LEGISLATIVE COUNCIL

Wednesday 21 August 1985

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

PETITION: PORT AUGUSTA BOTANIC GARDEN

A petition signed by 133 residents of South Australia praying that the Council urge the Government to establish at Port Augusta the first arid lands botanic garden was presented by the Hon. Frank Blevins.

Petition received.

QUESTIONS

Mr FYFE

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister representing the Attorney-General in this Council a question about Mr Fyfe and his term of imprisonment.

Leave granted.

The Hon. M.B. CAMERON: Honourable members will no doubt have seen recent reports of the case in which a Mr Fyfe had been imprisoned for a period of three years, with a sentence prior to parole of 28 months. According to newspaper reports, this man had his driver's licence suspended on seven occasions, had been convicted of drink-driving twice, driving whilst disqualified twice, failing to stop after an accident, speeding, illegal use and dangerous driving. On the occasion when he last offended he had been suspended from driving for 12 months, 16 days before causing the death of a young person in an accident. The details of that accident are well known and I do not wish to go through them again, but they were certainly horrific and disastrous for the family and the young person concerned.

I have received information that this gentleman had his licence suspended in Tasmania previously and that he also committed other driver-related offences in the ACT and New South Wales. I have received that information from interstate. He also had a record of violence. In fact, according to my information, he had served a term of imprisonment for robbery and violence. Indeed, when he came to Adelaide his licence was disqualified after one month of his coming to this State. My questions are as follows:

1. When this gentleman obtained a licence in South Australia, was he at that time under suspension in respect of his driver's licence in another State? If that was the case, why was he granted a licence?

2. Considering his record, which I have now received, why was he granted a licence in this State? Is there any way in which this State can refuse a licence on the basis of a person's driving record in another State?

3. Has the Government taken steps to appeal against this sentence, which I and many people in the community consider to be manifestly inappropriate and short?

The Hon. FRANK BLEVINS: I am aware that the Acting Attorney-General is having a look at this case and having some discussions with Crown Law officers. I will certainly refer the honourable member's question to the Acting Attorney-General and bring back a reply.

PRISON HOURS

The Hon. K.T. GRIFFIN: I seek leave to make a brief explanation before directing a question to the Minister of Correctional Services about prison hours.

Leave granted.

The Hon. K.T. GRIFFIN: Several weeks ago I raised publicly a problem that had been drawn to my attention concerning a local court bailiff who arrested a defendant under a warrant of commitment issued out of the Para Local Court. When the local court bailiff arrived at Adelaide Gaol, prison officers, whilst admitting the bailiff and his prisoner to the foyer area, declined to receive the prisoner because it was lunchtime.

The facts briefly are that there is a small country general store in the Adelaide Hills which issued a summons in February 1984 to recover $144.35 for goods that were sold by that small country general store to the defendant from November 1982 to February 1983. The defendant had declined to meet his commitment, so the summons was issued.

The judgment was signed by the plaintiffs because the defendant did not appear and offer any defence, and, when an unsatisfied judgment summons was issued and the defendant again did not attend, the magistrate ordered imprisonment for 10 days for non-attendance in contempt of the court. The warrant was issued and on four occasions the warrant was frustrated by the defendant, who apparently knew his way around the legal system and on each occasion issued what is called an interlocutory summons to have the warrant of commitment cancelled.

On at least three of those occasions, the defendant did not turn up. The solicitor for the small general store was present on each occasion and quite obviously incurred costs in attending the local court to defend the application which had been made by the defendant to cancel the warrant of commitment. The costs that were run up over this period of time were quite extraordinary and more than doubled the amount that the defendant was originally required to pay. They were court fees, bailiff fees and the scale fees allowed to solicitors under the Local Courts Act.

The bailiff finally managed to track down the defendant, arrested him and, in accordance with the provisions of the warrant, took the defendant to the Adelaide Gaol. It was at about 1.15 p.m. on a week day and, as I said earlier, the bailiff and defendant were admitted to the foyer area. The bailiff had a number of conversations with a prison officer. In the first conversation, the prison officer said, 'Wait here. I am not sure what we can do about this,' and went away and made a phone call. He came back and said, 'I am sorry, I cannot receive the prisoner; it is lunchtime.'

Then, after some further discussion with the bailiff, the prison officer went away and made another phone call. He returned and said to the bailiff, 'I cannot receive the prisoner; it is lunchtime.' Then the bailiff said, 'Look, this is quite different from what I have normally experienced in my 25 years in dealing with the Adelaide Gaol. Can I wait in the foyer? I have, after all, been allowed to wait here previously in any event.' The prison officer said, 'You cannot wait here; you will have to leave.' The bailiff wanted to leave the prisoner, but the prison officer said, 'You cannot even leave the prisoner.' So, the bailiff executed the warrant, endorsed it and left. Soon after that, the prisoner walked out a free man.

As a result, some quite considerable costs have been incurred by the small country general store as well as considerable delay in recovering the outstanding debt, and they are quite frustrated by the whole exercise. The solicitor who acts for the small country store wrote to the Attorney-General and to the Minister of Correctional Services. There

has been a reply from the Attorney-General which suggests that the closing of the Adelaide Gaol between 1 and 2 p.m. for lunch is a long-established procedure, even though the bailiff of 25 years experience had not been aware of that. The Attorney-General offered to make an *ex gratia* payment of the costs thrown away, namely, $15 for the solicitor's costs and $20 for the bailiff's costs, a total of $35. Big deal!

