LEGISLATIVE COUNCIL

Tuesday 21 August 1984

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

PETITION: FIREARMS LEGISLATION

A petition signed by 13 residents of South Australia praying that the Council will defeat any firearms legislation which is further restrictive; consider the effectiveness of present legislation; refuse further unwarranted increases in fees; and apply a significant part of the revenue gained to promote and assist sporting activities associated with firearms, was presented by the Hon. Barbara Wiese.

Petition received.

PAPERS TABLED

The following papers were laid upon the table:

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

Pursuant to Statute—

Friendly Societies Act, 1919—General Laws—

National Health Services Association of South Australia;

Hibernian Friendly Society;

Manchester Unity—Hibernian Friendly Society.

Superannuation Act, 1974—Regulations—Membership of Part-time Employees.

By the Minister of Health (Hon. J.R. Cornwall):

Pursuant to Statute—

Adoption of Children Act, 1966—Regulations—Requirements for Documents, etc.

Medical Practitioners Act, 1983—Regulations—Fees.

Planning Act, 1982—Crown Development Reports by South Australian Planning Commission on—

Proposed development at Cape Jervis and Penneshaw.

Proposed erection of Activity Hall and Squash Courts at Maitland Area School.

Proposed Land Division.

Proposed 66kV Electricity Supply—Willunga to Aldinga.

District Council of Mount Remarkable—By-law No. 17—Non-resident Traders.

By the Minister of Agriculture (Hon. Frank Blevins):

Pursuant to Statute—

Motor Vehicles Act, 1959—Regulations—Moped Licences.

Road Traffic Act, 1961—Regulations—Stop Lamps.

Waterworks Act, 1932—Regulations—Service Rents.

QUESTIONS

CORRECTIONAL SERVICES

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Correctional Services a question concerning the harassment of prison officers.

Leave granted.

The Hon. M.B. CAMERON: Today there have been widespread reports of threats and harassment made against prison officers, culminating in the unfortunate distress and collapse of a Mr R. Brown, who had suffered the threat of letter bombing. According to a report in this morning's *Advertiser*, Mr Brown was contacted by police early yesterday morning to be told that he and colleagues could be the targets of a letter bomber. Subsequently, Mr Brown collapsed, obviously distressed by the enormous pressure under which he had been placed. The *Advertiser* article states:

> Yesterday . . . Mr Brown talked briefly about the threat. He said it had scared him more than any previous one, and there had been many . . . Mr Brown is an experienced prison officer who has worked at Brisbane's Boggo Road Gaol and prisons in Fremantle, Kalgoorlie and Wyndham in Western Australia. He has worked in the South Australian Department of Correctional Services for four years. On Thursday last week Mr Brown was bailed up by eighteen prisoners in the Adelaide Gaol.
>
> [His wife] said that although her husband had managed to get out of the situation unscathed he had been distressed enough by it to ask for a few days off.
>
> 'He was just getting over that when this letter bomb threat happens', she said.
>
> Yesterday around lunchtime Mr Brown's career [appeared to come] to an end. In the words of his wife [He] cracked up. [It was] mainly the fact they [the prisoners] had got his home address.

Mr Brown has indicated that he is thinking of selling his house and leaving the State. This is a most concerning situation and one can only feel great concern for the prison officer and his family. It is very worrying indeed that prisoners and perhaps ex-prisoners are able to locate the homes of prison officers and mount a campaign of harassment against them. If advice that has come to the Opposition is any indication, then physical violence and bodily harm may not be too far away. The incident concerning Mr Brown appears not to be an isolated one.

In fact, I have received allegations this morning that a senior officer from the Adelaide Gaol has received from interstate a brass cylinder containing shotgun cartridges, nails, a fuse and detonating devices. Another prison officer, it has been alleged, has been sent a petrol bomb containing fuses and detonators and that the Bomb Squad had to be called. I have no way of proving whether or not those allegations are correct. Such threats, if they occurred, are outrageous and most disturbing.

Prison officers have a difficult job at the best of times and during the normal course of their work are subject to harassment. If this harassment is now being extended into their homes and being directed, by association, to their families as well, it is very disturbing. Harassment of prison officers—either physical, verbal or emotional—by prisoners or people purporting to be acting on their behalf, is to be abhorred. In recent times, with the major breakdowns in our prison system which seem to have occurred, there appears to be more concern in many people's minds for prisoners and their so-called rights, than perhaps for the rights of prison officers. My questions to the Minister are:

1. Have two officers received devices designed to harm them and perhaps their families?

2. What steps are being taken by the Government to upgrade protection afforded to prison officers both whilst on duty and after hours?

3. Is the Minister satisfied with the level of protection provided to prison officers and their families?

The Hon. FRANK BLEVINS: There was very little in the detailed explanation that I could disagree with until the Hon. Mr Cameron got to the point where he was suggesting that there was a breakdown in the prison system, or words of that nature, and that some people, I think he said, were more concerned about the rights of prisoners than they were about prison officers and discipline within the gaols, I assume.

The Hon. M.B. Cameron: No.

The Hon. FRANK BLEVINS: Anyway, it was a very long explanation. I deplore, as I am sure everyone in South Australia does, the finding of explosive devices sent through the mail to prison officers.

The Hon. M.B. Cameron interjecting:

The Hon. FRANK BLEVINS: Yes, it was reported in this morning's paper—it has occurred. Obviously, the whole matter is in the hands of the police, and I do not want to do anything to prejudice police inquiries. I can only say that whatever steps are necessary to intercept such devices

are being taken by the police, who are the proper authorities to take that action. We are very much in the hands of the police. If the police recommend to the Government that certain steps are required, the Government will consider those steps.

The Hon. M.B. Cameron: Have three such devices been sent?

The Hon. FRANK BLEVINS: I have confirmed that one explosive device has certainly been found. I am not aware of the precise nature of that explosive device, whether it is as described by the Hon. Mr Cameron—full of nails and shotgun cartridges. The problem facing the community is that one will always get an individual in the community who, by normal standards, is quite deranged. I am in somewhat of a dilemma because I know a lot more about this matter than I am prepared to say at the moment. As I understand it, the police have the whole matter very much under control. I can only deplore the actions that have occurred in this case. I assume that there will be a court case arising from these actions and I do not want to say anything that in any way prejudices the court case. If the Hon. Mr Cameron wants to pursue the matter with me privately, I shall be happy to advise the honourable member of as much as I know. I am not sure whether in the interests of police inquiries I should say anything that can be reported here. That answers the first question. The matter really is in the hands of the police, and the Government will be guided by any recommendations the police choose to make. I get back, not specifically to this incident, but to incidents of this nature: there are always people who by normal community standards are deranged and who send strange things through the post to other people.

In answer to the second question concerning what steps we are taking, obviously in conjunction with the police steps are being taken as far as practicable to ensure that no-one gets hurt should there be any other devices in the mail system. Again, I am not at liberty to say what those steps are, in the interests of security. However, I can refer the question to the Minister of Emergency Services and the Minister, in discussion with the Commissioner of Police, will advise us how much information can and should be made public.

The Hon. M.B. CAMERON: I desire to ask a supplementary question. I have no desire to cause the Minister any problem, and I do not think that my supplementary question will do that. I have been careful not to name any officers, but can the Minister confirm that two additional officers have received through the mail devices of an explosive type?

The Hon. FRANK BLEVINS: I cannot confirm that, not for any security reasons but just because I do not know whether two officers—or more or fewer officers—have received devices in the mail. I understand that one device was intercepted before it went anywhere near an officer (I will tell the honourable member why in a moment).

SPEECH PATHOLOGY SERVICES

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking the Minister of Health a question about speech pathology services in the central northern CURB region.

Leave granted.

The Hon. J.C. BURDETT: I refer to the submission prepared by a working party on speech pathology services in the central northern CURB region. What action has the Minister taken, or does he propose to take, on the recommendations from the working party so far as they lie in the health area and, in particular, in relation to the following: the immediate appointment of speech pathology staff to make staffing levels comparable to other regions; the immediate upgrading of the speech pathology position at the Ingle Farm Community Health Centre to a full-time position; the establishment of speech pathology services at Modbury Hospital and for inpatients of the Lyell McEwin Health Service; and that speech pathologists be employed within a specialist geriatric services unit being developed within the region?

The Hon. J.R. CORNWALL: The honourable member's series of questions is obviously far too specific for me to recall in precise or fine detail the working party's response to each of them. Specifically, the matter of speech pathology with regard to the Lyell McEwin Health Service is currently being addressed, and indeed some additional funding will be available during 1984-85. Quite frankly, as I have said, I am unable to answer the rest of the honourable member's questions in terms precise enough to make them mean anything. I think it would be much better if I took the questions on notice and brought down a reply as soon as reasonably possible.

CORRECTIONAL SERVICES

The Hon. K.T. GRIFFIN: My questions, to the Minister of Correctional Services, are as follows: first, did 18 or some other number of prisoners bail up prison officer Brown as reported in today's *Advertiser?* Secondly, what disciplinary action has been taken against the 18 or so prisoners alleged to have been involved, and have any formal charges been laid? Thirdly, what steps are being taken to ensure that as far as possible a prison officer cannot be bailed up by prisoners again?

The Hon. FRANK BLEVINS: Again, I am unable to confirm the statement made by the Hon. Mr Griffin. I am having a report prepared on the incident referred to by the honourable member. I have been advised verbally that a very brief skirmish involving three prisoners took place in No. 6 yard, which is the remand yard at Adelaide Gaol. I think that prison officer Brown was working in the yard at the time and intervened with, I believe, one other prison officer to break up the skirmish. I understand that it was a very brief skirmish, which was all over in a matter of seconds. Other prisoners crowded around at the site of all the activity, the sort of thing I seem to recall occurring from time to time in schoolyards. There was a great flocking from everywhere.

I have also been advised verbally that the two prison officers handled themselves very professionally and expertly, extricating themselves from the situation quite well without any violence on the part of the prisoners or the prison officers. In relation to the Hon. Mr Griffin's question as to what steps can be taken to ensure that prison officers are not bailed up, we will take whatever steps are possible. There is a possibility that one could prevent up to 60 or 70 prisoners from congregating in a particular area in a manner that creates some alarm, if there were also 60 or 70 prison officers walking alongside each individual prisoner. But that is obviously not a very practical proposition.

My officers in Adelaide Gaol, where this incident occurred, are very professional officers and very much in control of the gaol. The suggestion that any prisoners in Adelaide Gaol run the gaol would be contested quite vigorously by every prison officer there. That is simply and completely untrue. I have conveyed to the Hon. Mr Griffin as much as I know of that incident. However, when a full, detailed report is prepared from the prison officers concerned and observers of the incident, if there is anything more to add I shall bring it back to the Council.

The Hon. K.T. Griffin interjecting:

The Hon. FRANK BLEVINS: Sure. If prisoners were involved in a breach of prison regulations they will be disciplined. They always are. Adelaide Gaol has a very good reputation for putting prisoners who disobey prison regulations before the visiting justice. My understanding is that the visiting justice does a very good job, and the prisoners are dealt with according to the merits of the particular case.

There is a different system at Yatala, but it is equally effective where a prison officer is engaged full time in preparing prosecutions against prisoners to go before the visiting justice. He is extremely successful: from memory, about 200 prosecutions have been successfully accomplished by that officer, who is a Correctional Services officer. So, if any evidence can be put before the visiting justice it will certainly be done in this case, as it is with every case and every incident within the prison system.

The Hon. K.T. Griffin: When that report is prepared and you have made that decision, will you bring it back to the Council?

The PRESIDENT: The Hon. Mr Griffin can ask further questions; he cannot just go on *ad infinitum.*

The Hon. FRANK BLEVINS: I have answered that, Sir, but I will answer it again since he has asked me again. When that report is prepared, if there is any additional information I shall be only too pleased to bring it back to the Council.

TRUCK LOAD RATING

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Transport, a question about a load rating for a truck belonging to Mr Andrew Shore.

Leave granted.

The Hon. I. GILFILLAN: It is a very sorry saga of bureaucracy and insensitivity victimising a citizen of South Australia who is trying to operate a business through the cartage of material in an Isuzu truck. I was advised that he applied for registration of the truck after changing its motor. Out of the blue, the registration came back with a departmental decision that the truck, which had previously been entitled to have a gross vehicle mass of just under six tonnes, was reduced to being able to have no load at all. In other words, it was compelled to travel empty. That decision was made in June 1983. Many submissions and appeals were made for the decision to be reversed and reconsidered. I was involved in writing correspondence and in a series of questions to the Minister in relation to the matter, none of which was answered.

But surprisingly, on 7 August after further correspondence from me, the Minister wrote to me directly—not to Mr Shore—stating:

> I sought other opinions with regard to the load rating of this vehicle and, after evaluation of all the information, the Registrar of Motor Vehicles has now accepted a load rating for Mr Shore's vehicle as nominated by the manufacturer, that is, GVM—5790 kg and GCM-7100 kg. These load ratings are now recorded on the register.

That is good news, but it is over 12 months too late. In the meantime, Mr Shore had lost approximately $40 000, and he is likely to go to gaol through non-payment of a fine that was incurred during the history of this sorry business.

My questions in relation to this matter are as follows:

1. How does the Minister justify the complete about-face of the officers of his Department in relation to the question of the load rating of the truck owned by Mr Andrew Shore.

2. Does he realise that the decision made in June 1983 and reversed in August 1984 has cost Mr Shore approximately $40 000 in lost income and other consequences?

3. If not, will the Minister make efforts to ascertain the cost to Mr Shore and consider the payment of compensation to him?

4. Does the Minister realise that as a result of his Department's insensitivity to this issue Mr Shore is likely to serve a gaol term?

5. If the Minister does not know about that, will he investigate and ascertain what response he and the Government will take to the situation in which Mr Shore finds himself?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to the Minister of Transport and bring back a reply.

QUESTION ON NOTICE FORMS

The PRESIDENT: Before calling on further questions I will reply to a question asked of me by the Hon. Anne Levy on 16 August in relation to Question on Notice Forms. The answers are as follows:

1. There are approximately 600 forms to be used before a reprint will be necessary.

2. At the current rate of usage it will be about two to three years before printing need be ordered.

3. When a new printing is ordered the word 'Mr' will be removed, as was done on the last reprint of Notice of Motion forms. However, owing to the length of time that it will take to exhaust the present stock of Question on Notice forms the Clerk has arranged for the word 'Mr' to be blocked out of the forms, so we have virtually desexed the old form.

MAKING AND ADMINISTRATION OF THE LAW

The PRESIDENT: I bring to the attention of members the fact that today I received a report with respect to the Making and Administration of the Law, which was compiled by a former justice of the Supreme Court of South Australia, Mr Andrew Wells. I have that report if any member wishes to peruse it.

The Hon. K.T. Griffin: Could that report be tabled, Mr President?

The PRESIDENT: It could, I suppose, with the permission of the Council. If the honourable member cares to give notice that he will move in such a direction I see no reason, if the Council agrees, that the report cannot be tabled.

The Hon. K.T. GRIFFIN: I give notice that on the next day of sitting I will move that the report just referred to be tabled and printed.

The Hon. C.J. SUMNER: I rise on a point of order, Mr President. Presumably you, Mr President, receive correspondence and reports from a large number of organisations throughout the State and throughout Australia as President of this Council. On what basis do you decide to report to the Council what reports you have received? This is the first time I have heard you do this. There must be reports that you receive every day, none of which has been drawn to the attention of the Council.

The PRESIDENT: That is not quite the case. On this occasion the report has been circulated to the Speaker and the Governor. I would not like it to be thought that this report was being used by some members and yet was unavailable to others. I thought that my gesture was as generous as I could be. In fact, I have done this to prevent such questions as those just asked by the Attorney-General being asked.

UNION AMALGAMATIONS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Labour, a question about union amalgamations.

Leave granted.

The Hon. PETER DUNN: For some years many commentators on the industrial scene have argued that the large number of trade unions in Australia—319—was out of all proportion to our size. They have taken the view that we would be served better by fewer unions, thus avoiding demarcation and other disputes. Opponents of amalgamations take the view that to concentrate greater trade union power into fewer hands would strengthen the disruptive powers of trade unions such as we witnessed during the recent Mabarrack dispute.

