LEGISLATIVE COUNCIL

Thursday 16 May 1985

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

PAPERS TABLED

The following papers were laid on the table:

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

Pursuant to Statute—

Commissioner of Police—Report, 1983-84.

By the Hon. Frank Blevins for the Minister of Corporate Affairs (Hon. C.J. Sumner):

Pursuant to Statute—

Companies and Securities Law Review Committee—Report, 1983-84. Ordered to be printed.

Accounting Standards Review Board—Report, 1983-84. Ordered to be printed.

PUBLIC WORKS

The PRESIDENT laid on the table the report by the Auditor-General on public works.

QUESTIONS

WESTERN SUBURBS SWIMMING CENTRE

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about a swimming centre for the western suburbs.

Leave granted.

The Hon. M.B. CAMERON: Whilst the Government has spent double the original estimate of the cost of the North Adelaide Aquatic Centre, the proposed swimming centre for the western suburbs, which has been frequently promised, and pushed very strongly by the member for Henley Beach, has been effectively scrubbed off by the Government. An article today confirms that the western regional organisation, representing seven western suburban councils, is continuing to push for a swimming centre for the western suburbs, the State contribution for which has been a meagre $2 500 for a study that recommended a site at Findon.

It is estimated that stage 1 of the complex would cost $5 million and incorporate a 50-metre indoor pool of international standard, as compared with the North Adelaide Aquatic Centre, which will be unsuitable for Commonwealth, Olympic or any other sort of games, no matter what is considered. The $5 million, which would construct stage 1 of the complex, is approximately the amount by which the disastrous North Adelaide Aquatic Centre project has overrun on cost.

I am very interested to see today the Government's attempt in some way to push the blame for that project off to somebody else. It was entirely a Government project and no amount of dodging can dodge it. My questions are:

1. Does the Attorney-General acknowledge that the North Adelaide Aquatic Centre will be unsuitable for any world titles and Commonwealth or Olympic Games?

2. Does he agree that the western suburbs should have had at least stage 1 of the pool promised to them by the present member for Henley Beach had it not been for the gross incompetence of the Public Buildings Department's project managers whose inefficiencies the Opposition first highlighted and which the Government failed to accept some months ago?

3. Will the Attorney-General now admit that for future significant events in Adelaide, particularly in world swimming meets (if we wish to have them), there still needs to be constructed a facility which is truly world class?

The Hon. C.J. SUMNER: Most swimming events will be able to be conducted at the North Adelaide Swimming Centre. The Olympic Games are not coming here, as far as I know. I am sure the end result of the swimming centre will be a significant asset to the State of South Australia. The question of the cost of the centre has been canvassed in this Chamber of the Parliament on previous occasions. The ultimate cost is still substantially less, in fact, less than half the cost, of the alternative proposition that the Liberal Party promoted at the West End Brewery site. In terms of cost, it is still an option that was significantly less than the alternatives which were around and under consideration at the time the decisisons were made. With respect to the over-run on costs, as has been pointed out by the Premier, the Government is currently considering what action can be taken with respect to those over-runs and in particular with respect to the consultancy work that was involved in the original assessment of the project.

TELEPHONE TAPPING

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation prior to directing a question to the Attorney-General on the subject of telephone tapping.

Leave granted.

The Hon. K.T. GRIFFIN: Several days ago I asked a question of the Attorney-General about the State Government's attitude (and his own attitude) towards telephone tapping by State Police in the fight against drug trafficking. He was somewhat ambivalent about his and the Government's position, although the Premier in another place on that same day indicated that he was in favour of State Police exercising the power. Last night in the Federal House of Representatives, a Bill to amend the Telecommunications Act was debated and the shadow Attorney-General (Hon. Neil Brown) moved an amendment at the second reading stage adopting the words of Prime Minister Hawke at the drug summit when he said:

> Whilst not declining to give the Bill a second reading, this House is of the opinion that:
>
> 1. Telephone interception powers can be a valuable aid in the investigation of drug trafficking.
>
> 2. The Commonwealth should extend such powers in relation to drug trafficking to the States subject to stringent control being exercised over their use.
>
> 3. Those controls should include a requirement for judicial warrants.

The Federal Attorney-General, Mr Bowen, in the House of Representatives last night accepted the resolution and said that it was still the Federal Government's position, but indicated that no State had applied for those powers to be granted to it. In the light of the Federal Attorney-General's confirmation of the Federal Government's attitude, will the State Government apply to the Federal Government, as a matter of urgency, for power to be granted to State Police to undertake telephone tapping in the detection of drug offences, subject to judicial supervision?

The Hon. C.J. SUMNER: There is nothing new in what the honourable member has said. There is, therefore, nothing new to which I have to respond.

The Hon. K.T. Griffin: It is new; the Federal Attorney-General has confirmed it.

The Hon. C.J. SUMNER: The statement made by the Federal Attorney-General was included in the communique from the drug summit.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: I said that I did not believe that the statement that the Hon. Mr Griffin made in this Council reflected in all its terms the decison taken by the drug summit and the communique issued following that summit. That is what I said. I said that I could check that and let the honourable member know. The fact is that what the honourable member has now put to the Council is nothing more than what he has put on previous occasions. As I have said, the State Government has under consideration the question of the drug summit communique with respect to telephone tapping and other matters. We have already acted quite decisively and early in terms of other States' actions on drug offences by increasing penalties for those offences and providing for forfeiture of assets—

The Hon. K.T. Griffin: That was our initiative.

The Hon. C.J. SUMNER: It was not the honourable member's initiative exclusively, and it is quite silly for him to sit there and claim all the credit for everything that happens when it is patently not correct. The honourable member suggested confiscation of assets, as did the Government, so it was one occasion when the Parties were in agreement that action should be taken. The Government took that action. The Controlled Substances Act, providing for the confiscation of assets, has been proclaimed and is in operation in this State. I believe that this was the second State in Australia to act in this way. So far as South Australia is concerned, many of the decisions of the drug summit have been put into effect. The matter of telephone tapping was included in the communique and is currently under consideration by the State Government. A decision will be made about that matter in due course.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: What the honourable member does not seem to understand, and perhaps this did not occur when he was a Minister, is that Cabinet makes decisions about these matters.

The Hon. K.T. Griffin interjecting:

The Hon. C.J. SUMNER: That is right. That is fine, and I am not arguing about that. If one proceeds with something of this kind it must be thought out: there must be a concrete proposal and consideration given to whether or not legislation is necessary at the State level or the Federal level. If legislation is involved, consideration has to be given to what safeguards must exist to ensure that telephone tapping is not carried on illegally. The suggestion is for a judicial warrant to be issued in such cases and consideration must be given as to whether such a warrant should be issued by a magistrate, District Court judge, Supreme Court judge, Federal Court judge, or whoever.

So, there are still matters to be resolved in this area. I said in response to previous questions asked by the honourable member that the Government is aware of the communique from the drug summit and is considering the details of the proposition for telephone tapping. As yet, I understand that there have not been amendments to Federal legislation to enable that to occur. Obviously, there needs to be more discussion with the Federal Government about the precise nature of this proposal.

The Hon. K.T. GRIFFIN: In the light of the Attorney-General's answer, will he confirm that no formal decision has been taken by the State Government to request telephone tapping powers from the Commonwealth Government in respect of State police?

The Hon. C.J. SUMNER: I have already answered that question. I have indicated that all aspects of the drugs summit communique are being studied: some aspects have been acted on and others are being studied, including telephone tapping. A decision as to whether a formal request will be made to the Federal Government will be considered by the Government once the matters which I referred to in my previous response have been resolved. Those matters include—and the honourable member apparently wants me to repeat them because obviously he did not understand them when I put them previously—the consideration that, if someone is considering telephone tapping by State police (which is not permitted under existing law), one must consider what legislation, if any, is needed.

The Hon. K.T. Griffin: Acceptance by the Premier of telephone tapping is not necessarily a decision of the Government; that is what the Attorney is saying.

The Hon. C.J. SUMNER: No, the honourable member is confused again, unfortunately. He insists on being confused on this topic. I said that the communique from the drug summit is under consideration, including the communique relating to telephone tapping. With respect to telephone tapping, a number of issues have still to be considered. I will repeat them, if the honourable member wishes, for a third time: the consideration of whether legislation is necessary at Federal and State levels, what sort of arrangements must be entered into between State and Commonwealth police, what sort of safeguards will have to be provided for individual liberties, and whether the matter should be dealt with on the basis of judicial warrant or by some other protective mechanism. All those matters are currently under consideration by the Government. Following that consideration, a decision will be made about a request to the Federal Government. Obviously, before such a request is made there will need to be further discussions with the Federal Government to resolve those issues that I have outlined.

KANGAROO ISLAND LAND

The Hon. I. GILFILLAN: My question is directed to the Minister of Agriculture, representing the Minister for Environment and Planning. Did the Minister for Environment and Planning purchase allotments 1, 5, 6, and 7, Hundred of Cassini, from a private landholder on Kangaroo Island and, if so, for what purpose? Was the purchase essential to achieve that purpose? Is it true that allotments 1, 2, 3, 4, and 6 are under the minimum size of 100 hectares as defined in the authorised development plan and, if so, what reason does the Minister have for contravening the legal requirements of his own plan? Were allotments 1, 2, 3, 4, 5, 6, and 7 submitted to the District Council of Kingscote for its opinion or approval and, if not, why not? What price was paid for the land purchased and how was the price arrived at? How does the purchase price compare with the price paid for land purchased from Mr L.A. Johnson, Hundred of Haines, Kangaroo Island?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to the appropriate Minister in another place and bring down a reply.

INFECTED HUMAN TISSUE DISPOSAL

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister for Environment and Planning, a question about the disposal of infected human tissue.

Leave granted.

The Hon. R.J. RITSON: About a month ago I raised in this Chamber the problem of disposal of waste human tissue, such as amputated legs, and I asked the Minister for

Environment and Planning whether influence had been brought to bear or regulations enforced to prevent hospitals from incinerating such waste tissue. Since then I have received a letter from the Chairman of the Infection Control Committee of a large metropolitan hospital.

In the letter it is stated that that hospital has reverted from incinerating to dumping, the method of disposal being to commit the material to plastic bags. It is then put into the general litter stream through a commercial waste management firm. This doctor, the Chairman of the Infection Control Committee, was concerned not so much in regard to his own hospital (because the hospital has no problem once the material leaves the premises) but in regard to the general public. In his letter he stated that there was a potential health hazard to the general community. Some of this material is particularly nasty stuff, such as excised organs that are infected with particularly nasty germs, and the Chairman was concerned that the containers in which the material is taken away would not necessarily be steam sterilised between usages and that the plastic bags in which the material is contained may appear macroscopically to be sealed but may not be sealed in the bacteriological sense so that the re-use of those bins without adequate sterilisation could result in germs from that material being present in, for example, a rubbish bin at the back of a restaurant.

I believe that this is an important matter. There was some press comment in this regard and the Chairman of the Waste Management Commission or at least one of the officers of the Commission was reported in the *News* as saying that, as long as the regulations are followed, there should be no problem. However, I suspect that that was an off-the-cuff remark about something that had not been thought of previously. I would like to know what special regulations apply to the disposal of infected human organs. The same official went on to say that the hospitals are not required to notify the Commission of the type of material committed to the general litter stream. Is the Government concerned about this matter, and when will my original question on the role of the Department of Environment and Planning in this matter be answered?

The Hon. FRANK BLEVINS: I will refer the honourable member's question to the appropriate Minister and have him write to the Hon. Dr Ritson at the earliest possible opportunity.

NON-GOVERNMENT SCHOOLS

The Hon. ANNE LEVY: Has the Minister of Agriculture replies from the Minister of Education to questions that I asked on 22 March, 29 March and 3 April 1984 about funding for non-government schools?

The Hon. FRANK BLEVINS: Apparently the replies have been consolidated into one, as follows:

(a) The schools selected for comparison were as far as possible matched according to size and country of metropolitan location. In general, schools were also matched according to socio-economic characteristics but there were difficulties in matching large non-government combined schools with similar Government schools as there are so few Government schools of this type. To disclose further information about the schools in the study could jeopardise the confidentiality of the school data used in preparing the original answer.

(b) Information was prepared at the time of the answer of 20 March 1984, which compared two non-government combined primary/secondary schools from categories A and B with three large metropolitan high schools from similar geographical areas. The results are shown on Table 1 (below). The enrolments used are those published by the Advisory Committee on Non-Government Schools in the 1982 report. The approximate conversion factor to convert primary to secondary equivalents is .6.

(c) Table 2 below is provided indicating the different sums as requested for the three systems. The present method of distributing funds does allow for individual schools to be assessed.

(d) The effect of Government grants to the higher resource schools is not capable of being determined definitively but one effect is to moderate the level of fees charged to parents. Without such assistance, fee levels would be considerably higher.

The Minister of Education continues to have discussions with the authorities responsible for the administration of all non-government schools and they have been advised of the Government's policy of placing greater emphasis upon need in the distribution of Government funds. These authorities have advised the Minister of Education that they have been happy in the past with the funding recommendations made to successive Ministers by the Advisory Committee on Non-Government Schools in South Australia. I seek leave to have the two statistical tables referred to in the reply inserted in *Hansard* without my reading them.

Leave granted.

TABLE 1

(1982 DATA)

COMPARISON OF 'PREFERRED' LARGE METROPOLITAN SECONDARY SCHOOLS WITH 2 METROPOLITAN COMBINED PRIMARY/SECONDARY NON-GOVERNMENT SCHOOLS (USING SECONDARY EQUIVALENT ENROLMENTS)

Non-Govt funding category	School type	Enrolments in secondary equivalents	Recurrent income per student				Recurrent expenditure per student		Comments
							Excludes debt servicing		
			Govt sources	Non-G. as % of Govt	All sources	Non-G. as % of Govt	Total	Non-G. as % of Govt.	
			$	%	$	%	$	%	
A	Combined Primary/Secondary Non-G.	924	938		3 692		3 028		
	(School No. 1, Table 1)			51		194		159	
	Govt Secondary No. 1	1 359	1 842		1 908		1 905		

TABLE 1

(1982 DATA)

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Non-Govt funding category	School type	Enrolments in secondary equivalents	Recurrent income per student				Recurrent expenditure per student		Comments
			Govt sources	Non-G. as % of Govt	All sources	Non-G. as % of Govt	Excludes debt servicing Total	Non-G. as % of Govt.	
A	Combined Primary/ Secondary Non-G.	924	938		3 692		3 028		
	(School No. 1, Table 1)			46		170		138	
	Govt Secondary No. 2	1 152	2 022		2 176		2 198		
A	Combined Primary/ Secondary Non-G.	924	938		3 692		3 028		
	(School No. 1, Table 1)			47		179		148	
	Govt Secondary No. 3	1 073	1 986		2 057		2 050		
B	Combined Primary/ Secondary Non-G.	1 052	954		3 208		3 003		
	(School No. 3, Table 1)			52		168		158	
	Govt Secondary No. 1	1 359	1 842		1 908		1 905		
B	Combined Primary/ Secondary Non-G.	1 052	954		3 208		3 003		
	(School No. 3, Table 1)			47		147		137	
	Govt Secondary No. 2	1 152	2 022		2 176		2 198		
B	Combined Primary/ Secondary Non-G.	1 052	954		3 208		3 003		
	(School No. 3, Table 1)			48		156		146	
	Govt Secondary No. 3	1 073	1 986		2 057		2 050		

TABLE 2

TABLE TO SHOW DIFFERENCES BETWEEN THE APPLICATION OF GRANTS ON THE BASIS OF NEED AND FLAT PER CAPITA

	Actual grants 1982	Flat per capita grants 1982	Percentage Difference	Actual grants 1983	Flat per capita grants 1983	Percentage difference
CATHOLIC SYSTEM						
Combined	2 016 395	1 865 107	− 7.5	2 313 252	2 187 325	− 5.4
Secondary	691 695	621 279	−10.2	836 514	759 483	− 9.2
Primary	4 419 915	4 409 056	− 0.2	4 991 933	4 926 352	− 1.3
Total	7 128 005	6 895 442	− 3.3	8 141 699	7 873 160	− 3.3
ADVENTIST SYSTEM						
Combined	—	—	—	—	—	—
Secondary	78 030	78 107	+ 0.1	78 267	79 527	+ 1.6
Primary	62 070	61 709	− 0.6	57 294	59 983	+ 4.7
Total	140 100	139 816	− 0.2	135 561	139 510	+ 2.9
LUTHERAN SYSTEM						
Combined	—	—	—	—	—	—
Secondary	—	—	—	—	—	—
Primary	729 590	742 461	+ 1.8	904 099	911 739	+ 0.1
Total	729 590	742 461	+ 1.8	904 099	911 739	+ 0.1

Mr SPLATT

The Hon. K.T. GRIFFIN: In the light of the suggestion I have received that the Government has now made a decision on the compensation claim by Mr Splatt, my questions to the Attorney are:

1. Has the decision been taken?
2. If it has, what is the decision?

The Hon. C.J. SUMNER: Yes, a decision has been made and I intend to announce it at four o'clock.

The Hon. L.H. DAVIS: I desire to ask a supplementary question. Why will not the Attorney make that announcement to Parliament, given that it is a matter of such public interest and given that the Hon. Mr Griffin has asked a question about it previously?

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I have made arrangements to announce the decision this afternoon, and that is when the decision made will be announced.

SECURITIES INDUSTRY

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Corporate Affairs a question about licences in the securities industry.

Leave granted.

The Hon. L.H. DAVIS: The financial services industry is undoubtedly one of the most buoyant and rapidly growing sectors in the Australian economy. There has been a dramatic explosion in the number of investment dealers and representatives in recent years. In South Australia at 30 June 1982 there were 81 dealers' representatives and 2½ years later the number of dealers' representatives had increased from 81 to 196—an increase of over 140 per cent.

The criteria for determining the grant of a dealer's representative licence are set out in Part 4 of the Securities Industry Code administered by the Corporate Affairs Commission. The only criterion that the Commission has to apply in determining whether a person shall be granted a dealer's representative licence is whether it has any reason to believe the applicant will not perform the duties of the holder of the representative licence efficiently, honestly and fairly. Certainly, it is reasonable to expect that the dealer employing the dealer's representative will have an interest in the quality of his employee, but there are examples suggesting that this is sometimes not the case. Today, as I am sure the Attorney would know, it is possible for persons to be licensed to give investment advice to an unsuspecting public with little more than a well-appointed office, elaborate letterhead and slick advertising. People with no background whatever in investment and finance are let loose on these often gullible investors or retirees with large lump sum payments.

In recent months it has not been hard to find advertisements that illustrate this point. An impressive title such as 'investment consultant', 'counsellor' or 'investment planner' masks the fact that many people providing financial advice know little more than the people they are advising. Certainly, when it comes to investment advice there is no national standard. The explosion in the number of persons engaged in the industry has been accompanied—

The PRESIDENT: The Hon. Mr Davis is wandering in his explanation of his question.

The Hon. L.H. DAVIS: Mr President, I will come to the question now. The question is that in August 1983 the National Companies and Securities Commission, the regulatory body for the securities industry, announced it would conduct a review of the provisions governing the issue of licences to persons in the investment advisory industry, and over 50 submissions were received.

Yet 21 months has elapsed since that inquiry commenced, and there has not been a response. I understand that a discussion paper is on the way, but from my inquiries it seems that the NCSC, which is jointly funded by Federal and State Governments, has suffered from a lack of funding and that this has hampered the inquiry. It is a sad indictment of the priorities of Government that a shortage of staff has prevented the NCSC from bringing down its report at an earlier date. Is the Minister of Corporate Affairs aware of the fate of the discussion paper from the NCSC? Has this matter of dealers' licences been on the agenda of any recent Ministerial council meeting?

The Hon. C.J. SUMNER: I understand the honourable member's interest in this matter. He has on previous occasions been provided with full information about what the NCSC is doing in this area and what the policy of the Corporate Affairs Commission in South Australia is on the matter. I do not think that what the honourable member says is correct in all its details. In particular, he overdramatised the situation, especially in relation to South Australia, where some criteria are applied to the licensing of investment advisers. With respect to the honourable member's other questions as to the discussion paper, I will ascertain where that is. If it is made public I will arrange for the honourable member to be given a copy.

HOCKEY STADIUM

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister representing the Minister of Recreation and Sport a question about the proposed international standard hockey stadium.

Leave granted.

The Hon. R.I. LUCAS: On 28 March I raised a question about the proposal to build an international standard hockey stadium at the South Australian Women's Memorial Playing Fields at St Marys. On that occasion I indicated that a number of problems had arisen in relation to that proposal and that I understood that the Trust had raised a number of concerns and written to the Minister of Recreation and Sport and was awaiting a reply. I also indicated that one of the major problems between the Trust and the South Australian Hockey Joint Council related to a difference of views that they had with respect to the exact siting of the proposed stadium on the playing fields.

The Trust had a view that the stadium might fit into a certain area of the playing fields, and the South Australian Hockey Joint Council had an alternative view as to where the stadium might best be placed. I then asked the Minister a series of questions about a consultant that had been appointed to try to resolve the differences of opinion between the Trust and the Hockey Joint Council. I received replies to those questions yesterday.

The replies, in summary, were simply that Pak-Poy and Kneebone Pty Ltd were employed as the consultants to the Department of Recreation and Sport to try to resolve the difference between the Hockey Joint Council and the Trust about where the stadium ought to be placed. The terms of reference for Pak-Poy and Kneebone were: to carry out an investigation into the levels at the existing site and a soil survey, to predict construction problems and to identify the areas for easement. That report was received by the Department of Recreation and Sport on Friday 22 March 1985.

I also asked the Minister whether the consultant or any of the principals of the consulting company were in any way connected with the South Australian Hockey Joint Council or the South Australian Women's Memorial Playing Fields Trust. The answer from the Minister is that Mr Pat Pak Poy is the Chairman of the Headquarters Subcommittee of the South Australian Hockey Joint Council. As I indicated, the appointment of a consultant was meant to resolve differences of opinion between the South Australian Hockey Joint Council and the Trust on the location of the stadium. My questions are:

1. Before engaging Pak-Poy and Kneebone Pty Ltd as consultants, were any other consultants asked to tender and, if not, why?

2. Were all the Government guidelines for hiring consultants followed by the Department of Recreation and Sport in the hiring of Pak-Poy and Kneebone Pty Ltd?

3. Irrespective of what the final findings of that report might have been, is the Minister concerned that there might appear to be a conflict in appointing Pak-Poy and Kneebone as consultants when Mr Pat Pak-Poy is Chairman of the Headquarters Subcommittee of the South Australian Hockey Joint Council.

The Hon. FRANK BLEVINS: I will refer the honourable member's question to the Minister of Recreation and Sport

and ask him to respond by letter to the honourable member as soon as possible.

ASSETS TEST

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Agriculture a question about the assets test.

Leave granted.

The Hon. PETER DUNN: In the February edition of *Rural Economy*, a magazine put out by the Bureau of Agricultural Economics, is a table that indicates that farm income per work year of family labour was in 1983-84, $9 208 and in 1984-85, $6 598—not an over-rewarding job! However, the major material requirement of a farmer is land. The return to the capital that is outlaid in that land is particularly low. Farming in Australia, to its benefit, is dominated by the family farmer. Although we talk about the aggregate demand for farm inputs, that demand reflects the decisions taken by thousands of individual decision makers. Although these decision makers have concerns for return on capital, they are more concerned with the maintenance of a standard of living and particularly for the benefit of their children. The magazine states:

> If, for some reason, land values should trend downward, or if death duties should be reintroduced and have an impact on intergeneration capital transfers, then the farm credit situation could change quite quickly. I note that in some areas of the United States a farmer's net worth has fallen by as much as 50 per cent due to the dramatic reductions in land values.