There is a general concern to people who have heard of this about the extent to which the Adelaide Gaol is accessible for the purposes of satisfying warrants of commitment. My questions to the Minister, which are designed to elicit information about what really is the position, are as follows:

1. What are the hours during which a prisoner will be received by prison officers at Adelaide Gaol, and on what days?

2. What procedure should a local court bailiff follow when the only time when he is able to find and arrest a defendant, the subject of an arrest warrant, is outside those hours?

3. Does it mean that bailiffs should not arrest persons outside these hours?

The Hon. FRANK BLEVINS: The position is substantially as stated by the Hon. Mr Griffin. I reiterate what the Attorney-General stated in his letter to the complainant: the procedures at Adelaide Gaol are longstanding, and they certainly pre-date this Government. The reason for that is very clear: it is a question of cost. Does one keep staff available for admissions around the clock? Of course, one cannot. If one wants staff to be available during meal hours, that is an additional cost. If the community is willing to pay that cost, that is well and good, but I believe that the community would rather spend its money elsewhere, and I support that.

I know that there have been some discussions or that some discussions are to take place between the Department of Correctional Services and some of the other Government departments with a view to overcoming this problem. I will find out for the honourable member how far those discussions have gone. I repeat that the prison cannot supply a 24-hour-a-day service without incurring considerable extra cost, and I am sure that the Hon. Mr Griffin, being a responsible person, would not expect it to do so. The Hon. Mr Griffin is aware of the many calls on Government finance, and he would applaud the Government's not having people on stand-by on the off chance that somebody is presented for admission to the gaol. I cannot say off the top of my head the precise hours that the prisons are open, but I will certainly get them very quickly for the honourable member, and also the procedures that bailiffs, etc., should follow when the gaols are not open for admissions.

POLISH LANGUAGE NURSERY/PRESCHOOL FACILITY

The Hon. C.M. HILL: I seek leave to make a brief explanation before asking the Minister representing the Minister of Education a question about the Polish language nursery/preschool facility.

Leave granted.

The Hon. C.M. HILL: I think that this question should be directed to the Minister of Education, although the Minister of Ethnic Affairs no doubt would be interested in it also. I have received correspondence from the Federation of Polish Organisations in South Australia, which represents almost 11 000 people of Polish descent who live here. At its meeting on 29 July 1985 concern was expressed about the delays by the Government in establishing a long awaited Polish language nursery/preschool facility. The organisation has informed me that this proposal had been in train for over two years and that the present Government had given a commitment at some stage that it would proceed.

The organisation also claims that, if completed, it would be an excellent model of bilingual preschool/child care and education. Can the Minister supply further information on this matter, which I understand is well known to him, so that after this long period of time the organisation can be informed as to the Government's situation and, hopefully, can be given information which could give it confidence that it will not be long before such a facility can be instituted?

The Hon. Anne Levy interjecting:

The Hon. C.M. HILL: That is one of the problems. The Government committed itself to it. The honourable member should not laugh about local government.

The PRESIDENT: Order! The honourable member has asked his question.

The Hon. BARBARA WIESE: As the honourable member rightly said, the Government is committed to the establishment of a child care centre for the Polish community. The honourable member is also quite right that there have been considerable delays in establishing the centre. There are a number of reasons for that: first, there was a problem with finding a suitable location; and there have also been problems with the local council concerned with the district in which the centre was to be established. I am not quite sure of the current status of the project. The Government, through the Minister of Community Welfare in particular, has been making every effort to see that the centre is established as soon as possible. I will refer the honourable member's question to my colleague in another place and bring down a reply.

WATER FILTRATION

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Tourism, representing the Minister of Water Resources, a question about water filtration.

Leave granted.

The Hon. M.B. CAMERON: The subject of water filtration has been around for many years: it was first discussed way back in the late 1960s. I recall a promise made by the then Hall Government during the 1970 election campaign to bring the filtration of water forward. Following that election the then Minister of Water Resources (Hon. J.D. Corcoran) indicated that a water filtration program would be extended over 10 years. I recall that Mr Hall said it would happen in two years, while Mr Corcoran extended it to 10 years at a cost of $35 million.

In last night's federal budget we find that money for the filtration of Adelaide's water supply has been cut by the federal Government. We are virtually back to our own resources again, we are way down the track, and there are still people in this State who must put up with what amounts to a very poor water supply indeed. Has the State Government given any indication to the federal Government that it intends to take up what has been cut off by the federal Government in last night's budget? What steps will the State Government take to persuade the federal Government to begin again the assistance for Adelaide's water filtration program which is absolutely essential to the citizens of South Australia and certainly, as the Minister would be aware, to many people in the country areas of South Australia who have a rather poor water supply?

The Hon. Anne Levy: Who chopped out the federal assistance? Wasn't it someone called Fraser?

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I remind the honourable member that it was the Fraser Government which initially stopped the funding for the project to which he refers. However, I will refer the honourable member's question to my colleague in another place and bring down a reply.

YELDULKNIE RESERVOIR

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Water Resources, a question about the Yeldulknie reservoir.

Leave granted.

The Hon. PETER DUNN: A letter to the Chairman of the Cleve District Council from the E & WS Department states:

I understand that the district council is interested in taking over the care and control of the Yeldulknie reservoir and that you have arranged for the National Parks and Wildlife Service and the Department of Lands to undertake a joint management study of the reservoir, catchment area and adjacent land.