Yesterday a media report told of moves towards merger by some trade unions. An article in the *News* headed '20 unions step up merger moves' stated:

About 20 unions, including two of Australia's most powerful transport unions, are planning mergers. Negotiations have quickened following legislative changes by Federal and State Labor Governments to simplify mergers. The Transport Workers Union and the Waterside Workers Federation have had preliminary talks about joining forces, and further discussions are planned. Their combined membership would be more than 115 000.

The 26 000 strong Australian Textile Workers Union and the Boot Trades Employees Federation, with more than 7 600 members, expect to amalgamate by early next year. State secretary of the Australian Textile Workers Union and President of the United Trades and Labor Council of S.A., Mr N. Renoldson, said the number of unions in Australia—319—was 'quite ridiculous'.

Does the Attorney consider that there are too many trade unions in South Australia? Does the Government support a reduction in the number? Does the Government support a move towards industry-based unions?

The Hon. C.J. SUMNER: I will obtain a reply for the honourable member.

DOMESTIC VIOLENCE

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about domestic violence.

Leave granted.

The Hon. DIANA LAIDLAW: At a meeting organised by the women's shelters movement last Sunday several speakers attributed the resistance of police to respond to episodes of violence in the home to the confusion about the extent of police powers of entry into private premises. The claim is disturbing, for the police are a vital resource to women when confronted with incidences of violence in the home. The fact that confusion exists was confirmed most recently last month when the Minister of Community Welfare released a report by Judith Healy entitled 'After the refuge: a study of battered wives in Adelaide'. However, at Sunday's meeting, to which I have referred, Dr Jocelynne Scutt, Director of Research with the Victorian Parliamentary Legal and Constitutional Committee and a former senior researcher with the Australian Law Reform Commission, stated categorically—

The Hon. C.J. Sumner: Do you have a high regard for her opinion?

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: I simply went and listened to her views. She stated categorically that the police do have power of entry for the purpose of investigating claims of domestic violence. Clearly, the powers of the police in such instances need clarification. Therefore, my questions to the Attorney-General are as follows:

1. Is the Attorney-General able to confirm that the police do have a power of entry for the purpose of investigating complaints of domestic violence?

2. If he is unable to do so, will he take actions to ensure that the powers of the police in investigating such complaints are clarified as a matter of urgency?

The Hon. C.J. SUMNER: The powers of police with respect to domestic violence are the same as the powers of the police with respect to any other allegation of assault. There is no difference at law between domestic assault and assault in any other circumstances.

The Hon. Diana Laidlaw: There is real confusion about that.

The Hon. C.J. SUMNER: All I would say is that there is a problem in the area of domestic violence that has been pointed to on a number of occasions. It led to amendments to section 99 of the Justices Act, which provides for restraining orders and the like to be obtained through the courts. It is not that the law restricts the capacity to operate in cases of domestic violence, as assault in circumstances of domestic violence is no less an assault because it is a domestic situation. That has always been clear. What has been the problem is, first, a certain attitude of the Police Force, which is being addressed by the Police Commissioner, namely a certain traditional reluctance to get involved in domestic disputes. Part of the problem there is obtaining evidence, as often it is one person's word against another's. Furthermore, on occasions evidence is obtained and then the person involved does not wish to proceed with the prosecution.

I can see that the police have been traditionally reluctant to get involved in domestic disputes. However, the Police Commissioner has advised me that action is being taken within the police force to heighten the awareness of police officers of the problems of domestic violence. As I said before, the law in relation to assault is the same whether or not it is in the domestic area.

I do not believe that there is any confusion. There may be a problem in the question of the application of the law, as I have already mentioned to the honourable member and the Council. I know that the Commissioner of Police is working to try to correct that situation.

HOSPITAL BUDGETS

The Hon. R.I. LUCAS: I direct the following questions to the Minister of Health:

1. Have all major public hospitals been notified, in writing, of their budget allocations for the 1984-85 financial year?

2. Is the Minister confident that the 1984-85 budget allocations will have no adverse affect on waiting times, waiting lists and patient care at those hospitals?

The Hon. J.R. CORNWALL: The young Mr Lucas again shows his ignorance of the way in which the system works.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: The fact is that budgets are negotiated with the hospitals by the Sector Directors. That seems to cause the Hon. Mr Cameron, the Leader of the Opposition—

The Hon. M.B. Cameron interjecting:

The PRESIDENT: Order!

The Hon. J.R. CORNWALL: —some amusement, but it is a particular difficulty for the health system that those budgets are negotiated over a quite lengthy period of time and frequently are not finalised until well into September. The budget allocations for the sectors, of course, are finalised at a much earlier stage. But, in terms of written offers—actually sending out the written details—it would be most

unlikely that that has happened with any hospital at this early stage in the financial year.

The second question, I think, was regarding whether or not I was confident that the hospitals would be able to operate within their allocated budgets and keep the waiting lists at the very satisfactory level they have been at for the past couple of years. I think that young Mr Lucas really should wait until the Budget. I do not intend to canvass details of the Budget at this time.

APPRENTICESHIP REVIEW COMMITTEE

The Hon. ANNE LEVY: I seek leave to make a brief statement before asking the Attorney-General, representing the Minister of Labour, a question concerning the Apprenticeship Review Committee.

Leave granted.

The Hon. ANNE LEVY: On 7 December last I asked a question in the Legislative Council concerning a survey that had been commissioned by the Apprenticeship Review Committee. I received an answer dated 11 January 1984. Because it was received by letter during the Parliamentary break, it has never been incorporated in *Hansard*. I would like to give some indication of the reply I received. In part, it states:

> . . . the Minister of Labour [said] that the survey was commissioned in order to assist the Review Committee to review and assess current recruitment and selection practices and systems in the South Australian public sector. The survey (which was completed by 30 November 1983) was conducted by officers from the Department of Labour Training Services Branch, which provides executive services to the committee. The survey took the form of structured interviews conducted by these officers with relevant officers of departments and authorities. The interviews were recorded on a set format.
>
> Analysis of the findings of this survey, taken in conjunction with other research and activities being undertaken by or on its behalf, will produce data and ideas which will assist the Review Committee to develop recommendations for its final report to Cabinet.
>
> It is therefore considered inappropriate to issue survey material at this time. The end result, that is, the committee's report with recommendations, is required to be provided to Cabinet by 31 March 1984.

Will the Attorney-General ask the Minister of Labour whether it would be possible, at this stage, for the committee's report and recommendations to be made available for me and anyone else to look at? I presume that the report will contain the final survey material but, even if not, the conclusions and recommendations resulting from the survey would, I am sure, be of great interest to many people.

The Hon. C.J. SUMNER: I will seek a reply for the honourable member.

UNION BULLYING

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Leader of the Government a question regarding union bullying.

Leave granted.

The Hon. L.H. DAVIS: Mr Cummings, the Chief Executive of the Housing Industry Association, is reported today as saying that lawless unions were ruining the housing industry and causing escalating prices. Mr Cummings claimed that the Builders Workers Industrial Union was using bullying tactics to unionise the building industry and that builders were being forced into paying subcontractors' union fees to gain peace on building sites in South Australia, otherwise the site was declared 'black' and supplies were withheld.

Mr Cummings noted that this intimidation had also occurred in Western Australia. In fact, it has reached the stage, I understand, where, in Western Australia, they are pushing down brick walls on partly built homes. Members will recollect that in the last session of Parliament the Government introduced amendments to the Industrial Conciliation and Arbitration Act. One of the amendments would have had the practical effect of putting an end to subcontracting. Fortunately, the amendment was defeated in the Council through the combined efforts of the Liberal Party and the Australian Democrats.

Similar legislation has been introduced by Labor Governments in other States. It now seems that the BWIU has not accepted the umpire's decision. It is alarming to hear that, at a time when the building sector in South Australia is booming and pressure is developing for skilled labour and building supplies, when house and land prices are escalating, the BWIU quite deliberately is exploiting this situation to achieve a result denied to it by legislation. Presumably the Government had consultations with the BWIU prior to introducing amendments to the Industrial Conciliation and Arbitration Act. Will the Government now act to stop this outrageous and quite un-Australian behaviour by the BWIU by again consulting with it and suggesting that it cease this outrageous behaviour?

The Hon. C.M. Hill interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member is misrepresenting the effect of the Bill that was introduced in the last session. It was not designed to produce an end to subcontracting.

The Hon. L.H. Davis: You know it had that practical effect.

The Hon. C.J. SUMNER: It was not designed to end subcontracting in the building industry: we have not ended subcontracting in the building industry or any other industry. The honourable member has referred to certain allegations, but I do not know whence he has obtained them. He apparently refers to a statement of Mr Cummings. I do not have any knowledge of those statements or accusations, but I will have the honourable member's question looked at and bring back a reply.

WINE TAX

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Minister of Agriculture a question about wine tax.

Leave granted.

The Hon. M.B. CAMERON: The silly season for South Australia is here again with us, in that it is now the day before the Federal Budget when allegations or rumours start circulating that a wine tax will be imposed. Last year the rumours proved to be true and we found that an excise on fortified wine was introduced by the Hawke Labor Government. The Federal Budget is to be brought down again this evening. In spite of promises to the contrary, we all remember clearly what happened last year and the decision that had to be reversed a couple of months ago. I know that the Minister of Agriculture did not support it at the time, but nevertheless we ended up with a tax which virtually wrecked the port wine industry in South Australia in the last season. The results of that tax on the wine industry in South Australia have been disastrous. Its imposition showed a complete lack of understanding by the Federal Labor Government of the effect of such taxes and the effect on our industry.

The tax was condemned immediately by the wine industry and the Opposition, because of the disastrous impact it would have. The State Government joined in calls for scrapping the excise, but only after it became clear to the Minister of Agriculture that it would have an enormous impact on

South Australia. In fact, the Minister provided the first figures showing that the Federal Government did not even know how to add two and two. The excise was lifted after the Federal Government acknowledged that it had done its sums incorrectly and that the cost of the exercise was much greater than its benefits would be. It is vital for the future of the wine industry in this State that such an excise is never reintroduced and that no alternative wine tax is imposed. What recent representations has the Minister of Agriculture or the Premier made to the Federal Labor Government to ensure that our wine industry is not slugged in tonight's Budget? Does the Minister agree that any wine tax would have a disastrous consequence for our State and its wine industry?

The Hon. FRANK BLEVINS: It is again that time of the year, as the Hon. Mr Cameron has said, when all our thoughts, rather than turning to Spring, turn to something; in South Australia all our thoughts turn to a wine tax. Basically, the Hon. Mr Cameron is quite correct in his statements that the tax was certainly detrimental to the fortified wine industry. In clarification, the tax was not on fortified wine but on the spirit used for fortifying wine. The effect, however, was an increase in the retail price of fortified wine. The Government protested then, contrary to what the Hon. Mr Cameron said: he said that the wine industry and the Opposition protested and that the Government joined them. That really is overstating the case.

The Government stated right from the outset that it did not support that tax, that the tax would not raise the revenue proposed; it worked very hard to have it removed, and it was successful. Representations are made by every member of this Government and not just by the Premier and me: every member of this Government makes representations to everyone connected with the Federal Government in Canberra.

At a recent Australian Agricultural Council meeting I made it clear again that a tax of this nature would be discriminatory to South Australia because South Australia, as honourable members know, produces about 60 per cent of Australia's wine. Therefore, any revenue collected would not be collected evenly across the Australian States; 60 per cent of it would be collected from South Australians. We believe that that is highly discriminatory. Concerning the question of its being disastrous for the wine industry, I am sure that the wine industry would survive, but it would be at a somewhat lower level and that would depend on the level of the tax.

I, for one, do not believe that a wine tax would eliminate the wine industry in South Australia. Without a doubt, it would reduce activity in the industry and, as far as I am concerned, that would be appalling to both the Government and me. We have made constant representations to the Minister for Primary Industry, just as the Premier has made representations to the Prime Minister that such a tax should not be applied to the industry, particularly as it will affect South Australia.

I hope that by 8 o'clock tonight (South Australian time) we will all know that again common sense has prevailed and that the wine industry will not be subjected to any further imposts. The South Australian Government has done everything it can to see that that does not occur. I hope that we have been successful. If we have not been, I can assure the Hon. Mr Cameron that, if we find by 8 o'clock this evening that a wine tax has been imposed, then the opposition to that from this Government will start at 8.1 p.m.

ETHNIC AFFAIRS INFORMATION OFFICERS

The Hon. C.M. HILL: Can the Minister of Ethnic Affairs say whether the positions of information officers have been or are in the course of being abolished in the Ethnic Affairs Commission? If so, how does the Minister believe that this will affect newly arrived refugees who have no knowledge of the various venues of Government agencies and departments and who need to be supplied with some information from time to time to help them with their new life in South Australia?

The Hon. C.J. SUMNER: The honourable member is not correct when he says that information officers in the Ethnic Affairs Commission will be abolished. Some positions have been abolished and the people involved—

The Hon. C.M. Hill: Information officers!

The Hon. C.J. SUMNER: Yes—and people who are on the Government pay-roll as interpreters, translators and information officers are being redeployed throughout the Government service. It is not true to say that the positions of information officers have been completely abolished or that the branch has been abolished. Some of the positions have been abolished, but the people who were in those positions have had alternative positions found for them elsewhere in the Government service.

The reorganisation of the Ethnic Affairs Commission is occurring as a result of the Totaro Report, which has been made available to honourable members. That inquiry was set up following the election of this Government. The inquiry received a large number of submissions from interested people in the community, and a report was produced which I think was generally well received. The recommendations of the report have already been partially implemented through amendments to the Ethnic Affairs Commission Act (which passed this Parliament last Christmas) and through the appointment of a Deputy Chairman, who is doing a very good job. Other recommendations are being implemented as resources permit.

One of the aspects of the report referred to the concept of mainstreaming; that is, in our community the services provided by individual Government departments should reflect the nature, including the ethnic minority composition, of the community. Therefore, the Community Welfare Department, for instance, should be able to provide information, translating and interpreting services itself. It is not possible to implement such a scheme completely throughout the Government service and, obviously, it is necessary to have some services delivered by the Ethnic Affairs Commission. Those services will continue to be delivered by interpreters and translators, and some information services will still be made available through the Commission.

We hope that more information can be made available in Government departments throughout the State system. As the honourable member knows, support is given to a number of agencies that are set up to assist newly arrived refugees. I will check the precise details, but I think people will still be available within the Ethnic Affairs Commission to assist in the language of newly arrived refugees.

The Hon. C.M. HILL: I desire to ask a supplementary question. Does the Minister see any contradiction in the principles and implementation of the mainstreaming process to which he has just referred and the idea just promoted by the Government to establish a Commissioner for the Ageing, to whom all elderly citizens will be encouraged to bring their inquiries?

The Hon. C.J. SUMNER: No, there is nothing inconsistent at all in that. In fact, it is perfectly consistent with the notion of an Ethnic Affairs Branch or an Ethnic Affairs Commission. The Ethnic Affairs Commission acts as a promoter of the rights of ethnic minority groups. Indeed, it

promotes community relations in the South Australian community. It is not there primarily to deliver services; that is a fundamental misconception about the Ethnic Affairs Commission. The Commission does not deliver welfare services, health services or legal services; that is done through the mainstream agencies. The Ethnic Affairs Commission delivers a limited number of services such as interpreting, translating and some information services. The Commission ensures that mainstream Government departments deliver services in such a way that reflects the nature of Australian society at the present time. That is the important part of the Ethnic Affairs Commission's role. That will also be the role of the Commissioner for the Ageing, as I understand the Bill that will be introduced shortly; that office will not be established to deliver services; it will act as a ginger group or a body that can oversee the implementation of policies and the delivery of services throughout Government and indeed the voluntary sector.