The assets test is having a direct impact on these land values. I can demonstrate that it is unfair and unjust. For instance, in the Horsham area in Victoria, 8.3 per cent of the people who are eligible for a pension are affected by the assets test. However, if we go to the inner suburb of St Albans in Melbourne .3 per cent of the people are affected. So, it is falling very unfairly on one section of the community. My questions are:

1. Has the Minister made any overtures to the Federal Government, emphasising the distribution to the intergeneration capital transfer that the assets test is causing?

2. If the Bureau of Agricultural Economics statement that some USA farmers' net worth has fallen by as much as 50 per cent due to the reduction in land values is correct, will the Minister press the Federal Minister of Social Services to call off his officers who are harassing some aged and/or returned soldier farmers over assets that are unfairly attributed to them?

The Hon. FRANK BLEVINS: The issue of the assets test to rural producers, rural pensioners or anybody else is one for the Federal Government. I understand that the Federal Minister concerned (Mr Howe) has a package of changes to the present regulations that apply to the assets test legislation before the Federal Cabinet at the moment. I can only say that we will all have to be patient until the Federal Cabinet decides what it will do with the package that the relevant Minister has taken to the Cabinet.

I think it has been clearly demonstrated and accepted that there have been some anomalies in the way the assets test has applied to rural pensioners as opposed to pensioners in the urban areas. The Federal Government is recognising this and is doing something about it. The precise details of that are entirely a matter for the Federal Government. I am sure we will all be enlightened within the next few days.

RETIREMENT VILLAGES

The Hon. K.T. GRIFFIN: Has the Attorney-General a reply to a question I asked on 26 March 1985 about retirement villages?

The Hon. C.J. SUMNER: At its meeting on 1 May 1985, the Ministerial Council for Companies and Securities, in response to submissions placed before it, decided to remove the regulation of retirement villages from the companies legislation. This is to be effective from 1 July 1987 so that individual State Governments will have an opportunity to consider and implement their own regimes for the regulation of retirement villages. In the interim period the NCSC will delegate to the State Corporate Affairs Commissions all its powers in relation to retirement villages.

The Corporate Affairs Commission for the time being will regulate retirement villages in the manner laid down by the NCSC in its policy statement. The approach taken by the Corporate Affairs Commission to date is set out in my answer to the honourable member's third question. As I indicated when first responding to the honourable member's question, an interdepartmental committee has been established in this State to consider, in the broader context, the implications of resident funded retirement villages in not only the area of corporate affairs but also consumer affairs, health, housing and community welfare. A representative of the recently appointed Commission for the Ageing in South Australia has attended the meetings held on 16 April and 10 May. The Government will consider the report by the interdepartmental committee in deciding what level of State regulation will apply to retirement villages after 1 July 1987.

The policy applied in Western Australia comes about by way of a regulation made in that State under both the Companies (Application of Laws) Act and the Securities Industry (Application of Laws) Act of Western Australia. The regulation has been approved by the Ministerial Council for Companies and Securities. Now, the South Australian Government, by virtue of the Ministerial Council's decision, can exempt any retirement village from the companies legislation subject to such terms and conditions as may be appropriate without recourse to regulations under the Application of Laws Act. Whilst it is open to this Government to seek to follow the Western Australian approach, the Government has decided not to do this pending full consideration of the issues identified by the interdepartmental committee.

The approach taken by the Corporate Affairs Commission in South Australia has been to require compliance with the requirements of the Companies Code subject to the granting of an exemption with respect to those requirements of the Code th[illegible] are inappropriate for the circumstances of a particu[illegible] retirement village. The Government is concerned to ensure that persons entering into a retirement village are not disadvantaged in relation to the matters relating to investor protection that are applicable in cases where a person is making a significant investment. It will be recognised by all honourable members that an investment by an aged person or aged couple in their retirement years for accommodation is a matter of major moment and the Government believes it has a responsibility to ensure that such investments are made on a basis whereby the persons concerned are fully informed of their rights and obligations. It is often impossible for retirees to recoup a major loss sustained at this stage of their lives.

The Government is also anxious to ensure that retirement villages are given every opportunity to develop and it is aware that a number of retirement villages are being constructed as commercial enterprises. The policy in relation to such matters is to ensure that persons, that is, retirees, making a major investment are given full details of the arrangements that are to apply with respect to occupancy and the provision of other support facilities. As I indicated above, the interdepartmental committee is examining the matter of investor protection together with the ancillary

issues that arise from the residency of a retirement village. The role of the Corporate Affairs Commission is limited to that of the initial threshold investment in those cases where the retirement village in question falls within the parameters of the Companies Code.

A number of schemes have been approved by the Corporate Affairs Commission acting as delegate of the National Companies and Securities Commission. There are five retirement village schemes presently under consideration by the Commission and the Commission is discussing with promoters of a number of other schemes the requirements of the legislation.

In short, the Government is well aware of the need to facilitate the development of the retirement village sector whether promoted by voluntary care associations or from the private sector, but at the same time it has an obligation to ensure that there is a degree of 'investor' or 'consumer protection' which is appropriate but not so burdensome as to impose an undue cost either upon the developer or upon the residents themselves.

LYELL McEWIN HOSPITAL

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Health, a question about the Lyell McEwin Hospital.

Leave granted.

The Hon. DIANA LAIDLAW: On 14 February this year I asked a question of the Minister of Health on the Lyell McEwin Hospital. Specifically, I sought information on the findings of the auditor for the hospital for the year ended 30 June 1984 and what action the Minister had taken following that report. In his response at that time, the Minister said:

> The whole administration, including the financial administration, at the Lyell McEwin Hospital has been very substantially upgraded. There was an auditor's report, which I do not have with me, and I do not have the details with me, but I will be very pleased to obtain a full and detailed report, because it is an important question, and bring back a reply as expeditiously as I can. I repeat in general terms that I understand—and I have kept myself reasonably well appraised of this in general terms—that things at the Lyell McEwin Hospital have improved substantially.

That was the Minister's reply on 14 February, at which time he indicated he would bring back a reply to me. I have not yet received a reply to that question, let alone the full and detailed report that he promised. I ask whether the Attorney would ensure I receive a reply and report soon and will he ask the Minister of Health whether the reason for the delay in providing this answer is due to the problems at the hospital highlighted by the Auditor-General in his report on public works that was tabled today?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

FUEL PRICES IN RURAL COMMUNITIES

The Hon. M.B. CAMERON: I seek leave to make a brief explanation before directing a question to the Minister of Agriculture on the subject of the impact on rural communities of last Tuesday's Federal mini-budget.

Leave granted.

The Hon. M.B. CAMERON: Honourable members would be aware that on Tuesday last the Federal Treasurer brought down a mini-budget which among other things cut the petrol subsidy to country areas. This subsidy, which is paid to assist country consumers, will be cut by 4c a litre. The aim of the subsidy was to ensure that the price of fuel—an essential commodity in rural communities—was, where possible, not exorbitantly higher than in the metropolitan area. The Government makes great play about the importance of decentralisation and the value of our rural communities but has acted to impose an additional burden of $116 million on them. It has already been estimated that the increased fuel cost of 4c on 3 May will cost $1 000 a year to cereal growers in South Australia.

The impact of an extra 4c a litre on an essential commodity such as fuel becomes clearer when we recognise that the average net farm income for 1985-86 is estimated at a paltry $6 500 (approximately 10 per cent of the Minister's own salary). The absurdity of the cut is even more apparent when one reads official estimates that the cost to agriculture of protection to manufacturing industry is $15 000 million. Compare that sum with $116 million for the fuel subsidy.

Farmers have recently suffered from the assets tests, from wage indexation and rising costs, declining markets, land clearance controls and recent rises of 4 cents a litre or more in fuel costs (and that is not this increase—it is the previous increase of 10 days ago). The situation has come to a head and I understand from press reports that farmers will hold a mass meeting and march on 31 May. Does the Minister support the $116 million cut in the fuel freight subsidy to rural areas? Will he lobby the Federal Government to reverse its decision? Does he acknowledge the enormous problems now facing farmers as a result of the actions of the State and Federal Governments?

The Hon. FRANK BLEVINS: I thank the Hon. Martin Cameron for his question. There are, of course, serious cost pressures on rural industry in this State, and indeed on all industries in this State and in other States. I regret that as much as does the next person. During his question the Hon. Martin Cameron brought my salary into this debate. That salary is public knowledge and, indeed, is paid by the public. I am grateful to them and I thank them very much for it once a month. I also work very hard for it. As my salary has become the subject of comment in this Council, I should have thought that the person who raised it, in all equity, would also state his income so that we could compare those incomes.

The Hon. M.B. Cameron: You might get a surprise if you see last year's.

The Hon. FRANK BLEVINS: I would be delighted to be surprised, because we would then be able to compare my income, the honourable member's, and the average farmer's income as tabulated by the BAE. I thought that that was a totally unnecessary remark and that whoever wrote the Hon. Mr Cameron's explanation should be chastised for it. Of course, there are very many problems of cost pressures, and the removal of the subsidy on rural petrol is one of the cost pressures in rural industries. Let us put this matter in perspective. I think that the organisation that has had perhaps the loudest voice in calling for reductions in Federal Government expenditure (in fact, in all Government expenditure) has been the National Farmers Federation.

The Hon. M.B. Cameron: It depends on priorities of the Government, and you know it.

The Hon. FRANK BLEVINS: I did not interrupt when this question was asked. The words chosen were chosen by the questioner, not by me, and, if he had any qualifications to make, he should have made them during the explanation when he had an opportunity to do so; perhaps they would have been more relevant than his comments about my Ministerial salary. It is a fact that the National Farmers Federation has pointed out (with some justification) that one of the best things that all Governments can do to assist farmers in the cost/price squeeze is reduce the Federal deficit. Taking notice of that, this Federal Government has

gone about an exercise in doing exactly that. The cuts have gone right across the board.

The Hon. Diana Laidlaw: Are you comfortable with that?

The Hon. FRANK BLEVINS: Very comfortable, and I will be even more comfortable in a moment (in fact, I think this question was a Dorothy Dixer). There is not one section of the community that has not been affected by these cuts. However, apart from the removal of this particular subsidy, I suggest that the one section of the community that was perhaps being hurt least of all was the rural sector. In fact, the rural sector, apart from removal of that subsidy, came out just about unscathed on Tuesday. That, of course, is not just my opinion. I will read from page 3 of today's issue of the *Stock Journal* an article headed 'UF&S hits out at petrol move', which states:

United Farmers and Stockowners Chief Executive Officer, Mr Grant Andrews, said yesterday that except for the fuel subsidy cuts agriculture appears to have escaped lightly in the mini Budget.

That is not just my opinion: Grant Andrews, Executive Officer of the UF&S, agrees that rural industry came out of it very lightly indeed, with the exception of the removal of the petrol subsidy.

The Hon. L.H. Davis: Will you read the rest?

The ACTING PRESIDENT (Hon. G.L. Bruce): Order!

The Hon. FRANK BLEVINS: I would be delighted to read it all, but I want to move on to another article in this paper that is even more revealing. I am sure that members opposite will be delighted to hear me quote so enthusiastically the National Farmers Federation.

The Hon. Peter Dunn interjecting:

The Hon. FRANK BLEVINS: I will be happy to have the context of this checked for honesty. At page 3 another quite lengthy article appears under the heading 'Little reaction to mini Budget despite fuel cut', as follows:

The National Farmers Federation is among the business groups which welcomed the cuts, although the Federation said the reality of cuts to the deficit would not become clear until August. National Farmers Federation Assistant Executive Director, Mr Andrew Robb, said that increased costs to farmers would be responsible for only about $20 million of the $160 million to be saved from the cuts to the fuel freight subsidy. National Farmers Federation President, Mr Ian McLachlan, said the Federation had been calling for Government expenditure cuts and farmers would not have—

and he says 'not have' but obviously means 'have'—

to take their medicine like other sections of the community.

I respect Ian McLachlan for saying that. He has called quite loudly for Budget cuts and when he gets them and they affect rural producers he says, 'You have to take your medicine the same as everybody else,' and Grant Andrews says that they have escaped lightly apart from this subsidy which is being removed. So I am in good company and pleased that rural industry—

Members interjecting:

The ACTING PRESIDENT: Order!

The Hon. FRANK BLEVINS: This is doing my preselection no good at all! I am pleased that I am in such good company and that the leaders of the farmers in this State and nationally are not squealing about the increase in petrol prices that will take place. I will be delighted on 31 May to stand in Elder Park when Ian McLachlan tells the farmers, 'You have to take your medicine. We have been calling for those cuts in the deficit; the cuts are here; the Government has done what we asked it to do; and all of you who are here will have to take your medicine, the same as the rest.' I will be standing there applauding Ian McLachlan when he tells them that. I am sure that he is a man of integrity, and that he will tell them that.

I regret the removal of this subsidy and am personally squealing about it. Ian McLachlan says that farmers cannot squeal, but I am not a farmer, so I did. I believe that petrol should be the same price, no matter where one buys it in this country. If I am at odds with Ian McLachlan on that, so be it. I will stand at that rally, if invited to, and say precisely that, and, if it gets me into an argument with Ian McLachlan, who says that farmers have to take their medicine, so be it. As somebody who has lived in the country for 20 years, I have always objected strongly to paying more for a basic commodity than somebody who lives in the metropolitan area, particularly when the basic commodity involved is a much greater necessity in rural areas than in the metropolitan area.

That is not just in the case of trade and commerce but to enable people to get around and have some kind of a life away from work. It is much more of a necessity in country areas of the State than it is in the metropolitan areas. There are very good public transport systems (which I support strongly) in the metropolitan areas, but that is not the case in rural areas. If people have any criticism at all of the standard of public transport in metropolitan areas, I can only say that they should live in the country for a while; they would then see that they have nothing to complain about.

The ACTING PRESIDENT (Hon. G.L. Bruce): Order! The time for asking questions has expired.

SELECT COMMITTEE ON TAXI-CAB INDUSTRY IN SOUTH AUSTRALIA

The Hon. BARBARA WIESE brought up the report of the Select Committee, together with minutes of proceedings and evidence.

Report received. Ordered that report be printed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 May. Page 4315.)

The Hon. C.J. SUMNER (Attorney-General): In their second reading speeches the various Opposition members who spoke on the Bill concentrated on the Government's proposals to regulate the rates of remuneration of owner/drivers. Various allegations were made about the effects of the Bill which I will deal with in turn. The Hon. Martin Cameron says that our Bill is only concerned with lifting union membership and the income of those members. In fact the Bill sets out to do a number of things: it will prevent the exploitation of owner/drivers, many of whom are in a poor bargaining position because of their high debt commitments; and it will legalise existing agreements entered into between the Transport Workers Union and principal contractors, and allow the Transport Workers Union to legally enrol some 1 600 owner/drivers who have sought the assistance of the TWU in negotiating fair rates of remuneration.

The amendment will allow the Industrial Commission to settle disputes in the owner/driver industry when they arise. Given the importance of the transport system to this State, this is an important consideration. By enabling minimum standards to be set in the various sectors of the transport industry, our amending Bill will act to eliminate unfair competition and will thus stabilise the industry. A further argument that has been put by members opposite is that the Government's amendment will lead to an escalation of costs and require owner/drivers to pay workers compensation, pay-roll tax and other add on costs. Similar points

were raised by industry representatives during the lengthy discussions which have taken place over the past week. To quickly allay those fears, the Deputy Premier sought legal advice from the Crown Solicitor's office on these matters.

The advice received from the Crown Solicitor's office is that the Long Service Leave Act, Pay-roll Tax Act, Workers Compensation Act, and the Federal Income Tax Act, are not affected in any way by the amendment sought in this Bill and that accordingly the *status quo* remains in relation to those matters.

In addition, the Government, as a result of representations from the various industry organisations, proposes to move an amendment to narrow the Commission's jurisdiction so that it would only be able to set rates of remuneration for owner/drivers and would be prohibited from setting down conditions related to penalty rates, sick leave, recreation leave, and redundancy pay. In the Government's view, the argument that the legislation will lead to additional heavy burdens on the owner/driver industry cannot be substantiated.

Unfortunately, however, there has been a concerted campaign which has been politically motivated and has sought deliberately to confuse the issues. This is unfortunate, as it is the Government's belief that it is legislation which would have achieved a number of desirable aims. The Opposition speakers on this Bill also suggested that we would see a series of bankruptcies occurring as a result of this legislation and that our legislation would create disastrous flow-on effects in other States.

The facts are that New South Wales has regulated the owner/driver industry for many years. The setting up of regulations in that State followed an in-depth inquiry in 1970. The Government is advised that the regulation in that State has stabilised the industry and has not led to bankruptcies and the other concerns voiced by members opposite.

A common objection of those speaking on the debate has been the allegation that the Government's legislation has been rushed and that there has been inadequate consultation. Let me say at the outset that this matter of the regulation of owner/drivers is not new. It was debated extensively in 1981, and the amendment sought on owner/drivers under our Bill is in almost exactly the same terms as the amendment which was originally drafted by the then Liberal Government in 1981 but which it renegued on a promise to industry groups to introduce.

In 1981, that Bill was however picked up by the then Labor Opposition and was extensively debated; and organisations such as the South Australian Road Transport Association, which is now saying that it has not had sufficient time to consider the ramifications of the Bill, were intimately involved in this issue when it was last canvassed by Parliament in 1981. Notwithstanding the earlier history of initiatives to regulate owner/drivers in this way—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —the Government has undertaken extensive negotiations and discussions with the 13 industry groups that have an interest in this legislation. In fact, I understand that Mr Les Wright himself—

The Hon. R.I Lucas interjecting:

The Hon. C.J. SUMNER: I think both have been involved, but certainly I know that Mr Les Wright has been actively involved in those extensive negotiations over a long period of time. The legislation was placed before IRAC on 13 May, and subsequent discussions were held with the Chamber of Commerce and the South Australian Employers Federation.

Subsequently, a large number of organisations indicated that they had an interest in the legislation. The Government held three meetings lasting many hours and stretching over several days to explain in detail what the legislation was about and to allay the fears of those people concerned. It has been suggested by previous speakers in this debate that we should not proceed because unanimity has not been expressed by the industry in relation to this legislation. This is a somewhat naive position when one of the concerns of the Bill is to give greater protection to owner-drivers who are currently in a weak bargaining position as compared with the principal contractors with whom they must deal. Clearly, those groups representing principal contractors will retain their opposition to legislation of this sort and complete unanimity is clearly impossible in such a situation. We must determine the proper balance to be adopted in this matter. This Government has done that and believes that it is in the public interest to provide protection to owner-drivers and to bring stability into the transport industry.

Another matter that was raised by Opposition speakers is preference to unionism, which the Hon. Martin Cameron argues is in direct opposition to the principles of freedom of the individual. Once again, the arguments that have been put forward by the Opposition are based on emotion rather than the reality of the situation. In fact, the current preference to unionists provisions under our State industrial Act have been described as the weakest in Australia. It is well understood by those with knowledge of the industrial relations field that preference to unionists provisions are not needed by strong unions but, in fact, have been inserted by industrial commissions around Australia in order to resolve demarcation disputes and to protect union members against discriminatory action by employers. Such provisions do not involve compulsory unionism but provide some encouragement to the formation of trade unions; that is seen as central to the system of conciliation and arbitration that exists in this country. Such provisions have existed under the Federal Act since 1904 and there is simply no evidence that provisions of this sort have worked other than in the public interest.

I ask honourable members to consider these matters in Committee and I look forward to the debate. I must say that I am most disappointed with the attitude of the Opposition on this Bill.

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

A quorum having been formed:

Bill read a second time.

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

That Standing Orders be so far suspended as to enable me to move an instruction without notice.

Motion carried.

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

That it be an instruction to the Committee of the whole Council on the Bill that it have power to consider new clauses relating to preference to unionists, tort actions and harassment of persons who are not members of unions.

Motion carried.

In Committee.

Clauses 1 and 2 passed.

New clause 2a—'Provision relating to abolition of preference to members of registered associations.'

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

Page 1, after line 15—Insert new clause as follows:

2a. The following section is inserted after section 5 of the principal Act:

5a. An award, or part of an award, made before the commencement of the Industrial Conciliation and Arbitration Act Amendment Act, 1985, directing that preference shall be given to such registered associations or members of registered

associations as are specified in the award shall, on the commencement of that amending Act, cease to operate.

Progress reported; Committee to sit again.

UNLEADED PETROL BILL

In Committee.

(Continued from 15 May. Page 4301.)

Clause 6—'Petrol retailer to sell unleaded petrol if leaded petrol sold.'

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

Page 2—

Lines, 17 to 20—Leave out paragraphs *(a)* and *(b)* and insert 'is offered for sale and is available for delivery'.

Lines 27 to 32—Leave out paragraphs *(b)* and *(c)*.

After line 32—Insert new subclause as follows:

(2a) Where it is alleged in a charge of an offence against subsection (1) that the offence occurred within two years after the commencement of this section it is a defence to prove that less than 240 000 litres of petrol had been sold by retail during the year immediately preceding the commencement of this section at the place at which the offence is alleged to have occurred.

I outlined the reasons for these amendments in the second reading stage, that is, that this is an area of concern within the petrol retail industry. The industry is concerned that it will be in a position, because of the practice of discounting on only one grade of petrol but having to supply the other grade of petrol at a price, equal to or lower than that price where people will be losing money on one grade of petrol. In particular, those who do not receive rebates or whose business is near one that discounts will be affected. I will be interested to hear the Attorney's attitude.

The Hon. C.J. SUMNER: I am not quite sure what the honourable member is attempting to achieve with these amendments. It seems to me that, if the honourable member's amendments are accepted, one of the principal objects of the Bill (that is, to ensure that the price of unleaded petrol does not exceed the price at which leaded petrol is offered for sale) would be completely negated.

If the amendments are accepted, that provision would be deleted from the Bill. A substantial part of the rationale of the legislation with respect to unleaded petrol is to try to ensure that there is at least parity of price between leaded and unleaded petrol at any location to avoid as far as possible the likelihood of there being a price incentive to misfuel. It was eventually agreed in South Australia and a number of other States that at least parity pricing between unleaded fuel and other fuel should be applied.

At various times there was a suggestion that unleaded petrol should be sold and fixed at a price less than leaded petrol to ensure that there was that positive price incentive not to misfuel, but that ran into the difficulty that the cost of production of unleaded petrol is higher than the cost of production of leaded petrol. The end result was (and this was agreed in South Australia and in a number of other States) that there should be at least parity pricing. That is what clause 6 provides for.

If at a particular site petrol is being sold, leaded and unleaded, it will not be permissible to sell unleaded petrol at a higher price than leaded petrol. Because of the low lead premium that presently operates it may be possible for unleaded petrol to be sold at a slightly lower price, but the important part of clause 6 is that there be at least parity of pricing to avoid incentive to misfuel, which would completely undercut the policy of Australian Governments in introducing lead-free petrol. I am not sure what it is that the honourable member hopes to achieve with the amendments. It seems to be counter to one of the most important aspects of the Bill. I am not really in a position to support it, but perhaps the Hon. Mr Cameron will explain more fully what he has in mind.

The Hon. M.B. CAMERON: Obviously, the Attorney did not listen fully to what I said. There is an area of concern to people in the retail industry who have made it clear to me that, while they support the introduction of unleaded petrol, in the interim (it will be a difficult period for retailers, particularly some of the smaller retailers), because at the present time only 15 per cent of cars will be able to use unleaded petrol and their concern involves discounting situations. Already some examples have shown up in Western Australia where rebates have been given on leaded petrol (ordinary fuel) and not on unleaded petrol. Not only the people concerned but people who are not receiving rebates will be forced into a situation of losing money on both grades of fuel. I recognise that there is agreement about the introduction of unleaded petrol—

The Hon. C.J. Sumner: I do not think your amendment achieves what you are trying to achieve.