The Engineering and Water Supply Department has recently completed a safety investigation into the stability of the dam well. To allow the dam to satisfy the current design criteria, the following alterations will need to be made:

1. Spillway section to be lowered 1.8 metres below existing level for its full width;
2. 20 metre section of earthbank on the left abutment to be lowered 1.8 metres below existing level.

These alterations will be necessary for the dam to comply with the proposed dam safety legislation currently being prepared. An approximate estimate of the cost for this work, based on similar work recently completed at Beetaloo dam, is $46 000. Since the Engineering and Water Supply Department has indicated that the dam is surplus to its requirements, it is not prepared to fund any structural alterations. As a result, if council and the NPWS decide to take over the reservoir, it would be up to the two bodies to arrange for joint funding of the work. If this is not possible, the dam may have to be breached.

The letter is signed by the Regional Manager for Eyre Peninsula. The dam is about 1 kilometre from a road, and it runs under that road. If the dam was breached for any reason, there would not be a great problem. It would flood into open country, and there are no buildings at all in what is virtually a creek bed. It is of historical and scenic value. I ask the following questions:

1. Will the Minister ensure that the E & WS Department undertakes the necessary alterations to the Yeldulknie reservoir to meet the proposed legislative requirements and then give the dam to the Cleve District Council and the National Parks and Wildlife Service?

2. What will the E & WS Department do if the Cleve District Council refuses the ungenerous offer of the E & WS Department? Will it increase water rates to cover the cost of demolition of the wall?

3. Are there examples that are similar to this situation in this State?

4. Will the fact that federal grants to the State for capital works under the E & WS Department have been withdrawn, according to last night's federal budget, have any effect on dam wall safety in South Australia?

The Hon. BARBARA WIESE: I will refer the honourable member's questions to my colleague in another place and bring back a reply.

YOUTH TRAINEESHIPS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister of Labour a question about youth traineeships.

Leave granted.

The Hon. ANNE LEVY: Last night and on Sunday night the Treasurer and the Prime Minister respectively announced tremendous new initiatives in the form of youth traineeships, allowances and so on. I am sure that those announcements were welcomed by all members in this Council. Of course, they are based on the Kirby Report, which was produced some time ago. One recommendation of the Kirby Report that has been noted by many people is that 50 per cent of all traineeships and so on that resulted from the recommendations should involve women. In other words, young people were to be served by the schemes in direct proportion to their number in the community.

Figures show that despite the fact that we have achieved equal retention rates of the sexes in our schools, women are currently much less likely to get any sort of post-school training. If there were to be a 50 per cent involvement of women in these new schemes, as was recommended by Kirby, it would indeed be a great step forward in equity consideration for girls in our community.

I understand that the State Department of Labour is involved in developing the new programs that will arise from this traineeship scheme. I would like to ensure that, in preparing the new scheme, plans for achieving 50 per cent female participation are considered. I would prefer to avoid a repetition of the experience with the CEP scheme, which initially did not plan for 50 per cent female involvement. In fact, only 17 per cent of those involved in early CEP schemes were women. That figure rose to 23 per cent and then, I think, 29 per cent, eventually reaching 50 per cent during the latest period. However, it took many years to reach that figure as it was not planned or built into the scheme from its beginning.

I hope that the new schemes will provide for 50 per cent female involvement right from the beginning. If this is intended, it obviously needs to be considered and planned for in the initial stages. Any such scheme would need to be monitored, particularly as the choice of trainees may be left entirely to employers. The schemes will have to be evaluated from time to time to check whether their aims—not only their aims with regard to the proportion of women involved in them—are being achieved.

Will the Minister ensure that the development of the traineeship scheme, which takes place within his department, gives consideration to achieving 50 per cent participation of young women right from the initial stages? Will he consider the steps that will be necessary to accomplish this aim? Will he also ensure that monitoring and evaluation procedures are built into the scheme right from the beginning so that accurate progress can be recorded and corrective measures taken, if necessary, at an early stage?

The Hon. FRANK BLEVINS: Like the honourable member, I congratulate the federal Government on its efforts to eliminate from our community the horrors of youth unemployment. I want, also, to congratulate it on the budget itself. I think that, with only one exception, unanimous approval of the budget was expressed by all responsible commentators. I was disappointed, as I am sure that you, Mr President, and all members of this Council were, to hear the Deputy Leader of the federal Opposition being very churlish, looking even more sour than usual and protesting that the budget was not all that it appeared to be. He said that it was awful that people had to pay more taxes. He barely had a good word for the budget, in contrast to all of the commentators, who had had a chance to study the budget in detail and check its figures during the lock-up period. They were unanimous in saying that it was a first-class budget, one of the best and most responsible budgets that had been brought down, certainly since the last federal Labor Government.

Members interjecting:

The Hon. FRANK BLEVINS: As I am on my feet, and as it appears that Opposition members have run out of questions, I will give them a hand. I was particularly delighted with the budget as it related to my area of responsibility—agriculture.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: However, I will return to that matter after I have dealt with this question of employment. The schemes proposed are tremendous. They will assist thousands of young Australians to get into the work force. The problems in the initial stages of the CEP scheme were very real. I am pleased that this State eventually met its target quota for women, Aboriginals and the long-term unemployed on that scheme. I think that we met every target set for our CEP scheme. I cannot ensure that the honourable member's request in relation to targets is met, but I can certainly ensure that consideration is given to targets being implemented right from the start of the traineeship scheme.