QUESTION ON NOTICE

DETAILS OF ORGANISATIONS

The Hon. R.I. LUCAS (on notice) asked the Minister of Agriculture in relation to the undermentioned bodies—

(a) Advisory Committee on Non-Government Schools;
(b) Advisory Panel for Hearing Impaired Children;
(c) Advisory Panel for Blind and Partially Sighted Children;
(d) Performing Arts Advisory Council;
(e) School Managed Budgets Joint Discussion Committee;
(f) Multicultural Education Co-ordinating Committee;
(g) Early Childhood Education Advisory Committee;
(h) S.A. Aboriginal Education Consultative Committee;
(i) Ministerial Consultative Committee,

to provide the following information—

1. Names of members of the committees.
2. Level of fee, salary or allowance payable to the members.
3. Date of expiry of each member's term of office.
4. Terms of reference of each committee.

The Hon. FRANK BLEVINS: The replies are as follows:

(a) 1. Mrs Diana d'E Medlin—Chairman
Mr John A. McDonald—Member
Mr Robert R. Leane—Member
Rev T.T. Reuther—Member
Sister Mary Mercer—Member
Mr Robert Jackson—Member
Mr David Tonkin—Member
Mr Chris McCabe—Member

2. Chairman is paid $55 per meeting.
Members are paid $45 per meeting.
3. There is no term of office.
4. Terms of reference—15 August 1977

(a) The committee shall be known as the Advisory Committee on non-government schools in South Australia.

(b) The committee shall be the advisory body to the Minister of Education matters concerning the non-government schools and welfare of the children they serve.

(c) The committee shall be sensitive to both educational and financial needs of non-government schools in South Australia.

(d) Liaison shall be maintained between the committee and the South Australian Education Department with a view to co-ordinating activites on behalf of all children within South Australia.

(e) The committee shall determine the needs of non-government schools and hence made recommendations to the Minister of Education on the total annual allocation of funds to such non-government schools, including 'per capita' grants, recurrent grants on a needs basis, book allowances and such grants as may be determined from time to time.

Mr President, I am advised that the information I am supplying can be regarded as tables and as such can be incorporated in *Hansard.* Based on that advice, Mr President, I seek leave to incorporate the rest of my reply in *Hansard* without my reading it.

The PRESIDENT: I hope the Minister's adviser is not asking me to set a precedent. I think it is quite all right for the information to be incorporated in *Hansard.*

Leave granted.

Remainder of Reply

(f) In assessing the needs of schools, the committee shall consider the following criteria:

(i) The recurrent resources use per student in a school, including contributed services.
(ii) The ability of schools to obtain funds from private sources.
(iii) Expenditure commitments on capital projects which should be related to the total recurrent income of the school.
(iv) Likely demand for places in schools due to changing populations in particular areas.
(v) The requirement for appropriate curricula, especially in disadvantaged areas.
(vi) The recurrent deficity (including the Boarding House contribution) which should be related to the income of the school.
(vii) The size of the school.
(viii) The changing situation in a school brought about by amalgamation, introduction of co-education, diversification of curricula, etc.
(ix) Any other criteria which the Minister of Education deems to be relevant.

(g) The committee shall have administrative responsibility, through its Executive Officer, for the distribution of all funds made available to non-government schools by the State Government.

(h) The committee shall present to the Minister of Education, submissions on subjects which from time to time may affect non-government schools.

(i) The committee shall be responsible for the administration and execution of those matters of Government policy affecting non-government schools as determined by the Minister from time to time.

(b) 1. Dr K.F. Were
Mr J.V. Rogers
Dr P. Sprod
Mr A. Serrandura
Mrs Sue Bodossian
Dr J.C. Rice
Mr Brian Vercoe
Mr K. Chiveralls
Mrs M. Ciccocioppo
Mrs Lucy Szyndler
Mrs Barclay
Mrs P. Ellis
Mr Damien Lacey

Mrs M. Vercoe
Ms S. Paech
Sr Philomena Thomas
Ms G. Mackew
Ms D. James
Ms J. Payne
Mr Alan Sandon

2. No fees are payable to members.

3. No expiry date for each member's term of office. (The Advisory Panel is a representative body drawn from a number of organisations which promote the general and educational welfare of hearing impaired children in South Australia.)

4. Responsible to the Minister of Education for examining current issues relating to the education of hearing impaired children and their parents.

Although the panel was set up by Ministerial direction, the members are not appointed by the Minister but instead they are invited to attend meetings by the Chairman of the panel. For this reason there is a current membership list of 21 representatives. Not all attend meetings but minutes of meetings are sent to all of them.

(c) 1. Dr K. Were, Superintendent, Programmes, Education Department
Mr J. Rogers, A/PEO, Education Department
Mr C. Bastian, A/Principal, Townsend School for Visually Impaired, Education Department
Ms P. Morrissey, Social Worker, Southern Area Directorate, Education Department
Ms Ciccocioppo, Guidance Officer, Education Department
Dr. H. Stegemann, Child Adolescent and Family Health Service (CAFHS)
Dr P. Stobie, Representative of Ophthalmologist Society (S.A.)
Mr M. Penn, Lawyer and ex-scholar, Townsend School for V.I.
Mrs M. Cook, Representing Royal Society for the Blind.

2. The fee is applicable to the last-mentioned three members of the panel, who are not employees of the Government. The attendance fee is $45 each, per half-day meeting. (There are three meetings per annum, one in each school term).

3. There is no limitation on each member's term of office.

4. The objective of the Advisory Panel is to promote the general and educational welfare of visually impaired children throughout South Australia, and to advise the Minister of matters which the panel considers that the Minister should address.

(d) 1. Dame Ruby Litchfield, DBE
Mr C. Winzar
Mrs D. Medlin
Mr M. O'Brien
Mrs P. Rooney
Mrs E. Rehorek
Dr D. Patterson
Mr T. Middleton (Staff Representative)
+ one vacancy.

2. The Chairperson receives an annual honorarium of $2 000. There are no fees, salaries or allowances payable to other members.

3. Each member has a term of office of two years with the exception of the Staff Representative whose term is for one year. The date of expiry of each member is 28 February. The Minister for the Arts has the right of reappointing members to the council.

Information regarding the actual year of expiry of the current members is more readily available from the Minister for the Arts.

4. The Terms of Reference of the Committee are in effect the constitution of the Carclew Youth Performing Arts Centre Inc.

(e) The School Managed Budgets Joint Discussion Committee, although still able to exist, has in fact not met since 1980.

(f) 1. Mr R. Smallacombe
Ms A. Sexton
Dr A. Martin
* Ms T. Baddams
* Ms R. Collins
Ms A. Dwyer
Mr A. Talbot
* Mr R. Rubichi
* Ms G. Zybert
Ms U. McGowan
* Dr U. Halls
Mr C. de Rijke
* Mr J. van Velzen
* Sr J. Wroblewska
* Dr J.J. Smolicz
Ms P. Parha
Ms M. Potiris
Mr M. Milicevic
Ms I. Kopcalic
* Dr C. Yen
Mr P. Buckskin
* Mr S. Vo
Mr A. Gardini
Ms C. Hyde
Ms R. Colanero
Ms J. Gilbert
Ms P. Kelly
Mr A. Rudzinski
Mr D. Lopes
Ms C. Liddane
Ms H. Pavlou
Ms M. Marin
Ms E. Cucchiarelli

2. Non-government members are entitled to sitting fees: $45 per half day. The Committee sits eleven times a year.

Those members marked with an asterisk are entitled to claim sitting fees.

3. The membership has been extended indefinitely. This is, until the recommendations of the Task Force to Investigate Multiculturalism and Education are endorsed and acted upon.

4. Terms of Reference are:

1. To advise the Director-General of Education, the Director of Catholic Education and the Independent Schools Board on the disbursement of funds made available to South Australia under the Multicultural Education Programme recommended in the Schools Commission report, 'Education for Multicultural Society'.
   (a) for this purpose, to receive submissions from systems for funding and comment on their acceptability and priority;
   (b) to administer a small grants scheme, and for this purpose receive and recommend on submissions for funding from individual schools;
   (c) to receive reports on the expenditure of funds and the outcomes of programmes, and to report annually to the Minister on these.
2. To foster, through publications, seminars, inservice education, and public addresses a positive attitude to education for the multicultural society;

3. To recommend on any other matters relating to education for the multicultural society;

(g) 1. Mr M. Schulz, Chairman
Mr G. Foreman, Deputy Chairman
Miss F. Goldsworthy, Country Representative
Mrs E. Harley, Metropolitan Representative
Mrs R. Wighton, representing Department for Community Welfare
Mrs M. Wearing is a proxy for the period of four months whilst Miss Goldsworthy is overseas (i.e. four meetings).

2. Level of fees or allowance paid to members:

An annual fee of $1 020, plus meeting expenses of $20.50 for replacement of staff, are paid to Miss F. Goldsworthy, Country Representative, and Mrs E. Harley, Metropolitan Representative (Pre-school Directors).

All other members are public servants and as such do not receive any remuneration for attendance. Mrs Wearing, proxy for Miss Goldsworthy, received travel allowance mileage at Public Service rates during Miss Goldsworthy's absence.

3. No date is set. The number of members and term of office of each is determined by me.

4. Terms of reference:

The Early Childhood Education Advisory Committee is responsible to the Minister of Education for advice and consultation on any matter pertaining to early childhood education. Advisory responsibilities of the Committee shall include:

1. formulation of policies and priorities for the effective utilisation of State and Commonwealth funds made available for the provision of early childhood education;
2. negotiation with the Commonwealth Government on the provision of funding for early childhood education and related matters within policies approved by the South Australian Government;
3. consultation with the Commonwealth and other States or Territories on the development of early childhood education policies or programmes;
4. development on a State-wide basis of a broad plan for early childhood education;
5. evaluation of the effectiveness of programmes in early childhood education;
6. implementation of research associated with distribution of resources in early childhood services;
7. co-ordination of all aspects of early childhood education;
8. collaboration with organisations concerned with the provision of other early childhood services;
9. investigation and preparation of reports as directed by the Minister;
10. assumption of other responsibilities as may be designated from time to time by the Minister.

(h) 1, 2 and 3.

Committee Members	Level of Fee, etc.	Date of Expiry
Peter Buckskin, Chairman	$35 565 p.a.	December 1986
Oscar Abdulla	n.a.	December 1985
Errol Blucher	n.a.	December 1984
Wendy Clinch	$45 per half day	NAEC Rep.
Joseph Haynes	$45 per half day	December 1985
Raelene Hudson	n.a.	December 1984
Janis Koolmatrie	$45 per half day	December 1985
Judy Lucas	$45 per half day	December 1984
Ronald Newchurch	n.a.	December 1985
David Rathman	n.a.	December 1984
James Thomas	n.a.	December 1984
Ms Ruth Williams	n.a.	December 1985
Mr Garnet Wilson	$45 per half day	NAC Rep.
Margaret Wilson	$45 per half day	December 1984
George Trevorrow	n.a.	December 1984

4. The SAAECC was established under section 10 of the Education Act in 1978, with the following terms of reference:

(1) to be responsible for providing the South Australian Government, and in particular the Education Department and the Department of Technical and Further Education, with a reliable expression of informed Aboriginal views on:
- the schooling and educational needs of Aboriginal people
- appropriate strategies for meeting these needs
- the assessment of particular Aboriginal education proposals, programmes and projects as required
- the effectiveness and direction of Aboriginal education as required

(2) to consult with various elements of the Education Department portfolio, other agencies and educational institutions as necessary within and outside the State.

(3) to assist departments and agencies within the education portfolio in monitoring existing programmes and in developing new programmes and policies.

(4) to undertake or promote investigations, studies, and projects relevant to the above responsibilities.

(i) 1. Names of members of the Committee
Bill Guy
Hugh Stretton
Yami Lester
Trevor Barr
Mike Presdee
Dean Ashenden
Voula Giannopolous
Mario Griguol
Annette Herbert
Joan Russell
Sue Owens
Walter Stamm

2. Levels of Fee, Salary or Allowance Payable to the Members; standard sitting fee of $45 per half day to those eligible. Yami Lester (Alice Springs) and Dean Ashenden (Canberra) are entitled to claim travelling, accommodation and meal allowances.

3. Date of Expiry of Each Member's Term of Office; each member's term of office expires on 28 May 1986.

4. Terms of Reference
- To provide a body for the Minister to share ideas and explore options concerning educational issues.

- To advise the Minister generally on questions relating to key issues within general Government policy.
- To canvass varying opinions and generate public debate.
- To facilitate public involvement in some issues of concern regarding education.

SELECT COMMITTEE ON LOCAL GOVERNMENT BOUNDARIES OF TOWN OF GAWLER

The Hon. J.R. CORNWALL (Minister of Health): I move:

That the joint address to His Excellency the Governor, as recommended by the Select Committee on Local Government Boundaries of Town of Gawler in its Report, and laid upon the table of this Council on 16 August 1984, be agreed to.

The Hon. ANNE LEVY: In supporting the motion, we are supporting the recommendations of the Select Committee on Local Government Boundaries of the Town of Gawler, which was set up over 14 months ago and on which six members of the Council have worked ever since in a very dedicated and hardworking fashion.

The committee received a great number of submissions and a very large number of witnesses. In fact, 55 witnesses came before us and we received written submissions from 47 individuals. This naturally took a great time, but I can assure anyone who appeared before us or who provided a written submission that all were given careful consideration and that the points made were taken into account in our long and detailed discussions.

We received a great deal of co-operation from the four local councils that were involved, and we thank them for the extra time and work that it must have involved: the Gawler council and its three adjacent councils—Barossa, Light and Munno Para. The committee concluded, as is detailed in the report, that the facilities and services of the current Town of Gawler are being used by residents in the adjacent council areas; in other words, that the Town of Gawler has spilled over its existing boundaries and that the boundaries should be enlarged to take in residents in these new areas along the edge of Gawler.

I am sure that members will note in the report of the Select Committee that the matters concerning the Elizabeth and Munno Para councils affected the deliberations of our committee. While the committee was sitting and taking evidence, a poll was taken in Munno Para and a petition was presented from the Elizabeth council to the Minister of Local Government. Although our Select Committee was dealing with Gawler, it nevertheless had to take note of things that were happening in adjacent council areas, and Munno Para obviously was involved in these activities.

Again, as mentioned in the report, the Select Committee at one stage considered very seriously a possible unification of Gawler and Munno Para councils. The members of the committee believed that this could have decided advantages for the people of both areas, and we canvassed the possibility with representatives of the councils concerned. We believed that it was unfortunate that this was found not to be a feasible proposition, despite lengthy discussions with the representatives from the two councils concerned. As it was not feasible, that line of approach was not pursued any further by the Select Committee, whatever our own wishes might have been.

I understand that a degree of opposition to our report is coming from the residents in the Cockshell Estate area, which currently is in the District Council of Barossa, but which our recommendations would put inside Gawler. There might be a misunderstanding on the part of some of these residents; they might fear that their rates would rise very steeply as a result of their being put into Gawler. While this might be true if Gawler maintained the site value system of valuation—which it has had for many years—one of the recommendations from the committee is that Gawler should change from a site value method of valuation to a capital value method of valuation for the purpose of determining rates. The Select Committee has recommended accordingly and considers that the resultant change in valuation system in Gawler will mean that rates are not raised for the people in the Cockshell Estate.

Obviously, certain complications may also arise from staff transfers, which will be necessitated by the change in boundaries. The committee was unanimous in stressing very firmly that any officers or employees who will need to transfer from one council to another must not be disadvantaged in any way. The security of their jobs and the employment conditions that they have enjoyed must be maintained. There was unanimity in the committee on this point, and we certainly wish that this recommendation will be fully endorsed and applied by the councils involved.

The District Council of Light is probably the least affected of the three neighbouring councils to Gawler that are affected by the recommendations of the committee. It is suggested that one officer would transfer from the Light council to the Gawler council; the liabilities that will also transfer from Light to Gawler will pretty well be cancelled out by the extra rates that Gawler will receive. In other words, the net effect for Light is likely to be negligible. The rate loss for Light will be pretty well matched by the transfers of liabilities from Light to Gawler. The Barossa council will be slightly more affected by having the Cockshell Estate and adjoining areas transferred to the Town of Gawler. One of our main reasons for transferring this area is that it is classed under the development plan as an area for rural living, so called, but that subdivisions can occur to the extent of half-hectare properties.