The Hon. M.B. CAMERON: That will be achieved anyway. Because people will have to buy cars from now on that take only unleaded fuel, this matter will resolve itself over five years. If the Attorney insists on going ahead, it is obviously an agreed position between the States and I recognise the difficulty that my amendment would create. Perhaps the Attorney will indicate what his attitude will be if the situation arises where fuel companies discount on one grade only (give rebates to certain retailers on one grade only); that will create grave problems for people alongside. Under this legislation they will be placed in a difficult position.

The Hon. C.J. SUMNER: The second point raised by the honourable member I can understand. If that is the objective of his amendment, I do not believe it is achieved and it would not be acceptable to the Government in any event. All honourable members have received representations from the South Australian Automobile Chamber of Commerce on the point of selective rebates given by oil companies to resellers, that is, selective in terms of the fuel being sold. In my second reading explanation I indicated that the Government expected oil companies to supply both leaded and unleaded petrol to resellers at the same price and to apply the same rebates equally as between the leaded and unleaded petrol. Whether it is the full price or the rebated price—whatever the rebate that is offered by the oil company in periods of discounting—it should be offered with respect to both unleaded and leaded petrol.

The Hon. Peter Dunn: Does that happen now with super and standard?

The Hon. C.J. SUMNER: As a matter of practice, yes. I had some inquiries made today of some of the oil companies. I have been advised that it is common for rebates to be granted where they have been granted in the past for both super and standard petrol. The second reading explanation states:

> While the Bill does not cover wholesale prices the Government expects oil companies and their agents to ensure that any rebates passed to resellers on leaded petrol will apply equally to unleaded petrol. As Commonwealth and State Governments have all agreed to the price relativity between leaded and unleaded petrol, any departure at the wholesale level which affected resellers' ability to abide by the legislation would be viewed seriously.

That concern has been put to honourable members by the South Australian Automobile Chamber of Commerce, and it is a concern shared by the Government. I have given those commitments in the second reading explanation on the introduction of the Bill and I am willing to reaffirm that commitment that we expect oil companies to supply both leaded and unleaded petrol to retailers, applying the same rebates to the price, whether it is leaded or unleaded petrol.

I understand that the Minister for Environment and Planning, when he makes his press statement about this Bill, will also emphasise that that is what the Government's position is. We would expect the oil companies to comply with that request. I believe in general in the past, concerning super and standard petrol, they have done that. I have not been able to obtain any hard guarantee from them to this effect but certainly they know the Government's expectations and I believe they should respect those expectations which are not just of the Government but which are also of Parliament and are probably endorsed by honourable members opposite in regard to the expectations of Parliament with respect to oil companies on this matter.

The other issue that is raised under clause 6 was raised with me by representatives of Australian Petroleum Agents and Distributors Association, which covers the independent petrol distributors. They were concerned that in some areas it would not be possible immediately to have both unleaded and leaded petrol on sale. Clause 6 as presently drafted provides that where petrol is offered at the retail level both leaded petrol and unleaded petrol must be offered. The concern that was put to me is that in some of the remoter areas some of the small resellers have only one tank. If the argument was put that if clause 6 prohibits them from selling petrol because of that circumstance that would be unfair: either they would be prevented from selling petrol or, alternatively, they would have to put in another tank to accommodate the unleaded petrol.

I indicate now that I believe that clause 6 (4)—the exemption clause that is given to the Minister—is adequate to ensure that for those sites, if application is made to the Minister, an exemption can be granted and would be granted in those circumstances that I have outlined. In any event, I can clearly say that the exemption power of clause 6 (4) is broad enough to cater for that situation. It would then be a matter for the Minister, and I believe that he would view a request for such exemption sympathetically. That covers the two of the concerns about this Bill that have been put to me, and I trust that it satisfies honourable members.

The Hon. M.B. CAMERON: I thank the Minister for his explanation. His assurance goes a long way, I anticipate, towards reassuring those people who have also approached me about this matter. The Minister has mentioned the South Australian Automobile Chamber of Commerce: certainly, that is the group that has expressed concern that those retailers have very clearly spelled out conditions put on them, whereas at the wholesale level they could be put into a very difficult situation if one grade was discounted and another was not.

They informed me that this has already occurred two or three times in Western Australia although, to be fair to the oil companies in those situations, I understand that once the problem was pointed out to them they rectified the position very promptly. Following the explanation of the Attorney on that matter, I do not intend to divide on this matter. I believe that his explanation will be satisfactory to the people concerned.

On the second matter, I have been approached by the same people whom the Attorney has mentioned. They indicated what had already occurred in New South Wales: that is, a specific number of sales was put in. I frankly would prefer that there not be a specific number, even though I have put that in an amendment. I can imagine some difficulties arising with that because one may well find that because one has one litre over because of a good year, one would get into difficulty. I put that amendment forward on the basis that it was an existing provision, but I am glad also to have the recognition of the Attorney that in all these areas there may be difficulties. For instance, if they were forced to put in unleaded petrol at present they would obviously find that they could supply no more than 15 per cent of the vehicles that came past and that would be an impossible situation for a single tank outlet.

Again, I appreciate the Attorney's assurance. I recognised all the time that there was an exemption clause. However, the Attorney has clarified the Government's attitude towards that exemption clause. I do not intend to divide on that matter now, either because I am sure that the people who made representations to me would be satisfied with that assurance from the Attorney-General.

Amendments negatived; clause passed.

Clauses 7 and 8 passed.

Clause 9—'Regulation of storage and dispensing equipment.'

The Hon. PETER DUNN: I queried the Minister last night. Has the answer returned yet as to whether fuel can be stored in 200-litre cans, or will that come down the line?

The Hon. C.J. SUMNER: It is possible that it can be in 200-litre drums, but it would be necessary to ensure that the drums were left free before they were refilled with unleaded petrol. I do not have a precise answer to the honourable member's question. I made some inquiries of the oil companies as to what is anticipated, and I can only suggest that I respond to the honourable member on that point by letter, or at least the Minister for Environment will.

Clause passed.

Remaining clauses (10 to 18) and title passed.

Bill read a third time and passed.

[*Sitting suspended from 3.55 to 4.45 p.m.*]

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL (No. 2)

The Hon. I. GILFILLAN obtained leave and introduced a Bill for an Act to amend and consolidate the Electricity Trust of South Australia Act, 1946-1980, and the Adelaide Electric Supply Company's Act, 1897-1931. Read a first time.

The Hon. I. GILFILLAN: I move:

That this Bill be now read a second time.

It attempts to do several things. One of its major tasks is to tidy up the multitude of legislation from various sources that has been the composite Act under which the Electricity Trust has endeavoured to work for some years. It is sensible legislative housekeeping to do some consolidation and, at the same time, introduce some innovations. I intend to go through the Bill and explain briefly the clauses as they are presented. However, before doing so I apologise to the Council that because of time constraints I have been unable to have copies of the Bill printed for members; for the same reason there has been some difficulty in having copies of the second reading explanation prepared and made available for the Government and the Opposition. I apologise for that. I place on record my gratitude to Parliamentary Counsel, particularly Jeremy Clark, for his extremely conscientious and hard work in getting the Bill to this stage; and I also express my appreciation to the Government for facilitating my bringing it on.

Clauses 3 and 4 seek to ensure a fresh innovative Board for the Trust by limiting the maximum time that a member can serve to nine years, that is, three three-year terms with a mandatory retirement age of 65 years. The Bill ensures that the present members of the Board serve out the terms for which they are appointed without being affected by this legislation. Clause 5 provides:

The Trust shall be subject to the direction and control of the Minister.

This is one of the most substantial clauses of the Bill. There has been widespread disquiet amongst the community—and I believe that many members of Parliament share this disquiet—with the autonomy under which ETSA has been able to operate. I believe that this disquiet is unfortunate because in many ways ETSA has and is doing an excellent job.

I believe that, as the provision of electricity is such an essential part of our living and industry, it should be ultimately under the control of the people of South Australia, and that is only done through the elected Government and the responsible Minister. I believe that this step is long overdue, and I believe that it will be welcomed by all members in this place. Clause 6 refers to section 22 of the principal Act and deletes a subsection which refers to the provision of electricity and the provision of special loans and grants for providers of electricity in rural areas. I make it plain that the amendment does not in any way reduce the capacity for the Trust to authorise and make available loans and/or grants to rural areas for the provision of electricity.

It appears that section 22 (1) of the principal Act gives adequate power to the Trust and to the Treasurer to do all that is required under subsection (2) and, therefore, more or less is a tidying up measure and subsection (2) is removed. Clause 7 deletes Part III of the principal Act 'Vesting in the Trust of the undertaking of the Adelaide Electric Supply Company Limited'. That is of historical interest, because it was obviously needed at the time that the Adelaide Electric Supply Company Limited was being absorbed into the Trust. This has now been achieved; therefore Part III is no longer required. For the same reason, clause 8 of the Bill deletes sections 36 to 42 *(a)* inclusive, which deal further with the absorption of the Adelaide Electric Supply Company with some consequential requirements. The majority of those sections are now redundant and only clutter up the legislation, so they should be removed. They are replaced by new sections 36 to 42.

New section 36 (1) contains another of what are the more significant alterations to the ETSA Act, as follows:

The functions of the Trust are:

(a) To supply electricity to consumers in South Australia or in any other part of Australia and for that purpose to generate electricity or to purchase electricity within or out of South Australia.

Honourable members will notice that the clause states, '. . . in any other part of Australia . . . to purchase within or out of South Australia'. This is of particular relevance to any suggestion of an interstate grid and in relation to over-the-border extensions of the Trust's activities if that proves appropriate. New subsection (1) *(b)* provides:

To develop techniques to utilise naturally occurring energy for the generation of electricity.

This function is quite explicit for the Trust to use resources by developing techniques for what are commonly known as alternative or renewable energy sources. The new subsection refers to 'naturally occurring energy'. On reflection, I think honourable members will find that it is an adequate and appropriate way of describing alternative or renewable energy sources. New subsection (1) *(c)* provides:

To encourage consumers to use electricity efficiently.

This is the most important redirection of emphasis of Trust priorities. The Trust has been a provider and salesman of a product—electricity—and it has only recently been motivated to produce and sell more of its product. We believe strongly that it is not to the ultimate advantage of South Australia if the Trust is encouraged to produce more and if consumers are encouraged to use more of the product. The long term provision of electricity at a reasonable price in South Australia will depend largely on the diligence with which the Trust encourages efficient use so that people on the job (whether in industry or at home) look to a lower consumption of electricity.

New section 36 (1) *(d)* is a catch-all provision and refers to such other functions as are assigned to the Trust by this or any other Act. New section 36 (1) *(b)* provides that the Trust will develop techniques and utilise naturally occurring energy; the word 'utilise' is deliberately chosen as a direction to the Trust to use the electricity that is generated from naturally occurring sources. New section 38 (1) is an instruction to the Trust not to discriminate against any person when fixing the terms and conditions on which it will supply electricity. New subsection (2) allows the Trust discretion to fix different terms and conditions for consumers in different areas. I believe that the Trust has and should have the power to fix different terms for different areas but not to discriminate between people in one area.

New section 39 sets out activities such as installing or suspending cables, wires, conduits and apparatus in relation to excavation, and so on. In this case the Trust is required to give one week's notice to the authority on whose roadway the work is to be carried out. New subsection (4) is an injunction to the Trust that it must make good as soon as is practicable damage done in any of these operations. New section 40 covers the rather controversial and sensitive area of the cutting of trees by the Trust. New subsection (1) *(c)* provides that the Trust may take such action as is reasonably necessary to ensure the safety of any wires, cables, conduits and apparatus belonging to the Trust. This brings in the lopping of trees.

Under these circumstances, the Bill accepts that the Trust has and must have the right to take these steps, but a Trust employee, before entering premises, must give reasonable notice to the occupier, except, of course, if there is an emergency. The lopping of trees must be shown to involve the safety of cables in that location. It will be an offence for anyone to hinder a duly authorised employee from having access to a property for this purpose and for similar *bona fide* purposes of the Trust.

New section 41 provides that it will be an offence to divert electricity from Trust apparatus. It is my opinion (which is supported by advice) that the current legislation is unclear, and it is certainly not specific that it is an offence to divert electricity from Trust equipment. It will also be an offence to wilfully damage Trust property or to wilfully misuse Trust equipment.

New section 42a is another very significant amendment to the Act. This section is the basis for the levy. I am convinced that it is quite improper that the Government impose a levy on ETSA, and therefore any mechanism whereby the Government would receive a percentage of the revenue of ETSA from the levy should be struck out. The Act allows for a levy of about 5 per cent taken in rather a strange way, if section 42a is followed to the letter. But that does not matter. The point is that the levy brought in to the State about $22.5 million last year, and that is obviously an added burden on the cost of electricity in South Australia and is detrimental to South Australia's competitive position. It is quite an unfair impost on ETSA. Therefore, that section will be deleted as well as the financial burden that goes with it.

However, section 42a will be replaced by a provision that furthers one of the new functions listed under new section 36, that is, to encourage consumers to use electricity efficiently. New section 42a allows a two-tier tariff to encourage consumers to reduce the potential peak load and therefore reduce the pressure on ETSA to build enormously expensive generating capacity, which inevitably spills back on to the

cost of electricity for everyone. The first tier is a rent based on the maximum current that may be passed through the connection to the consumer. It is rather like paying more for a bigger pipe to carry electricity. The second tier is a straight-out charge for the electricity consumed.

Clause 9 amends section 43 of the principal Act to enable the Trust to grant as well as lend money to suppliers of electricity who are not under the Trust. This will enable those suppliers and generaters of electricity to receive grant money as well as loans in certain situations. This will enable them to extend or improve the supply of electricity and to connect with the Trust if that is appropriate—and in many cases it will be appropriate. It could easily be a give and take arrangement.

Further, it will allow the Trust to lend or grant money to any person for the purposes of conservation. As I said previously, insulation and the conservation of electricity have long term and enormous potential in reducing the cost of electricity to consumers in South Australia. Further, it could enable a person or a company to utilise naturally occurring energy for electricity generation. Once again, alternative or renewable sources are encouraged, but in this case the Trust may give loans or grants to individuals or companies that actually generate electricity that is detached from the Trust. This is intended as a direction to the Trust to emphasise one of its new functions.

Those honourable members who have been able to follow my second reading explanation and those who will read it in *Hansard* in due course will realise that the Bill is a mixture of sensible legislative housekeeping provisions and significant reforms principally to bring the Trust under the direction of the Minister and to redirect the emphasis of the Trust from its being purely devoted to production and consumption of electricity to a more responsible view of the State's resources. I trust that the Bill will have the support of the Parliament in due course. I recommend it to the Council.

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

RURAL INDUSTRY ADJUSTMENT AND DEVELOPMENT BILL

Returned from the House of Assembly without amendment.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 4392.)

New clause 2a—'Provision relating to abolition of preference to members of registered associations.'

The Hon. M.B. CAMERON: I had moved the new clause but not spoken to it when we earlier considered the Bill. The new clause will make certain that preference to unionists disappears from the Act. In 1984 the Government extended its compulsory unionism policy. This is a denial of an individual's right to decide whether or not to join a union. We believe it is not on to allow continual preference to unionists in every sphere.

It has been the policy of this Government, whenever any industrial legislation comes forward, to bring in preference to unionists and we do not accept this. Preference to unionists is nothing more than compulsory unionism under a different guise. Trade unions should freely win members. One of the great problems is that while unions have preference to unionists they do not believe that they have to persuade people that unions are a worthwhile organisation. It becomes a matter of course, and that is not the way to go about it. People should not be drafted into unions but should be persuaded that unions are worthwhile organisations.

I am certain that the unions themselves would benefit if they did not have a situation where people were forced to join them. I urge the Committee to support this new clause, which will make certain that in future closed shops do not exist and preference to unionists cannot exist within this State and that people are free once again to join or not join an association according to their own wish and not according to the legislative wish. It is not proper in a democracy to have such a situation where people are forced to become unionists in order to get a job. That is not the way a democracy should work, and I urge the Committee to support the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment. There is little point in rehashing all the arguments that have been put in this Parliament on numerous occasions about preference to unionists. An amendment similar to this was defeated in May 1984 by both Houses of Parliament and I see no reason for Parliament to change its mind now. If preference provisions were removed it would be an invitation to industrial anarchy. It would immediately prompt body snatching by unions, and I doubt whether employers would be particularly pleased by that prospect. In fact, many employers support preference provisions in order to avoid demarcation disputes. It has long been recognised that strong unions do not need preference provisions. Provisions have been inserted by arbitral commissions to achieve industrial peace. It is not the same as compulsory unionism and employers do not have to employ unionists who do not measure up to the job. Preference provisions are designed to foster union membership and, in fact, seeing that honourable members overlook it all the time, they have been a feature of Australian industrial relations since around the turn of the century, since 1904.

I would not wish to do anything in South Australia that might upset the very good industrial record that we have in this State, the best in Australia by a considerable margin—a factor that successive State Governments have used to promote investment and development in this State. Anything that might put that in jeopardy should be resisted. In any event, there seems to be a reasonable argument in principle for preference to unionists on the basis that I have outlined today and on previous occasions, and it will probably serve little purpose to repeat it this afternoon.

The Hon. M.B. CAMERON: I am disappointed at the Attorney's attitude in this matter because I believe that underneath it all and deep down he believes in democracy. Frankly, I do not believe that deep down he can fail to support this new clause. It is the very basis of our freedom in this society that a person should have the right to join or not to join an organisation and to say that it is not compulsory unionism is a nonsense. What choice has one got? What choice have young people wanting to go into the teaching profession got when, as the Attorney knows, they are presented with a document indicating that if they do not sign it they will not be considered for the job? They must sign to indicate the intention to join the union if the applicant gets the job. We have all seen under the old RED scheme an unemployed person getting temporary work for a short time and having to join a union. It really is a nonsense to say that it is not compulsory unionism. This argument that, if you get rid of this, somehow you have industrial anarchy is again a nonsense. Does that mean that at every place of employment where there is not preference to unionists there is industrial anarchy? Of course not. It would mean that all people were treated equally within

industry and could make their own decisions. Regarding the argument that because you did not have preference to unionists you would have body snatching, it makes the worker sound like some sort of thing that can be shifted from one side to the other. Surely that is up to the individual. Let him join the union of his choice and let the union then act responsibly. The reason one has problems with body snatching is that unions become irresponsible within an industry and seek to make trouble. It is one union ordering its members not to work with members of another union. Really, it is the problems of the unions that cause industrial anarchy and not preference to unionists.

To think that if one gets everyone in one organisation you will no longer have any trouble is too simplistic. On the basis of that argument, if we all joined one political Party, we would not have problems. That is what the Attorney is saying. That is an absolute nonsense. I am very disappointed that the Attorney is not taking this matter more seriously and to dismiss it as saying that it has all been argued before is not good enough. He should be looking at the matter very carefully.

The Hon. Diana Laidlaw interjecting:

The Hon. M.B. CAMERON: Yes. He should take the matter seriously. As a true democrat, as I am sure he is underneath it all, he should look at the society and say, 'People in the society, as in the United Nations Charter, should be free to join or not to join an organisation according to their wish.' Then the unions would have to sell themselves. I have been through the experience of a union attempting to conscript me on my farm. I must have looked pretty rough.

The Hon. Diana Laidlaw: What as?

The Hon. M.B. CAMERON: As a member of the AWU. I can tell the Attorney that they have a long way to go in public relations after the attitude of the organiser who attempted to join me up.

The Hon. R.J. Ritson: Did he threaten you?

The Hon. M.B. CAMERON: Yes. I thought that I was pretty reasonable, too. His attitude was such that even if I had had some sympathy for unions before he started I would have had absolutely none by the time that he finished because at no time did he attempt to explain the benefits to me. The only benefit was that there would be no trouble to the fellow who owned the farm!

That is the whole trouble with unions: they really do not know how to go about persuading people to join because of their benefits. We all know that in this society there have to be unions. There have to be benefits if unions go about their jobs in a responsible way, but not in the way that unions act in our present society. If we stopped giving them automatic membership I am sure that we would see a different attitude. If they had to sell themselves like any other organisation we would see a different attitude. Finally, unions would act responsibly and not have the deleterious effects that they have on our society. I urge the Attorney to reconsider this matter, and I seek the support of this Council for it.

The Hon. I. GILFILLAN: Once, someone attempted to force me to join a union, too. It was a canvasser for the Liberal Party, who made it very plain to me that if I did not join I would not enjoy the benefits of a political organisation from the people who theoretically were representing my interests. Since then, I have also been interested in the debate by the UF&S for compulsory membership, because it is very hard to get ordinary farmers to join.

I am steadfastly opposed to compulsory unionism, but the problem in the real world is that pressure to join the unions is exercised by the big bullying unions, which have the power, despite the legislation, to force people to join them. If we delete from this Bill the capacity for the Commission to support and encourage other more representative unions, which could easily be swamped by what may be less desirable unions, that would be a backward step. It is not a perfect world by any means.

Those of us who have listened to the Hon. Lance Milne's project of a social partnership would realise that there is a far better alternative to the constant bickering and confrontation by the heavyweight sectors, but until we start on that and get some way down the track unions are a fact of life. This amendment would probably worsen the situation, and we will oppose it.

The Hon. M.B. CAMERON: That is not a surprise because the Hon. Mr Gilfillan, on a previous occasion, took a similar attitude, and I expressed my disappointment to him and to his Party. He should really consider taking out the word 'Democrat' from the name of his Party, because that makes that word a nonsense. The word 'democracy' means freedom, freedom to join and not to join, and freedom to do those things in society—

The Hon. I. GILFILLAN: A point of order, Mr Chairman. I ask that you request the honourable member to address his words to you. I can miss a few, but that will not be a disadvantage.

The Hon. M.B. CAMERON: Through the Chair, I speak directly to the Hon. Mr Gilfillan. I am sure that I can understand why he takes that point of order, because it must be embarrassing. I know that the Hon. Mr Gilfillan, underneath it all, like the Attorney, has some views about democracy that are similar to mine. He has a Party that obviously does not have the same view, and that is his problem, but to say that this is not compulsory unionism is really taking a very academic argument to a ridiculous extent. Just because one uses other words does not get away from the fact that it is compulsory unionism. If the Hon. Mr Gilfillan does not believe me, he should talk to any person who tries to get into the teaching profession and see whether that is preference to unionists and whether one has any chance, if not a member of a union, of getting a teaching job: one cannot, so it is compulsory unionism. Try and get into a shop that has preference for unionists as a non-unionist: one cannot, so it is compulsory unionism. I am sorry for the Hon. Mr Gilfillan if he does not believe that.

An honourable member: One cannot get a job in local government without that.

The Hon. M.B. CAMERON: That is right, and he supports that.

The Hon. I. Gilfillan: Would your amendment fix that?

The Hon. M.B. CAMERON: Of course it would.

The Hon. I. Gilfillan: Why?

The Hon. M.B. CAMERON: It would take away that compulsory atmosphere, and people would be judged on their merits and not on whether they were prepared to join a union or were already members.

It is preference to unionists: those are the first words. The first question that one is asked is not whether one can type, teach, or relate to children, but whether one is prepared to join a union or is already a member of a union. If that is the most important factor in employment, which is what this does, we have not much of a society.

I guess that this matter will not be passed this time, but I assure the Council that it will be continually raised. Like other matters before the Council—and I have seen them raised over 14 years—eventually right will be might and we will get freedom back into the society through the passage of time when more people in this Council believe in true democracy.

