of course we will. Now that it has been put forward, it is policy. We were convinced by the Hon. Mr Gilfillan, but unfortunately he was not convinced himself at the finish. He ducked for cover, which is rather unfortunate. He really did convince us. We find that a bit difficult. Unfortunate compromises have been reached, and they will cause very major difficulties for some councils in this State. However, that is your decision and I

think that the Hon. Murray Hill acted very properly in making the point very clearly that it was not our decision.

The Hon. J.R. CORNWALL: I will be very brief. There are two or three matters which I have to canvass and to which I have to reply. They cannot go unchallenged. I am quite disturbed by the attack that has been made on the Hon. Mr. Milne. I have been on both sides of the fence of Mr Milne's voting patterns and there are times, to be frank—

The Hon. M.B. Cameron: You have made some attacks.

The Hon. J.R. CORNWALL: Today's hero may be tomorrow's Father Christmas, as I said to the Hon. Mr Milne earlier this evening. However, on this occasion he has played the role of the honest broker. He has—

Members interjecting:

The CHAIRMAN: Order!

The Hon. J.R. CORNWALL: He has engaged in some shuttle diplomacy which has ensured that this very significant Bill (the first major rewrite—a complete revamp—of the extremely important Local Government Bill) has managed to come out of that conference of managers in reasonably good shape. It is not exactly in the form in which the Government wanted it, but on a number of important issues it is very workable. The Hon. Mr Cameron has said that one should not go into a conference of managers prepared to compromise. Obviously, if everyone took that attitude, there would be no point at all in having a conference of managers. That is exactly what the Hon. Mr Cameron said. When referring to the Hon. Mr Milne, he said that he ought to know that, in future, he must go in there (to a conference) prepared not to shift one millimetre, and that if he did not do that then the Hon. Mr Milne would be backing down. I repeat what I have said before, that he did play the role of the honest broker, and I tried to do likewise. Because of that the Bill has come out of the conference in pretty good shape. The suggestion canvassed by the Hon. Mr Hill in regard to the pecuniary interests provision of giving the clerk not only the sole right but also the sole responsibility for the pecuniary interests register for any particular council would have imposed quite impossible burdens on the clerk. He would have been asked to act as judge, jury and executioner and, even worse, at one stage it was canvassed that he should share the wealth with the Mayor or Chairman of the council. That would have created a quite hopeless situation in practise. One does not have to cast one's mind about the State very far to find situations where that would be entirely unworkable, completely unsatisfactory and highly undesirable.

In regard to the time of meetings, the Hon. Mr Hill made great play of the fact that the great traditions of the Adelaide City Council would be destroyed. Goodness gracious me—they will have to meet after dark! He must think that they all have a vitamin A deficiency causing night blindness. I am sure that the Adelaide City Council, if it is not able to reach a unanimous decision to meet during daylight hours, will manage very well after dark in the same way that literally dozens of councils already do, not only in the metropolitan area but around the State. The Hon. Mr Cameron tried to make something of the point that we had said that country councillors were good, intelligent people who should be masters or mistresses of their own destiny and who should decide when they meet. That was a very sensible compromise, and the fact is recognised by everyone. However, anyone in this place with an IQ of 72 (and that is most of us) realises that there are some very real differences: there is the tyranny of distance and the real difficulty, on occasions, of actually getting people to serve.

The Hon. Mr Dunn made a very good point during the debate that people are literally volunteered for council service on some of the smaller rural councils, so that was a matter of common sense, pragmatism and logic. I do not think either that the Hon. Mr Milne or the Government needs to apologise for that. In fact, the real thrust for not forcing after 5 p.m. meetings during the debate on this Bill and in the representations that have been made to the Government in particular (and I am sure to the Democrats as well) was so as not to force this on rural councils. That very real demand has been met by the compromise that the conference of managers reached. I turn now to voting. A simple system of voting is a very good system and it would seem to me that optional preferential voting, on balance, will serve local Government very well. In the event that there is some sort of groundswell request to move to proportional representation, I am sure that in years to come the Minister of Local Government of the day in whichever Bannon Government it is—the second, third, or fourth—will be perfectly happy to consider it. However, at present there is no real demand for it.

What we have done here in some of these areas of reform is reasonably modest. We have certainly not started a revolution: the millennium has not arrived. However, when this Act is proclaimed local government will have a major document, a major blue print which will be very workable and very sensible and which takes another major step forward in citizen participation in a fully democratic way in local government. Also, it moves us away from the elitist approach that the Hon. Mr Hill looks back to nostalgically. He says that there should not be politics in local government. However, the story has always been (so far as conservatives are concerned) that when they say that they really mean that there should not be any Labor Politics in local government. I am not advocating that there should be strict Party political lines in local government and I think that the majority of South Australians would not like to see that happen. However, it is surely fair with regard to times of meetings in particular and pecuniary interests in general that all adult citizens of South Australia should be given the opportunity to participate as elected members in local government and all citizens of South Australia should have the confidence of knowing that while people are performing these very worthwhile duties they are not doing so for personal advantages or to push a vested interest.