It was felt by the committee that a half-hectare block is hardly a rural property in the sense that applies elsewhere in the District Council of Barossa and that such blocks really provide rural living adjacent to the township with the people using the facilities of the town and really being part of the township of Gawler, although having slightly larger areas of land than applies elsewhere in Gawler. The committee felt that the half-hectare subdivisions were really the fringe of Gawler and not part of some other council area.

The Munno Para council will be the one most affected by the implementation of the joint address. The evidence given to the committee suggests that five or six officers and employees will need to transfer from Munno Para council to Gawler council. As I have already stated and emphasised, the committee was most concerned that none of these people should be in any way disadvantaged by the transfer. There are negotiations to come, of course, and in many respects that is the hard work about to start.

There will have to be negotiations between the different councils under the auspices of the Minister of Local Government regarding the transfer of assets and liabilities, employment of staff, loans, equipment and so on. These negotiations may be fairly lengthy and detailed. We certainly wish the negotiators well and trust that the result of the negotiations will be fair to all concerned.

Gawler will be enlarging its territory considerably and will almost double in population. Instead of consisting solely of a long settled area, Gawler will now contain new areas and developing areas. It will consequently have a great new range of problems and issues to consider, matters with which many people in Gawler would be quite unfamiliar at present. The council will have a considerable increase in its

debt servicing, increased staff and, certainly, increased responsibility.

The report specifically mentions industrial relations policies in Gawler, and we hope that this matter can be resolved by negotiation between the council and the unions involved. It also suggests that Gawler, having more resources, should give consideration to having new and better office and depot facilities, and states that the town needs a civic focus.

We have completely redrawn the boundaries of the wards of Gawler and created five wards. I trust that members of the Council will note that two of those wards are named after women who have association with the area. The new ward structure will give a better ratio of representatives to electors than existed in the old Gawler. In the five wards created the ratio of electors to representatives will be within a 10 per cent variation of the mean. We are setting up two councillors per ward, and provision is made for three alderpeople and a mayor resulting in a total council of 14 members.

I have already mentioned that site value will be changed to capital valuation for Gawler. The Select Committee makes particular comment that it does not want any resident of the new Gawler to be prejudiced financially by this merger. We have reminded the new Gawler council that it has power under the Local Government Act to set differential rates for wards or different land uses and we have referred it to the appropriate sections of the Local Government Act so that it can take appropriate action to ensure that people are not prejudiced financially.

This report was tabled last Thursday in this Council. That was also the first day that the new Local Government Act came into force. I feel that it is appropriate that the report was presented on that day and that the motion today is, in fact, the first action under the new Local Government Act. I hope that this augers well for the new Gawler. It will certainly be a challenge to the residents of the new Gawler to reorganise their civic affairs.

The new residents will bring changes, new talents, concerns and approaches to the existing Gawler. I certainly expect the new council of Gawler after May next year to be a different body from the existing council. I hope that both old and new residents will be able to work together to revitalise Gawler, and make it a city that all can be proud of.

In conclusion, I thank all members of the Select Committee, who worked as a concerned and very caring team of people. We had long and detailed discussions as to how best to protect the interests of all concerned with this difficult problem. The report we brought down was unanimous, and I am sure that all members of the committee showed a genuine desire to do their very best in very difficult circumstances. I thank all members of the committee for their cooperation and dedication and I hope that, in future, our joint efforts will be appreciated by the citizens of the area.

The Hon. C.M. HILL: I also support the motion that the Joint Address be agreed to. I support all the remarks that have been made by the Hon. Ms Levy who, members will recall, was Chairperson of this Select Committee. I also commend the then Minister of Local Government (Hon. T.H. Hemmings), whose electorate formed part of the area, and the Government on its courage in proceeding with the establishment of a Select Committee to investigate the boundaries of Gawler. I commend the Hon. Ms Levy on the work she has done on the committee.

As one who has had a little experience on select committees dealing with local government boundaries, I must say that all committee members worked most conscientiously on this occasion. The committee had a wide representation of membership. It comprised the Parliamentary Leader of the Democrats (Hon. K.L. Milne), three women members and the Hon. Mr Feleppa. Over the past 14 months a lot of hard work has been involved, not only during the time when the witnesses were giving evidence but also in the periods of discussion between witnesses.

As a result of the deliberations, the report has now been tabled and the support of the Council is being sought for agreement. As has been stated by the Hon. Ms Levy, the report provides new boundaries for the township of Gawler. The challenge that it will present to Gawler in the local government area must be quite exciting but, on the other hand, is quite immense because of the considerable increase in the size of the proposed new municipality of Gawler. With that, of course, goes the increase in population. I do not have the report in front of me, but from memory the population will increase from about 7 000 citizens to approximately 11 000 citizens.

I feel that the local government administration in Gawler will be able to meet this challenge. I do not think that it will be easy, because the changes will mean that new systems will have to be implemented in the structure of local government in that area. As we all like to see local government improve throughout the length and breadth of Australia, here is an opportunity for those in charge of the municipality of Gawler to move into this new world and cope with the new boundaries that the report recommends for the area.

Traditionally, Gawler has been a very historical area of the State. The town was laid out by the son of Francis Light. There are great traditions associated with the social and, indeed, economic and local government life of Gawler. Here is an opportunity for a new council, when elected in May next year, and for the administration that will serve those elected representatives, to accept this challenge and play a considerable part in local government life, not only in Gawler but also in setting an example for the rest of South Australia.

The District Council of Munno Para will be affected by the proposal, and that will be deemed by that council to be an adverse effect. However, the damage will by no means make the balance of the District Council of Munno Para not viable. The problems facing Munno Para regarding the City of Elizabeth can be set apart from this debate. The proposal simply involves a somewhat distant northern section from the centre of Munno Para, a portion that is occupied by many people who look on Gawler as the centre of their social and other life. It simply affects that region adjacent to old Gawler moving over and being part of the new municipality.

The two worrying aspects of the evidence given were that the people in the Cockshell Estate, to which the Hon. Ms Levy referred, were, in the main, opposed to the change. Considering all the factors involved I strongly believe that it is, in the long term, in the best interests of that section of the District Council of Barossa to become part of the new Gawler.

The second major concern that was expressed in evidence was that of the employees of the District Council of Munno Para who have been enjoying industrial conditions of a very high standard and who feared the future if they had to move across and become employees of Gawler. While that fear is quite real, in the longer term, if the Department of Local Government continues with its negotiations between the councils concerned, such changeovers can be effected. The committee laid down very firmly in its report that those people who change over and become employees of the new council of Gawler must not in any way be disadvantaged in their new remuneration and other conditions of employment. So, I think that time will help in alleviating the fears that those witnesses brought before the committee.

In general terms, I think that the report is very constructive and positive. It brings about change which, from the point

of view of local government, will prove worth while in the long term. The town of Gawler is given the opportunity to apply for city status and I most certainly hope that it will do that. It will be progressive and positive to take such a move as soon as possible because, in my view, the people of Gawler deserve city status. Of course, the leadership for such change must come from the council.

Finally, I hope that the present Government and any future Governments of this State will continue with the machinery of appointing select committees and, if it is the wish of the Government of the day, select committees from this Chamber, to investigate other cases of these difficult boundary changes that are really needed in South Australia. I do not believe in the principle that the biggest is the best in relation to local council size, but there are areas which, simply because of the effluxion of time, occasionally need adjustment. History has proved that it is difficult indeed for local people to bring about such changes. In fact, I suspect that at times those same local people rather hope that the Government of the day will take the initiative and provide the machinery to implement such changes. Wherever that has occurred so far in the past five or six years, very soon after such changes have been brought about as a result of State Government action, those changes have been accepted well in the local community. That is evidence that it is wise to retain this system, which can work alongside the new Local Government Advisory Commission established under the new local government legislation. In fact, I suspect that it will be more effective than that Commission, because it will deal with problems with more expedition than will the new Commission. However, that is for the future to tell.

I believe that the select committee system for the adjustment of boundaries is a machinery measure that has worked well and that it is in the best interests of local government if the Government of the day in this Parliament retains that particular machinery.

The Hon. BARBARA WIESE: I, too, support the motion. In so doing, I indicate that I fully endorse the remarks that have been made by the Hon. Miss Levy and the Hon. Mr Hill. When we first began our deliberations on the Select Committee it seemed to me that it was an almost impossible task. It was a very confused situation but, as we began to take evidence from the numerous witnesses, particularly after we had conducted two inspections of the area, things slowly began to fall into place in my mind. That is particularly so in regard to the boundaries at the northern end of the Gawler district—those which adjoin the Light and Barossa council areas.

It seemed to me fairly early in the piece that the boundaries that we eventually agreed upon were roughly correct for the new District Council of Gawler. However, the placement of the southern boundary (that is, the area adjoining the Munno Para council) troubled me much more and did so until the end of our deliberations. That was for a number of reasons. First, I was concerned that whatever we did with the boundaries for the District Council of Gawler we should be sure to preserve the uniqueness of the Gawler township. It was important to me that we should provide a suitable buffer zone between Gawler and the encroaching housing developments from the southern region.

Also, I was most concerned about the prospect of disturbing the Munno Para Council. In many ways that council provides a model for local government, not only here in South Australia but in Australia generally. I must say that my preference would have been for the Munno Para Council and the District Council of Gawler to have amalgamated. However, for the reasons that have been outlined already by the Hon. Miss Levy, that was not to be. Nevertheless, it is a shame in many ways that we have had to disturb the Munno Para boundaries, because that council has been under enormous pressure during the past few years. During the course of our deliberations the council was challenged yet again by the Elizabeth Council in terms of a petition.

The Hon. R.I. Lucas interjecting:

The Hon. BARBARA WIESE: Yes. Such disruption of local government work is obviously detrimental and very unsettling not only to members of the council but to staff employed by the council. That was another of my concerns, because we were given evidence that, should we change the southern boundary to incorporate part of the Munno Para Council area, it may be necessary for some five or six Munno Para employees to be transferred to the District Council of Gawler. As the Council has already been told, there are considerable differences in wages and conditions of employees of the two councils.

I am pleased that all members of the Select Committee agreed that we should require the Gawler District Council to ensure that no employee who was transferred from Munno Para to Gawler should be disadvantaged in any way in respect of wages and conditions. Also, we urged the District Council of Gawler to negotiate with the relevant trade unions to overcome any differences in conditions that might result if there are employees transferring to that local government area. It is critical that such negotiations should take place quickly, because obviously the position will cause considerable unrest amongst employees if they are working side by side but under different conditions. If employees from Munno Para transfer, I hope Gawler Council will take up this matter quickly.

I found it to be a positive and rewarding exercise to participate on the Select Committee. Our deliberations took rather longer than any of us originally anticipated. All members of the Committee approached this difficult task with a spirit of co-operation and a desire to bring about the best outcome possible and to serve the best interests of Gawler district residents not only for the immediate future but for the years to come. The fact that our report is unanimous is an indication of the harmony of ideas which prevailed generally on the Committee. Finally, I thank all those people who assisted us in our task, including the many witnesses who came to give evidence, to the Committee secretary and our research officer, without whose help our task would have been much more difficult. I support the motion.

The Hon. DIANA LAIDLAW: I have a meeting to attend in two minutes so I will be brief—it is not because I am not interested in the subject. I just felt I should acknowledge that point first. As suggested by earlier speakers, the decision was unanimous and it certainly was not reached without a great deal of debate. The Hon. Miss Wiese indicated that she made up her mind about the eastern and northern boundaries quite soon after we had established ourselves as a Committee. Certainly, I acknowledge that it took me longer to make up my mind about the Cockshell estate, which is on the northern border of the old Corporation of Gawler.

I did appreciate the strong objections of a number of residents from that area and certainly the argument that the nature, style and development of the area was considerably different from Gawler and that the rate question also was of concern to them. I certainly did argue in the initial stages that Cockshell estate should stay within the Barossa area, but I could not sustain that argument, especially when there was evidence that a large community oval would be built very near the eastern boundary within the Corporation of Gawler. There was no doubt that that oval would receive much use from the residents of Cockshell estate. I agreed with the recommendation of the remainder of the Committee

members that the Cockshell estate should also be included in the extended boundary.

In regard to Munno Para Council, I am aware that there is a great deal of concern about the decision that has been made by the Select Committee, and I instance a letter I received the day before the Committee tabled its report. A letter from Councillor Pierce was sent to my home address dated 15 August. This councillor objected most strongly to the proposal, which he indicated was already confirmed by the Select Committee. The Select Committee had not tabled its report at that time and, while the councillor may object strongly to the proposal, I object strongly to the letter forwarded to me. I will be writing to him in those terms. The AWU presented a very plausible submission fighting for the cause in Munno Para.

It was effective in that all members of the Committee had a strong regard for what the AWU was saying. The report is quite clear about its insistence that employment conditions, wages, and so on be retained by those members of the AWU who will be required to transfer to the Gawler council. In conclusion, I, too, would like to thank Mr Bell from the Department of Local Government for his patience, sense of humour and hard work. He certainly contributed enormously to our deliberations. I would also like to thank the Chairperson (Hon. Anne Levy), who I feel conducted the proceedings exceedingly well throughout, because it was certainly a difficult task for all members involved. I support the motion.

The Hon. K.L. MILNE: I, too, support the motion. I commend the summary presented today by the Hon. Anne Levy. I also thank the Hon. Murray Hill and the Hon. Barbara Wiese for their detailed explanations. Their comments were to my complete satisfaction and I will not go over the things they mentioned. It was a privilege to serve on the Select Committee. I congratulate the Chairperson (Hon. Anne Levy) on the way in which she conducted the inquiry. I thank my colleagues who served on the Committee for their help and courtesy. I think we would all agree that the experience of the Hon. Murray Hill was of great value, as was the experience of the Hon. Anne Levy in taking the Chair. The report was unanimous, and that should be remembered.

I am sure that we all believe that the changes recommended will be for the good of the councils concerned in the long run. After all, we must face the fact that the ratepayers or citizens transferred to Gawler might not have been there unless Gawler was an expanding centre. In other words, it was because the number of people who wished to live near Gawler had spread into the surrounding councils areas that the problem arose. The problem of the population of a town or city council expanding beyond the central council boundaries is not new. It has happened in many areas of South Australia and in other States, and it must be tackled.

The Committee considered the points of view of all councils involved. They all made representations in writing and verbally and we took great note of the evidence submitted not only from the councils themselves, the councillors and the Chairmen but also from the citizens and staff of the councils. The Committee came to its decision after visits and inspections by all members to see the problem and the geography on the spot. I am happy to say that all members agreed with the solution as a total package. The Committee hopes that the District Councils of Munno Para, Light and Barossa will not be inconvenienced unduly by the expansion of the Gawler boundaries. The Committee thought long and hard about each submission and felt that the recommendation arrived at was the best in the circumstances, although we realise that not everyone will be happy. That is inevitable, but I hope they realise that we were doing our best for them all as we saw it.

The Committee took particular care to protect the staff who may need to transfer to the District Council of Gawler. We made it quite clear to the District Council of Gawler that, since it wished to have its boundaries reconsidered, we thought that it should reconsider its attitude to the staff and the people that now have to join it and make them feel as soon as possible that they have joined the one family. In a Select Committee of this type the officers assisting are very important indeed. I, too, refer to the work of Mr Bell, the research officer, and to our Secretary, for the way in which they backed us up. I trust that Parliament will agree with the Committee's recommendations and that the rearrangement will prove to be of long term benefit to all parties involved. It was the long term benefit that the Committee tried to keep in mind during its deliberations.

The Hon. I. GILFILLAN: I will speak briefly to the report but, before so doing, I express my respect for the members of the Select Committee. There is no doubt in my mind that they applied themselves diligently and conscientiously to a very difficult task. However, several responses to the report have been received since it was tabled. The most substantial response that I have received has been from the Munno Para council. Ten of the 12 Munno Para councillors have supported a series of comments and criticisms in relation to the report. I believe that it is appropriate, with the report before us, that the input of people so vitally concerned should be put before the Council. I will briefly introduce the substance of my remarks and then seek leave to conclude on another day.