The Committee divided on the new clause:

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

Noes (10)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pair—Aye—The Hon. R.C. DeGaris. No—The Hon. J.R. Cornwall.

Majority of 1 for the Noes.

New clause thus negatived.

Clause 3—'Interpretation.'

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

Page 2, lines 4 to 7—Leave out subsection (1a) and insert new subsections as follows:

(1a) The power of the Commission to make awards in relation to the employees referred to in paragraph *(ba)* of the definition of 'employee' is limited to the making of awards that determined the rates of remuneration, other then penalty rates, of such employees.

(1b) The provisions of this Act that provide for the granting of sick leave (section 80) and recreation leave (section 81) to employees do not apply in relation to the employees referred to in paragraph *(ba)* of the definition of 'employee'.

Clause 3 deals with the owner-driver debate, and the amendment I am moving has been prepared after reconsideration of various aspects of the Bill dealing with owner-drivers. The Government's main concern has always been to ensure that owner-drivers are fairly dealt with. However, it has never been the intention to allow the whole spectrum of the principal Act to apply to them, hence proposed section 6 (1a) allowing regulations to be made excluding the operation of certain provisions of the Act to owner-drivers. Given the controversy that has surrounded the passage of this Bill, it has been decided to limit specifically the powers of the Commission to make awards concerning these people so the Commission will only be able to set rates of remuneration but not penalty rates. Furthermore, provisions of the Act ensuring standard terms for sick leave and recreation leave are to be excluded. It is hoped that this will allay the fears expressed by sections of the industry.

The Hon. M.B. CAMERON: This amendment obviously improves the situation resulting from the original clause, so it is not my intention to oppose the amendment as such. However, it certainly does not go far enough. I indicated earlier that there has not been sufficient consultation. There are too many doubts surrounding this whole issue. Even though the Opposition will not be opposing this amendment, it is our intention to oppose the whole clause. I think sufficient was said last evening to put forward the point of view of the Opposition on this matter.

The Hon. K.L. MILNE: This is the outcome of what I said last night, that a whole lot of people, including the Government, had tried to compromise and find a solution. My attitude is the same as that of the Hon. Martin Cameron, that this assists but does not go far enough and solve the difficulty, and it never will. I think the problem arises from trying to call somebody who is not an employee an employee. Once you do that you get into all these complications and I would prefer that this matter be deferred for further discussion so we could come at it from a totally different point of view. In fact, they are not employees but contract drivers. They need protection and then it has to be decided who is going to protect them. This has developed into a kind of attack on the unions and unionism. I can understand that point of view because there is bullying, there is a form of unofficial compulsion.

The Hon. Diana Laidlaw: It is compulsion.

The Hon. K.L. MILNE: Of course, let us face it. That is what is happening because the unions have not got used to the idea that they are part of the private sector. They are an integral and equal part of the private sector and are just as valuable as the employers. They have not got used to the idea that they have to work together. They are valuable to each other and they cannot get on without each other. I keep saying that the trade unions we are talking about—the Transport Workers Union, the Metal Trades Industry unions and others—

The Hon. Diana Laidlaw: The BLF.

The Hon. K.L. MILNE: The BLF—are hitting the bosses who are in fact paying their members to the stage where the employers are trying not to employ anybody. They are trying to employ as few people as possible and, if possible, nobody. That is the mood the bosses are in and therefore the reaction of the union is to hit harder and harder. Then they get increases in wages and every time there is an increase in wages, there is further unemployment. The unions lose members and they start fighting harder to increase their membership again. They are fighting for life. While they are doing that, while the unions and the bosses in the private sector are hitting each other to death, the Public Service and the teacher unions who are in the public sector are going ahead and increasing in numbers, in salaries, in privileges, and the people we are trying to protect, the people we are trying to work with and the Liberals in particular are trying to work with in the private sector are going backwards. That is the scenario throughout the entire union movement, so it is a matter of getting down together and finding a new approach entirely, not only for the Transport Workers Union but for the whole lot.

I would like to lead it; I would like to be in it because it is not that difficult to find a way of compromise between the two who owe each other their existence. Those people who are trying to stop it are doing it for an ulterior motive; there is no question about that. If you started negotiating, you would find who is genuine and who is trying to wreck the system. I do not want this argument to be an attack on the unions—that is not the point. We are trying to find protection for the people who are not in a union and for those who do not want to be in a union. For those who want to be in a union, I want to see they get proper protection, but I am not sure they are getting that either. There is a lot of talking to be done and it is not going to be done over this Bill today. I am looking forward with the hope that negotiations and discussions will continue on this matter during the break and I for one would like to be part of them, if possible.

The Hon. C.J. SUMNER: I address my remarks to retention of the whole clause, given that the Hon. Martin Cameron has indicated that he intends to remove the clause and therefore remove the owner-driver question from the Bill altogether. I have already outlined the Government's reasons for this clause in my second reading explanation and my response. In 1970 the Industrial Commission of NSW, following extensive inquiry into the owner-driver industry, recommended that the conditions of owner-drivers should be regulated.

The NSW Industrial Commission's reasons for this view were that firstly the distinction in law between owner-drivers who are truly employees and those who are independent contractors is often a fine one, with the line difficult to draw. The NSW Commissioner said that 'it is hard to find any justification for using an uncertain and wobbly legal line to separate these owner-drivers for industrial purposes.'

Secondly, they found that in practice many owner-drivers with one vehicle came under the direction and control of their principal in a way that was little different from the case of direct employees. The NSW Commission argued that although in law they may be independent contractors, 'for industrial purposes they are akin to employees.' Thirdly, such owner-drivers frequently work side by side with employees doing identical work and subject to very similar control.

Fourthly, the NSW Commission found evidence of exploitation as to rates paid to owner-drivers and also in

terms of unreasonable working conditions. Real dangers exist under the current system to avoid standards that are set for employees and as the NSW Commission pointed out 'substituting for them cheap labour with the use of a vehicle to boot.' The NSW Industrial Commission added that, the truth is that an owner-driver with one vehicle (on which there is a heavy debt load) and no certainty of work, is in a weak bargaining position and the transport industry is not lacking in operators prepared to take the fullest advantage of his vulnerability.'

Fifthly, the NSW Commission recognised the chaos that can result when disputes involving owner-drivers occur and there is no industrial tribunal to which the parties are able or willing to turn. It is in the public interest for such disputes to be speedily settled and there is no difference in the public dislocation caused by these disputes compared with employer-employee disputes. This is particularly important when it is recognised what a vital artery transport is in the life of an economy. Sixthly, industrial regulation of owner-drivers with one vehicle will put on a proper legal basis what has been for many years an industrial fact of life.

The NSW Industrial Commission also pointed out that industrial regulation would assist in reducing the incidence of such practices as overloading and speeding because these practices stem to an appreciable extent from depressed rates and adverse conditions. Employers also gain from regulated arrangements as a result of the greater stability and the knowledge that one's competitors must face similar costs, thus eliminating unfair competition. I believe that those reasons, which led NSW to act in 1970, do have validity and, by way of summary, and in support of the clause, which the Hon. Mr Cameron has indicated the Opposition will vote against, I put them forward for consideration of honourable members.

The Hon. DIANA LAIDLAW: The Government insists on using the term 'employee', a matter raised by the Hon. Mr Milne. I am keen to ascertain the reason for its doing so. In summing up the second reading debate and again in answer to the Hon. Mr Milne a few minutes ago the Attorney referred to the New South Wales situation. He may not be aware of this, but it is certainly a fact that in New South Wales they are not called 'employees' but 'contract carriers'. That distinction may be an important one. What is the Attorney's justification for insisting on the term 'employee' when the Government must be aware of the opposition to the use of that term?

The Hon. K.L. MILNE: I have read at great length the record of the inquiry in New South Wales to which the Attorney has just referred. He is quite right in saying that it highlights a number of evils and a number of deficiencies in this system, but the fact is that the system exists in the United States, Canada, the United Kingdom and elsewhere and will continue to exist. We are not denying that something needs to be done, but are saying that this particular clause will not sort out that question. I think that one of the troubles in relation to this matter is that the trade unions are so rigid that people had to be salaried to be looked after by trade unions—they have to be full employees. The lawyers have a trade union, although it is not called that; doctors have a trade union, a very strong one, but they do not call it a trade union, either. Why cannot the Transport Workers Union say that it will have a separate section for contract drivers? The society in which we live happens to have within it a group of people called 'contract drivers'. That sort of thing is increasing and is fulfilling part of our economic system.

If the trade unions say 'In 1850 we only had wage earners' and, 'In 1950 we only had wage earners' and, 'In 2050 we will only have wage earners', they deserve to get smaller and to go down the drain if society is going past them. A sensible move in this case where there are these unusual people in between wage earners and private contractors (or between small business people—proprietors and wage earners) somebody has to look after them. I would have thought that a trade union expert in this matter, one properly set up to do that, would be the Transport Workers Union, but there is a conflict of interest between the contract drivers and its other member—that is one of the things bothering the union. The more contract drivers there are the fewer wage earning members of the Transport Workers Union there will be, so there is a conflict of interest. Let us look at that conflict of interest and get it straight. Let us see if both sections can go under the same umbrella. If they cannot, then they cannot and we will know that. That is a point I have wanted to express for some time. I think that this inflexibility of union attitude towards modern problems of our society has to be looked at by them while they are asking us to look at problems like this.

The Hon. R.I. LUCAS: I asked a question during the second reading stage to which the Attorney did not respond. If he cannot respond immediately, I would not mind if he did so in writing, later. It relates to interstate hauliers who work for up to 30 or 40 employers a year. Legal advice given to me is that they are common carriers. I last night quoted *Halsbury's Law of England* to back up that statement. Therefore, they would not be covered by the definition in this Bill. Does the legal advice available to the Attorney agree with that interpretation?

The Hon. C.J. SUMNER: I will give consideration to that point. I think that it probably depends on the circumstances. If the honourable member wants me to provide him with that information, I will attempt to do so.

The Hon. DIANA LAIDLAW: Will the Attorney-General address himself to the question that I asked earlier about insistence on the part of the Government on using the term 'employee'.

The Hon. C.J. SUMNER: The reason is that by including lorry owner-drivers under the definition of 'employee' in our State Act the Federal Transport Workers Union will be able to amend its rules to enrol officially such owner-drivers in South Australia. This would enable formal recognition of what is now a *de facto* membership of the union. That is because a provision in the Commonwealth Conciliation and Arbitration Act, section 132 (4) *(b)* (iii) allows federally registered unions to include in their constitution members who are defined as employees under respective State legislation. It is a matter of referring to people under State legislation as employees so that that would enable the Transport Workers Union, via the Federal Conciliation and Arbitration Act, to get coverage.

The Hon. K.L. MILNE: Is the Attorney-General saying that the conciliation and arbitration system is also inflexible? Just because it deals with matters involving employers and employees does not mean that it cannot look after the people in between. What nonsense to say that it is rigid. The Government is here to do what the public wants—not what the Conciliation and Arbitration Commission wants.

An honourable member: Or what the lawyers want.

The Hon. K.L. MILNE: That is so. We should, at the same time, see what amendments to the Federal and State arbitration legislation are needed—preferably to reduce the relevant powers altogether, so that the powers of negotiation between employers and employees, who are trying to earn their living, are increased. They are being hammered around by people on high salaries in the Public Service who do not have to bother.

The Hon. C.J. SUMNER: There are constitutional provisions in Australia which regulate industrial disputes. The honourable member would also be aware that the Federal Government has established an inquiry into the industrial

relations system in Australia. It may be that the honourable member's suggestions are canvassed by Professor Hancock in that inquiry. I think many people would agree that there are anomalies, conflicts and unsatisfactory situations, probably more inflexibility and confusion than exists on the industrial relations front because of the differing regimes that operate and the limited nature of the industrial power that the Federal Government has under section 51 of the Constitution.

The so-called inflexibility is not necessarily a product of the union movement or the associations concerned; it is probably as much a product of our constitutional structure. The industrial relations system in Australia is currently being investigated, and no doubt honourable members will all be able to consider the recommendations of that committee in due course.

Amendment carried.

The Committee divided on the clause as amended:

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

Noes (11)—The Hons J.C. Burdett, M.B. Cameron (teller), L.H. Davis, Peter Dunn, I. Gilfillan, K.T. Griffin, C.M. Hill, Diana Laidlaw, R.I. Lucas, K.L. Milne, and R.J. Ritson.

Pair—Aye—The Hon. J.R. Cornwall. No—The Hon. R.C. DeGaris.

Majority of 3 for the Noes.

Clause as amended thus negatived.

[*Sitting suspended from 5.55 to 7.45 p.m.*]

Clause 4—'Special jurisdiction of the Commission to deal with cases of unfair dismissal.'

The Hon. M.B. CAMERON: Despite my amendment on file, I have an indication from the Attorney that he intends to move an amendment of a similar nature. There is now a problem in the Conciliation and Arbitration Commission regarding whether it has jurisdiction in certain matters, and it has been felt necessary to resolve this matter. My advice is that it is not absolutely certain that it is necessary but it is a point of clarification. Probably the most sensible thing is for me not to proceed with my amendment, because the Attorney's amendment certainly covers that area in a slightly different way but has the same effect. I will not therefore proceed with my amendment.

Clause passed.

Clauses 5 to 8 passed.

Clause 9—'Notice, hearing of appeals, etc.'

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

Page 4, line 32—After 'paragraph' insert '(but no such decision or order shall exceed the powers or jurisdiction of the Commission as it was constituted at first instance)'.

The amendment is aimed at ensuring that the Full Commission, in considering a decision or order of the Commission, can only act within the parameters which confined the Commission in the first place. The Full Commission cannot go beyond the constraints that faced the Commission when it first made the ruling subject to appeal.

The Hon. C.J. SUMNER: This amendment to section 98 is a technical one that is considered to be superfluous. It proposes to restrict the Full Commission on an appeal of a wrongful dismissal case to the limits of jurisdiction exercised by the Commission member hearing the wrongful dismissal case in first instance. Under our amendment, the Full Commission is in any case restricted to making decisions that should have been made in the first instance, and by definition it is prohibited from enlarging its jurisdiction. Therefore, the amendment is superfluous and is opposed.

Amendment negatived; clause passed.

Clause 10—'Stay of operation of award.'

The Hon. M.B. CAMERON: This clause is opposed. It relates to the stay of operation of any award made by the Commission.

The Hon. C.J. SUMNER: The proposition put forward by the honourable member would allow stay orders to be granted on the re-employment of a worker as well as on compensation. The Government believes that when an appeal is lodged against a decision of the Commission dealing with wrongful dismissal, and the order of the Commission is that the worker be re-employed and/or that the worker be paid compensation for the dismissal, on an appeal there should not be able to be a stay order granted with respect to reinstatement or re-employment of the worker. It is considered obviously justifiable that there can be a stay on payment of the compensation that might have been awarded following a reinstatement case. But, in fairness, it should not be permissible to make a stay order pending an appeal, which would prohibit the worker from returning to work when the Commission had ordered that that return was justifiable. The return should go ahead pending the appeal. If the appeal is successful—

The Hon. M.B. Cameron interjecting:

The Hon. C.J. SUMNER: No. Then the person could be dismissed again, but at least the person would be employed for the period pending the appeal. Unfortunately, some of these appeals can take some time and it seems to be unjust if the Commission has ordered the reinstatement of the worker, there is an appeal against it and the worker then has to forgo another two or three months of wages pending the result of the appeal. The more just situation is to allow the worker to return to work. If the appeal is successful and the original dismissal is upheld, obviously the worker would be redismissed.

The Hon. M.B. CAMERON: It is not only the worker who is involved in this, but the person who is employing, too. It also places the employer in a very difficult situation if he or she has to re-employ a person who is eventually dismissed. It can be just as difficult for the employer. If an employer's appeal is finally not upheld, obviously the compensation will include that extra period. The worker will not lose out if that happens, but in the meantime the employer is not placed in a position of having an employee whose dismissal may be upheld. That is a very unfair situation to face the employer with. It is just as important to consider the position of the employer as it is that of the employee. I ask the Council to oppose the clause.

The Hon. I. GILFILLAN: I have sympathy with what can be distress in certain circumstances. It is a delicate point of balance, but it seems more important in these circumstances that the legislation ensures that while there is any doubt the worker is retained in his or her position. Therefore, I will not support the amendment of the Leader of the Opposition.

The Hon. M.B. CAMERON: That creates a very funny situation. If the employer is faced with a situation of having to re-employ and eventually the worker is dismissed, and he is unsatisfactory in the meanwhile, he is paying wages virtually for nothing. He cannot get compensation for the time during which he had to re-employ the person, when the employee can be totally disruptive for that period and cause enormous problems for the employer. That is pretty one-sided and is placing the employer in an extremely difficult position, particularly if the employee is—

The Hon. Anne Levy: Address the Chair!

The Hon. M.B. CAMERON: I was quite keen on the honourable member getting there one day, but I am going off her again. She could be quite difficult. The Hon. Mr Gilfillan has made a faulty decision in this case. It is his right to make a decision, but it is faulty, and I ask him to reconsider it.

The Committee divided on the clause:

Ayes (7)—The Hons G.L. Bruce, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Noes (6)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons. Frank Blevins, B.A. Chatterton, J.R. Cornwall, and C.W. Creedon. Noes—The Hons L.H. Davis, R.C. DeGaris, C.M. Hill, and Diana Laidlaw.

Majority of 1 for the Ayes.

Clause thus passed.

Clauses 11 and 12 passed.

New clause 13—'Repeal of section 143a.'

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

Page 5, after line 18—Insert new clause as follows:
13. Section 143a of the principal Act is repealed.

These amendments are designed to stop any harassment by union officials. New clause 14 does not need great explanation. It is quite clear what it is. It is quite clear in its intention. It is only proper that people should be left alone in their place of employment. I would urge the Chamber to support this amendment.

The Hon. C.J. SUMNER: This amendment cannot be supported—that is, the amendment to clause 14 that the honourable member was addressing his attention towards. I think the major problem with this—

The Hon. R.J. Ritson: Are you in favour of harassment?

The Hon. C.J. SUMNER: No. It is a question of defining exactly what one means. The fact of the matter is that at the moment, if a union official behaves in a way that is contrary to the law by threat, then that would constitute an assault and therefore be covered by the criminal law. I do not believe that there is a case for establishing a penalty for so-called harassment. Part of the problem is that harassment in this context is not in any way defined. If a union official approached a person and requested him or her to join the union and the person said 'No' and the union official went away and returned the next day and made the same request, would that be harassment? If there is a problem, it is a problem that comes within the existing law.

An honourable member: What about sexual harassment?

The Hon. Anne Levy: It is clearly defined.

The Hon. C.J. SUMNER: The honourable member has taken the words out of my mouth. That was defined in quite an extensive way in the legislation that was passed by the Parliament. It did not just say 'sexual harassment'. It defines sexual harassment in quite an extensive way. What exactly does the word 'harass' mean in this context? It is not defined. If there is action which involves threats or that sort of thing, there would be the existing law to cover that situation. Does returning two or three times to request the person to reconsider his or her decision constitute harassment? I think under a strict definition it may, but I do not think it should. I think the law is better left as it is and, if there is any question of intimidation or any question of a threat, then I believe that would constitute an assault and be covered by the existing law.

The Hon. I. GILFILLAN: I took the liberty of checking the meaning of the word 'harass' from the indisputable oracle of the dictionary which is just before you on the table and it means 'vexed by repeated attacks' (which I assume could easily be defined as some form of assault and therefore dealt with elsewhere) or 'troubled' or 'worried'. There would be very great difficulty in defining what constitutes 'worry any person' or 'trouble any person' and I believe the clause really was not a serious attempt. It is a little bit of flag waving but I—

Members interjecting:

The Hon. I. GILFILLAN: I think the interjection is giving the argument for me. I do not support the amendment.

The Hon. M.B. CAMERON: I have misled the Chamber. I will not repeat the debate on harassment and perhaps I will have your guidance as to what to do. Unfortunately, new clauses 13 and 14 were debated as one.

The CHAIRMAN: You wish to insert new clause 13?

The Hon. M.B. CAMERON: That is exactly right. Perhaps at this stage we could finish the debate on new clause 14 as we have started that and go back to new clause 13.

The CHAIRMAN: We can only deal with them in order.

The Hon. M.B. CAMERON: I would like to speak to new clause 13 and I indicate I will not be repeating the debate on new clause 14. New clause 13 lifts the limit on the tort provisions that presently prevent single action for economic loss. It appears to us to be reasonable and proper that people should be able to take civil action for economic loss and I urge the Committee to support this amendment.

The Hon. C.J. SUMNER: This amendment would repeal the provision in the Act that requires tort actions to be held over to allow the Industrial Commission to attempt to solve the underlying dispute. This issue was debated extensively in 1984, as honourable members will recall. It was a recommendation of the Cawthorne Report that a provision be inserted in the Act that would require tort actions to be held over to allow the Industrial Commission to attempt to solve the problem. The underlying philosophy of section 143a is to have the causes of industrial disputes settled and an avoidance of tort actions, which only treat the symptoms and leave the underlying causes unresolved. It should be pointed out that, under the existing legislation, once the dispute has been resolved by the Commission, if an employer wishes to continue to sue for economic damages, he may do so.

Deletion of this clause must be taken as a reflection on the Commission's ability to solve such disputes. That is a contention that the Government rejects. The amendment is opposed. I think that the primary argument that I would put is that this matter was fully debated in 1984, only 12 months ago. We then followed a recommendation of the Cawthorne Committee of Inquiry, which was accepted by the Parliament at that time as being reasonable. I think that it is unacceptable to try to remove that section after only 12 months.

The Hon. M.B. Cameron: The Parliament will repeal it.

The Hon. C.J. SUMNER: That is a matter for future Parliaments. All I am suggesting is that this Parliament has no evidence before it to suggest that the clause inserted only 12 months ago should be repealed. It is not something that I believe we should countenance. There is no evidence being put forward for any honourable member to conclude that there is a problem with the section inserted 12 months ago.

The Hon. M.B. CAMERON: I do not intend repeating the debate of the previous occasion except to say—

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: I wish that the Hon. Ms Levy would allow me a few words because her interjections are becoming rather repetitive.

The CHAIRMAN: Order!

The Hon. Anne Levy interjecting:

The Hon. M.B. CAMERON: That is three times. The fact is that this provision does mean that the unions, for a period, are above the law. They have no pressure on them to resolve a dispute. They can go on and on with a dispute. Everybody knows that while an injunction could immediately be taken out there was always pressure to not continue and not exacerbate a dispute. We have seen plenty of examples of that. I think it is a great pity that this section was ever enacted.

I do not believe that the Hon. Mr Gilfillan will change his mind in relation to this matter (although I hope he has) and if he has not I hope that one day we can insert that

pressure point that caused resolution of so many disputes at an early stage because of the threat that action can be taken immediately without people having to wait until the so-called resolution of the dispute. People could immediately start trying to recover the economic losses they were suffering in that dispute. I will wait to see what the vote is on this matter.

The Hon. I. GILFILLAN: We fought to have the right for an employer to sue for economic damages retained in the Act believing that it was an inherent and inalienable right of any citizen to do so. We considered that to be the best means of obtaining industrial peace, which seems to get little consideration from members on one side of the Chamber. The fact is that the process of conciliation means an amiable coming together to a position and not the bullying or pushing of one side into it.