However, when one is dealing with the federal Government and, to a significant extent, federal Government money, it is the same old story of he who pays the piper calls the tune. I will do all that I can to ensure that responsible targets are set for this scheme right from the outset.

I do not think that monitoring the scheme will present a problem. I am sure that the Department of Labour will be able to perform the necessary monitoring functions without too much difficulty. The first part of the question contains a problem: one has to persuade employers to be involved in the traineeship scheme, and it is difficult (and possibly undesirable) to dictate to employers just who they shall or shall not employ. I will certainly endeavour to persuade the federal Government and the various officers drawing up the guidelines for this scheme that reasonable targets should be put in place at the outset.

I was hoping that someone would ask me about the impact of last night's federal budget on rural areas, particularly agriculture. Given that we have 20 minutes remaining, I will not abuse Question Time by responding to a question to me as Minister of Labour in this area. However, I would welcome members opposite—or any honourable members—asking me about the impact of the federal Government's budget on agriculture in this State.

GRAND PRIX

The Hon. L.H. DAVIS: I seek leave to make a brief statement before asking a question of the Minister of Tourism, representing the Minister of Recreation and Sport, in the absence of the Leader of the Government, about the Australian Formula One Grand Prix.

Leave granted.

The Hon. L.H. DAVIS: Honourable members will be aware that there will be considerable restriction of traffic movements in the weeks leading up to and during the Grand Prix. Between 12 and 25 October detour one (so styled) comes into operation. It will stop all southbound traffic in Dequetteville Terrace. Between 26 October and 3 November detour two will come into operation, because in that period the Grand Prix race circuit will be operational. Kensington Road will be blocked off in the vicinity of Sydenham Road and the Parade will be blocked off at Fullarton Road.

At this stage, I should declare my interest in that I live just immediately above Fullarton Road on the Parade. Clearly, it will place enormous pressure on traffic movements in the eastern suburbs, given that people come down Greenhill Road, Kensington Road, the Parade and Magill Road. During the period 26 October to 3 November, Kensington Road and the Parade effectively will be out of operation for people wishing to travel into or through the city.

My question to the Minister relates to the suggestion of car pooling. It would seem to be a sensible solution to the inevitable build-up of traffic during the Grand Prix period. People in the eastern suburbs who regularly drive to work in Adelaide or through Adelaide could be encouraged to establish a car pool with neighbours or people in close proximity. Of course, on more than one occasion it has been noted that people travelling from the eastern suburbs, or any other suburbs, travel alone in a car. Car pooling involves one participant being rostered to pick up other members of the car pool each day and, if convenient, bring them home from work. Car pooling was fashionable during the petrol crisis in 1974 and 1975 when Middle East oil prices quadrupled. When car pooling was in vogue in America, I stayed with a family in Philadelphia who had won the title 'Car pooler of the year', which was a heady title awarded by the Ford Motor Company of America. For car pooling to be successful it would need to be carefully examined and properly promoted. Can the Minister advise the Council on whether car pooling has been considered by the Australian Grand Prix Office as a possibility to take pressure off traffic movements? If not, will she refer my suggestion to that office?

The Hon. BARBARA WIESE: I am pleased that the question has ended up being slightly more positive than the explanation. It seems to me that most of the questions—

Members interjecting:

The Hon. BARBARA WIESE:—which come from members opposite tend to be rather negative about the Grand Prix and the other attractions that we will be enjoying in South Australia in the next 18 months. However, I am pleased to see that at least one member of the Opposition has one positive suggestion to make about car pooling. I am not certain whether that issue has been considered by the Grand Prix Board, or whichever is the appropriate authority, but I will refer the honourable member's suggestion to the appropriate Minister and bring back a reply.

GOVERNMENT DEPARTMENTS

The Hon. R.I. LUCAS: I seek leave to make a brief explanation before asking the Minister of Labour a question about the relationship between the Department of Labour and the Department of Employment.

Leave granted.

The Hon. Frank Blevins interjecting:

The PRESIDENT: If the Minister listens, I am sure the Hon. Mr Lucas will explain the position.

The Hon. R.I. LUCAS: During the recent reshuffle of portfolios the Hon. Mr Arnold was awarded the new Department of Employment and the Minister has the Department of Labour. My question relates to the respective responsibilities of the Department of Employment and the Department of Labour, in particular, with respect to sections of the existing Department of Labour, such as the Special Employment Initiatives Unit, which is overseeing some very good programs, such as the Adult Unemployed Support Program and the Self Employment Venture Program within the Department of Labour. I am interested to know whether those existing sections that were with the Department of Labour will still stay with the Minister or will be transfered to the Department of Employment. Can the Minister indicate what functions or sections, if any, will be taken from the old Department of Labour and given to the new Department of Employment? If he is not aware of that detail, will

he bring back a reply to this Chamber? Secondly, in particular, will the Special Employment Initiatives Unit be retained within the Department of Labour or will it be transferred to the Department of Employment?

The Hon. FRANK BLEVINS: I apologise for appearing to interject when the Hon. Mr Lucas was stating the topic of his question, because the topic was incorrect. There is no Department of Employment. The Hon. Mr Lucas said that in the reshuffle the Hon. Mr Arnold was allocated the Department of Employment. That is not the case. He is the Minister. It is the portfolio of the Minister of Employment. The administrative arrangements that apply in the Department of Labour will continue to apply in that department for some time.