The analysis of the report which has been forwarded to me and with which I have no particular objection is that in essence the Select Committee's report recommends that the current and potential urban areas surrounding Gawler be severed from the neighbouring councils and annexed to Gawler, increasing Gawler's population from about 7 000 to 11 000 people.

The report seems to put only one substantial reason for the recommendation, namely, that the people living near Gawler use facilities in the town of Gawler. I am curious to know what, if any, survey of the residents likely to be involved was taken and how accurately their responses were measured. I believe that a report of this type must give a very high priority to assessing the real issue, which is the effect of the proposed changes on the people—not only the people of Gawler, but people in the other areas. I have several detailed comments on the report. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 16 August. Page 344.)

The Hon. L.H. DAVIS: I join with my colleagues in thanking His Excellency the Governor for the Address with which he opened this session of Parliament, and I also join with my colleagues in expressing my sympathy to the families of those former members of Parliament who have died since the opening of the 1983 Session.

The success of South Australians at the recent Los Angeles Olympic Games resulted in an understandable surge of State pride and an enthusiastic welcome for contestants. It was pleasing to see that well deserved recognition was also given to South Australians who participated at the Paralympics. Olympic Games and Commonwealth Games obviously have

the potential to provide economic and social benefits to the host city. Brisbane staged the highly successful 1982 Commonwealth Games and is using the facilities established at that time as the springboard from which to launch its bid for the 1992 Olympic Games. Melbourne was host to the 1956 Olympic Games, when Australia recorded its largest ever medal tally.

Some South Australians will remember that this State was keen to stage the 1954 Empire Games (the forerunner of the Commonwealth Games). Great confidence was expressed by our city fathers in our ability to win and run the Games. It was not to be. A city called Perth, capital of Western Australia, snatched the race for the Games at the eleventh hour. Although that incident was now 30 years ago, there was or should have been a lesson for South Australia as it prepares to look at bidding for the Commonwealth Games in the next decade or so.

Even in this shrinking world, South Australia has to work hard at attracting industry, tourism, sporting and cultural events. We do not have Sydney's harbour, or Queensland's Barrier Reef. We have a geographical disadvantage in that international airflights from Asia, America or Europe understandably focus on the larger population centres of Queensland, New South Wales and Victoria, which also happen to be closer to most ports of departure than is Adelaide.

Therefore, it is pleasing to see that the most recent international visitor survey by the Australian Tourist Commission for the calendar year 1983 shows 14.7 per cent of all international visitors to Australia come to South Australia (compared with only 13.3 per cent in 1981). Western Australia suffered a reversal, with a decline from 14.5 per cent in 1981 to 13.7 per cent in 1983, as did Victoria (35 per cent to 33.3 per cent) and Tasmania (3.7 per cent down to 2.3 per cent).

I would like to think that this healthy lift in the number of international visitors to South Australia reflected the aggressive and entrepreneurial approach to tourism initiated by the Tonkin Government. I only hope that the State Budget to be brought down in this Parliament next week will reflect the importance that should be accorded tourist development and promotion.

However, it is one thing to attract visitors to South Australia through an attractive and persuasive advertising campaign; it is another to make sure that visitors keep coming to South Australia. The best promotion for a city, for a region, for a State, is by word of mouth. We all know that when we travel intrastate, interstate or overseas, the highlights of our visit are captured by photos, and memories which are invariably relayed to relatives, friends and acquaintances.

What are visitors' perceptions of South Australia—of our standards of accommodation, our service and friendliness, in shops, transport and restaurants, and availability and quality of visitor information? I would be interested to know whether the Australian Tourism Commission has any recent surveys of visitor attitudes to South Australia, as compared with other States.

I would like to make some observations about South Australia as a visitor destination. What does the city of Adelaide, with just under a million people, offer the visitor? Undoubtedly, the cultural precinct of North Terrace is unique; the Library and the Art Gallery have good collections for a city of Adelaide's size. Unfortunately, budgetary constraints limit the Art Gallery's ability to employ sufficient professional staff. There is a pressing need for additional space. However, the foundation formed to raise funds to commemorate the Art Gallery's centenary succeeded despite the doubting Thomases, and nearly $2 million was raised, underlining the fact that success is less elusive if pursued in a positive fashion, with vigour and determination.

The Museum of course is undergoing dramatic change. The Edwards Report has been adopted and seeks to adapt and integrate the historic buildings, left untouched for many years, immediately to the north of the Library and the Museum. It is an exciting venture, but sadly stage 2 is being deferred—a short-sighted attitude in view of the potential gains from the early completion of the project. However, it is hard to believe that lack of money and the foreshadowed redevelopment of the Museum site can be advanced as valid reasons for the disappointingly dated display techniques which have been obvious in our Museum.

North Terrace is already a gracious thoroughfare, but would it not be a good idea to reintroduce the charming gas lights that are a feature of early photos of North Terrace?

The quality buildings of Adelaide are invariably those of the nineteenth century. Edmund Wright House, in King William Street, which is a splendid example of Victorian architecture, was mercifully saved not by the actions of organisations such as the National Trust or the City Council, but rather through the determination of a few individuals who succeeded in persuading the Government of the day to act.

The fact that many other nineteenth century buildings still stand in the central business district does not reflect the zeal of conservators so much as the fact that, in the past 40 years, Adelaide's economic growth has been significantly less than that in other mainland capital cities. It has been more economic to revitalise rather than replace old buildings. Indeed, the office buildings of Adelaide that have been constructed in recent years have generally reflected the marginal nature of the economy in which they stand. Certainly, the Festival Theatre was a remarkable effort, constructed with a minimum of fuss and a minimum of money. But for the most part other major buildings in the City of Adelaide are forgettable—and run a long second to those recently constructed in Perth and Brisbane, cities of a similar size.

We must be careful to ensure that history does not repeat itself. What happened to Adelaide with the Empire Games in 1954 could happen to our claim to be the Festival City—the City of Culture. There is something paradoxical about a people and a Government or city council who are so conscious of Light's vision, of the splendid planning of the city, of the magnificence of the Victorian architecture, of the sandstone and bluestone houses, of the lacework, of the nearness of nature, with the gently rolling hills just a few kilometres away from the city centre, and yet who allow the Grange Vineyard to be desecrated, and the face of North Adelaide to be scarred by ugly and inappropriate development.

The quality of the built environment is obviously important, but the natural environment also has a growing attraction for visitors who wish to escape the hustle of holidays in big cities. The River Murray, Flinders Ranges, Barossa Valley and Kangaroo Island are each important visitor destination points.

One of the criticisms of tourism in South Australia has been the lack of appropriate packages for weekend visitors. I have on previous occasions commented on the beauty of the Adelaide Hills, although they remain a mystery to many people if for no other reason than that signposting remains inadequate. If a stranger wishes to drive to Summertown, nestling snugly just over the range at the end of Greenhill Road, he or she will invariably end up down the road in Uraidla, simply because there is no road sign to mark Summertown. The patient residents of Summertown have been asking for one for at least five years.

Then there is nearby Cleland Conservation Park, which charms the most hardened visitor with its cuddly koalas, grazing kangaroos and walk-in aviaries. If one drives up

Greenhill Road at the top a bold brown sign with white lettering proclaims 'Cleland—Wildlife Zone'. What does that mean to a visitor? Is it like a speed zone—that the visitor is about to drive through wild animals? And on the freeway there is an even bigger sign which just says 'Cleland', which could be a suburb, or perhaps even a brandy. In the phone book and brochures it is called 'Cleland Conservation Park'.

I fully understand that Cleland is about flora and fauna, but surely the vast majority of visitors—local, interstate and overseas—come to see the native birds and animals. If there is one basic rule in tourism promotion it is surely the need to communicate the message simply, accurately and consistently. Well then, why do we not call it Cleland Wildlife Park and build it up so we can bill it as Australia's top wildlife park? The success of the Jurong Bird Park, in Singapore, which claims to have the world's largest walk-in aviary, is testimony to what can be achieved with the right mix of product, presentation and promotion. I have raised this matter on two previous occasions and have not heard one objection. However, it seems to be that the suggestion has yet to be implemented.

The Hon. C.J. Sumner: What is that?

The Hon. L.H. DAVIS: Changing the name to 'Cleland Wildlife Park' instead of just calling the park 'Cleland'. One could imagine that with some initiative the sign 'Cleland Wildlife Park' could be accompanied by pictures of appropriate animals, such as koalas and kangaroos, on the sign post. Certainly, that would be the way the United States would approach such an exciting project.

In a recent visit to the United States and Canada I took particular interest in the way in which heritage programmes and tourism interacted. For example, in hundreds of cities and towns throughout the United States community leaders are now working to revitalise the main city area. This is promoted through the National Trust for Historic Preservation—the National Main Street Project, which is the first attempt to package a programme aimed at economic development, with historic preservation as one of its key aims.

Local merchants, business people, city officials and civic groups come together to revitalise the main street of both large and small towns throughout America. Building facades are upgraded. The redevelopment of the main street is integrated. Advertising and special events generate interest in the main street. There is special care to provide the right mix of goods and services. In hundreds of cities and towns throughout the United States civic leaders are working to bring back life to the main street, to reinforce and rekindle the economic vitality and values that Main Street stands for in America.

It is exciting to see how successful this programme has been, given that it has been in operation for only four years. The National Main Street Centre Project began in 1980, with a three-year national experiment in partnership with 30 communities in six States—Colorado, Georgia, Massachusetts, North Carolina, Pennsylvania, and Texas. The Main Street Project encouraged the imaginative use of business and Government resources to support the revitalisation of main streets in various areas.

The President of the National Trust for Historic Preservation called the Main Street Project 'economic preservation', saying that they have demonstrated through the Main Street Project that older down towns can be successfully revitalised through a low-cost implemental approach that combines public and private sector support and capitalises on a town's existing assets, namely, its old and historic buildings.

Texas has an active and exciting programme and has had more than 100 communities express interest in becoming Main Street towns. Texas is certainly a large State with a population of some 15 million people, almost the size of Australia's. If one takes into account the fact that more than 100 communities have expressed interest in becoming Main Street towns in Texas, a State some 11 or 12 times the population of South Australia, it can be seen that it may well be that in South Australia something of the order of eight or 10 provincial cities and perhaps suburban centres could also be participating in a similar venture.

There are incentives given to facade improvements through low interest loans that are available through local banks. Storeowners learn that good design does not cost a lot. Merchants in various centres research old photos of their stores to restore them to how they looked in 1880. Tree planting and sidewalk rebuilding are also a feature of the Main Street programme. In the four years since the Main Street Centre Project commenced in the United States, some 4 000 towns throughout America have expressed interest in doing something about this project.

A further example of the sensitivity that exists in many areas of America towards the interaction between heritage and tourism is Savannah, which between 1965 and 1970 spent $2.75 million in private funds on restoration in designated historic areas of the city. Tourist spending increased from $1 million in 1965 to $75 million in 1977, quite a remarkable growth rate, largely as a result of the lure of the city's historic neighbourhoods. The Main Street programme in the United States, I would argue, could have an exciting application in South Australia in the sense that we could revitalise commercial premises in main streets of areas such as Clare, Burra, and some of the suburban areas of Adelaide, with the dual purpose of making those towns and centres more attractive for tourism as well as having economic benefits through promoting more business in those areas.

There is also a great awareness in America of the need to preserve streetscapes. That is also applicable in Australia. The buildings on the heritage list in South Australia need to be protected to preserve streetscapes. Historic precincts should be declared. Heritage buildings are not enhanced by inappropriate development adjacent to them, spoiling an historic area or street. In Denver we saw many fine examples of a great awareness of the need to preserve and enhance streetscapes. Larimer Street, in Denver, was a splendid example, where there were sidewalk cafes and an extremely fine use of old buildings for commercial and tourist purposes.

In the United States it was also obvious that great attention had been given to providing variety for the tourist. In South Australia it can be argued that the tourist does not have that variety. Certainly, there is the Flinders Ranges, the Barossa Valley, the Murray River and Kangaroo Island. But, tourist reports on the potential in South Australia continually reflect on the fact that there is a shortage of top rate tourist attractions that combine the elements of nature with something that has been fashioned by man.

It is therefore heartening to see the efforts that have been made to salvage the whole, or at least part, of the railway line to Victor Harbor. This represents, in my view, an ideal opportunity for the South Australian Government to preserve that line, not only because of the heritage value and tourist benefit but also because it is an opportunity to build on something that is currently there. That railway line was one of the first to open in South Australia, the Goolwa to Victor Harbor link being especially historical.

In the discussions that I understand are currently taking place about the future of the line, I hope that the Government gives it some priority, notwithstanding the fact that finance may be initially involved in preserving that line.

The Hon. C.J. Sumner: Do you believe in the user-pays principle?

The Hon. L.H. DAVIS: When have I said that?

The Hon. C.J. Sumner: It has been the whole basis of your Parliamentary career.

The Hon. L.H. DAVIS: I think that some of your colleagues have become aware of that in recent days, too.

The Hon. C.J. Sumner: You don't believe in the user-pays principle?

The Hon. L.H. DAVIS: I think that when we are talking about something like the Victor Harbor line there is room for Government, quite obviously. Turning now to State development, I was impressed with the approach of the Chambers of Commerce in both Denver and Austin. Both Chambers saw their role not only as serving the interests of established members of the Chambers but also as a vehicle for attracting investment and business to the area. For example, in Denver in 1964, in response to an economic slump, the Chamber of Commerce established the Forward metro-Denver programme (FMD), with a goal of creating at least 100 000 new jobs in metropolitan Denver by 1970. This goal was achieved before 1970 but the Forward metro-Denver group remains in existence, willing to assist local business to expand, encouraging interstate and international firms to either establish or relocate in Denver, and providing advice and information on potential sites (housing and city) and Government incentives. The Chamber works closely with the Colorado State Government in its programme for business development.

The Denver Chamber of Commerce has a membership of more than 5 000 business and professional people who have as their goal making metropolitan Denver a better place to live, work and do business. It produces a range of publications including 'A guide to metropolitan Denver', business barometers and an office building directory. The Chamber not only has an interest in strengthening the economic structure but also is active in maintaining the community's distinctive character, cultural tradition and environmental beauty. Over the past 13 years the population of Denver has increased by 500 000 people, from 1.24 million to 1.74 million—a surge of some 40 per cent.

Despite Denver's apparent geographic isolation, it is now home to many corporate headquarters. It has a great diversity of industry with more than 2 500 manufacturing firms, and nearly 40 research and development installations. Yet, downtown Denver has grace and charm—a blend of the old and new—reflecting co-operation between the city, the Chamber and the community, and the newfound recognition that heritage buildings can be used to economic advantage. An exciting initiative of the Denver Chamber is the Denver Briefing Centre which provides a comprehensive audio-visual presentation backed by detailed research and data for any group investigating Denver as a location for their business.

Austin, the capital of Texas, has a population of little more than 400 000 people. It is a sister city to Adelaide and, with Texas also celebrating its sesquicentennial in 1986, Austin has a committee planning celebrations and liaising with Adelaide. I was privileged to attend a meeting of this sesquicentennial committee.

The Austin Chamber of Commerce has developed a five-year programme. The Business Development Division of the Chamber will examine and attempt to affect change in several intensifying Austin minuses threatening to negatively impact on business development. It is also preparing a 15-year economic strategy for the Austin central Texas area. It is overseeing fundraising efforts to ensure adequate funding for the Chamber's business development programme.

The Chamber also has other divisions. The technology marketing area is supporting and developing a well defined thrust to add six to eight new high technology primary employers and 1 800 to 2 400 new jobs in 1984. There is also emphasis on co-ordinating and planning the research focus for one to two new diversified long-term economic thrusts, and this may include lower technology, clean industries and utilisation of natural assets. In the Chamber of Commerce there is altogether a very active programme in building on existing industry and encouraging new industry to the area.