There are faults on both sides. If a union is bullying and blackmailing an employer by economic loss it is fair that that employer shall have the due processes of law to get damages, and the accumulating damages, if a union protracts a dispute, will still be recoverable, so the logic of the Hon. Mr Cameron's argument is faulty. However, the ability to sue must be retained and is still retained, and we are determined that it will remain. The action is just as effective if it is taken after it has been shown that the Commissioner has accepted that the process of conciliation can go no further. That seems to us to be a very reasonable approach.

The Hon. M.B. CAMERON: That is all very well, but what happens if the dispute goes on for a reasonably long time and a person cannot get an injunction? The employer is suffering. If it is a firm with a tight margin of profit, or one that has a difficult situation because it is just starting, or it is in a difficult economic situation, it is no good looking for that in three months, a month or even a fortnight, because by that time the liquidators are in. We are trying to reinsert a provision to stop losses at a point where the firm can still exist.

The honourable member is talking about the bigger firms that are able to get over these problems, but there are plenty of small firms where this can be a difficult situation indeed, and I do not think that the honourable member has thought this matter through. I imagine from what the Hon. Mr Gilfillan has said that he is not going to change his mind, which is a great pity.

The Hon. I. GILFILLAN: I point out that whichever Party is in Government has the right and duty to appoint commissioners who should be conscious of the situation. He or she can declare that the process of conciliation is completed at any stage and, if there is obvious distress on the company, then a reasonable commissioner will recognise that and say that the conciliation process is terminated and therefore the ability for an injunction to be put in place is immediately available to the employer.

The CHAIRMAN: Before I put new clause 13 I ask the Hon. Mr Lucas whether he was present for the last division and would it be fair to assume that he would have voted for the Noes?

The Hon. C.J. Sumner: You cannot put the matter like that.

The CHAIRMAN: I have another option, but I am putting it in a simple way to correct this point, otherwise I will have to call another division.

The Hon. C.J. Sumner: Why?

The CHAIRMAN: Because the Hon. Mr Lucas was present, wished to record his vote and it was not recorded.

The Hon. R.I. LUCAS: I had passionate views about that clause, Mr Chairman, and would like to be recorded as having voted on it. I was here and did vote, but by some oversight I have not been recorded. I hope that that will not affect the result of the division and that I will be reported as having voted on it.

The Hon. I. GILFILLAN: I well know the Hon. Mr Lucas's voice and can say that he was here at the time.

The CHAIRMAN: In the division list the correction recording the Hon. Mr Lucas as having voted without calling another division.

The Committee divided on the new clause:

Ayes (6)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, R.I. Lucas, and R.J. Ritson.

Noes (7)—The Hons G.L. Bruce, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons L.H. Davis, R.C. DeGaris, C.M. Hill, and Diana Laidlaw. Noes—The Hons. Frank Blevins, B.A. Chatterton, J.R. Cornwall, and C.W. Creedon.

Majority of 1 for the Noes.

New clause thus negatived.

New clause 14—'Harassment of non-members of registered associations.'

The Hon. M.B. CAMERON: I move to insert the following new clause:

144a. No member or officer of a registered association shall harass any person, or cause any person to be harassed, in relation to whether or not that person is willing to become a member of the association.

Penalty: Two thousand dollars.

This matter has been debated already. I indicate to the Attorney-General that I do not believe it is beyond the powers of any Commission to decide what is and what is not harassment. It becomes very obvious in evidence when a person has been harassed. I suggest that it is not an argument that should stand up in the face of this section. I ask members to support the new clause.

The Hon. R.J. RITSON: I rise briefly to express my surprise at the fact that the Labor Government has been able to grapple with the problem of defining 'harassment' in other areas, such as sexual harassment—

The Hon. C.J. Sumner interjecting:

The Hon. R.J. RITSON: Well, the Government is able to do it. Nevetheless, it has demonstrated that it can be done in other areas, but in this context the Government does not want to do it. I think the explanation for that can only lay in the political affiliation between the Government and the particular pressure groups. That is the only reason I can find for its not taking up the drafting pen and doing something about harassment.

The Committee divided on the new clause:

Ayes (6)—The Hons J.C. Burdett, M.B. Cameron (teller), Peter Dunn, K.T. Griffin, R.I. Lucas, and R.J. Ritson.

Noes (7)—The Hons G.L. Bruce, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons L.H. Davis, R.C. DeGaris, C.M. Hill, and Diana Laidlaw. Noes—The Hons. Frank Blevins, B.A. Chatterton, J.R. Cornwall, and C.W. Creedon.

Majority of 1 for the Noes.

New clause thus negatived.

Title passed.

Bill reported with an amendment.

Bill recommitted.

New clause 3—'Interpretation'—further considered.

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

Page 1, after line 15—Insert new clause as follows:

3. Section 6 of the principal Act is amended by inserting the following paragraph after paragraph (i) of the definition of 'industrial matter':

(ia) the dismissal of an employee by an employer;.

The amendment picks up that aspect of old clause 3 (which was deleted) which was considered should remain part of

the Bill. It deals with clarification of what is an industrial matter. The question has been raised as to whether the question of the dismissal of an employee by an employer is an industrial matter and therefore comes within the jurisdiction of the South Australian Industrial Commission. It is a technical amendment to ensure that there is no doubt that the dismissal of an employee by an employer is an industrial matter within the definition contained in the Industrial Conciliation and Arbitration Act. Therefore, as a consequence the Commission may be appraised of such a dispute. Obviously, it has been adjudicating upon disputes of this kind up to the present time, but a query has been raised that in the future there may be a legal argument about whether or not such a dismissal can be characterised as an industrial matter. It is agreed that it should be, and this is what my amendment does.

The Hon. M.B. CAMERON: As I said earlier, the Opposition was aware of the problem that would arise following an earlier deletion. In fact, we have an amendment on file to cover the situation, but the Attorney indicated that he would move an amendment to bring about the same situation in a slightly different way. The Opposition therefore supports the amendment.

New clause inserted.

Bill reported with a further amendment. Committee's reports adopted.

Bill read a third time and passed.

REMUNERATION BILL

Further consideration in Committee of the House of Assembly's message concerning the Legislative Council's amendments.

(Continued from 15 May. Page 4316.)

The Hon. C.J. SUMNER: I seek leave to withdraw the motion that I moved yesterday, namely:

That the House of Assembly's amendments Nos 1 and 2, and consequential amendments Nos 1 and 2 be agreed to.

Leave granted.

Amendment No. 1:

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

That amendment No. 1 made by the House of Assembly to the Legislative Council's amendment be agreed to.

I explained previously that the package of amendments that had been moved by the House of Assembly is designed to do two things, one of which is to ensure that permanent heads of Government departments and statutory office holders are governed by the principles in the Remuneration Bill. The second is to ensure that there is an automatic flow-on of wage increases granted by the Full Bench of the South Australian Industrial Commission. That is the principle embodied in all amendments.

The first amendment proposed by the House of Assembly, to which I suggest we agree, leaves out paragraph *(c)* of subclause (1) from the Legislative Council's amendments, and clause 23 (1) *(c)* of those amendments that we inserted when the Bill was last before us deems that the Tribunal shall have fixed the salaries of judges in accordance with the prescription in the amendment. As we are now making those salary determinations automatic, and subsequent increases will not need to go to the Tribunal because they will be based on the decisions of the Full Bench of the South Australian Industrial Commission following national wage indexation cases, there is no need for clause 23 (1) *(c)*, and the first amendment deletes it.

Motion carried.

Amendment No. 2:

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

That the House of Assembly's amendment No. 2 be amended by inserting before subclause (2) new subclause (1a), as follows:

(1a) As from 6 April 1985, the salaries of Ministers of the Crown and members and officers of the Parliament shall be increased by 2.6 per cent.

This amendment picks up the point that was raised by the Hon. Mr Griffin last evening when we considered the House of Assembly's message for the first time. He rightly pointed out that, whilst statutory officers, heads of Government departments and judges would have received the 2.6 per cent national wage increase from 6 April and would then be automatically locked into any future increases without reference back to the Tribunal, if the amendment had been passed in the manner in which it came to this Chamber the 2.6 per cent would not have been able to be awarded to Parliamentarians, who would not then have had access to the Tribunal because the increases would have flowed automatically.

Because the Act would have been proclaimed after 6 April and did not include the 2.6 per cent increase for Parliamentarians, the Parliamentarians and Ministers would not have had any means of picking up the increase of 2.6 per cent, while in the form in which the Bill was originally considered the Tribunal would have picked up that 2.6 per cent. But, now, as for all categories—politicians, Ministers, members of the Judiciary, statutory officer holders, and heads of Government departments—the increases will be automatic, based on the national wage case. It was clear that the 2.6 per cent relating to politicians had to be inserted in the legislation. That is what my amendment does.

Its sum effect is that all those categories in respect of salary will have increases automatically granted without reference to the Tribunal following the national wage decision that is picked up by the South Australian Industrial Commission as a flow on in this State. It will still be open to the Tribunal to consider claims for allowances from those groups, but the salaries, while the accord is in place, will flow automatically from the consequences of national wage case decisions made in accordance with the accord. I thank honourable members.

The Hon. K.T. GRIFFIN: I am pleased that the Attorney-General is moving this amendment to the amendments made by the House of Assembly and has picked up the point that I made. If the amendment were not moved, then, as the Attorney-General has indicated, members of Parliament would not be in a similar position in respect of the 6 April 1985 increase of 2.6 per cent and were most likely to have been denied it, they already having denied themselves the increases in 1984. It seemed appropriate that there be equity in the legislation. I am pleased that the Attorney has been convinced that it is appropriate to move this amendment. I support it.

Amendment to the House of Assembly's amendment carried; motion carried.

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

That the consequential amendments made by the House of Assembly be agreed to.

Motion carried.

ELECTORAL BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1. Clause 4, page 1, lines 24 and 25—Leave out the definition of 'the Commonwealth Act'.

No. 2. Clause 4, page 3, lines 31 and 32—Leave out 'with the Electoral Commissioner'.

No. 3. Clause 20, page 9, lines 25 and 26—Leave out subclause (2).

No. 4. Clause 39, page 15, line 42—After 'this Act' insert 'and contain a specimen of the signature of that person'.

No. 5. Clause 64—Leave out the clause and insert new clause 64 as follows:

64. (1) If the Electoral Commissioner so decides, photographs of all candidates in an election shall be printed on the ballot paper for that election.

(2) Notice of a decision under subsection (1) must be given to the candidates in the election on or before the day fixed for the nomination.

(3) A candidate whose photograph is to be printed on a ballot paper in pursuance of subsection (1) shall, within three days after the day fixed for the nomination, submit to the returning officer a photograph—

(a) that was taken of the candidate within 12 months before the submission of the photograph;
and

(b) that complies with the requirements of the regulations.

(4) If a candidate fails to comply with subsection (3), the nomination of that candidate becomes void.

(5) A photograph of a candidate printed on a ballot paper must appear opposite the name of the candidate.

No. 6. Clause 85, page 36, lines 18 and 19—Leave out subclause (11)

No. 7. Clause 97, page 49, lines 11 to 14—Leave out subclause (3) and insert subclause as follows:

(3) The officer conducting a recount—

(a) may reverse any decision taken at the scrutiny in relation to the allowance or disallowance of ballot papers; but

(b) is, subject to paragraph *(a)* bound by decisions and determinations made at the scrutiny so far as they are applicable to the recount.

No. 8. Clause 98, page 49, lines 27 and 28—Leave out paragraph *(b)* and insert paragraph as follows:

(b) make out a statement setting out the result of the election and the names of the candidates elected and transmit the statement to the Elecoral Commissioner.

No. 9. Clause 98, page 49, Line 30—Leave out 'certification' and insert 'statement'.

No. 10. Clause 98, page 49—After line 32 insert subclause as follows:

(3) On receipt of the statement referred to in subsection (1) *(b)* the Electoral Commissioner shall by endorsement certify on the writ for the election the names of the candidates elected and return the writ to the Governor.

No. 11. New clause—After clause 114 insert new clause as follows:

114a. (1) A person shall not exhibit an electoral advertisement on—

(a) a vehicle or vessel;
or

(b) a building, hoarding or other structure,

if the advertisement occupies an area in excess of 1 square metre.

Penalty: One thousand dollars.

(2) For the purposes of subsection (1), electoral advertisments—

(a) that are apparently exhibited by or on behalf of the same candidate or policical party;
and

(b) that are at their nearest points within 1 metre of each other,

shall be deemed to form a single advertisement.

(3) This section does not apply to the exhibition of an advertisement in a theatre by means of a cinematograph.

Amendment No. 1:

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

That the House of Assembly's amendment No. 1 be agreed to.

This is consequential on removing references to non-resident electors, which we did in the Legislative Council when the Bill was before us on a previous occasion. It was not picked up in Committee and has now been corrected in the House of Assembly. As it is consequential on a policy decision already taken in the Council, I commend it to honourable members.

The Hon. K.T. GRIFFIN: I agree that it is really consequential.

Motion carried.

Amendment No. 2:

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

That the House of Assembly's amendment No. 2 be agreed to.

This is consequential again and is a tidying up only because subsequently clause 63 refers to returning officers and not to the Electoral Commissioner. Therefore, it is not appropriate in this definition clause that the Electoral Commissioner be referred to in this context.

Motion carried.

Amendment No. 3:

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

That the House of Assembly's amendment No. 3 be agreed to.

Again, it is consequential on removing references to non-resident electors, which we did here on a previous occasion, and is a tidying up amendment.

Motion carried.

Amendment No. 4:

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

That the House of Assembly's amendment No. 4 be agreed to.

In respect of the registration of political Parties, to which the Council agreed in principle during the previous debate, this amendment deals with clause 39 and provides for the authentication of signatures of registered officers of a political Party. Clearly, the Electoral Commissioner will have many dealings with the registered officer of a political Party, and some authentication of the signature will be required to allow genuine dealings to proceed without delay. This amendment, therefore, is put forward to secure that administrative efficiency.

Motion carried.

The Hon. K.T. GRIFFIN: In relation to that previous amendment, could I just take the liberty of asking a question? I have no difficulty with the amendment which we have just approved, but the thought occurs to me whether there ought not to be provision for more than one registered officer, keeping in mind that the registered officer is a person who under clause 62 is to give a declaration supporting the application to have a registered political Party's name on the ballot paper. It may be that there is enough flexibility there in the event that a registered officer is overseas or otherwise unable to make the appropriate declaration referred to in clause 62. It may not happen particularly frequently but, in those circumstances, would it not be preferable to have provision for more than one registered officer?

The Hon. C.J. SUMNER: I suppose the point the honourable member makes could have some merit. It is of course a matter that was before us in substance previously. I am not denying that the point may have some validity and perhaps we could have considered more than one registered officer. I suppose the simple position is that the registered officer will have to ensure that, if they retire or go overseas or are otherwise incapable of dealing with the matter, the Party will have to ensure there is another one appointed. It may be a Party could in fact appoint more than one registered officer or more than one person to act in the capacity of a registered officer, although there would only be one actually registered at any particular point in time.

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: I think it is possible that more than one person could be appointed to act by the Party. One would be nominated but, if for one reason or another that person is away, the other person could make the necessary applications under the Act. I understand the point the honourable member is making and the comment of the Hon. Mr Burdett. We could consider that. If the honourable member wants to pursue it now—

The Hon. K.T. Griffin: No, I just raise it as an afterthought.

The Hon. C.J. SUMNER: If we run into trouble, we will have to sort it out then.

Amendment No. 5:

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

That the House of Assembly's amendment No. 5 be agreed to.

This is a clarifying amendment moved in the House of Assembly and deals with the photographs of candidates and the timing concerning the Electoral Commissioner's notice to candidates requiring production of photographs. Some difficulties were envisaged in the original draft. This should clarify that situation without abusing the original policy decisions.

The Hon. K.T. GRIFFIN: I generally support the proposal to agree with the House of Assembly's amendment No. 5. It certainly clarifies the difficulties which we explored during the Committee stages in this Chamber. However, I notice that there is a sudden death provision in it. If a candidate fails to comply with subsection (3)—that is, the subsection requiring the presentation of a photograph complying with the regulations within three days after the day fixed for the nomination—then the nomination of the candidate becomes void. There is no flexibility at all for the Electoral Commissioner to take into account problems with maybe the post or a holiday weekend or some other problem. I draw that to the attention of the Attorney-General because I am really not satisfied that a sudden death provision is really fair. However, I recognise that the Electoral Commissioner and the Returning Officers need to get their ballot papers printed as quickly as possible for the purpose of declaration votes and then for polling day, but it may be, if there is a discretion in the Electoral Commissioner, that would overcome the problem. I raise it because I am concerned about that automatic voiding of the nomination, even for circumstances which may be reasonable or may be beyond the control of the candidate.

The Hon. C.J. SUMNER: I understand what the honourable member is saying but I think on this particular point that a policy decision was also taken when the matter was before the Council on a previous occasion. Again, if the honourable member has some alternative proposition, I am certainly happy to re-examine it. I guess it is a fairly sudden death approach to things but, because of the way the clause is drafted, the discretion is in the Electoral Commissioner to decide whether photographs of all candidates should be printed on the ballot paper, and that being the case—

The Hon. R.I. Lucas: What about within that subclause giving the Commissioner some discretion to allow for a good reason, so if the Commissioner has a discretion he can make the inquiries.

The Hon. C.J. SUMNER: He might end up with no-one submitting a photograph and therefore the intention of the Electoral Commissioner is thwarted unless there is some kind of sanction.

The Hon. K.T. GRIFFIN: The candidate may not be from one of the recognised Parties but coming from one of the towns in a rural area. He has to organise his photograph but has not previously been informed that prior to nominations closing he must get his photograph in, and then he has to race around over three days to try and get a photograph in. Maybe that is a Friday and he has to get it in on the following Monday, which might be a holiday Monday. They are all possibly remote possibilities, but they are still not exceptional possibilities.

I should have thought about this matter during the afternoon, but we have had other legislative matters on our minds. It may be possible to defer consideration of this amendment and maybe we will come up with some suitable variation to it along the lines of present subsection (4) but possibly adding the words at the end 'unless the Commissioner grants an extension of time, having regard to the reasons for not complying within the three day period'. That flexibility ought to be there so that the Electoral Commissioner is the final arbiter. The Electoral Commissioner may say that, if it has been lost in the post, he will give the person two more days to get it in; if they do not get it in by 12 noon on a certain date, the nomination is out. That flexibility would help.

Consideration of amendment No. 5 deferred.

Amendment No. 6:

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

That the House of Assembly's amendment No. 6 be agreed to.

It is consequential upon removing references to non-resident electors.

Motion carried.

Amendment No. 7:

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

That the House of Assembly's amendment No. 7 be agreed to.

This amendment deals with recounts and is designed to enable the Returning officer to reconsider the formality and informality of ballot papers, that is, that a decision made during the first scrutiny may be reversed. However, in those circumstances where a candidate or group of candidates has two voting tickets and the number of ballot papers following those tickets is not numbered, the Returning Officer must determine by lot which ticket the odd ballot paper will follow. The amendment ensures that, in the event of a recount, the examination of the Returning Officer will be consistent with the result first obtained in the drawing of the lot. That is desirable if there is a recount with the same result in respect to voting tickets. If one vote is swinging, it would be reasonable for the original decision in the first count to be upheld unless, of course, there was some earlier decision with respect to the validity of votes.

The Hon. K.T. GRIFFIN: I point out one technical matter, namely, that the amendment refers to clause 97 on page 47 and it should be page 49. It does not make that much difference, but I draw attention to it. I am prepared to support the proposition put up by the Attorney-General. If a decision is taken on the voting tickets where two such tickets are lodged in relation to one candidate and where there is an odd number of them, it is then reasonable for the sake of consistency on a recount to maintain the same decison as was taken during the first count as to where the odd ballot paper, marked in accordance with the voting ticket, might go. That may well lead ultimately to a Court of Disputed Returns if it has been so close.

I propose one set of circumstances where perhaps the rule being suggested may still apply but where a need exists to have it clarified. If on the first count there are 501 ballot papers to be divided according to the two voting tickets with 250 going to one and 250 to the other and lots being drawn for the remaining one and it goes to candidate A, on the recount there may be 499 votes with 249 one way, 249 the other and still one remaining. We have not got exactly the same circumstances. Is the amendment envisaging that, in respect of that odd ballot paper, the decision on the previous count applies to this one or is that a different set of circumstances where the lots are drawn again?

The Hon. C.J. SUMNER: The intention, as I explained previously, is that this will only apply where exactly the same result has been achieved on a recount. It would seem unfair that, having made one draw by lot, by virtue of a recount, you would have another draw by lot and shift that final vote. It is not of any great practical significance, although it could be in some circumstances. Where a recount has changed votes, there is a fresh drawing by lot—that is the intention. The honourable member may be able to tell me whether the drafting achieves that.

The Hon. K.T. GRIFFIN: I accept the explanation. In certain circumstances, if that is the way the Electoral Com-

missioner interprets it, I will go along with it. It does not mean to say that the Electoral Commissioner in future will be bound by that decision. It is not likely to happen more than once in every so many ballots. The Hon. Ren DeGaris, who is not with us tonight, would be able to give me the odds. I am happy to accept the amendment.

The Hon. R.I. LUCAS: I support the amendment, which I think has picked up an important point. Does it apply to circumstances other than the allocation of the votes of a Party that has two registered tickets and there is an odd number and the one vote swinging example that the Attorney-General gave? Under clauses 95(23) and 96(6) there is a discretion in both instances where the District Returning Officer can decide, particularly in relation to the Legislative Council where there are two persons tied, which candidate shall be excluded. I presume that, although it is not stated, that is done by the toss of a coin or something.

There are some provisions relating to the Legislative Council where one goes back to previous counts, but if all that works out evenly all the way through it still remains for the returning officer to decide who is excluded. If we go through this circumstance again, one would want to ensure that the same candidate was excluded during the recount. Can the Attorney say whether or not this particular provision as it has been reintroduced applies to that particular circumstance, as well? If it does, I think that it is appropriate.

The Hon. C.J. SUMNER: The consensus is that this new clause relating to the recount would apply in any circumstance where a determination had been made by a returning officer to ensure that the returning officer repeated that decision, unless there had been a change in the actual votes. In the situation that the honourable member has raised, it would be much less likely than in the case of the distribution of the group voting ticket votes, but in principle what the honourable member says is correct, unless on the recount the numbers in the count have changed. There is a difference, of course, in the two examples to which the honourable member referred. The decision is made by the returning officer as to who should be excluded, but not made by lot, so presumably if it came up again for decision he would act in a consistent manner unless there was a compelling reason for not doing so.

The Hon. R.I. LUCAS: Who is excluded if there are two equal candidates with two equal votes? I would have thought that he would determine that by lot. It is not specified in the Act. Perhaps the Electoral Commissioner can describe the practice. While it is not stipulated in the legislation (as it perhaps should be) the returning officer ought to exclude one of the two equal candidates only by lot, not by personal preference.

The Hon. C.J. SUMNER: The Electoral Commissioner believes that as a matter of practice it would be done by reference back through the count to see who was leading at the last stage of the count. They would not be equal all the way through. I am not quite sure, if they end up equal at the end, that a count-back situation is applicable.

The Hon. R.I. LUCAS: I refer to an example in the House of Assembly where the two lowest candidates are equal. There is nothing to refer back to in a House of Assembly election. The two lowest scoring candidates have equal numbers and, therefore, as in the Legislative Council, there is nothing to refer to. You have to decide which one is to be excluded. The decision as to which one is to be excluded could result in two different candidates winning the election. If you exclude candidate A, you may well catapult another candidate further up the rung. If you exclude candidate B, who is equal, you might catapult a different candidate up the rung. It is easier to think about it in relation to a House of Assembly election. In that case it would be up to the returning officer to determine the result by lot, even though that is not specified in the Act.