Members interjecting:

The Hon. Diana Laidlaw: Is it a temporary measure?

The Hon. FRANK BLEVINS: Not at all. I cannot understand the mild excitement on the back bench opposite—

Members interjecting:

The Hon. FRANK BLEVINS:—or among some members of the back bench opposite. The facts are that all the administrative arrangements will stay for the time being with the Department of Labour and the Permanent Head of the Department of Labour will be responsible for the various projects administratively, so there has been no change in that regard. It may well be in the future that other Government departments will be created. That may be the case, but not necessarily. For the moment the whole premise of the honourable member's question is wrong.

The Hon. R.I. Lucas: There will be no Department of Employment?

The Hon. FRANK BLEVINS: I did not say that: I said there is no Department of Employment. I made it clear that the administration of the Department of Labour—

Members interjecting:

The Hon. FRANK BLEVINS: I will sit down so that you can ask a question. I will let you. The administration of the department stays with the Permant Head of the Department of Labour. He is responsible to me in various areas and, through me, to the Minister of Employment and the Minister of Youth Affairs.

The PRESIDENT: Order! I ask that the conversation be quietened slightly.

The Hon. FRANK BLEVINS: The Hon. Miss Laidlaw asked a supplementary question by way of interjection regarding the Minister of Youth Affairs, and the same thing applies.

The Hon. R.I. LUCAS: Has any section of the Department of Labour been transferred from the Hon. Mr Wright's former department (and now the Minister's department) to another Minister—such as the Youth Bureau, for example?

The Hon. Diana Laidlaw: Or were you doing both jobs?

The Hon. FRANK BLEVINS: The Hon. Miss Laidlaw is correct.

Members interjecting:

The PRESIDENT: Order!

The Hon. FRANK BLEVINS: The Hon. Mr Lucas asked about the Youth Bureau. Administratively, it is still with me. Regarding policy, etc, the head of the Department of Labour will report and liaise with the Minister of Youth Affairs.

ADELAIDE INTERNATIONAL AIRPORT

The Hon. M.B. CAMERON: I seek leave to make a short statement before asking the Minister of Tourism a question about the Adelaide Airport and tourism expenditure in the federal budget.

Leave granted.

The Hon. M.B. CAMERON: Members would be aware that recently the shadow Minister of Transport suggested that some extra funds should be allocated for the upgrading of the international airport facilities at Adelaide. I must say that I, like so many other people in South Australia, was somewhat staggered when the first, and about the only, response from the Minister in another place was to slam Mr Brown for the fact that somehow or other we were responsible for the lack of facilities because we had agreed to the wrong sort of airport facilities in the first place, and to ask how we dared to suggest that they should be upgraded.

The Hon. R.I. Lucas: A very negative response from the Government.

The Hon. M.B. CAMERON: It was the worst that I have heard in my time in politics. I freely admit that the facilities at Adelaide Airport were put there at the request of a State Liberal Government by a federal Liberal Government. Nobody will deny that; it was done. We accepted them at the time because it was a matter of getting an international airport at Adelaide and, when you are offered something, one thing you do not do is refuse it or put it in jeopardy.

Members interjecting:

The PRESIDENT: Order! If you are all going to have something to say, why do you not all do it at once and get it over with?

The Hon. M.B. CAMERON: Are you protecting me, Mr President, from these people behind me? Undoubtedly, the growth of traffic through Adelaide's international facilities has been incredible, and that is good. It will, I hope, grow due to the many facilities that are coming to Adelaide, not the least of which being the Grand Prix. We are all very pleased about that. It is obvious that there has been a huge growth of traffic in manufactured goods and other things.

One of the big problems is that when products, particularly fresh products, are flown out of Adelaide they must be loaded quickly at most times of the year, especially in summer time; otherwise they deteriorate in the containers, and that causes problems. So the problem relates not just to passengers: there are other problem areas, too.

Unfortunately, it seems poor old Adelaide is a bit of a Cinderella in this federal budget. Almost everywhere in Australia, except Adelaide, has received something. Brisbane, Perth, Townsville, Sydney and Canberra have all received something, but Adelaide has not. Will the Minister of Tourism approach the federal Government again to point out the problems that we face with the Grand Prix, and the growth in traffic at Adelaide Airport, and impress on those involved the need for us not to be overlooked, particularly as it seems that tourism as a whole in the federal budget has been almost totally overlooked? One has merely to look at the budget figures to see that that is the case. The growth in the federal tourism budget is so negligible as to be almost non-existent.

The Hon. BARBARA WIESE: I thank the honourable member for his question. It is absolutely extraordinary to me that this Opposition goes on the way it does about this international airport. Any problems that we have there are a result of the sorts of activities of the former Tonkin Government. The indecent haste with which they sought to get the international airport in Adelaide meant that they were prepared to settle for second best. No planning, no thought at all went into what our short or long-term needs might be in the way of an international airport in South Australia.

So that it could have an announcement to make prior to the 1982 election, that Government was prepared to accept an airport which was designed to be set down in a country town, and for that we are now paying. There is no doubt about that at all. Through the efforts of the Bannon Labor Government during the last three years, there has been an

enormous increase in traffic at the international airport at Adelaide, and we hope that that will grow with more international flights coming into Adelaide from various sources.

It was therefore with some regret that last night we picked up our copies of the budget speech and discovered that there was no intention on the part of the federal Government to provide funding for upgrading the Adelaide International Airport—something that this Government has been pursuing with some vigour during the last two or three years.