The Chamber also has a very active programme in communications and marketing. To foster a credible image for the Austin Chamber, it produces a monthly magazine, which I have perused, called 'The Austin Magazine'—a highly impressive publication. It also produces a quarterly kaleidoscope. It has specialised reports including a 'Directory of office buildings', 'The industrial parks of Austin', an economic review of the area, and a convention bureau guide. Altogether, I came away from Austin feeling terribly impressed with the determination and zeal of the Chamber in promoting the area.

Of course, for the people of Austin, who are directly involved, it may often mean that they are bringing in companies that will perhaps, in time, directly compete with their existing activities. But, they believe that there is strength in diversity and strength in building a bigger base, whether it be in manufacturing, high technology or service industries. The Chamber of Commerce also has a leadership programme, which has been running for some time and which now has some 195 well informed, well motivated men and women of Austin who have qualified after graduating from leadership Austin classes. I refer to the role of the Chamber of Commerce in Austin because it emphasises the aggressive and impressive activities that are undertaken by that Chamber.

It is appropriate to reflect on the role of the local Chamber of Commerce and Industry, which, I understand, is the largest employer group in South Australia with a membership of about 3 000 of the prospective 16 000 employers in the State. The next largest employer group is possibly the South Australian Employers Federation. It is interesting to see that altogether there are some 140 industry associations in South Australia representing these 16 000 employers. Certainly, following the amalgamation of the Chamber of Commerce and the Chamber of Manufactures in 1972, the Chamber of Commerce and Industry has emerged as a most impressive and dedicated group. About 50 per cent of its time, effort and perhaps employment is devoted to representing employers in industrial matters. Also, it has a trade section which seeks to encourage new business, assisting existing members of the Chamber and dealing with people who are starting business in South Australia. From my reference to the role of the Chamber of Commerce in both Denver and Austin, it is clear that they have a much broader role. They not only service existing members but also put together a very impressive package aiming to sell Austin and Denver respectively as cities where business should be expanded or should be located or relocated. They actively go out and pursue businesses. They headhunt industries for their respective cities. In some cases they will head hunt particular industries to ensure the right mix for the State.

In raising this matter I am in no way wishing to reflect on the excellent role already played by the Chamber of Commerce and Industry, but it would be useful for it to examine the potential of taking on the role played by the Chambers in Austin and Denver. My firm view, as a believer in free enterprise, is that the business of State development should not be left purely to the Department of State Development. There is a role for the private sector and, as I have already said, that role has been carried out with some distinction in those two great cities that I recently visited in the United States.

Austin also has another impressive feature. It offers hospitality to visiting VIPs. The University of Texas, centred in Austin, has the third largest campus in the United States, with about 48 000 students. Academics from the university,

along with community leaders in Austin, volunteer to host visitors at lunch or dinner. My wife and I were fortunate enough to be entertained at a splendid dinner by a professor of journalism, a former Fulbright scholar with a broad range of interests.

I believe it would be splendid if Adelaide implemented a hosting programme for VIP visitors. The University of Adelaide, Flinders University, the South Australian Institute of Technology, Waite Research Institute, the Chamber of Commerce, corporate and other organisations and community leaders would welcome and participate in such an initiative. It would make visitors to South Australia well aware of the fact that South Australia was a friendly State, a State of culture, and a State that showed interest in visitors to South Australia. I support the motion.

The Hon. R.J. RITSON: I thank His Excellency for the Speech with which he was pleased to open Parliament. I reaffirm my loyalty to Her Majesty Queen Elizabeth II, Queen of Australia, and to her representative in South Australia, Sir Donald Dunstan.

I note with regret the references to the deaths of former members and I extend my sympathy to their loved ones.

The occasion of the Address in Reply is traditionally an occasion on which members choose either to discuss the legislative programme outlined by His Excellency or to depart from that subject and deal with other matters. I have chosen the latter approach today, and I want to make a few remarks concerning the overall political scenario in Australia. In recent years we have seen the election of Labor Governments federally and in most of the Australian States, and more recently in New Zealand. Therefore, it raises a question in my mind of what the people want, what syle of government they want, and what style of society they want, and to have a look at what they are likely to get.

In my mind there is no doubt about the general wants of the electorate at large. Most people's wants are those of food, employment, housing, health, education, recreation, freedom from crime and civil disturbance, freedom from war, and a level of income that will enable them to achieve their wants. Likewise, I am quite sure that all of those who are charged with the responsibility of governing society want to fulfil these wants and needs for everyone. If there is common agreement by politicians of all colours, as it were, that these are the things that we have a duty to provide to the people, why are there such things as politics, Parties, conflicts and Oppositions?

The fact is that about 150 years ago when the industrial revolution was turning England, Europe and America into hives of industrial fervour, very real abuses and evils were inflicted upon the work force. There were few social services. Women and children did work down the mines for 12 hours a day and longer, and there was a poverty surpassing anything that we in the Western world now can comprehend.

Karl Marx looked at this situation and, in genuinely and sincerely attempting to improve it, he concluded that there was no hope of solving the problems within the existing capitalist system and proposed the economic alternative of communism. He proposed that the capitalist system be overturned—by force of arms if necessary—and replaced by the communist system, a system whereby the means of production, distribution and exchange would be taken over by the workers. The conflict of class would cease and the role of the State would become superfluous and would wither away. In the event, the capitalist system survived in those parts of the world now known as western democracies, while Marxist socialism enveloped Eastern Europe and some Third World countries. Australia adopted the Western style of Government known as liberal democracy.

Some Australians in positions of power and influence still think that Karl Marx was right. As a result, we have the two great 'isms' pervading Australian society, and indeed much of the world. While persons of power and influence are commonly agreed as to what people need and want, they are divided as to how to achieve the fulfilment of those needs. When one looks at the nature of political Parties, one perhaps asks oneself whether the Parties fits the 'isms'. They do not. The Communist Parties do, of course, follow Marxism substantially. However, the ALP contains some Marxists, and some social democrats. These social democrats of course seek the socialist goal that was so much admired by Karl Marx but are committed to using only the existing democratic forms for that achievement.

The Australian Labor Party also contains some Liberal Democrats who mistakenly joined the wrong Party. The Liberal Party contains some libertarians, a large number of Liberal Democrats, and some very conservative elements. Whereas the dividing line between the two major Parties appears to lie between liberal democracy and social democracy, in fact, the huge gulf or vast chasm that cannot be crossed separates social democracy from Marxist socialism. That is the gulf that separates those who would work within our present system and those who would overturn that system—those who would overturn our democratic forms of Government, and who would seek the one Party State by force of arms if necessary.

The ALP and the new Hawkeism have been very successful in promoting the ALP as the working man's Liberal Democrat Party. The Labor Party has promoted itself as that to the electorate in general, and it has promoted itself to big business as a Liberal Capitalist Party. It has done this because Mr Hawke knows that true socialism is unacceptable to the Australian public. He also knows that social democracy always falters in its quest for the socialist goal, because the use of democratic forms requires popularity. As a consequence, Mr Hawke has suppressed the left until after the next election. However, the left is very unhappy. One only has to read some of the academic left wing criticism of Mr Hawke to see this, and one only has to look at some of the anti-Hawke criticism which emanates from the more socialistic component of the ABC, in particular, Allan Ashbolt's henchmen in some of the special production departments. In fact, one only has to look at the anti-Hawkeism coming from the left to realise the degree of unhappiness in the Labor Party on this issue.

Mr Hawke has temporarily defused or de-emphasised a number of very controversial issues, such as the funding of private schools, the question of the disputed Medicare contracts, the assets test, uranium, and so on. The press has reported some of the decisions of the last ALP conference as a resounding victory for the right wing of the Labor Party. However, the reports also indicate that many of the issues were decided by a mere handful of votes. It appears to me that the delegates to the ALP conference need only to change marginally and the Australian people will have a socialist Government for which they never would have voted if only they had known. This represents an enormous act of deception perpetrated on the Australian public.

Mr Hawke came into office on a wave of rhetoric and magically broke the drought, won the Test cricket, won the America's Cup and turned the United States economy around. He then entered a pact with big business. Mr Hawke stated the problem of lack of consensus but has not produced consensus. He had a resounding convention victory over the socialists by a mere handful of votes. Mr Hawke is now about to go to the polls after only two years in office. He will use the excuse of saving a separate half Senate election, but really he wants to entrench his power (which he loves) and entrench the stage on which he performs (which he

loves) before the time bomb blows up, and before his adversaries across the ideological gulf within his Party decide to take back their Party. That is the situation in Australia today.

Unfortunately, it is difficult to tell or warn people of what is going to happen. We must stand by in Opposition, I suppose, and watch it happen. I predict that in the next few years in Australia we could be on the verge of recycling the drama, tensions and divisiveness that characterised the Whitlam Government once the Australian people see past the rhetoric, past the America's Cup and actually have to swallow some of the very bitter pills that will come their way when some of the controversial policies come off the back burner and on to the front burner. I support the motion that the Address in Reply as read be adopted.

The Hon. K.L. MILNE: It is a privilege and a pleasure to support the motion for the adoption of the Address in Reply and to thank His Excellency for the way in which he spoke at the opening of the third session of this Parliament. Sometimes I wonder why many of us are in Parliament, and I sometimes wonder why Parliament exists. In fact, I sometimes wonder why it meets. I wonder, because it seems clear to me that the stage has been reached in Australia and certainly in South Australia where the members of Parliament are being motivated and persuaded by strong forces and pressures from outside.

There must be some outside pressure. In fact, Parliamentary life would be incomplete and colourless without it. But I feel that Parliament is not in control any more. It could be, of course, but it does not seem to want to be. I was talking to a senior member of this Parliament a day or two ago and he commented that he had heard me speaking on the radio and television about the dangers and extravagance of the Public Service Superannuation Scheme. He agreed with me entirely that the present scheme could not go on as it is and that there must come a time soon when the State is unable to pay for it, when those retirees who depend on the scheme will suffer. But this senior member of this Parliament thought that I was completely mad to raise the matter. I said that I was in a position to do it, and he could if he wanted to. He responded, 'You can't, if you are trying to win the next election'. And why did he say that? Because at the last election the Teachers Federation, with salaries paid by us all as taxpayers, openly and deliberately put their full weight and thousands of dollars behind the Labor Party. So, this senior member of this Parliament will not dare to criticise the teachers or other public servants in case his Party loses votes.

In my view, that is not governing, nor is it being in Opposition; it is political servility and a mockery of Parliamentary democracy. If we are not careful we will lose it. Of course, this servility is not confined to one political Party, nor is it confined to one State; I am afraid that it is also rife in other States and in Canberra.

Talking of the Public Service, I often wonder whether it is fair on the private sector taxpayer to allow both husband and wife not only to work in the Public Service (frequently in the same Department or school) but, in addition to that, they receive two pensions, one each, on retirement. I wonder how that looks to those living below the poverty line and to those who are unemployed altogether. I doubt whether the two major political Parties would want to inquire.

There seems to be a continuous misunderstanding or lack of understanding between the trade unions and the employers in the private sector, particularly. The unions are still at their game of dragging more money out of the employers, irrespective of the state of the economy, because it seems to be the only thing that they know how to do. A recent example of this is the decision that all those who are employed under Federal awards will in future receive redundancy pay; I understand it to be two weeks for every year worked.

That is fine, and I can understand the request. I can understand how I would feel if I were retrenched—in fact, I have been in my time—but one has to remember that people are normally retrenched only when a business is in difficulty. I have heard before of one big business in South Australia that could not afford to put off staff because the cost of redundancy pay would put it into liquidation.

The Hon. G.L. Bruce: Technology puts them out of work, too.

The Hon. K.L. MILNE: It does; technology puts them out of work, too, but the point with which I am more concerned is that, when a business is in difficulty and putting people off because of that, there is no distinction in the legislation between that situation and that of a person put off by technology. Neither situation is funny, I know, but the firm to which I referred had to keep going; it had to ask all its staff to take a cut. It explained the situation, and the staff did take a voluntary cut in salaries and wages, the reason being that the alternatives were redundancy and liquidation. We should treat this subject with great care.

It is an enormous imposition on companies or other employers—State authorities if one likes—which are running into hard times. It does not seem to have registered with what I call the traditional trade union—mainly the blue collar unions—that there are two distinct types of union: those whose members are paid mainly by the private sector and those whose members are paid mainly by the Government or the taxpayer. If one looks carefully, one will find that the number of those paid by the private sector and who are an integral part of the private sector is getting smaller, with more and more of their former members unemployed; while the public sector unions, mainly public servants and teachers, are doing nicely, thank you.

A socialist Government must be in a dilemma, because the more money it pours into the public sector the less work there is for its friends the trade unions, which rely on the private sector and the money of which has supported the Labor Party over the years. In fact, I was astonished when the UTLC invited—and encouraged—the Teachers' Federation to join it. It seemed a strange thing to do when the interests of the UTLC and the teachers are not the same. One prominent unionist told me that the teachers joining the UTLC would give the UTLC more strength. I will be very interested to see whether it does and what the teachers' contribution will be.

Coming back to Public Service superannuation, it is obvious that the Government contribution is really paid by the taxpayers, but we must remember that this includes the public servants themselves, because they are taxpayers, too. The bulk of the Government contribution is paid by others, and these include the average blue collar worker and small business people, who employ about 70 per cent of the workforce. In other words, the blue collar workers and others, most of whom do not qualify for superannuation, are contributing through taxes to the superannuation of those who, on the whole, are better off anyway.

Some letters that I have been receiving have pointed this out, and it is obvious that it is unfair for one section of the community to contribute to the superannuation of another section when they have none themselves. Again, I am not blaming the Public Service for this; I am saying that the Government should look at it, grasp the nettle and do something fair to look after all of the people who have been looking after the Labor Party, for example, over all these years. The Labor Party, to look after them, must encourage—I personally would support—a national superannuation scheme so that we all share equally in the wealth of the country. Australia was once noted for being the country

with the most even distribution of wealth in the world, but not now.

The Hon. G.L. Bruce: When was this?

The Hon. K.L. MILNE: I suppose it was a fair while ago: it was when I was a boy and when I was on 10 shillings a week. It pains me that the trade union movement appears to be unable or unwilling to see this unfairness. I will now discuss the prices, wages, unemployment and welfare spiral that is causing much of our economic problem. In fact, unlimited or non-plateaued wage indexation is a mistake. What is even worse, percentage wage indexation is a disaster. Not only that, it has been known for at least ten years that increasing wages at the same rate as the increase in the cost of living simply encourages inflation. Yet we continue to use that system to the detriment of so many of the people of this country. Economists and wage tribunals have known for at least 10 years that indexing wages on a percentage basis is increasing the difference between the haves and have-nots and is perpetuating a dreadful error of judgment. Not so long ago, a prominent retired Federal Labor politician stopped me in the street and said, 'Can you do anything to get rid of this stupid wage indexation on a percentage basis? I was one of those who introduced it and have regretted it ever since.'

I could never see the wisdom of a wage indexation calculation producing an increase of, say, $10 a week in the cost of living while some people get $10, some $20 and some more. It is simply giving a privilege and more money to the wealthy and ruining still more the distribution of wealth in this country.

I draw your attention, Mr President, to another matter that I think is constantly being swept under the carpet, that is, youth unemployment and its relationship to youth wages and salaries. Most members will recall that some years ago Mr Clyde Cameron was the prime mover in having juniors' wages increased considerably—with the best intentions. He and his followers were quite sincere; they felt that the wages paid to young people in those days were unfair.

In my day, when one got 10 shillings a week, that was considered good pay for a junior. However, the Federal Labor Party did our youth a great disservice, by mistake, when it raised juniors' wages by what turned out to be far too much. It might have been justifiable to do that had the population continued to increase and the economy to expand so that there was plenty of money around. However, that did not happen. The population has not increased to the extent of creating wealth, and the world economy has gone downwards. Nobody has faced the fact that the calculation made then about youth wages is now inaccurate. We find now that most of our youth are unemployed, while others are working in dread of their next birthday, or that birthday on which they will lose their job. They are being paid more than they need and, on their own admission and belief in many cases, more than they are worth—they will tell you that.