The Hon. C.J. Sumner: It would end up the same eventually.

The Hon. R.I. LUCAS: Not necessarily. For example, if you exclude candidate A, his preferences might catapult a different candidate further up the line; or if you exclude candidate B, who might have been equal, it might catapult another candidate further up the line. As a result, different candidates might stay in the hunt and get the preferences through. It can affect the result of a House of Assembly election. While it is not specified in the Act—and, as I said, I think it should be—I hope that it would be determined by lot. I am saying that this provision would mean that, if we had a similar situation in a recount, if candidate A had been excluded in the first instance, when you had the recount candidate A once again should be excluded. If not, by the sheer nature of randomness you might throw up a different result in the recount which, as I understand it, is the whole reason for the provision now before us.

The Hon. C.J. SUMNER: The situation outlined by the honourable member refers to a determination by lot under the present Act.

The Hon. R.I. Lucas: It has been deleted in this Bill. I think that is an oversight and that it should be included.

The Hon. C.J. SUMNER: I think this is a matter we should confer about, and I invite honourable members to do that. I must confess that I am not completely confident about the amendment that has been drawn up. I suggest that we postpone consideration of the amendment.

Consideration of amendment No. 7 deferred.

Amendments Nos 8, 9 and 10:

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

That the House of Assembly's amendments Nos 8, 9 and 10 be agreed to.

These amendments tidy up the situation at the end of an election. Clause 48 (1) requires a writ to be addressed to the Electoral Commissioner. As a result of the amendment, the writs are to go back to the Electoral Commissioner who certifies the writ appropriately and returns it to the Governor to make sure that everything is tidied up at the end.

Motion carried.

Amendment No. 11:

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

That the House of Assembly's amendment No. 11 be agreed to.

At the present time section 155b of the Electoral Act contains a restriction on the size of electoral advertisements. This amendment, which has been inserted by the House of Assembly, reinstates the substance and effect in modern language of existing section 155b. Honourable members will recall that the Hon. Mr Gilfillan addressed this issue in this Chamber. At that stage the Committee did not see fit to take up his proposition. However, it appears that his acquaintances in another place (be they of Independent Labor persuasion or Country Party persuasion) have shown some enthusiasm for the reinsertion of the restriction on electoral advertisements. That is what this amendment does.

The Hon. R.I. Lucas interjecting:

The Hon. C.J. SUMNER: Yes, the Government in another place felt that in view of the enthusiastic support by the minor Parties on the cross benches for this amendment that it would be churlish for the Government to vote against their deeply held convictions on this matter.

The Hon. L.H. Davis: What does the Leader of the Government in this Council think about it?

The Hon. C.J. SUMNER: Having given it considerable thought, in view of the strong views held by the five members on the cross benches in this Parliament—

The Hon. L.H. Davis: That sets a very dangerous precedent.

The Hon. C.J. SUMNER: It sets no sort of precedent at all. It merely recognises that on this matter these members who work hard for very long hours occasionally put forward propositions that the Government, after due reflection, believes should be given some support.

In the light of the feeling of my colleagues in another place that the members on the cross benches should not be left out on a limb on this amendment, they have supported them. I have given this matter anxious thought over a long period. Not only do I have to spend until 1 a.m. debating the matter in this Chamber but also I am not able to sleep at night worrying about the amendment inserted by members from the cross benches, with whom we enjoy cordial relations. Of course, we do not wish to have those relationships placed in any jeopardy whatever. Therefore, on balance, having considered all those factors, the Government believes it should support the proposition. I ask that the Committee accept the House of Assembly's amendment which would return the Bill to the *status quo*—

The Hon. K.T. Griffin: It's not the *status quo.*

The Hon. C.J. SUMNER: It is similar to the *status quo* under the existing legislation.

The Hon. K.T. GRIFFIN: It is obvious now who calls the shots with this Government: it is not the majority of another place but the minority, and a very small minority at that. Nevertheless, in both the House of Assembly and this Council they hold the balance of power, and I suppose the present Government has to take that into consideration in determining what it will do about issues like electoral advertising. As I interjected, it is very much akin to the tail wagging the dog, and it is a small tail at that.

An honourable member: And a very weak dog.

The Hon. K.T. GRIFFIN: Yes. In some respects I suppose that is demeaning the dog. Let me reflect upon the issue, which the Liberal Party certainly does not support. For 2½ years the Attorney-General has been reviewing the operation of the Electoral Act. At the end of that period in early 1985, he brings a Bill into this Council without any reference at all to the size of electoral advertisements. He and his Government had accepted conventional wisdom that there was no longer a need to have any limitations on electoral advertising, and he was recognising by that that the right to vote, the need to vote and the present obligation to vote could be advertised freely and in whatever form was reasonable so that electors were informed not only of the issues but also of the respective qualities of candidates—or the lack of them—and all the other vital questions that electors need to have before them in determining who is to form the Government.

It is really putting it on the same footing now, before this amendment is considered, as tobacco commercials, soap powders, motor cars and a whole range of other consumer items that are able to be advertised on radio, television, in the press, on billboards, in the air and in a variety of other places: the sort of consumer durables which in a consumer society some thinking people might have some doubts about, particularly about whether or not they should be advertised.

If you go down any main street you will see billboards advertising Marlboro Country. They are massive. I know that the Hon. Mr Gilfillan does not want television advertising of cigarettes, but that is not anything to do with billboards or printed advertising. He would propose in this Committee (and now the Attorney-General seems to support it) that you can advertise cigarettes and tobacco on billboards but you cannot advertise politics. I doubt that anyone would disagree that cigarette smoking is much more dangerous than politics ever will be to the wellbeing of the community. What he is saying is that you are not allowed to advertise on fixed hoardings about the very essence of democratic life, the policies and principles relating to the right to vote.

That is the most incredible situation: you can advertise cigarettes on billboards but you cannot advertise politics. Let me also say that when this amendment or a similar amendment was before the Committee there was a debate. The Hon. Mr Gilfillan proposed it, and there was no division because there was only one dissentient voice.

The Hon. I. Gilfillan: There were nearly two voices.

The Hon. K.T. GRIFFIN: The Government did not oppose it. There was no other voice supporting the Hon. Mr Gilfillan and his amendment.

The Hon. R.I. Lucas: And the Attorney-General was in the Chamber.

The Hon. K.T. GRIFFIN: Yes, he was—fairly quietly. It is a pity that there were not two voices; then we would know where the Government stood on this issue on the division. I remind the Committee that there was no division because the Government did not disagree with the Opposition whose position was unlimited opportunities to advertise.

Let me also reflect on the fact that when the Hon. Mr Gilfillan spoke in the second reading debate on this Bill he did not even mention electoral advertising, except in the context of misleading advertising during the election period. It is an afterthought, and now he and his colleague the Hon. Lance Milne and apparently his colleagues who are Independents in another place have jumped on the band waggon and are now promoting as hard as they can that there ought to be some restrictions on what people can be told about politics. That is what it amounts to: restrictions and censorship of what people can be told about politics.

The Hon. K.L. Milne interjecting:

The Hon. K.T. GRIFFIN: It is. It is censorship. I say for the benefit of the Hon. Lance Milne that one can have 'Marlboro Country' advertised on a billboard, but one cannot have politics.

The Hon. K.L. Milne interjecting:

The Hon. K.T. GRIFFIN: He is saying that in the current state of the law one can have 'Marlboro Country' promoting cigarettes on billboards, but one cannot have politics. What an inconsistency!

The Hon. G.L. Bruce: He tried to change the law.

The Hon. K.T. GRIFFIN: He only tried to change the law in respect of limited aspects of cigarette advertising, but that was not successful. In the current state of the law one can advertise cigarettes and tobacco, items which are dangerous to life, but one is not allowed to advertise politics.

The Hon. C.J. Sumner: That is dangerous to life.

The Hon. K.T. GRIFFIN: That depends on what one thinks of politics, but it is the essence of our democratic system that people ought to be able to tell electors what they stand for or do not stand for, criticise their opponents and be able to promote their candidacy or their Party. In the Federal arena there are now no limits in relation to fixed electoral advertising. I would have commended the Attorney-General and the Government when they introduced the Bill for having got in line with an enlightened attitude towards electoral advertising, but now—

The Hon. C.J. Sumner: We have made a lot of variations to the Commonwealth Bill.

The Hon. K.T. GRIFFIN: The Government has, but it is moving back to electoral censorship.

The Hon. C.J. Sumner: No.

The Hon. K.T. GRIFFIN: It is. Honourable members will recollect that the freeing up of electoral advertising was initiated by the former Australian Democrat, now Mr Justice Millhouse, when he was Attorney-General. He lifted what were then extensive limits on the size of electoral advertising. At the time, that was welcomed but nevertheless regarded as something rather radical. But, since then, advertising has grown in significance in the promotion of political interests. I do not see that in this present society there is anything wrong with unlimited electoral advertising.

In that context, let us look at the amendment which has been proposed by the House of Assembly and which the Attorney is now moving that we should support. It deals with electoral advertising that occupies an area in excess of one square metre. So, now one metre by one metre of electoral advertising will be permitted on billboards.

The Hon. K.L. Milne: You are talking about one metre square?

The Hon. K.T. GRIFFIN: One metre by one metre is one square metre; it is limited. The person is not to exhibit an electoral advertisement. That is defined in the Bill as being an advertisement containing electoral matter. Electoral matter is matter calculated to affect the result of an election. It does not say whether that is during an election period or in any other period from day one after the polling day to the date of the next election: that is what is involved in this.

If there is any political advertising at all, it may be that it is calculated to affect the result of an election in what will be four years down the track, and that is to be forbidden.

The Hon. L.H. Davis: They won't be able to have a big sign up saying, 'Frank Blevins for Whyalla'. They can't have more than one square metre. He is gone.

The Hon. K.T. GRIFFIN: He is gone, anyway. If it is on a vehicle, vessel, building, hoarding, or other structure and the advertisement occupies more than one square metre, it is to be forbidden and $1 000 is the maximum fine. The question is whether an electoral advertisement on the side of a building may be one metre square but on a white, blue, red or green background it then comes within the prohibition because the background may be part of the advertisement. We do not know what that means.

If it is a hoarding and the advertisement is in the centre of the hoarding, is the whole hoarding the advertisement? One could probably live with some sort of limitation on the period during which that electoral advertising is not to occur, although even that is contrary to common sense and good principle. The only exception in the Bill is for theatres. It does not even deal with a drive-in theatre. I suggest that at least that ought to be considered. It does not deal, as the present Act deals, with an electoral office or a candidate's room. So, we will have a number of electorate and campaign offices, perhaps, with a sign on the window that may be more than one metre square. If there is a name that has more than half a dozen letters, one probably will not be able to identify the candidate's name on the window without contravening the section.

The Hon. R.I. Lucas: Goldsworthy is in trouble.

The Hon. K.T. GRIFFIN: Goldsworthy is one. If one tries to fit all that into one metre square one will be in trouble and may need binoculars to read it. I also refer to election campaigns proper. What about the election slogan that the ALP had behind its policy launch? That was more than one metre square and was calculated to influence the result of the election; it did not bear an authorisation; and it would be in breach of the Act. The same would apply to the Liberal Party, the Australian Democrats and to any other Party.

The Hon. M.B. Cameron interjecting:

The Hon. K.T. GRIFFIN: We will get the tape. Anything that is calculated to affect the result of an election is affected. So, even Governments will not be able to promote policies as being implemented, unless any backdrop or poster is less than one metre square, because that will be calculated to affect the result of the next election. It is a ludicrous proposition.

I want to make some amendments to the proposition and, having considered those amendments, ultimately to toss out the proposal. I want to amend it so that it is limited to the election period, from the date when the writs are issued to polling day. That is a definable period and there is very little doubt as to what is calculated to affect the result of an election during that period because an election has been called. I want to remove 'vehicles or vessels' and limit it to buildings, hoardings or other structures—fixed structures that can be identified. I want to increase the area from one square metre to 10 square metres, which means that even the elderly will be able to read something as they pass in a motor car down the highway.

The Hon. K.L. Milne interjecting:

The Hon. K.T. GRIFFIN: The Hon. Lance Milne will then be able to read it.

The Hon. K.L. Milne: I had not thought of that. You're quite right.

The Hon. K.T. GRIFFIN: Even when you are walking you will be able to read it. I also want to ensure that drive-in theatres have an opportunity to display these sorts of advertisements of more than 10 square metres in area. I also want to ensure that it does not apply to electorate offices, campaign offices and candidates' offices, and that of course maintains the *status quo.* By doing this, at least it will have some recognition for the facts of life that sophisticated electoral advertising is here to stay, and anybody who seeks to curtail it is really curtailing the democratic right of individuals to promote their causes, their Parties, themselves and their policies, to inform the electorate.

The Hon. M.B. Cameron: It is the cheapest form of advertising.

The Hon. K.T. GRIFFIN: It certainly is a cheap form of advertising. More and more electors are getting tired of seeing the talking head on television.

The Hon. M.B. Cameron: It is pretty costly on television. What is it—$1 300 for 27 seconds?

The Hon. K.T. GRIFFIN: I am not sure about the cost. What I want to do is bring some reality into the consideration of electoral advertising. It has not done any harm in the United States, the United Kingdom or in other places where it is allowed. I do not think it did any harm during the last Federal election. It did not do any harm in Victoria and I understand there are certainly not such stringent limitations in Victoria, if any, on advertising as there are in this Bill. I just think it is showing a remarkable backward movement for a Government which says that it is progressive. I would suggest it is regressive.

For that reason, I will be seeking to move amendments and probably the best thing to do is to move the first of my amendments, without of course wishing to curtail the debate. I move:

That new clause 114a proposed by the House of Assembly be amended by inserting after the passage 'electoral advertisement' the passage 'during an election period'.

The Hon. K.T. Griffin's amendment No. 1 to the House of Assembly's amendment No. 11:

The Hon. R.I. LUCAS: I obviously support the amendment, but equally I want to address a few questions with respect to clause 114a. The Hon. Trevor Griffin has clearly pointed out a number of the problems that exist with respect to the clause. What I want to do is point out the absurdity of the situation if clause 114a goes in and even if the amendments are accepted in certain circumstances from the Opposition this evening. One of the points that the Hon.

Martin Cameron raised by interjection, which has not been addressed before, is the simple fact that poster advertising is one of the cheapest methods available. There is many a complaint from smaller, minor Parties that they are not able to compete on the more expensive advertising forms such as television, and the Hon. Martin Cameron is right when he says the cost of a 30 second advertisement on television can be between $1 000 and $1 500. You can get one of these poster sites which the Australian Democrats seek to outlaw for approximately $25 a month rental. Regarding the cost of poster site advertising *vis-a-vis* television, radio or even the metropolitan daily, if you are looking at getting a black and white full page advertisement in the *Advertiser*, you are probably talking in terms of $4 000 to $6 000. You can get a poster site for a candidate of a minor Party for about $25 a site. I concede that you have the upfront costs, but you are talking about $25 a site per month for some of those sites. So, it is a cost-effective means of advertising and the Liberal Party is seeking to support the democratic right of the smaller Parties and of Independents who wish to participate in the electoral process and push their electoral message or policies to the people of their electorates. They cannot afford to compete with the major Parties in television, radio and the daily press, but at $25 a month they can afford to compete in a local electorate with the major Parties by the use of poster advertising of a size that will be able to be seen by cars passing at 60 km/h—and that is the operative point. The big poster sites can be seen by a car going past—

The Hon. K.T. Griffin: By a person in a car.

The Hon. R.I. LUCAS: —by a person in a car passing by at the speed limit of 60 km/h in the metropolitan area.

An honourable member: That is dangerous.

The Hon. R.I. LUCAS: No, it is not—it is less dangerous. When you have the small poster site of less than one square metre, you take longer to take in the message. You have to look and focus on it and it takes longer to take in the message. That is more dangerous than the massive site down in the western suburbs. You cannot help but pick up the message and your eyes are not diverted from the road at all, whereas the smaller poster sites of less than one square metre are dangerous and I think certainly would not be conducive to road safety. That is another reason for supporting the amendments, and the Hon. Ian Gilfillan has been talking a lot recently about road safety. Perhaps he might like to consider that point as well.

The Hon. I. Gilfillan: How big do you think the road sign should be in that case?

The Hon. R.I. LUCAS: You are not allowed to have poster sites right on the side of the road because you are going straight for them. The poster sites are off the road, as the Hon. Mr Gilfillan would know, whereas the road signs are in effect right on the kerbing. I think there is a different argument there. The angle of the eye to the road would pick up the road sign because it is right in front of you. To read anything that is off the road, you are obviously taking your eyes off the road and off the oncoming traffic. That is dangerous, and if you are going to do that at all, you should be doing it for the smallest possible fraction of a second.

The Hon. M.B. Cameron: That is why highway signs are large.

The Hon. R.I. LUCAS: They are also right in front of you. You see them as you come to them. You do not have to divert your head. I think that is a point that merits consideration. Regarding the amendment that the Democrats are asking us to look at, in effect that big poster site down in the western suburbs at the moment would be prohibited yet if, as I indicated in my contribution earlier, we had John Olsen and Martin Cameron walking up and down Burbridge Road with that same poster, the Australian Democrats say that that is all right, because in effect it is mobile: it is not attached to a fixed structure. The Hon. Ian Gilfillan was honest enough in the early Committee stages to agree that that is the case. He said he was not worried by someone who might walk up Burbridge Road all day with the very same poster of the very same size, yet he is worried about something of the same size which sits still.

The Hon. J.C. Burdett interjecting:

The Hon. R.I. LUCAS: I might get on to that in a moment. What we have are sandwich boards. I take it from the definition we have here that, if the Liberal Party decides to hire a poor university student for the period of three to four weeks prior to an election, with large posters on the front and back of that person, larger than one square metre—as big as we can get for that person to carry—as long as he moves and does not become part of a fixed structure, the Hon. Ian Gilfillan and the Government are suggesting that that is all right: that would not be caught by the one square metre restriction.

As I said, I am attempting to point out the absurdities of this law and one of the reasons it was not in the original Government Bill was that the Government knew there were so many absurdities with respect to this provision. There is another one and that is the electoral offices which has been touched on briefly by the Hon. Trevor Griffin. I know my colleague the Hon. Legh Davis will refer to it in a little while.

I raised the matter during the earlier debate about the office of the Democrat Senator Janine Haines. The Hon. Legh Davis and I did some research today and I will give the results of one aspect of it. We looked at Senator Janine Haines' sign, which measures 247 by 257 centimetres or 6.3 square metres, six times the limit of the size allowed for a sign under the Democrats' amendment. It is in fact illegal under the current Electoral Act, which allows 8 000 square centimetres. Who knows, perhaps Mr Becker (the Electoral Commissioner) may have already sent a harsh note to Senator Haines asking her to take down her glass pane and comply with the Act.

The Hon. Diana Laidlaw: Is it okay under the Federal Act?

The Hon. R.I. LUCAS: It is certainly removed from the Commonwealth Act, but exists in South Australia. The sign states 'Senator Janine Haines—Senator for South Australia'. It is a moot point. Certainly there is no question that it is an electoral advertisement.

The Hon. I. Gilfillan interjecting:

The Hon. R.I. LUCAS: I will take that up later, because the Hon. Mr Gilfillan has raised it. I will quote from *Webster's Third New International Dictionary*. I will not go through the whole of the definitions but it basically says that an advertisement is the provision of information. There is no doubt that Senator Janine Haines has put on her window 'Senator Janine Haines—Senator for South Australia' to inform her constituents that she is there. Why is she doing it? Because she is seeking to advertise her name.

Market research will show that the most important part of gaining votes in an election is voter recognition of one's name. If you can get your recognition factor above 50 per cent your percentage vote in an election is likely to be substantially higher than somebody whose recognition factor is down around 10 per cent. Janine Haines, whatever I might think of her, is no fool and she knows that for electoral advantage she needs to advertise her name so that more people at the election will know that Janine Haines is a Senator or will know that Janine Haines is doing good out in the community in Hutt Street rather than in the Commonwealth building. There is no question that the

advertising of a name is an electoral advertisement within the terms of the Electoral Act—no question at all.

That is advertising with the intent of increasing the vote for that particular candidate, Senator Janine Haines, at the next Senate election that she contests. The Hon. Legh Davis and I did some research during the lunch break and I will leave it to him to make comment about other electorate offices throughout metropolitan Adelaide during his contribution. A further absurdity in this particular amendment from the Australian Democrats is that it says that a person shall not show an electoral advertisement on a vehicle or a vessel. If one looks at the definition of 'vehicle' in the dictionary it certainly covers the normal understanding of what we see as a vehicle and from the definitions I have seen (to answer the earlier interjection of the Hon. John Burdett) it also covers planes. However, it does not cover animals. I will give an instance of a Liberal Party candidate in Tea Tree Gully in the late 1970s who hired an elephant.

The Hon. J.C. Burdett: Was that Mrs Perry?

The Hon. R.I. LUCAS: No. The candidate hired an elephant and adorned it with a large sign on each flank. I can also instance the Liberal Party candidate who hired or bought a camel and adorned its sides with signs larger than one square metre.

The Hon. M.B. Cameron: Are camels a vehicle?

The Hon. R.I. LUCAS: What the Hon. Ian Gilfillan says is that it is all right if you have a camel, elephant, horse or cow with a sign on it. Look at the American situation where there are plenty of farmers who are hiring the flanks of their cows to be used for electoral advertising. They put signs on the sides of the cows.

The Hon. M.B. Cameron interjecting:

The Hon. R.I. LUCAS: They may be in demand in some marginal seats if this absurd amendment passes. We will have a situation where candidates will be able to advertise using larger than one square metre posters on the sides of large animals but will not be able to use such posters on hoardings. Let us consider skywriting. There is nothing in the amendment moved by the Hon. Ian Gilfillan and his colleague with respect to a candidate hiring a plane that all day every day (if he or she can afford it) flies over writing 'Vote Liberal' or 'Vote Ian Gilfillan' on the horizon of his electoral district.

I can assure the honourable member that skywriting is considerably larger than one square metre. I would like to see the Electoral Commissioner if he were asked to rule on the size of skywriting and if he had to measure it. What the Hon. Ian Gilfillan is saying is that that is all right, that one can advertise in the sky with signs that are greater in size than one square metre, but is not allowed to do so on a poster site. Let me instance Ivan Wardle, the former member for Murray who took the seat from Gabe Bywaters in 1968. He was a very inventive and resourceful politician in respect of advertising. It happened before my time, but I am advised by some of my older colleagues that the member got a paddock leading into Murray Bridge and (using whatever the appropriate provision was) then spaced the letters of his name a metre apart down the side of the paddock complying with the Electoral Act but so that when one drove along the entrance to Murray Bridge all one could see from the left hand side of the road was 'Ivan Wardle'.

The Hon. M.B. Cameron: For 100 yards.

The Hon. R.I. LUCAS: For 100 yards, the Hon. Mr Cameron tells me—'Ivan Wardle'. But we do not have to worry about that. The problem when one starts restricting electoral advertising is that one has to draw the line somewhere and one has these absurd situations arising. Once one draws these lines one allows all of these problems. If some of the loopholes created are plugged there will be more loopholes created, I assure the Hon. Mr Gilfillan.

Let us look at the situation of a policy launch, and I raised this matter during the earlier debate. There was the case of the Labor Party policy launch meeting prior to the last election where there was a sign 'We want South Australia to win' and a big photograph of John Bannon. That contravened the Electoral Act then and will contravene this Act. There is no doubt that the Australian Democrats at their own policy launch contravened the State Electoral Act with the backdrop that they had. They would be contravening the Electoral Act again on this occasion. What the Hon. Ian Gilfillan is saying is that when there is a policy launch and you want to dress up your platform (and all one possibly wants to do is have a sign 'Australian Democrats' so that people can see it when the television comes on) you cannot do that—it is not allowed. One can have a little dinky sign of less than one square metre in size but cannot have a big banner with 'Australian Democrats' on it.