Members interjecting:

The Hon. BARBARA WIESE: I will come back to that in just a moment. I want to deal with the last statement that was made by the honourable member with respect to the tourism budget. I am informed that within this budget there is actually an increase of 18.1 per cent in the allocation of funds for tourism. We will have to study the budget papers more closely to determine just where the money is planned to be spent. However, I think the honourable member's information is incorrect on that point.

To return to the budget response to funding for international airports, as I said, we as a State Government were very disappointed that no money was allocated for the upgrading of the Adelaide International Airport, and, for that reason, this morning my colleague the Minister of Transport (Hon. Gavin Keneally) and I sent the following telex to Treasurer Keating and to the Aviation Minister (Hon. Peter Morris):

South Australian Government most unhappy at decision in last night's budget not—repeat not—to fund extensions we consider urgently needed at Adelaide International Airport. We confidently expect increase in demand on its limited facilities starting with Australian International Grand Prix and extending into our 1986 Jubilee Year. Signed, Transport Minister Gavin Keneally and Tourism Minister Barbara Wiese.

So, we are continuing the efforts that we have been pursuing for quite a long time now to get an upgrading of the facilities at the Adelaide International Airport, and I hope that our efforts will be successful this time.

NATURAL GAS PRICES

The Hon. K.L. MILNE: I move:

1. That a Select Committee be appointed to inquire into and report upon—
   - *(a)* the current contractual agreements for the pricing of Cooper Basin gas sold to South Australia and New South Wales;
   - *(b)* the desirability of establishing a single price formula giving rise to the same well-head price for gas sold ex Moomba to South Australia and New South Wales;
   - *(c)* the role for Government action in the event of large price increases which are relevant to economic stability and growth in the State;
   - *(d)* the determination of a price formula that adequately protects the Electricity Trust of South Australia, the South Australian Gas Company and other major gas consuming industries, present and future;
   - *(e)* the Cooper Basin (Ratification) Act 1975 which covers the endorsement of the rights of the producers to enter into sales contracts and to report on the continuing obligations of the Government to preserve the agreements for the sale of natural gas endorsed by the Act;
   - *(f)* the impact of Commonwealth powers over gas supplies and sales, natural gas being a petroleum product;
   - *(g)* alternative sources of energy and methods of conserving energy; and
   - *(h)* any other related matters.

2. That in the event of a Select Committee being appointed, it consist of six members and that the quorum of members necessary to be present at all meetings of the committee be fixed at four members and that Standing Order 389 be so far suspended as to enable the Chairman of the Select Committee to have a deliberative vote only.

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

Honourable members will understand from the wording of this motion that it is not a witch-hunt. It will be of little value going over the mistakes of the early negotiations, because it is the situation right now which needs the attention of this Parliament. If we simply try to work out where we go from here, we will avoid criticising the early negotiations, and that will avoid those involved having to justify the decisions they made—all of which is a waste of time—provided, of course, that we have learnt some lessons in the meantime.

The situation in which we find ourselves now is very different from what it was in the early days of Santos discoveries. At that time, Santos was in financial difficulty and its bargaining power was weak, whereas now Santos and the other Cooper Basin companies are strong, with a monopoly, and the South Australian Government's bargaining power is very much less.

Furthermore, in the early days, when the South Australian Government came to the rescue of Santos, the company was South Australian owned. Now the consortium of producers is owned outside the State, except for a relatively small holding of South Australian Oil and Gas Corporation, but it is still our gas in the strict sense, and we have sold our birthright.

The producers' interests are therefore not directly those of South Australia: their interests are to shareholders outside the State. It is the producers' job to pay them maximum dividends from natural gas drawn from South Australia, without any need to consider the effect of natural gas prices on domestic users and industry in South Australia. This is clearly a ridiculous, indeed dangerous, situation to have got ourselves into, and I strongly recommend that we appoint a Select Committee to see whether we can get ourselves out of it.

We are paying $1.62 per gigajoule, which is about to be reviewed—probably increased. Yet New South Wales is paying $1.01 per gigajoule for the same gas ex Moomba, and is complaining that it is too high. So, we cannot simply sit down and do nothing. For one thing, we do not know the real cost of producing the gas, and the producers will not tell us. There are ominous signs in the price variations that the profit margin is too high—especially as the Government gives so much assistance by way of pipeline facility and creating a market through ETSA and the SA Gas Company.

Not only are those in the lower income bracket having difficulty paying their electricity and gas bills, but also other users of industrial gas and electricity are at a competitive disadvantage interstate. This, of course, does not worry the 'foreign' owned producers—indeed, it probably suits their interstate associates. I use the word 'foreign' in the sense in which it is used in the Companies Act.

Manufacturers in South Australia suffer enough disadvantage without this avoidable, unnecessary additional energy or fuel burden. We must remember that Santos was saved by the South Australian people, through the Government and ETSA, not once but twice: once when there was no other market, and the Government asked ETSA to create one, and later when both Delhi and Santos were in financial difficulties.

I am not decrying the amazing effort, courage and tenacity of the Santos directors, particularly that of Mr John Bonython, whose name is a legend in Moomba, but I think that we are in a position to say that we expect a *quid pro quo* from the present owners. Anyway, I am really saying

that there are many matters about our natural gas supplies that should be investigated and reviewed and, as a first step, I believe that a Select Committee of this Council would be proper and justified. I ask the Council to support the motion.