I believe that this is one of the great tragedies in Australia today. This problem has been allowed to continue for far too long while our young people suffer and while so few people in politics will admit that it was a dreadful mistake. How stupid can we get? We raised the compulsory wage and salary levels for our young people to such an extent that, as they are untrained and expensive, few businesses can afford to employ them, while others refuse to engage them in favour of more experienced staff.

The Hon. R.C. DeGaris: That was one of the disasters for young people.

The Hon. K.L. MILNE: Yes. Many people will employ more expensive experienced staff rather than employing young people because they cannot afford the down time or unproductive time of these young people on the compulsory wage and salary levels set for them while they are trained. A subsidy scheme was introduced as an incentive to employers to take on juniors and apprentices. In other words, the taxpayer is now contributing to adjust the salaries of young people, salaries that are admittedly too high.

I understand that the subsidy for male apprentices is $750 by way of tax rebate and for female apprentices is $750 (the same as for males) plus $1 000 for altering facilities. I take that to mean toilet facilities. Can one imagine anything more idiotic. The future of a million young lives will be destroyed and politicians are either too weak, too blind or too selfish to face this tragedy, a tragedy that has a very simple remedy, if only people would face it. I, for one (and I think every member in this Chamber), would support the Government that did what I am suggesting.

I turn now to the subject of workers compensation. Since the conference called by the Hon. Jack Wright on workers compensation on 31 May and 1 June this year, I have been trying to define the essential differences between the various schemes and systems presented to us. Incidentally, I would like to congratulate the Hon. Mr Wright on his initiative because, in my view, the conference was very valuable and a great success in anybody's language. There can be no doubt that the present system is wrong; partly because it is far too expensive and thus has a big influence on employment; partly because the relationship between the employer and and the injured worker is too remote; partly because the employee thinks that the insurance company or central authority is paying him or her from some mysterious source with unlimited funds, when actually the money is coming from the employer in the end and is earned by his or her mates who are still in the company; partly because of the attitude of the medical profession, the para-medics, solicitors, barristers, tribunals, private detectives and courts, all of whom appear to add to the cost of the whole procedure and create delay; partly because there is insufficient incentive for safety measures to be implemented; and partly because the facilities of the Industrial Court are completely inadequate (as anybody will find if they go to the IMFC building on Monday or Wednesday morning where, in my view, injured workers are treated like cattle in a market place).

It must be clearly understood from the beginning that any new scheme must reduce the accident rate considerably and must reduce expenses to at least half of present costs, not just make some sort of saving. One must also bear firmly in mind that there are primarily only two groups of people to be considered—the employees and employers. The Byrne Report, which was tabled in 1980 and which was, unfortunately, rejected when the Liberal Government came to office, made all these matters perfectly clear. That report has now been activated by the present Government, and I will call members' attention to some of its recommendations. It recommends that there be an entirely new Act and a single insuring authority. It recommends the establishment of a schedule of benefits and that the right of action under common law be abolished.

It recommends funding by contribution from all employers, including the Crown. It places great emphasis on rehabilitation and safety. The Byrne Committee was concerned about delays caused by the adversary system (where the injured worker is battling against the insurance company or the employer) and recommends that any new scheme should not use insurance companies. It points to the hidden cost of the State Industrial Court in settling disputes, and to the intervention of lawyers.

The Byrne Report makes no reference to employer managed workers' compensation schemes yet, in my view, any study of this subject is incomplete without a comparison with the self-insurers. The report also omits any reference to registered chiropractors, who obviously have a big part

to play in rehabilitation and establishing certain injuries, such as strained backs. Registered chiropractors have been included in the present workers compensation legislation and will certainly, I hope, be included in any other Bills. The Byrne Committee feels that the issuing of certificates should be the monopoly of the medical profession which, personally, I think is a mistake.

As I said earlier, one has only to go to the Industrial Court for roll call on a Monday or Wednesday morning to see the undignified procedure and to understand how impersonal the present system really is. Yet, it is obvious to me that the secret for the future operation of a workers compensation scheme is the retention of the human factor, as is so readily illustrated by the workings of the successful companies and organisations which are using the self-insurance or employer managed schemes.

Whatever else the new scheme contains, I will only support a scheme that retains the maximum possible—consideration by the employer for the injured worker; consideration by the injured worker for the employer; and consideration by the new insuring authority for both the employer and injured worker. I will not attempt to go into more detail here, because that will be done during debate when the new workers compensation Bill is introduced—as I believe and hope it soon will be. Those companies and organisations that are running employer managed workers compensation schemes get better results because both sides care more and concentrate more on safety, and rehabilitation is more effective.

This brings me to the very important, indeed, vital subject of industrial and occupational safety as a package. Safety in the work place is about to become increasingly important. This will happen very quickly. Any new Workers Compensation Act will certainly place greater emphasis on it. Furthermore, the new occupational safety, health and welfare Bill, which is foreshadowed, will bring a different attitude altogether to safety measures and responsibilities.

Trained safety officers and all people connected with safety—for example, safety directors, safety managers, safety engineers and safety lecturers—have formed a national professional organisation called The Safety Institute of Australia Inc., which I had the privilege of addressing last Friday evening. These people started this professional body to look after their profession—because that is what it is becoming—regarding training, ethics, discipline, protection and so on. All these moves will bring industrial safety into prominence.

I feel that this Parliament should be ready for that. When it happens, the role of trade unions may change. I hope that they will accept the challenge in such a way as to bring the employer and employee closer by a mature and reasoned approach to safety as a whole and to the implementation of necessary improvements to the present system, which divides them.

I trust that the Government will ensure that, if members of trade unions are to be given added responsibilities, they will be limited to consultation and recommendation and that such people will be required to undergo strict and appropriate training at a high level in the safety field. It is not unreasonable to expect this, because in some companies and semi-government authorities co-operation between the unions and the safety officers or managers is already at a very high level and works well. I repeat that the co-operation of trade unions, workers, bosses and safety officers is essential, and so much preferable to confrontation, which causes so much trouble, expense and misery.

I conclude with a little 'purple patch' about democracy. To me democracy means the maximum amount of freedom that members of a society and their system of government can devise. Yet, so many of our people are not free—not really free. One cannot be free if one is sick or injured, if one is very poor, if one is unemployed, or if one is afraid of any or all of them.

Therefore, I hope that in the coming session of Parliament we can look on some of the vital legislation that will surely come before us, not as to what it can do for one group or other in our society but rather as to what it can do for all of us. As we are clearly to realise, Australia's future will not be a struggle for increased wealth and comfort—it will be a struggle for survival. The key to success for any successful country one cares to name, be it the USA, USSR, West Germany, Switzerland or anywhere else, is hard work—hard work on the part of everyone, not just a few.

Australia on the whole, compared with most contries, particularly those countries I mentioned, is not renowned for hard work. This is partly because it has become a very wealthy country per head of population and also very likely because of the climate. In our ideal climatic conditions throughout almost the whole of Australia, nearly all of us are able to lead two lives each day. We spend from roughly 8 a.m. to 5 p.m. at work, not necessarily working very hard, and then we have some daylight hours to spare with warm, comfortable hours of darkness when we can play sport, go swimming, attend meetings, have barbecues and generally enjoy ourselves.

That privilege is not available to the people of every country in the world. Consequently, over the years, for a large proportion of the population, work—or earning one's living—has become an interruption to pleasure. The proof of this is easy to find. One has only to see the reluctance of so many people to go to work, particularly on a Monday morning, or the speed with which so many people rush home or go elsewhere at 5 o'clock (or whenever the office or factory shuts or their shift ends), often being quite fit enough to take a second job.

There is an economic theory, once discredited but now in favour, which concerns the velocity of the circulation of money. This means that a nation is better off if money circulates faster throughout and around that nation. If one thinks this through, if faster circulation of money creates, in effect, greater wealth, it also creates greater activity and greater activity must create more jobs.

Of course, if those in work are not trying hard and if they are not doing their best, then the reverse applies: fewer products are made, less money is earned and fewer people are employed. Therefore, we must come to the unpleasant conclusion that our national attitude to work, whether it be white collar, blue collar or management, is one of the greatest single causes of our inexcusable unemployment situation.

Furthermore, if the attitude of political Parties continues to be simply to try to please people, to get into power or stay there, then that unemployment problem remains insoluble. Finally, I refer to some of the definitions of our country and our people as others see it. Someone has referred to Australia as 'The Lucky Country'. Someone else has referred to us as 'The Land of the Long Week end'. Perhaps we should also say that we are 'the land of semi retirement'. Compared with the rest of the world, all three of those definitions, unfortunately, are close to the truth. I support the motion.

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

ACTS INTERPRETATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 August. Page 336.)

The Hon. K.T. GRIFFIN: This Bill seeks to do five things. It provides that, where a provision has been construed in a particular manner, that is, by the courts, the re-enactment of that provision is not to create a presumption that Parlia-

ment has sanctioned that interpretation. It also provides that the schedule is to form part of the Act (previously there has been some doubt about that), that a heading forms part of the Act, but a marginal note or foot note does not form part of the Act. That merely reinforces what I have always understood the law to be in respect of those items. It also provides that, where a provision is reasonably open to more than one construction, a construction that would promote the purpose or object of the Act is to be preferred to a construction that would not promote that purpose or object.

Again, it is a reiteration of what I have always understood to be the proper rule of statutory interpretation. It also provides that the feminine gender is to be construed as including the masculine gender. The second reading explanation indicates that that is a complementary provision to that which is already included in the Act—that the masculine gender is to be construed as including the feminine gender. I have no difficutly with any of those four things that this Bill seeks to do.

However, the fifth is by far the most controversial and seeks to allow the courts to have regard to material that does not form part of the Act, including punctuation, marginal and other notes, reports of debates and proceedings of Parliament, reports of Parliamentary Committees, Law Reform Commissions or committees or boards or commissions of inquiry, other similar bodies, and treaties and international agreements.

Of course, the present rule of construction that has been established over many years—probably for centuries—is that the courts do not have regard to those extraneous materials in intepreting a Statute passed by Parliament. In fact, they are required to look only at the material that has been debated by Parliament and passed by Parliament and has received Royal assent to discern the intention of the Legislature; that is, the intention is discerned from the material that has actually passed the Parliament in the form of the Statute.

This Bill makes a quite radical change to that well established rule of construction. It is important for us to look at the progress of legislation to try to put the proposal into perspective. Of course, everyone will recognise that the Minister introduces the Bill and then gives a second reading speech which provides background to the Bill, some reasons for introducing the legislation and some detailed explanations of the clauses, but the second reading speech is not normally a speech that is drafted with the same technical precision as the Bill that is being introduced.

That second reading speech is presented by the Minister responsible for the Bill. During the second reading stage there is debate from members from both sides of the Chamber and from the cross-benches, and then the Minister has an opportunity to respond by way of reply. We then go into Committee. We may consider a variety of amendments and further amendments to amendments. Some will be passed; some will be lost. In fact, the Minister may move his own set of amendments if a matter has been raised either in the second reading debate or in Committee.

Members may direct questions to the Minister as to interpretation, as to what is or is not proposed to be covered by particular clauses in the Bill, and interpretations may be disputed. In fact, there may be a quite extensive debate about the meaning of particular provisions of the Bill. Then, after the Bill has been through the Committee stages, the report of the Committee is received and there is then the third reading. Even at the third reading stage there may well be speeches not only by the Minister but also by other members of the Council in respect of the Bill which has finally come from the Committee.

It then passes to the other House, where the same procedure is followed. If there is a disagreement between the Houses as to the final form of the Bill, we may even end up in a conference where, of course, the proceedings are in camera, not on the public record, and there may well be some compromise reached that is then reported to Parliament. If all the Parties agree, that compromise may be accepted. During that stage when the conference decision is reported, there may be further debate, because we are then in the Committee stage again for the purpose of considering the amendments to the Bill recommended by the conference.

The Bill may also be the result of a report, and that may be a report from a Parliamentary committee as, for example, in the context of an amendment to the Wrongs Act, which dealt with the liability for damage caused by straying animals, or it may be the result of a Law Reform Committee Report. This Bill itself is in some respects dependent upon a report presented to the Attorney-General as far back as 1970—the Ninth Report of the Law Reform Committee of South Australia. It is interesting to note in the first paragraph of the Minister's second reading explanation, in reference to the Bill, he states:

> It has been prepared largely, though not exclusively, in response to the Ninth Report of the Law Reform Committee of South Australia on the Law Relating to the Construction of Statutes, which was published in 1970.

It is to be noted that he refers to this Bill as being only in some measure dependent on the report of the Law Reform Committee. If we are to accept what the Bill presently provides, namely, allowing courts to have regard to all the debate to which I have referred through the second reading, Committee and third reading stages in both Houses of Parliament and a conference, as well as any report upon which a Bill may be based, I suggest that it will be almost impossible for the courts to discern any clear intention, other than the intention that is expressed in the printed word that is passed by Parliament as a result of debate.

The Hon. J.C. Burdett: Or for anyone else to discern.

The Hon. K.T. GRIFFIN: Yes, and I will deal with that in a moment. I suggest that, if the courts were required to look at all that extraneous material, they would have great difficulty in discerning the intention of Parliament through its members when considering a Bill. That is particularly so where a second reading explanation and the report of the Law Reform Committee are not subject to detailed attention or to any vote by either or both Houses of Parliament. It is to be remembered also that it is only the Bill on which members of Parliament can vote. Therefore, it is only the Bill itself that reflects the intention of Parliament.

If reference were to be made to other material such as debates, I suggest that there would be a conflict rather than clarity in discerning what members intended. If we were to adopt what the Bill suggests, I can envisage a situation in which a Minister, in presenting a second reading speech, would make it much longer knowing that it would be taken into account by the courts in attempting to discern the intention of Parliament—not the intention of the Government but the intention of Parliament. We would have Ministers endeavouring to cover every possibility to give a Bill the widest possible scope. We would also have Opposition members giving much longer second reading speeches, endeavouring to counter the views expressed by a Minister and putting those counterviews on the public record.

During the Committee stage of a Bill we could see a much more detailed consideration of the precise meaning of words, phrases and clauses, all directed towards getting on the public record a particular point of view which the courts would be expected to consider in determining the intention and meaning of a Bill which passes this Parliament. It will be very difficult for the courts, which will have to take into account all the extraneous material. They will expect the lawyers for the parties to present the detail of the debates, reports and other proceedings that might be used to interpret

a particular Statute. That will mean that lawyers will have a much more difficult task to produce material from which the meaning of a Statute can be discerned. That will not only mean the courts being bombarded with a huge pile of paper—thereby lengthening proceedings—but it will also mean that lawyers will have to take much more time to ensure that they have adequately prepared their case and advised their clients. That will mean two things: first, increased cost to litigants and, secondly, increased time in preparing advice.

Not only will this be relevant in litigation but also in the normal commercial advice that lawyers are required to give to their clients. The time within which advice will be given will be lengthened because of the need to study all extraneous material referred to. The advice will also be more costly.

The other difficulty with Parliamentary debates, as every member in this Chamber will know, is that the debate does not follow consecutively page after page; it may continue over a matter of weeks or even months: the Maralinga Land Rights Bill is an example. That will mean that professional advisers and the courts will have to wade through bulky material to find the material to which they should have some regard in the first instance.

I now refer to yet another problem, this time involving local government administrators, who are faced with a fairly mammoth Act of Parliament governing all aspects of local government administration. They are lay people who will have to have regard to what is said in Parliament and may even have to consider reports of Select Committees, and all the weighty evidence which accompanies those reports. All of that is part of the public record because it is tabled when the report is presented and, in fact, becomes part of the report. I do not really believe that lay people should be confronted with that task. They ought to be able to look to one source alone to determine the decisions of Parliament—the Acts which are debated, voted on, given Royal Assent and then appear in the annual volumes of the State's Statutes. I suppose that if one were to provide an adequate resource to lay people and professional advisers in the courts—

The Hon. Diana Laidlaw: What about for us, too?

The Hon. K.T. GRIFFIN: Yes, to members of Parliament, too—it may well be necessary to bind together not just the Acts of Parliament for the year but each Act of Parliament together with all extraneous material, including Parliamentary reports.

The Hon. J.C. Burdett: How many volumes?