I have seen a number of Australian Democrat banners that are much larger than one square metre in size. They were used in the peace march, but that has been covered in this amendment, because as long as one walks around the street holding these greater than one square metre Australian Democrat banners, that is all right. The Democrats and the Australian Labor Party have left an 'out' for May Day and peace marches in that as long as people are walking around the streets with these big signs that is all right but, if they are left stationary on the side of the road that is terrible. If you leave the message stationary, that is terrible, but if you walk around the streets holding it and stopping the traffic that is fine.

Let us look at a policy launch in a theatre. Subsection (3) of this proposition says that this does not apply to exhibitions of an advertisement in a theatre by means of cinematograph. So, we can use a projector within a theatre. What if we have our policy launch in the Capri Theatre, where it is not permissible to have a great big 10 square metre sign saying 'Olsen for Action'. However, if we get the projector out, put a great big screen up and project an image on the screen 'Olsen for Action', that is all right. It would be exactly the same message of exactly the same size—10 square metres—but we are exhibiting an advertisement in a theatre by means of a projector, so that is all right. That is absolutely ludicrous.

The Hon. K.T. Griffin: What about the big screens at the Olympic Games?

The Hon. R.I. LUCAS: If one looks at the definition of 'theatre' in Webster's Dictionary or the Oxford Dictionary in the library, one sees that they do not restrict the meaning of 'theatre' to inside: it covers outside as well. I think that there is a theatre in a quarry at Golden Grove.

The Hon. Mr Griffin raised the question of large sporting grounds, which could be defined as theatres, with large screens such as those at the SCG and the MCG, and we may have them at West Lakes sooner or later. If those sporting grounds can be defined as theatres (and at least a couple of the dictionaries in the library indicate that there is some argument for that), it is all right to advertise on a large screen 'Olsen for action' or whatever, but one is not permitted to have a fixed poster site in the same area. There are dozens of other anomalies, but I will not go through them; I have already given the Committee a handful in respect of this provision. The Hon. Mr Griffin has blocked a few of them, but we cannot block them all.

Once you start imposing censorship and restrictions you have to draw the line somewhere. If you start that, there will be loopholes everywhere. I have already given some examples of what is going to happen in this area. I will leave it at that. It is an absurd amendment—absolutely crazy. I do not know what has possessed electoral pragmatists such as the Hon. Chris Sumner and the Hon. Frank Blevins

to change their minds from their original vote to support this provision now. I hope that certain members will change their minds when it comes to the final vote and throw this amendment out.

The Hon. M.B. CAMERON: I am very proud to be a member of this Chamber tonight, because we are saving the people from this dreadful thing called an electoral sign greater than one square metre! It is a very dangerous thing to have any political advertising greater than one square metre! I am sure that all members tonight will be proud to know that we are going to save democracy by stopping this dreadful sin being committed on the State and citizens of South Australia. What an absurd proposition! I cannot believe that on the last night of this session we are debating an issue introduced by the Government, to which an amendment was submitted by the Hon. Mr Gilfillan but was not passed by this Chamber. The Bill was sent to another place where an amendment was supported by members of the Government to remove the proposition altogether, and it is now back before us. Goodness gracious me, what on earth are we up to? What a job the poor old Electoral Commissioner will have at the next election!

We are all going to have to have excessive electoral sign spotters. We will have people running around making sure that signs are correct. We will all have to carry a ruler. I guess it is a good idea to have a ruler one metre in length so that we can check the various signs. In fact, we will have to go to all the meetings and check whether anyone dares to put up a sign larger than one square metre. We will need a special person in halls checking every sign to ensure that they are not in excess of one square metre or, if there are such signs, that they are at least one square metre apart.

The Hon. Peter Dunn: We could set up a statutory authority to do it.

The Hon. M.B. CAMERON: Yes, or perhaps we should increase the Electoral Commissioner's staff so that he can do it. That would save us a lot of time.

The Hon. J.C. Burdett: Set up another statutory authority.

The Hon. M.B. CAMERON: Yes, a new statutory authority. Perhaps we could use the old Potato Board inspectors, because they are pretty good at getting around the State. The Hon. Mr Lucas referred to placing signs on cows. I am not sure whether that is still possible, whether we are amending the Bill to bring it in or take it out. The Electoral Commissioner will have a job measuring them, and I think he might find himself in some very dangerous situations in the bush. When we put a sign on a cow in the bush it will be unapproachable and the Electoral Commissioner will have no hope. In fact, he will have to have a new measuring device. What about skywriting? The Electoral Commissioner will have to use emergency helicopter No. 1 to chase the skywriters around in the air. If he cannot check them when they are in the air, he will have to check them on the ground. Good heavens above, where are we going in this State when we cannot trust the people's judgment? Are they going to change their opinions because a sign is larger than one square metre? What on earth does the Hon. Mr Gilfillan think he is up to?

The Hon. Frank Blevins interjecting:

The Hon. M.B. CAMERON: Perhaps we should go back further: who was the Premier in 1860? If the Hon. Mr Blevins wants to go back into history, let us reintroduce restricted franchise in this Chamber because Tom Playford supported it. The Hon. Mr Blevins should not bring up that stupid argument; he knows better than that.

The Hon. Mr Gilfillan thought that this thing was a good bit of publicity for him. We all know why he does it. I know the difficulties of being in a single member Party, which is really the situation with which he is faced now, because he has not got much support tonight.

He has had much publicity, but I do not want him to take it too far. The Hon. Mr Gilfillan had a good idea, and it helped the Liberals too. We are not dissatisfied with his performance on that score but I ask him now to reconsider his position, because this is a State full of mature people. We do not need this sort of restriction in a modern society. Too many absurdities would arise. We should treat people in a mature, grown up manner. The Government should maintain its previous stance. It was the Government's Bill—not ours. The Attorney would have introduced the Bill after much consideration and I bet he had been through it dozens of times.

Now, because someone in another place moves an amendment the Attorney changes his mind. I thought he had more sincerity, more gumption and would stand up and say that it was his Bill and that we should bring it back to what it was before, because otherwise we will end up in a mess, with signs being taken down when they are half a centimetre too big. The situation is ridiculous and I appeal to the Attorney to reconsider his position and support the amendment of the Hon. Mr Griffin.

The Hon. I. GILFILLAN: It is claimed that this so-called absurd amendment from another place was introduced not only by the Playford Government but also by the Tonkin Government which in 1981 considered it such a heinous crime that it increased the penalties by 150 per cent. I refer now to the historical situation. However heinous or laudable this aspect of the Act was, no-one, including the Democrats in this place, knew it was in the Act. The speeches tonight from Opposition members have shown that they are convinced now, although they were not at the time the poster went up, because they argued strenuously—

The Hon. M.B. Cameron: You are—

The Hon. I. GILFILLAN: I am not trying to score points and get the kudos from it. Political Parties in South Australia were not aware of the restriction within their own Act that had been in place for a long time. There is no excuse for anyone, including myself, to be ignorant of the law. Then the amendment was appropriate because no-one in Parliament had even considered this aspect. It was worthwhile for no other reason than to bring the issue before Parliament for consideration. When it was considered in the first instance in this place there seemed to be a little uncertainty on the Government side but on reflection in another place it became convinced about the position and there are reasonable grounds in favour of its retention.

It is not an amendment to the original Act: it merely reinserts a condition that has been in the Act for many years. It is not an innovation or a new restriction. It should be looked at calmly on the basis of what Parliament and the people want concerning the restriction, if any, on electoral advertising in South Australia. From the feedback I have received, many people want some restriction on the size of electoral posters and outside advertisements. Perhaps in deliberations there would be variations on the size but the increase from 8 000 square centimetres to one square metre is a rationalisation of what has been in the Act for so long.

The Hon. Frank Blevins: Is the restriction just for outdoors, because you have not said so?

The Hon. I. GILFILLAN: Posted up and exhibited on—

The Hon. Frank Blevins: What about in my lounge?

The Hon. I. GILFILLAN: That is up to the interpretation of the wording, but my interpretation is that it applies outside.

The Hon. Frank Blevins: Perhaps that should be in the amendment.

The Hon. I. GILFILLAN: It is not my amendment. The Committee refers to it as though it is my amendment, although certainly the wording is similar to one that was introduced here but defeated. If the intention is not clear

and if on advice the Minister believes that it does not express that, there is scope for having it redrafted. I refer to the contributions of the Hon. Mr Griffin and the Hon. Rob Lucas. It is only a mild debating point, but I point out to the Hon. Mr Griffin that the Democrats moved to abolish tobacco advertising completely.

It was not to tolerate any form of poster or outside advertising in any form. That was not successful. The point that it was a so-called afterthought that I had not mentioned in my second reading speech is true. It was not an issue about which I had any knowledge until it was pointed out that it was a condition applying in the Act. Once I was made aware of that it seemed appropriate to take the step that I did. The question of whether the notice of a politician's name on an electoral office is an electoral advertisement needs some clarification. The Minister—

The Hon. Frank Blevins: I have taken advice, and it is not.

The Hon. I. GILFILLAN: That is my understanding. The example given by the Hon. Mr Lucas that the name of Senator Haines or any politician's name is an electoral advertisement is very one sided. It is an interpretation that the only aim of a politician displaying his or her name is to get votes at the next election, yet in fact 90 per cent of the intention is to advise electors where their elected representative is so that he or she can be approached for help. The general public who do have an aversion to large signs like political posters would view that sort of advertising as visual harassment. We already have other kinds of harassment: sexual harassment and workplace harassment. Here is another example and on all sides of the Chamber we are sensitive to so-called harassment and this is another one that has to be considered.

The Hon. J.C. Burdett interjecting:

The Hon. I. GILFILLAN: We would not have it if it could. There are certainly areas of undecided and previously undetermined interpretations of the Act, so that the amendment to be brought in to the Act, to be effective, ought to clarify. I would like to ask the Minister when I get one for the interpretation of the name of a politician on an electorate office so that we can have that read into *Hansard.* I would also like an interpretation of whether the wording of the amendment applies to an advertisement out of doors, as it certainly seemed to me to do on a reading of it and on my interpretation of it and my wishes. I may have to wait until we get a Minister back.

The CHAIRMAN: The honourable member is now requesting an answer to certain questions?

The Hon. I. GILFILLAN: Yes. I sought answers to two questions: first, the classification of a politician's name on an office as being an electoral advertisement or not.

An honourable member: Of course it is.

The Hon. I. GILFILLAN: The honourable member is in conflict with what I understand to be the advice from the experts.

The Hon. FRANK BLEVINS: I am advised that the answer is 'No'.

The Hon. R.I. Lucas: It is not an electoral advertisement.

The Hon. FRANK BLEVINS: It is not an electoral advertisement in itself. If it was proceeded by 'Vote (whatever the name is)', it would be.

The Hon. R.I. Lucas interjecting:

The Hon. FRANK BLEVINS: I was not asked about that: I was asked whether the member having his or her name outside the electorate office was electoral advertising. The answer to that specific question, I am advised, is 'No, that is not electoral advertising.' If the honourable member wants to ask me another question he will have to ask it slowly and I will take further advice.

The Hon. I. GILFILLAN: I had asked another question of the Minister to clarify whether the wording can be interpreted as meaning outdoors. I must say that my interpretation of 'on' has been different from 'in'. Therefore, I had assumed that these prohibitions were applicable to outdoor exhibition of electoral advertisements.

The Hon. FRANK BLEVINS: I am advised that the amendment that is before us does not mean outdoors, but that it means all: indoors or out.

The Hon. R.I. Lucas: In your bedroom—anywhere?

The Hon. FRANK BLEVINS: Just a moment: do not get uptight. The word 'on', which attracted the Hon. Mr Gilfillan's attention specifically, can mean on an inside or an outside wall, on the ceiling, floor, a curtain, or whatever. That is what I am advised.

The Hon. L.H. DAVIS: I raise a query about the reply to the Hon. Ian Gilfillan with respect to whether an electoral office comes outside the ambit of an electoral advertisement. With respect, I raise that as an issue that is not beyond dispute. If one looks at clause 4, which is the definition clause, one sees that 'electoral advertisement' means an advertisement containing electoral matter, and 'electoral matter' is defined as meaning matter calculated to affect the result of an election.

As my colleague the Hon. Robert Lucas has already mentioned, we went on a campaign office crawl at lunch time today. We saw four campaign offices: one of Senator Janine Haines and three of the Labor members: Senator Graham Maguire, a Federal Senator; the Hon. Greg Crafter, Minister of Community Welfare; and Mr Kym Mayes, the member for Unley.

In each case the advertisement did not comply with the one square metre requirement of the amendment. The Hon. Robert Lucas has already mentioned that Senator Janine Haines' sign was six square metres. It was in gold leaf—very attractive, very prominent and eye catching. In the case of the Hon. Greg Crafter, Minister of Community Welfare, it was prominently sited at 242a The Parade, in what I would describe as an attractive burnt orange colour, and it said, 'Greg Crafter, Member of Parliament' very prominently. I would have thought that, certainly with the Norwood Parade being a focal point for the electorate of Norwood, that would have been calculated to affect the result of an election. It was very obvious who he was. That advertisement was 390 cm x 162 cm, a total of 6.3 square metres, six times the maximum size stipulated in the amendment now before us.

The Hon. R.I. Lucas: He is a Minister of this Government.

The Hon. L.H. DAVIS: That is right: he is a Minister. Does it mean that, if this clause goes through the Council unamended and if the Bill becomes an Act and is subsequently proclaimed, he will be risking a fine of up to $1 000 because the advertisement on his electorate office window is six times the size that is said to be the maximum size set down in the proposal before us?

Mr Kym Mayes, member for Unley, in a recently resited office in Goodwood Road, battling for his electoral life, has not chosen gold leaf or burnt orange. He has come up with a very attractive pillar box red, very prominent, saying, 'Kym Mayes, member of Parliament, and Justice of the Peace', and it gives his phone number. That size again was well over the limit: it was something like 1.6 square metres. The only thing that could be said in Mr Mayes' defence is that the sign on the door was within the one square metre maximum, simply because the door was not any bigger than that.

The Hon. J.C. Burdett: And that was not intended to influence the outcome of an election!

The Hon. L.H. DAVIS: Not at all! Everyone knew where Mr Mayes' office was. I had to ask for it because it had

been recently resited. They said, 'That is the one over there with the big sign on the window.' Those were the words. Calculated to affect the result of an election? The answer is 'No'? I honestly find that answer hard to believe.

Let us deal with the real facts: we are dealing with a Bill introduced by the Government and a clause that passed with only one dissentient voice, which was the voice of Ian Gilfillan who, in his defence, has been consistent on this matter, although I happen to disagree with what he is saying. That is more than can be said about the Government. The Hon. Mr Gilfillan called 'Divide' but, because there was only one voice, there was no division. The Government introduced this clause in this place, and in another place it slunk off and changed its mind. The Attorney-General, who is generally pretty honest, came back here this evening and said, 'We have changed our minds on this matter because we were persuaded by the people on the cross-benches. They put up a mighty powerful argument.' Two of the people on the cross-benches are in this Council.

They did not attempt to disagree with the proposition put by the Hon. Ian Gilfillan on behalf of the Democrats in this Chamber, remembering that the Democrats, as Legislative Councillors, represent the whole State. Who are the other three people on the cross-benches in the other place who persuaded the force of the Government, the power of the Government to quiver and bend and finally topple at the might of the argument that was advanced by this powerful group of three people on the cross-benches? Who were they?

One was called Mr Peter Blacker, who roams around Flinders with only one big population centre, and that is Port Lincoln—hardly a place that you would plaster with big billboards, I would have thought. We come to Mr Norm Peterson, the member for Semaphore—hardly big billboard country I would have thought—and to Martyn Evans, the unique Independent Labor man from Elizabeth who happens to have a personal point of view that he does not want billboards in Elizabeth. However, we are not talking about Elizabeth in this Bill; we are talking about South Australia in 1985. If the people of South Australia happen to think that a billboard is too gross, that it is inappropriate, they will have their opportunity to reflect that point of view in the ballot box. The idiocy of this amendment which has been agreed to in another place and which the Government now calls its very own is underlined by the examples that have already been demonstrated so well this evening by the Hon. Robert Lucas and my colleague the Hon. Trevor Griffin. Let me throw in a couple more, just to get the worm wriggling on the hook even more, if that is possible.

What about the aeroplane dragging a sign along behind it? I went out on a boat on the very first day that *South Australia* challenged *Australia II*, when a plane was carrying signs back and forward all day, because there were people there. In fact, Mitsubishi Motors was one of the advertisers that I well remember. I would be less than honest if I did not say that the Liberal Party has reflected from time to time on the merit or value of having a sign like that to advertise a candidate in a marginal seat.

Certainly a sign such as that would be knocked out, but what is offensive about that? Can anyone really object to the novelty of that approach? Is it locked out? Would that sign be legal or would it be unacceptable under the Act?

We come up with the situation of signs that are used in America, where an advertisement is beamed on to the side of a building. Is that acceptable or is it not? What is there to stop someone flashing a ign up there, 'Olsen for Action' on the side of the building? I have been in Adelaide watching pictures in an open area that you would not deem to be a regular theatre; in fact it was on a wall at the back of the Art Gallery. If someone puts up, for 20 minutes, in an area which is quite clearly more than one square metre, a sign saying 'Olsen for Action', is that deemed to be a contravention of the Act?

The point which the Democrats do not accept is that they probably get more political mileage from being in a May Day march, a Labor Day march or a peace march with their very big banners getting television coverage on four stations, perhaps lasting a full minute and worth thousands and thousands of dollars in real terms, compared to a billboard, which as my colleague says, may cost only $200 a month in a prime spot. It is quite clearly absurd, illogical and not capable of being defended rationally to say that someone in a peace march or Labor Day march carrying a banner many square metres in size which says, 'Stop Roxby Downs', 'Ban uranium mining', 'Sponsored by Australian Democrats', 'Australian Labor Party', 'a union', or 'The Trades and Labor Council, affiliated with the Labor Party', so is doing so legally.

I applauded the Government move when it was introduced. There was very little debate on it. In fact, very little issue was taken with it. It did not attract any attention in this Council. There was common agreement with it. What a good move it was, along with many other provisions of this long overdue review of the Electoral Act. Only the Hon. Ian Gilfillan objected, yet we now have this cowardly turnaround—I suspect simply because they have seen the effectiveness of the billboard down at Burbridge Road and they did not think of it first. What sort of approach is that?

I think that it is a very sad day, quite frankly, when, just because one political Party happens to come up with a good idea—far be it an original idea because people have been using that as a form of advertising for years—the Government in mid stream, having committed itself quite clearly to a course of action, says, 'Hey, this looks like a winner; we had better stop it dead in its tracks.' So whether deliberately or otherwise, an Independent Labor member, who one day no doubt desires to return to the fold of the Labor Party, puts up an amendment which is grabbed as a drowning man grabs a lifeboat on a stormy night. That is where it is. I hope that the Government has the decency and the honesty to accept the absurdity of the situation that it now finds itself in and takes appropriate action to remedy this terrible, terrible anomoly.

The Hon. R.I. LUCAS: I want to pursue the question which I raised earlier and on which the Hon. Ian Gilfillan sought a response from the Minister, that is, basically whether a sign on an electoral office or a campaign office is an electoral advertisement. The advice of the Minister, based on his advice, is that it is not. I believe that that is certainly not the case, on my understanding, anyway. Let us not just look at an electoral office; let us look at the campaign office—the centre of the campaigning, which has in large capitals on the side of the building, 'Kym Mayes, Member for Unley', which is exactly the same wording that might exist on the front of the electoral office.

The Hon. J.C. Burdett: Justice of the Peace.

The Hon. R.I. LUCAS: —Yes. If the Government can argue that that is not an electoral advertisement, that it is not designed to affect the result of an election, I will go he. As I indicated earlier, there is no doubt that, if a candidate can maximise the recognition factor of his or her name within an electorate, it is a significant factor in being able to win extra votes at a particular election.

In the marginal seats, candidates conduct market research through the period leading up to an election, measuring and monitoring their main recognition factor. They measure it early on in their recognition of 'Joe Bloggs for Smithfield', and that might only be 5 per cent. The question is, 'Who is the Liberal candidate for this electorate?', and 5 per cent of the people recognise it. The whole campaign strategy is based around building up a recognition factor for the par-

ticular name and association with a certain Party in that electorate. So, we have 'Joe Bloggs, Liberal for Norwood'. That is the association that the candidates seek through their literature, their television, press, or radio advertising, if they have it, as well as through their poster sites and door knocking.

They want their name known in the area and to be identified with a Party in that electorate. One important way for them to be so identified is either through their electorate office (if they are a member) or through their campaign office (if they are an aspiring or perspiring candidate)—

The Hon. Frank Blevins: Expiring.

The Hon. R.I. LUCAS:—or possibly in some cases expiring. The office is generally in a prominent place in the electorate. We referred to Greg Crafter's office on the Parade at Norwood and Kym Mayes's office on Goodwood Road in Unley—major thoroughfares in their electorates. Those members' names are prominently displayed. There is no way that one can argue that they were not at least in part or substantially advertising their name to maximise the recognition factor for themselves in that area in order to influence the outcome of elections and maximise their vote within the seats of Norwood or Unley.

So, when they knock on a door or when a person looks at the ballot paper they will see 'Greg Crafter, Labor Party'. They will remember having walked down the Norwood Parade to do some shopping on Saturday morning and having seen 'Greg Crafter, member for Norwood.' It is a big sign on his office on the Norwood Parade. It is a recognition factor and that is what candidates and members of Parliament want. They want more than 50 per cent of their electorate to recognise their name so that when they come to voting day and see the name on the ballot paper it clicks in the memory bank—'Greg Crafter, member' or 'Kym Mayes, member'. It is an electoral advertisement because it contains electoral matter—matter that is there to help influence the outcome of an election by way of maximising their vote in the area.

I disagree with the interpretation that an electorate office or campaign office, with a name on the side or front of it prominently displayed, is not an electoral advertisement. I suggest that in any court of law, if this provision goes through and is tested, will deem it to be an electoral advertisement and, if it contravenes the Electoral Act, woe betide the candidate or member.

The Hon. PETER DUNN: There have been some long, eloquent, correct and convincing arguments here tonight. I make one point, namely, that by restricting large advertisements we are causing those people who wish to advertise to use a number of very small advertisements. I recall some years ago, when it was legal to nail small advertisements on trees around the countryside, the member for Flinders nailing a poster on almost every large tree from Port Lincoln to Tumby Bay. His countenance was there to be seen by all. It is not the prettiest countenance and is therefore pollution. When one sees so many of them it is very unusual.

The repetition of small advertisements is far worse than one big advertisement. Maybe the cost is the same, but the repetition of small advertisements, which usually finish up blowing around the countryside, is far worse than one large advertisement if that is the will and wish of those wanting to advertise. That is far more acceptable than small advertisements all over the countryside which are visually quite polluting.

The Hon. C.J. SUMNER: I have listened to this debate with some interest. Some of the points, if not all of the points, raised by honourable members are worthy of consideration. Whilst still supporting the basic approach in the amendment moved by the House of Assembly of restricting the size of general publicity signs—

The Hon. M.B. Cameron: Which is different from your original approach.