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

ELECTRICITY TRUST OF SOUTH AUSTRALIA ACT AMENDMENT BILL

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

ELECTRICITY SURCHARGE

Adjourned debate on motion of Hon. Peter Dunn:

That in the opinion of this Council the Government should immediately abolish the 10 per cent surcharge which applies to certain parts of the State and, further, that the Council call on the Government to institute an electricity pricing policy in which all citizens of South Australia are charged on the same basis, and that the Council condemn the Government for its failure to implement a fair and equitable system of charging for electricity in country areas.

(Continued from 7 August. Page 82.)

The Hon. ANNE LEVY: I oppose the motion moved by the Hon. Mr Dunn, which is a re-run of a motion he moved about 18 months ago. Hardly any of the words in the motion have been changed despite the fact that changes have occurred in this area since then. To some extent I can only repeat some of the remarks that I made 18 months ago. In fact, I spoke to the previous motion on 26 October and 30 November 1983. I could almost re-read the speeches I made then, but I will not do that because some aspects of the situation have now changed (even though that is not recognised in the motion). I repeat the comment I made at that time: this is a most strange motion to come from a member of a Party which believes so strongly in the 'user pays' principle. That principle has long been a part of the Liberal Party philosophy. Apparently the principle is being modified by the Hon. Mr Dunn to the extent where the user is to pay unless it is themselves. That is very much the situation with this motion.

We already have a situation where country users of electricity are heavily subsidised by metropolitan users of electricity. I wonder how many people in the metropolitan area realise that they already subsidise country users of electricity at a considerable cost. We have a situation in South Australia where the mid and far west coast of Eyre Peninsula does not get its electricity from ETSA but from supplies run by local councils. In one case the electricity is obtained from a private company which has a franchise from the local council, which owns and operates the distribution system.

Initially, electricity was generated locally in these areas in small diesel power stations. The expense was considerable. Many of these small power stations have closed down as the ETSA transmission has been extended. The local councils now obtain their supply in bulk from ETSA and distribute it to their consumers. This has considerably reduced costs for these country people. However, the long distances involved and the relatively small amounts of power which are drawn mean that costs are still very high.

The tariffs would be very much higher than is the case at the moment if we had the 'user pays' principle. Tariffs would be very much higher than the metropolitan rates if there were no subsidy. Currently the Government pays for all the costs in excess of the rates charged in the metropolitan area, so that country users pay the metropolitan rate plus 10 per cent.

Country people are paying 10 per cent above the rate charged in the metropolitan area and, in so doing, are being heavily subsidised by metropolitan users of electricity. Of course, there are still some diesel based electricity undertakings in some very remote areas of the State. In those areas consumption is subsidised, up to a certain consumption level, at the same rate as Eyre Peninsula. These people are paying the metropolitan rate plus 10 per cent up to a certain consumption level.

The Hon. Mr Dunn appears to give no recognition at all that since he last moved this motion the level up to which the consumption is so heavily subsidised has risen from 1 300 kilowatt hours per quarter to 2 300 kilowatt hours per quarter. This is on the basis that many items such as air conditioners and freezers can hardly be regarded as luxuries in these remote and difficult areas, or certainly not in this day and age, however they may have been regarded a number of years ago.

Consumption of up to 2 300 kilowatt hours per quarter will be heavily subsidised by metropolitan consumers. It is perhaps interesting to note how much these subsidies are costing the public of South Australia. With the change in the subsidised consumption level for the really remote areas, the subsidy has increased from $1 039 per consumer to $1 600 per consumer. That is an enormous sum and it is being paid by the metropolitan consumers of this State. I point out that the Liberal Government did nothing in this regard. It did not raise the level applying to these very remote areas, and it did nothing about the 10 per cent rate (above the rate paid by metropolitan consumers) which applies to the West Coast.

The Hon. Peter Dunn: They will now.

The Hon. ANNE LEVY: It ill behoves the Hon. Mr Dunn to condemn this Government for not doing something that the Liberal Government made no attempt to do. If he condemns this Government, equally he should condemn the previous Government. It is hypocritical of the honourable member to pretend that the fault lies with this Government only when the previous Liberal Government did not lift a finger in this regard. I do not recall anyone suggesting—

The Hon. Peter Dunn: Is that an excuse for not doing anything now?

The Hon. ANNE LEVY: It is certainly a reason why the honourable member should not be hypocrical in condemning only this Government.

The Hon. Peter Dunn: Who was condemning? I merely moved a resolution asking the Government to do something.

The Hon. ANNE LEVY: The honourable member moved a motion that condemns the Government. It would be a little less hypocritical if the honourable member condemned this Government and the previous Government for not doing anything.

The Hon. Peter Dunn: Your Government is in power now.

The Hon. ANNE LEVY: The Liberal Government was in power and it did nothing. If one considers some of the costs that would result from the Hon. Mr Dunn's propositions, one sees that at present consumers on the West Coast are being subsidised by metropolitan consumers of electricity to a level of $1.65 million. This enables the people in those remote areas to obtain electricity at the metropolitan rate plus 10 per cent. The total cost of the electricity that they consume requires another $1.65 million from the elec-

tricity users of South Australia. People in remote areas already receive that subsidy.