The Hon. K.T. GRIFFIN: I have no idea. I suppose it would be a bonanza for the Government Printer because everyone would have to have access to the information and would have to have it at their fingertips. If there are about 1 000 legal practitioners in Adelaide, one can imagine the boom in the sales of *Hansard* as well as printed Statutes.

Another matter is the strongly established principle of law that ignorance of the law is no excuse. Notwithstanding the complexity which confronts us these days in the Statutes that are passed, I suppose that, according to that principle, those decisions which are taken by Parliament, having been voted on by Parliament, ought to be known to members of the community and the citizens of South Australia.

But is it fair to require members of the community to comply with that principle of law, that ignorance is no excuse, if we expect them to have regard to a whole range of Parliamentary debates, reports, Royal Commission Reports, and evidence? I believe that is an impossible task for ordinary citizens, and we should not lose sight of the fact that so many ordinary people will be bound by what is said in Parliament and not just by what is passed by Parliament. Added to that is the very real difficulty that so many reports are just not readily accessible.

The Ninth report of the Law Reform Committee of South Australia was published in 1970. I suggest that it is virtually out of print. One would have to go to the Parliamentary Library or to a law library to gain access to it. I ask members to think of some best-selling Royal Commission reports. Some of those are quite weighty, particularly at the Commonwealth level. Many of them are difficult to obtain. It is a great imposition on ordinary citizens, professional advisers, members of Parliament and everyone else affected by the application of the Statute law that they should be required to gather around them a comprehensive library of all this extraneous material.

If we give to courts the responsibility of having access to and taking into account this sort of material, we are putting them in the position of being quasi-legislators. They are not then interpreting that which has been passed by vote of the Parliament; they are then interpreting what members of Parliament think that they meant, and that is how it will come out. Courts should not be placed in the position of being quasi-legislators. They are not elected; they are not accountable, except by an address to both Houses of Parliament; that is the limit of their accountability. They are meant to be independent of the Legislature, but if we make them quasi-legislators they will cease to become as independent as they are now and, in fact, the very real threat is that it may tend to politicise the court rather than keep it a truly judicial and independent body. This part of the Bill is an abdication of the responsibility of Parliament, the members of which are the elected governors of South Australia, and it is an abdication to the courts.

There is no doubt that in some respects, because of the complexity of legislation required by Governments to be passed these days, loopholes occur from time to time. While I have sympathy with the desire of Governments to close these so-called loopholes, I do not believe that it ought to be done by a blanket provision such as this, which does not make the courts accountable in respect of the decisions that they make. The solution comes in two ways: first, by Governments not requiring so much legislation to be passed. If Governments pulled their legislative horns in for a while, they would certainly gain a lot of support in the community. The other solution is to give closer attention to the drafting of the legislation and I do not criticise Parliamentary Counsel for this because they are in a very difficult position under very great pressure from Governments, and in some respects by private members, to draft legislation at short notice with inadequate instructions being given to them. If greater attention were given to the process of development of a Statute and the instructions to Parliamentary Counsel and then consultation in respect of the drafting, we would not be faced with so many difficulties of interpretation.

But what we hear is that Governments say after an Act has been passed, and it has been construed by the courts in a way that Governments do not like, 'We never really believed that that was the intention of the legislation.' Yet, if one goes back through *Hansard* one will probably find that they never even addressed their minds to that difficulty. So, it is all very well to give Governments the opportunity to express a view as to what they hoped to achieve in a piece of legislation; it is a different matter to allow that intention to become part of the law of this land if it has not been debated and voted upon as Bills are voted on at present.

One other area that causes concern is in respect of treaties and international agreements being matters to which the court is to have regard. I am not sure of the context in which those treaties and international agreements are to be taken into consideration. It may be that it is only in relation to the Statute that is based on such treaties or agreements, but the Bill is not so limited. If it is not limited, as I believe is the case, it really means that any treaties and international agreements to which perhaps the State Government has given its approval or which are entered into and perhaps

ratified by the Commonwealth, will have an impact on the way in which South Australian legislation is interpreted in this State. I do not believe that the mere act of a Government approving an international agreement or treaty or the fact that the Commonwealth has entered into a treaty or international agreement is sufficient to allow the courts to have regard to it in interpreting any Statute.

I suppose that a classic example of that might be the International Covenant on Civil and Political Rights, which is a very comprehensive document dealing with human rights and is the basis on which the Commonwealth human rights legislation has been enacted, but without giving to the Human Rights Commission the powers which some may want to give it. But, if we are to have regard, for example, to that international covenant in interpreting our criminal law, our equal opportunity legislation or any other legislation that we pass in South Australia, it would open up to the courts a wide range of opportunity to influence politically and socially the decisions which are taken in South Australia and which may never have been the subject of debate within the Parliament of this State. In principle, that is wrong.

Mr President, you referred today to a report by the now Mr W.A.N. Wells, and formerly Mr Justice Wells of the Supreme Court. I have just looked at it quickly and I see that some parts deal with drafting. Members may recall that Mr Wells was on the Supreme Court bench for a number of years and before that was Solicitor-General and, before that, Crown Solicitor. So he spent a long time serving the State through Government and the courts. He makes some points about the use of extraneous material. It is important for me to make reference to that. He says:

> For many years now, clamours have been raised, both within and without the law, for some means to be found to compel judges to have regard to speeches in Parliament, reports of committees or commissions, explanatory memoranda, treaties, and the like (usually referred to compendiously as *travaux préparatoire*) in order to enable, or to constrain, them to interpret statutes (so it is said) more in accordance with the 'intentions' of the Legislature than hitherto, and to espouse what is tendentiously referred to as a 'functional' interpretation.
>
> As a judge and Crown Law officer, I have throughout my service been called on to construe many Statutes and other legislative instruments, and I assert, without reservation, that access to *travaux préparatoire* would create limitless occasions for argument, confusion, and uncertainty. My reasons for this assertion may be thus summarised:
>
> (i) The intention of Parliament cannot safely be determined, except by reference to some carefully worded statement to which at least a majority give their overt consent. The second reading speech, by which a Bill is first explained, may justifiably be thought to represent the responsible Minister's intention; but by the time the Bill has been debated, it may not well do so completely or accurately and, in any event, may well not represent the intention of the majority (if such an intention is identifiable and definable), especially where amendments have been carried.
>
> (ii) A report of a committee or a commission may well have prompted the drafting of a Bill, but the responsible Minister may, when giving instructions for its drafting, have departed, more or less, from the formal recommendations. A reference to the report could, therefore, lead the court away from Parliament's intentions, always assuming the majority agreed comprehensively with the Minister's aims and objects.
>
> (iii) Second reading speeches and (perhaps to a lesser degree) reports not infrequently contain arguments which are related more to the political philosophies prompting the introduction of the Bill or the recommendations (as the case may be). The distinction is both clear and wide between such philosophies and the immediate aim of the positive provisions of the proposed enactment. It would be in the highest degree undesirable for courts, which are traditionally disengaged from politics, to appear to be constrained to advance a political philosophy, the value and validity of which was proper to be considered by Parliament or the Executive, but not by the judicial arm of government.
>
> (iv) A more general argument against constraining courts to have recourse to *travaux préparatoire* is the character of those materials: they are unlikely to be worded with that painstaking care that gives to drafts of Bills prepared by Parliamentary Counsel their precision and clarity. They would, in my judgment, lead to further and endless argument about what they meant and, therefore, to many and varied opinions as to what contribution they could usefully make to construction. In short, to confer a power to refer to *travaux préparatoire* would be to open up a Pandora's box from which great controversy and confusion would be released.
>
> (v) The power to refer to *travaux préparatoire* would not be exercised only by courts and those appearing in them. Ministers and officers, in the performance of their executive and administrative roles, would be using, and hence construing, Acts of Parliament.
>
> It may just be accepted that those Ministers and officers would be able to gain access, without too great difficulty, to *travaux préparatoire;* but the ordinary man and woman in the street would not be able to do so, except in highly unusual circumstances. Where, for all practical purposes, such access is denied, then justice is denied; it is fundamental to our system of law and, in particular, to the principle that ignorance of the law is not accepted by the courts as an excuse for failure to comply with it, that all our laws are reasonably accessible to the community. Acts of Parliament, regulations, by-laws, proclamations, and other formal law-making instruments, are available to any member of our community from reasonably accessible public offices; but I am quite unable to understand how the layman could be expected to know what *travaux préparatoire* would prove relevant in any given case, where they could be obtained, and how they should be used. The power to refer to *travaux préparatoire* would, therefore, without loss of time, place a wholly unacceptable burden on the ordinary man and woman, and, indeed, could come to be regarded by them as an instrument of oppression.

Mr Wells goes on to make some reference to alternatives which could be considered and particularly to the specific inclusion of objects within a Bill, which, of course, would be part of the Bill.

The Hon. C.J. Sumner: He obviously disagrees with Mr Justice Zelling, is that right?

The Hon. K.T. GRIFFIN: He certainly disagrees with the report of Mr Justice Zelling and the other Commissioners back in 1970, but that is 14 years ago.

The Hon. C.J. Sumner: He disagrees with Mr Haddon Storey, Q.C., former Liberal Attorney-General in Victoria.

The Hon. K.T. GRIFFIN: That is all right. I do not give a damn what views Mr Storey holds in respect of this matter. We in the Liberal Party can disagree on issues. I am putting what is a reasonable—

The Hon. C.J. Sumner: You had better quote Mr Justice Zelling as well.

The Hon. K.T. GRIFFIN: The Attorney can quote him, because he referred to the report. What Mr Wells suggests, as I indicated before the Attorney-General's interjection, is that a Bill could include a specific object which could be the subject of debate and vote and, of course, subject to amendment within Parliament. That is not extraneous material; that is part of the Bill. On the other hand, the Attorney-General wants to express the object of the Bill in his second reading speech and expects that to be taken into consideration by the courts as an expression of the view at least of the Government and, I would presume, also the Parliament, as the object of a Bill.

That is totally undemocratic and in my view is wrong in principle. It introduces material which is not subject to a vote of this Parliament as a basis for determining what the law of this State should be. Mr Wells makes some further references to the Commonwealth proposal which, I understand, has now come into effect and which will allow material similar to that which is referred to in this Bill to be taken into consideration by the courts. He states:

> I view with alarm and despondency the Bill before Federal Parliament [obviously a Bill when he wrote this] in which so-called extrinsic material is made available to courts to assist in interpreting legislation. One could devote a book to exploring the

devastating effects that could be caused if comparable provisions ever became law in this State. Every sentence in the Bill contains within it prescriptions for disaster.

He then goes on to make some even further damning remarks about the Commonwealth Bill which, as I have said, is in similar terms to that before us. If we are to refer to Mr Justice Zelling and the Law Reform Committee's report, I think it is important to note that, while the judge made a reference to *travaux préparatoire* and certainly recommended 14 years ago that some extraneous material should be taken into consideration, he did say earlier in his report that:

The Committee has not dealt with such matters as punctuation, side notes and the division of a Statute into parts or the headings of various parts of a Statute, as these, whilst necessary parts of statutory interpretation, are rarely guides to the intention of Parliament, as distinct from the grammatical construction of the Statute.

Yet the Attorney-General has sought to include them as matters which must be taken into consideration by the courts.

I believe that there are persuasive reasons why the Council should not accept this clause. I have indicated that the Opposition will support other parts of the Bill, but this provision will create a situation where matters which are not the subject of a vote of the elected representatives of the people of South Australia are to be taken into consideration in interpreting the law of this State and, in fact, allowing the courts to become quasi legislators. I oppose the provision and strenuously—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: I will do so continuously and I draw it to the attention of honourable members that the Law Society of South Australia also has made reference to this by publicly opposing what the Government is proposing, which is ludicrous. I do not support this part of the Bill, but for the purpose of enabling the Bill to go to the Committee stage, I support the second reading.

The Hon. J.C. BURDETT: I, too, support the second reading, for the same reason as that referred to by the Hon. Trevor Griffin; that is, to enable the bill to go into the Committee stage, at which time the Hon. Trevor Griffin will be able to move amendments to which he has referred and which relate to extraneous material being used to interpret the Statutes. On this important matter of principle I am totally opposed to the provisions of the Bill. It has long been a rule not only of statutory interpretation but of interpretation of wills, deeds, contracts and all written instruments that, subject to proper exemptions, the Bill, will, deed, contract or other instrument must be construed according to the words in the instrument. The mere fact that this is a long standing rule does not in itself make it right, but I am convinced that the particular rule is very soundly based. When people go to the trouble of saying that this is the Bill which will set out the law, or that this is my will or deed or contract, they should be expected to set out what they mean in the instrument in question.

If the party, lawyer or court interpreting the instrument is allowed to go outside the instrument in order to determine what it means, goodness knows where the procedure will stop. It is true that there have been difficulties, as the Hon. Mr Griffin set out, in interpreting Statutes and other instruments. It is true that modern Statutes are often complex because of the complexity of modern life. It is in the nature of the universal problem of communication that there will sometimes be difficulties in understanding what has been set down. But, to enact that what has been said about an instrument can be taken into account in interpreting it is simply to exacerbate the problem. It moves from the deliberate (that which has been precisely set down) to the casual or imprecise. If there are undue problems in interpreting Statutes—and I do not believe that there are—the answer is, as the Hon. Mr Griffin suggested, to take greater care in the drafting of Statutes.

I join with the Hon. Mr Griffin in saying that I believe that the services of Parliamentary Counsel are first class. But, Parliamentary Counsel can only act on drafting instructions from Ministers (whose public servants usually prepare the drafting instructions) and private members (in relation to private members' Bills) who are not sufficiently thorough and exhaustive in giving instructions and dealing with the subject matter in hand.

This Bill would encourage sloppy draftsmanship. It would encourage all those involved in the drafting process to rely on imprecise statements in debate rather than precise statements in a Bill. Of course, this Bill will increase the workload of the courts, and they are already immeasurably overburdened. Every lawyer giving advice would have not only to read the Statutes and the cases but also to wade through the enormous volume of verbage that eminates from Parliament. This Bill militates against—

The Hon. C.J. Sumner: If there is an ambiguity it would probably be easier to do that than what they do in the courts at the moment.

The Hon. J.C. BURDETT: I would not have thought so because that rarely occurs. I also suggest that the apparent ambiguity can rarely be resolved through looking at what has been said in Parliament, because so much has been said in Parliament by both sides and through all stages of a Bill. This Bill militates against the doctrine of separation of powers. The doctrine is, of course, that the three functions of Government—the Legislature, the Judiciary and the Executive—should be kept separate. Parliament has the lawmaking function and that should remain. I have the highest regard for the Judiciary but I think that the members of the Judiciary would prefer to stay within their function of interpreting and applying the law, rather than making it. To allow and, in effect, to compel the courts to have regard to remarks reported in *Hansard* and the various other areas mentioned in interpreting a Statute pushes the courts toward a lawmaking rather than an interpreting and adjudicating role.

It must be remembered that it is not only the second reading explanation that must be referred to, but all speeches in all stages of a Bill. The Hon. Mr Milne, in his Address in Reply speech, suggested that Parliament was not really exerting its legislative role. He may well be right, but if this Bill is passed he will certainly be right and Parliament will be abdicating its lawmaking role in voting on the only thing that can be taken into account in deciding what the law is, to some extent in favour of the Judiciary. For these reasons—

The Hon. C.J. Sumner: It does precisely the opposite.

The Hon. J.C. BURDETT: That is not so.

The Hon. C.J. Sumner: Anyone who doesn't think that that is the case is misrepresenting the Bill.

The Hon. J.C. BURDETT: I am not misrepresenting the Bill.

The Hon. C.J. Sumner: The Bill is designed to ensure that the intention of Parliament is, in fact, carried out.

The Hon. J.C. BURDETT: The Bill will enable matters that have not been voted on by Parliament to be taken into account. What we are talking about in the democratic process surely is the vote and, that is, the Bill. For those reasons, I support the second reading, but I will also support the amendments foreshadowed by the Hon. Trevor Griffin.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

ADJOURNMENT

At 6.17 p.m. the Council adjourned until Wednesday 22 August at 2.15 p.m.