At this late point, and in conclusion, I pay tribute to the extraordinarily good work that has been done by local government, not only in the metropolitan area but right around the State. People are entitled to know that when their representatives are performing those duties they are not doing them from any sense of gaining personal advantage or pushing any particular vested interest. I believe that this legislation goes a very long way toward enabling all South Australians to know that they now have a very democratic basis for local government, local government elections and the conduct of local government business generally. I believe that we have indeed a very fine blueprint for local government for the next 50 years.

Motion carried.

ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday 5 June.

I shall now say a few words to conclude this second session of Parliament during which the Bannon Government has been in office in South Australia. Parliament will resume on 2 August for the third session. As is customary at the conclusion of a session, I take this opportunity to thank honourable members for their various contributions to the functioning of the Council. I appreciate the co-operation of honourable members on this side of the Chamber as well

as that of members opposite. My only complaint about honourable members on this side of the Council is that from time to time there are not enough of them in the Chamber. My complaint about members opposite is that they speak. In all seriousness, I thank honourable members for their co-operation, particularly members of the Opposition. The Council has no time limits; there is no system of time restriction on debate, so members are required to exercise some self discipline during debates. I think on the whole that self discipline is exercised, and the co-operation that exists does mean that we can get through Council business in reasonable time.

I also take this opportunity to thank all the people who contribute to the functioning of the Parliament, and I refer to the table Clerks, the Messengers, particularly those who work in the Council, and the people who serve the whole of the Parliament, that is, *Hansard* and the catering staff. I thank those people particularly on this occasion because more particularly in recent times there has been a greater stress on the staff of the Parliament. Parliament has tended to sit for longer and slightly more irregular hours than used to apply in times gone by, which is something that I hope to perhaps do something about. I think that is a product of the increasing work load of the Parliament, but it does place greater work loads on the people who serve it. The contributions made by them and the fact that they are prepared to take up the challenge that exists and to assist in the functioning of the Parliament in the way that they do is something that we ought to commend, and I would like to thank all of them, namely, the *Hansard* staff, catering staff, Library staff, and all the others involved in the functioning of the Parliament.

I also want to thank members of the fourth estate, the representatives of the press. Sometimes I appreciate what they have to say about us, while at other times perhaps things might well be better left unsaid. Nevertheless, the press is an essential part of our democracy. In a sense, members of Parliament have a somewhat schizophrenic relationship with the press, because the press needs the parliamentarians for its news and parliamentarians need the press to get their message across, so it is essential that we are able to work well together, and I think that, on the whole, we do. I want to thank members of the press for their contribution to the parliamentary process.

I also would like to thank you, Mr President, for your work in presiding over what sometimes is a difficult Chamber, but I think that on the whole things work reasonably well. I thank you for your contribution during this session, which finishes tonight. Honourable members now have some two and a half months to attend to their electoral duties, and Ministers will have some time to actually think about policies, Bills and proposals for the next election—the next session. Members may also have time for rest and relaxation, but whatever their endeavours over the next two and a half months I wish them well.

The Hon. M.B. CAMERON (Leader of the Opposition): I would like to express my support for the motion. In doing so, I indicate my thanks on behalf of the Opposition to the Clerks at the table for their excellent service to members and the excellent advice that they give us. I know that they sometimes get very frustrated with members. However, they have had a very difficult period, particularly during the past couple of months during which time, as the Attorney has said, we have sat for irregular hours. We have not always allowed the table staff sufficient time to complete their duties which they have had to continue long after we have gone home. It is an extremely difficult job, and we certainly appreciate the work that they have done and the fact that even after sitting until the early hours of the morning notice papers have arrived on time and, as usual, have been 100 per cent suitable for the purposes for which we require them.

I want to express my thanks to *Hansard* who do an excellent job. *Hansard* has one of the most difficult jobs in the Parliament. The only thing that we do not thank them for at the moment is these machines that we seem to have acquired on our desks. Some of us have had some difficulties with them, although I guess that they are part of the changes that we see in Parliament and eventually we will get used to them. On behalf of the Opposition I want to thank the staff and the Messengers who do an excellent job. They are very courteous in providing assistance to us and they certainly make this place liveable. I think that often members are unaware of the little tasks that they carry out for members, the time required in carrying them out, and the fact that they commence work long before we arrive for work in this place and even after we have left. The Library staff have been very helpful to us and we thank them for that. The Opposition has a special affinity with the caretakers, because these premies provide our only offices, and so we rely on the caretakers to be around when we have forgotten to bring our entry cards, and they are very helpful to us when we have to work after hours.