The Hon. C.J. SUMNER: Which is at some variance to the original approach that I adopted when the Bill was introduced into the Parliament. The basic principle deals with the size of publicity signs that are designed to influence the result of an election. Even if the Bill remained in its original form, that is, with no State legislative restriction on electoral advertising under the Electoral Act, there might still be (and, in fact, it is the case in a large number of local government areas) restrictions on such signs. An analysis indicates that a large number of electorates (including Walsh, Hayward, Morphett, Bright and Mitchell) would still have a restriction on the size of signs; indeed, it is questionable whether any signs of that nature could be exhibited in some districts.

The Hon. Anne Levy: Burnside council.

The Hon. C.J. SUMNER: Yes, and Burnside council as the Hon. Ms Levy points out. The basic principle relates to advertisements—so-called electoral boards—that all Parties have traditionally used. I cannot resile from the policy in the amendment moved by the House of Assembly.

The Hon. M.B. Cameron: New-found policy.

The Hon. C.J. SUMNER: It is in existing legislation.

The Hon. M.B. Cameron: Which one—in the one you brought in?

The Hon. C.J. SUMNER: In the current Act.

The Hon. L.H. Davis: It was a tight vote.

The Hon. C.J. SUMNER: We were quite mute on that matter. Honourable members will recall that I did not contribute to the debate on that topic. I thought that I had said enough on the day that I introduced the Bill. I do not recall there being any voices on this side.

The Hon. M.B. Cameron: There was one voice, but we could not have a division because there was only one voice.

The Hon. C.J. SUMNER: That was the Hon. Mr Gilfillan and he is on your side. Some of the points raised by honourable members opposite during the debate need to be addressed without doing any abuse to the basic principle in the amendment. I now propose that another subclause be added to the proposed new clause 114a to provide that certain forms of exhibition of electoral advertisement can be excluded from the operation of the section by regulation.

That will enable the Parties to discuss any potential anomalies that might exist as a result of the passage of new clause 114a and then to exclude those by regulation. If that has not been resolved satisfactorily, given the basic policy in this clause that I must now support, then honourable members opposite (or, indeed, the Government) when we resume in August can introduce an amending Bill. If it can be resolved by regulation after discussion between the Parties then we can do that in the meantime. That is the proposition that I am putting to the Committee for its consideration. Honourable members opposite may still care to test their position with the amendments they have put, and that is fair enough, but I indicate that I will maintain new clause 114a in this form, although a couple of the Hon. Mr Griffin's propositions I can accept. However, basically, it will remain in form together with a proposition I put about another subclause, that is, the regulation making power to exclude certain categories of electoral advertisement in certain places.

The Committee divided on the Hon. K. T. Griffin's amendment No. 1 to the House of Assembly's amendment No. 11:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons Frank Blevins, G.L. Bruce, B.A. Chatterton, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris and C.M. Hill. Noes—The Hons J.R. Cornwall and C.W. Creedon.

Majority of 1 for the Noes.

The Hon. K.T. Griffin's amendment thus negatived.

The Hon. K.T. Griffin's amendment No. 2 to the House of Assembly's amendment No. 11:

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

That new clause 114a proposed by the House of Assembly be amended by striking out paragraph *(a)* of subclause (1) and the word 'or'.

I have moved this amendment so that the prohibition on electoral advertising only relates to a building, hoardings or other structures. I remind the Hon. Ian Gilfillan that during the course of the second reading debate he referred specifically to fixed advertisements and said:

It is important that the conduct of elections is a fair and reasonable exercise in which all parties who have a right to participate have a reasonable opportunity to communicate to the public, the electors, and this control in the current Act is designed to prevent extravagant impact through fixed advertisements which, incidentally, are unavoidable in their locality.

Later in the debate the Hon. Mr Gilfillan said:

... I understand that section 155 *(b)* only applies to stationary exhibits on the items listed. In other words, the current Act is restricted to posters going on buildings, vehicles, vessels, hoardings or structures, and it does not apply to mobile displays, which is the same point that I was trying to make in relation to theatres.

My amendment seeks to limit the application of the section—

The Hon. C.J. Sumner: Vessels are in the existing one.

The Hon. K.T. GRIFFIN: I know. I am just referring to what the Hon. Mr Gilfillan was saying during the Committee stage when he moved the amendment. He was referring to fixed advertisements. Although it is not just fixed advertisements in the present Act, I want to limit it to fixed advertisements and to exclude advertisements on vehicles or vessels. The matter has been adequately debated and I do not propose to take up any further time reiterating the point I made earlier and the points that my colleagues have made.

The Hon. I. GILFILLAN: The Hon. Trevor Griffin is quite correct; it was and still is my preference that it be restricted to stationary exhibits. That is more a matter of procedure and facilitating the workings of this place. It has been foreshadowed that the Minister will have power of regulation, and I hope that will be exercised to take this requirement into account. I indicate that I cannot support the Hon. Mr Griffin's amendment. My indication is that the Government will handle the measure by way of regulation, and it would be very obstructive if this amendment were to pass. I urge the Government to note this aspect, and I urge the Minister to consider it when making regulations.

The Hon. R.I. LUCAS: I rise to point out another absurdity in this provision. I support the amendment. I refer to the Palm Sunday march. The Hon. Mr Gilfillan is saying that, if he and the Hon. Mr Milne are at the front of the march holding a banner which reads, 'Vote for Australian Democrats and ban uranium mining' and the sign is greater than one square metre, that is all right. In opposing this amendment the Hon. Mr Gilfillan is saying that, if exactly the same banner is placed on a car or truck behind him in the march and it moves slowly up King William Road, that is illegal. In that situation the Liberal Party will lodge an instant objection with the Electoral Commissioner who will have to move into the middle of the march to measure the offending advertisement on the truck.

The Hon. C.J. Sumner: Will you arrest the Hon. Mr Gilfillan?

The Hon. R.I. LUCAS: No, he would be all right because he would be walking along one metre in front of the truck holding the same sign. He might get into trouble if he authorised the message on the truck. It would be Mrs Gilfillan who would be in trouble if she was driving the truck.

The Hon. K.L. Milne: What happens if you put it on the pie cart?

The Hon. R.I. LUCAS: You would be in lots of trouble. This is a serious point. It is absurd for the Hon. Mr Gilfillan to ask us to accept this situation in relation to exactly the same sign separated by one metre: the Hon. Mr Milne and the Hon. Mr Gilfillan walking along holding the sign would be all right, but Mrs Milne and Mrs Gilfillan driving along displaying exactly the same sign would be chased off by the Electoral Commissioner. I hope that the Hon. Mr Milne can see the logic in the amendment and that he will support it.

The Hon. R.J. RITSON: This legislation will create a new speciality within the legal profession, namely, electoral law—subspeciality, signs.

The Hon. L.H. DAVIS: I also rise to make a helpful suggestion. As the law now stands the Attorney will obviously be giving early consideration to the formation of a new statutory authority called 'SPASM'—Statutory Political Advertisement Sign Measurers.

The Committee divided on the Hon. K.T. Griffin's amendment No. 2 to the House of Assembly's amendment No. 11:

Ayes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Noes (9)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Pairs—Ayes—The Hons R.C. DeGaris and C.M. Hill. Noes—The Hons Frank Blevins and J.R. Cornwall.

Majority of 1 for the Noes.

The Hon. K.T. Griffin's amendment thus negatived.

The Hon K.T. Griffin's amendment No. 3 to the House of Assembly's amendment No. 11:

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

That new clause 114a proposed by the House of Assembly be amended by leaving out from subclause (1) the passage '1 square metre' and substituting the passage '10 square metres'.

The amendment increases the area from one square metre to 10 square metres. I think even that is inadequate, but it is much more reasonable than one square metre. I have already spoken at length on it.

The Hon. I. GILFILLAN: I indicate that we oppose the amendment.

The Hon. K.T. GRIFFIN: I have had two unsuccessful divisions and I am inclined to go for more, but I can recognise that the numbers are against me. If I lose the next vote on the voices, I will not divide. However, I repeat that after consideration of these amendments I still intend to divide on the clause as a whole.

The Hon. K.T. Griffin's amendment negatived.

The Hon. K.T. Griffin's amendment No. 4 to the House of Assembly's amendment No. 11:

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

That new clause 114a proposed by the House of Assembly be amended by inserting after the word 'theatre' in subclause (1) the passage '(including a drive-in theatre)'.

The subsection presently does not apply to the exhibition of an advertisement in a theatre, and obviously it should be extended to a drive-in theatre. The definition of 'theatre' is fairly wide, but that puts outdoor theatres such as drive-in theatres beyond doubt.

The Hon. C.J. SUMNER: The amendment is accepted.

The Hon. K.T. Griffin's amendment carried.

The Hon. K.T. Griffin's Amendment No. 5 to the House of Assembly's Amendment No. 11:

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

That new clause 114a proposed by the House of Assembly be amended as follows:

After 'apply to' in subclause (3), insert—

'—

(a) '.

At the end of subclause (3) insert—

'*(b)* the exhibition of the name of a candidate or the name of a political Party (or both) at or near an office or room where—

(i) the name is so exhibited in order to indicate that the office or room is an office or committee room of that candidate or political Party;

and

(ii) the place of exhibition is more than 100 metres from the entrance to a polling booth'.

The Hon. C.J. SUMNER: The amendment picks up the existing provision and is acceptable.

The Hon. R.I. LUCAS: Before the amendment passes, I indicate that there are certain members' offices which even with this exemption will not comply with the provision. The member for Unley in another place has had his electorate advertisement on his office measured by us at 1.6 square metres and it will still contravene the Act—even as amended—because he advertises more than just the name and political Party, and under the new provision if there is an objection lodged—perhaps there may be someone well versed in electoral law who might take up that matter—Mr Mayes might be required to block out his offending sign because it will still contravene the provision.

The Hon. K.T. Griffin's amendment carried.

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

That new clause 114a proposed by the House of Assembly be amended as follows:

At the end subclause (3) insert—

or

(c) the exhibition of an advertisement of a prescribed kind or the exhibition of an advertisement in circumstances of a prescribed kind.'

The effect of the amendment is that the Governor-in-Council by regulation can exclude certain categories of advertisement or certain circumstances of the exhibition of advertisement from the operation of section 114a and, if it is acceptable to honourable members, the Government will look at that once the Bill has been passed, in the preparation of regulations, with a view to bringing into force the Act. If there are still difficulties honourable members opposite would have their options when Parliament resumes in August, either on this side of the Council—

Members interjecting:

The Hon. C.J. SUMNER: That is not correct. That is a complete misinterpretation of the situation. This amendment has been moved to accommodate honourable members opposite who will have their chance through the Subordinate Legislation Committee to peruse any regulations, but I have already indicated that I am happy to talk with them. The basic principle is in the Act and should remain in the Act without the restriction on size, but clearly there are some circumstances where that basic principle needs to be modified. In practice, it has existed to date; it is probably a practice that has been in breach of the law and a practice that will probably continue. Certainly, I am willing to co-operate in attempting to overcome some of the problems honourable members have seen.

The Hon. K.T. GRIFFIN: I am willing to support the amendment only because it is better than what is there already. It is better to have something than nothing except that, as I indicated earlier, we will be seeking to defeat the whole of the amendment proposed by another place and as amended by the Committee so far.

The Hon. C.J. Sumner: Still!

The Hon. K.T. GRIFFIN: I told the Attorney right from the beginning that I have been opposed to the clause but that I would accept the amendment on the basis that it is better than nothing and that there will be an opportunity to prescribe from the operation of this clause certain kinds of advertisement. Of course, the difficulty is that in electoral legislation as little ought to be left to regulations as possible, because no Government ought to have that power by regulation to alter the impact of the electoral law.

Of course, I have focused on that in consideration of some other clauses in Committee. However, this is one of those occasions where I am willing to accept that, if the principal clause remains in the Bill and if there is a mechanism for legally excluding certain advertisements, it ought to be accepted. I support the amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I have already indicated that we do not support the clause, even as amended, but it is now better than when it came to us. We do not support any restriction on political advertising. As the Attorney-General himself reaffirmed earlier this evening, these signs still have to be subject to and comply with local government by-laws and that is the way that it ought to remain. There ought not to be any limitations other than through the local government system.

I will not repeat the extensive arguments that have been addressed against this form of restriction of electoral advertising. We ought to place no greater limitations on electoral advertising than are placed on advertising for products because electoral advertising is much more basic to the democratic right than being able to smoke a packet of cigarettes.

The Hon. R.I. LUCAS: This amendment is absolutely crazy, as I have indicated before. I strongly oppose it, as I have also indicated before. I will certainly seek a division on this because I want to see the former electoral pragmatists and realists in the Government on the other side—The Hon. Chris Sumner and the Hon. Frank Blevins—being forced to divide on this issue and sit and vote against this provision, contrary to their own wishes.

The Council divided on the House of Assembly's amendment as amended:

Ayes (9)—The Hons G.L. Bruce, B.A. Chatterton, C.W. Creedon, M.S. Feleppa, I. Gilfillan, Anne Levy, K.L. Milne, C.J. Sumner (teller), and Barbara Wiese.

Noes (8)—The Hons J.C. Burdett, M.B. Cameron, L.H. Davis, Peter Dunn, K.T. Griffin (teller), Diana Laidlaw, R.I. Lucas, and R.J. Ritson.

Pairs—Ayes—The Hons J.R. Cornwall and Frank Blevins. Noes—The Hons R.C. DeGaris and C.M. Hill.

Majority of 1 for the Ayes.

Amendment as amended thus carried.

Amendment No. 5—further considered:

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

That this amendment be amended as follows:

Leave out subclause (4) of proposed new clause 64 and insert the following subclause:

(4) If a candidate fails to submit a photograph that conforms with the requirements of subsection (3) within the time allowed by that subsection or such further time as may be allowed by the Electoral Commissioner, the nomination of that candidate becomes void.

I have circulated this amendment to the House of Assembly's amendment No. 5 to pick up the point made by the Hon. Mr Griffin, who was concerned about the sudden death voiding of a nomination where a candidate who was required

to submit a photograph to be placed on the ballot paper could not do it within three days of nominations closing. This amendment makes it less sudden death and provides for the Electoral Commissioner to allow an extension of time before voiding the nomination of that candidate. Clearly, that would enable the Electoral Commissioner to give time at least to the final cut-off point when he would have to get the papers printed.

The Hon. K.T. GRIFFIN: The amendment meets the concern that I expressed earlier. The Electoral Commissioner now has some discretion if there is some sufficient reason why a photograph has not been supplied within three days. That is important, rather than having the automatic voiding of a nomination if for some reason that might be a good and sufficient reason a candidate has not supplied the photograph within three days. I support the amendment.

Amendment carried; House of Assembly's amendment as amended carried.

Progress reported; Committee to sit again.

JOINT SELECT COMMITTEES

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

That the members of this Council appointed to the Joint Select Committee on the Law, Practice and Procedures of Parliament and the Joint Select Committee on the Administration of Parliament have power to act on those Joint Select Committees during the recess.

Motion carried.

[*Sitting suspended from 11.45 p.m. to 12.5 a.m.*]

ELECTORAL BILL

Adjourned debate in Committee (resumed on motion).

Amendment No. 7—further considered:

The Hon. C.J. SUMNER: When we reported progress the Committee was about to further consider the House of Assembly's amendment No. 7. It deals with an officer conducting a recount who must make a decision where there was a group voting ticket and on the first count the decision had been made in a particular way by lot. As I explained previously, the initial determination by lot should stand, unless in the recount there was a change in the votes. If during the recount votes were allowed or disallowed thereby changing the end result, or the end result was the same, the first determination by lot with respect to the odd vote should be re-affirmed. In debating that point, the Hon. Mr Lucas raised questions in relation to sections 95 (23) and 96, which deal with the determination of a result during a count where there is an equality of votes: section 95 (23) in respect of the Legislative Council and section 96 with respect to the House of Assembly.

The Hon. Mr Lucas raised the point regarding excluding a candidate during a count when there is an equality of votes. The current provisions in the Bill provide that the returning officer shall determine which candidate shall be excluded for the purposes of continuing the count, and he gave a number of examples of when that would happen. The Electoral Commissioner has now advised the informal Caucus on this provision that his intention would be to require returning officers to make that determination where it was possible by reference to a countback procedure and, where it was not possible, by lot. It would have been possible for the Electoral Commissioner to have given those instructions to returning officers, but if for some reason a returning officer did not follow the Electoral Commissioner's instructions in that respect there might be doubt as to whether the returning officer's decision could be challenged.

Parliamentary Counsel is of the view that the general regulation making power in the legislation is sufficient to prescribe a regulation to regulate the manner in which the returning officer should determine which candidate shall be excluded. The Government believes that that is the course that should be followed. One regulation will determine how the returning officer shall determine which candidate shall be elected and, where it is possible, it will be by reference to the countback procedure and, where it is not possible (as would be the case in the example given by the Hon. Mr Lucas, namely, the first exclusion in the House of Assembly where two minor candidates received an equality of votes) it will be determined by lot.

The Hon. K.T. GRIFFIN: I indicate that after the discussions I am now happy with the amendment and with the indication given by the Attorney about the proposed regulations. Although, as I said earlier, there should be nothing more than is necessary in the regulations but as much as possible in the principal Statute, I accept that on this occasion it is a reasonable course. At some time in the future, if procedures are agreed, whenever the Electoral Act is to be reviewed, it may be possible to enshrine those procedures in the Statute rather than by regulation. As I have indicated, for the time being I am happy to accept the amendment and the assurances given by the Attorney-General.

Amendment carried.

POTATO MARKETING ACT AMENDMENT BILL

Returned from the House of Assembly without amendment.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

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

REMUNERATION BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment to the House of Assembly's amendment No. 2 to the amendment of the Legislative Council.

ADJOURNMENT

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

That the Council at its rising adjourn until Tuesday 25 June.

I wish to thank honourable members for their co-operation during the session. My assessment is that this has probably been since February the longest and most sustained session of the Legislative Council for many years. We have sat longer than the House of Assembly—for longer hours and dealt more extensively with a number of significant Bills, including the Electoral, Equal Opportunity and Constitution Bills. I would like to thank honourable members for their co-operation during that time with the heavy legislative programme and especially honourable members opposite who have contributed to the debates; they have shown general co-operation in dealing with legislation, while still

of course putting their arguments and opposing those matters with which they disagreed.

Also, I would like to thank you, Mr President, for your co-operation and work again during this busy session on a number of Bills that had some controversy and different points surrounding them. I know that you were involved in discussions on a number of them. I would also like to thank everyone in Parliament who has assisted in this session and I look forward to seeing everyone again on 1 August.

The Hon. M.B. CAMERON (Leader of the Opposition): I second the motion and indicate my thanks to the staff members and others who have assisted us in this session leading up to today. Certainly, the session has been made much easier with that assistance. As the Attorney-General has said, it has been a busy session. Certainly, it has been the busiest in my memory. You, Mr President, have been here longer than I have, but I do not believe you would remember any session in which the Legislative Council outshone the House of Assembly to such an extent in terms of workload.

Certainly, it has made my job as Leader of the Opposition easier by having the assistance of members on this side and, in particular, the shadow Attorney-General who, because of the very nature of the Bills, has shouldered a very large proportion of the workload that has come about in this session. All members have certainly been of great assistance and the attitude of honourable members in the Council towards legislation and issues has certainly been much cooler than that in another place and I believe that is because of the very nature of the Council, but it certainly leads to very interesting debates and on so many occasions to conclusions that are satisfactory; not all of them are, but certainly a large number. I wish all members the best for the period through to August and I trust that all honourable members will be back along with myself bright and ready for the next session, which of course will be the lead-up as we all know to the interesting part of the three-year period for politicians, that is, the next election.

The PRESIDENT: I would just like to say that it behoves me to thank the staff—our table staff, *Hansard* and all officers of the Council—who have served us so very well. I agree that it probably has been the greatest slogging match that I have seen in my 19 years in Parliament, and I think it is a credit to both sides that many of the controversial issues have been settled in an amicable and sensible manner, despite often having taken a number of hours to achieve that. It has been done in an excellent manner and I thank both Leaders and both sides of the Council for the manner in which they have co-operated for the betterment of the State.

The Hon. K.L. MILNE: My colleague the Hon. Ian Gilfillan and I appreciate, indeed, the courtesies that have been shown to us during the year. Mr President, I start with you and the courtesies that we have received throughout the year from you, often, I dare say, against your better judgment. You have been particularly helpful to us all, remaining calm when perhaps we have not. I would like you to convey to your colleague, Mr Speaker, and to the Premier in another place our thanks because they have shown us great courtesy as well. If you were in our position you would feel as we do.

We record our appreciation for the numerous Parliamentary courtesies that have been shown to us by the Attorney-General in this Council and the Leader of the Opposition (Hon. Martin Cameron) when perhaps the granting of courtesies to us must have taken a great strength of will. It has been a very busy session, which has placed a great deal of responsibility and extra work on the Clerk (Mr Clive Mertin) Black Rod (Mrs Jan Davis) and the assistant clerks. They must surely be one of the best teams of administrators in this field in Australia. We are also grateful, as all members are, to the office staff, to Mr Arthur Kasehagen and the other messengers, all of whom work very hard and efficiently and undertake a great many more responsibilities than we ever see.

We refer to Mr Kevin Simms and *Hansard:* those whom we see and the others who work in those dreadful little boxes in the corridor. How they ever get it down, get it back, get it indexed and printed, I will never know. This brings me to the Government Printer and his staff. How they get it all done by the next day I simply do not know. I thank them all because, however much we talk and for however long we talk, they always seem to get it for us the following day.

We all thank Tim Temay, Nancy Bickle and the staff in the refreshment room, the servery and the kitchens, many of whom we never see, but we have very good food and service and we are very lucky, indeed. We thank the caretakers because they are always there and do a lot of jobs that we do not see, and a lot of jobs for us at all hours of the day or night. They have a difficult job, although it does not always appear so.

Then there are the cleaners. I realise that they are contract cleaners, but they are very good, and we should not take them for granted. After all, it must be an awful experience to be a lovely young person in non-working hours with nice clothes and to have to work in overalls and uniform with a bucket of soapy water in one hand and a mop in the other among other people who are all dressed up with nothing better to do than talk.

Ian and Shylie Gilfillan and my wife Joan and I wish all honourable members a very pleasant break, and we look forward to seeing them all in August. We only hope that on the whole they may feel the same.

Motion carried.

AMBULANCE SERVICES BILL

Returned from the House of Assembly without amendment.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (1985)

Returned from the House of Assembly with the following amendments:

No. 1. Clause 5, page 2, line 7—Leave out 'postal' and insert 'declaration'.

No. 2. Clause 5, page 2, lines 7 and 8—Leave out 'the Electoral Commissioner' and insert 'a returning officer'.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the House of Assembly's amendments be agreed to.

The amendments are the result of a query that was raised by the Hon. Trevor Griffin, which I subsequently took up with Parliamentary Counsel. The Hon. Trevor Griffin was found to be correct. The wording of the clause did not adequately cover the situation of postal votes. The name has been changed to 'declaration votes'. The first amendment on the schedule before us corrects that.

Previously, the second amendment contained the words 'Electoral Commissioner'. They are removed and 'Returning Officer' is inserted. That again clears up precisely to whom the postal vote goes. It will not necessarily go to the Electoral Commissioner but to a Returning Officer. I urge the Com-

mittee to support the amendments, and I thank the Hon. Trevor Griffin for drawing them to the Government's attention.

The Hon. K.T. GRIFFIN: The amendments meet the technical point that I raised, and I support the Minister's motion.

Motion carried.

[*Sitting suspended from 12.46 to 1.48 a.m.*]

ELECTORAL BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendments to the House of Assembly's amendments Nos 5 and 11.

ADJOURNMENT

At 1.50 a.m. the Council adjourned until Tuesday 25 June at 2.15 p.m.