I hope that the Attorney-General had a slip of the tongue when he said that Government Ministers have the next 2½ months to plan for the election. I trust that he meant the next session, because it would cause some difficulty for members if we had to plan for an election over the next few months. To you, Mr President, we all owe special thanks because you have a very difficult job. It is not easy. We believe that you have done an excellent job. Mr President, you have had a 100 per cent voting record in this session, in our opinion. Your job is difficult because Parliament is a strange creature: it does have its moods and it is not easy to control. Mr President, you have a difficult job and you do not restrain us unnecessarily, which is a very difficult line to follow. Mr President, I am sure that Government members join with me and my colleagues in thanking you for your work. On behalf of the Opposition, I thank those people who have served us in Parliament.

The Hon. K.L. MILNE: My colleague, the Hon. Mr Gilfillan, and I wish to say on behalf of the Australian Democrats in general, and ourselves in particular, how much we appreciate the many courtesies which we have received during this session from all those who work in Parliament House. This applies to our colleagues both in the House of Assembly and this Council and to the various members of our very efficient and helpful staff.

May I thank you, Mr. President, for the way in which you have conducted the Legislative Council and for the way in which you have looked after us all—Ian and I in particular at times—when we have needed advice and help. Your friendly attitude, with a firm hand now and again, makes the going very easy. To the Attorney-General and his colleagues, we would like to say how much we appreciate the help received from the Government in many of the difficult decisions which we were called upon to make together. We would be grateful if the Attorney would convey our appreciation to the Premier, the Hon. Mr. Bannon, and to his Ministers in the House of Assembly, all of whom have been kind to us at one time or another. Likewise, we would like to thank the Hon. Martin Cameron and his colleagues for their understanding and help throughout the session. You, Mr President, have been a great help to us at times and we have considered ourselves fortunate that we can come and speak with you, or any of your team, at any time. Ian and I often say how lucky we are to be members of this kind of Parliament.

It would appear to us that this session has been a particularly hard one for the Clerk, Black Rod, and the Assistant Clerks, not forgetting Arthur Kasehagen and his team of messengers. I never cease to be amazed at how Mr. Mertin and Mrs. Davis keep up with the tremendous amount of paper work in busy sessions, because we know that what we see is only the tip of the iceberg. Perhaps I only fully realised this session the great responsibility taken by the messengers, not only regarding mail deliveries and other duties outside the Chamber but with the detailed record keeping, distribution of papers, messages, Bills and so on inside the Chamber. We would like to thank you all for your unfailing courtesy, even to the Clerk when he was required to record 21 Ayes and no Noes!

We would like to express our gratitude to Kevin Simms and the *Hansard* staff not only for never giving in and persevering with our seemingly endless talk but also for their skill, patience and dedication to accuracy.

The Hon. Mr Gilfillan, the Hon. Mr Hill and I are sad to report that Mrs Lois Miles, without whom the Hon. Mr Gilfillan, the Hon. Mr Hill and I could not operate, has decided to leave. I expect that members would know that she became engaged to marry again a few weeks ago. This was exciting news as she has been a widow for many years and has brought up three delightful children at considerable sacrifice. She has been a wonderful mother and grandmother and a very good friend to the Hon. Mr Hill for a long time; to me for four very busy years and to Ian as well—in spite of not agreeing with everything that we have done!

Mrs Miles is going overseas with her sister in June and plans to remarry in September. We publicly thank Lois for looking after us very well and wish her all the best of the best for the future. We would also like to thank the representatives of the press and other media for their help. They do not always please us but, of course, that is not their job. I believe that reporting Parliamentary debates must be very difficult indeed.

I also refer to Tim Temay, Nancy Bickle and their team of wonderful people in the dining room, servery and the kitchens. We realise that many of them we do not see, but the whole thing seems to go like clockwork—so much so, in fact, that we are apt to take it all for granted.

We would like to send a word of thanks to the caretakers, as mentioned by the Hon. Mr. Cameron, because they have been very helpful in all sorts of ways at all sorts of times and have come to the rescue with problems, some of which seemed insoluble. Once again, many thanks to you all from Ian and Shylie Gilfillan, my wife Joan and me. We wish you a very happy break and look forward to seeing you in the next session, much refreshed and ready to carry on the good work.

The PRESIDENT: I take this opportunity to endorse the remarks of those speakers who have thanked the staff of Parliament. Because I work more closely with them than perhaps do other members, I fully understand and appreciate the efforts that our staff throughout Parliament perform to provide the best service possible: the caretakers, *Hansard*, messengers, and table staff especially. I also thank Margaret Hodgins, who churns out reams of amendments at a speed which is quite frightening, if one is close to her typewriter. We thank each and every one of those who serve us so well. I must say that I appreciate the kind words said about me. If it is my lot to preside over a House of Parliament, I guess that I have not done too badly in having this one. I wish all members well and a restful respite for the next two months.

Motion carried.

[Sitting suspended from 11.50 p.m. to 12.13 a.m.]

PETROLEUM ACT AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments.

STATUTE LAW REVISION BILL

Returned from the House of Assembly without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2) (1984)

The House of Assembly intimated that it had agreed to the recommendations of the conference.

ADJOURNMENT

At 12.17 a.m. the Council adjourned until Tuesday 5 June at 2.15 p.m.