Obviously, the Hon. Mr Dunn wants to increase that subsidy, because he suggests that the 10 per cent surcharge be abolished. At present each consumer in those areas is being subsidised by $209 a year; in other words, about $4 a week is being paid by metropolitan users in regard to each person in those areas. It has been calculated that, if the 10 per cent surcharge was abolished entirely, the subsidy per consumer would increase to about $260 a year, or nearly 25 per cent. Thus consumers in remote areas would be subsidised by electricity users in the metropolitan area to the tune of $5 a week in round terms—an increase of $1 a week or 25 per cent. That burden would be borne by metropolitan consumers of electricity.

These figures must be borne in mind when someone suddenly starts to ask not only for the maintenance of a considerable subsidy but also for an increase in that subsidy of almost 25 per cent—that is, in fact, what the Hon. Mr Dunn is asking for. That is not the sort of subsidy increase one normally expects to be handed out by Governments. It seems to me that this motion does not deal with the consequences of the implementation of what the Hon. Mr Dunn feels would be desirable. It does not recognise the 25 per cent increase in subsidies—in fact, that is what the motion asks for.

However, I would like to inform honourable members that I understand that the Government is considering this matter and is certainly looking at the question of electricity costs for all consumers in our State, both in the country and in the city. Difficulties encountered by all electricity consumers in this State are certainly being looked at by the Government. It is erroneous to suggest that the Government is not aware of the problems people face. The recent tax cuts have certainly made a difference to the cost of electricity for all consumers in this State, in the city and in the country. All electricity consumers will benefit and I am sure that the Government will continue to consider the problems caused by the price of electricity not only in regard to country people but also in regard to all South Australians. I oppose the motion.

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

ADDRESS IN REPLY

Adjourned debate on motion for adoption.
(Continued from 20 August. Page 370.)

The Hon. K.T. GRIFFIN: I take this opportunity once again to affirm my loyalty to Her Majesty the Queen and to express my sympathy and condolences to the families of those former members of Parliament who have died since the last occasion on which the Governor presented his Address to the opening of a session of State Parliament.

There are two matters to which I will direct some attention which have serious implications for the people of South Australia and of Australia. One relates to a proposed Australian Bill of Rights, the other to the process of constitutional change, principally through the Australian Constitutional Convention.

During the course of the last federal election campaign, comment was made about the draft Australian Bill of Rights which the then federal Attorney-General, Senator Gareth Evans, had prepared and circulated to certain persons, but had not made available publicly. Considerable concern was expressed in the Australian community about the consequences that such an Australian Bill of Rights, passed by the federal Parliament, would have on the citizens of Australia and, particularly, the States.

As a result of the election and the change of Minister the Australian Bill of Rights debate subsided until recently when the present Attorney-General indicated that he was persisting with the concept of an Australian Bill of Rights passed by the federal Parliament to bring into Australian law the International Covenant on Civil and Political Rights. While there have been some reported changes to the draft, essentially it will be as controversial as the first draft of the Bill and will be a matter of great concern to many citizens throughout Australia.

The first draft of the Board purported to override State laws in consequence of the Commonwealth's external affairs power under the Constitution. It would be argued by the Commonwealth that, by virtue of that power, the State laws would be subservient to Commonwealth laws even in areas of responsibility which were traditionally those of the States.

The second draft certainly removes direct reference to the Commonwealth Bill of Rights overriding State laws, but it does not put to rest the genuine concern that State Governments and agencies will be subject to the Bill of Rights and that really, in effect, there is no substantial improvement in the second edition of the Federal Government's proposed Australian Bill of Rights.

It would be useful to reflect that in the United Kingdom there is no Bill of Rights against which laws can be measured as to whether or not they respect and protect what may be regarded as basic human rights. Of course, there was Magna Carta in the thirteenth century and in the seventeenth century there was a Bill of Rights. However, there is no incontravertible basic document against which all other laws are measured to determine whether or not they are valid.

In the United States of America the American Constitution was derived from the people of the federation in 1789. Subsequently amendments were made to the American Constitution by the people, and they constitute the first 10 amendments regarded widely as the 'American Bill of Rights'. They do, in fact, guarantee fundamental rights. Then, of course, there was the fourteenth amendment to the American constitution, which guarantees equal protection and due process to all United States citizens.

The laws of the United States of America, and the States, are measured against the Bill of Rights and the fourteenth amendment contained in the United States Constitution. However, it is interesting to note that the Supreme Court of the United States is more likely to make political judgments on social questions than the High Court of Australia. That is because there is a Bill of Rights in the American Constitution and community attitudes to various issues change as the community changes: for example, the death penalty.

At one stage the death penalty in the United States of America was held to be in accordance with the American Constitution. At a later period, after a change in membership of the Supreme Court, the death penalty was held to be contrary to the provisions of the United States Constitution. We then saw a swing back by the United States Supreme Court to the view that the death penalty is in accordance with the United States Constitution.

There are a number of other issues. Questions of integration, bussing and civil liberties are all interpreted by the United States Supreme Court according to the social attitudes of the time and in accordance with the backgrounds of the members of the court from time to time. There is no doubt that it is an instrument of social change and that the essential reason for that is the existence of the first ten amendments and the fourteenth amendment to the United States Constitution.

I think that everybody in Australia recognises that there is no similar Bill of Rights or standard against which laws of the Commonwealth or the States may be judged. We are a federation. The States ceded certain powers to the federal Parliament and Government and the States retained the balance. There is in the federation a balance of power between the States and the Commonwealth. Sometimes the balance swings from favouring the Commonwealth to favouring the States, but it is mostly in favour of the Commonwealth.

We do not have State or Commonwealth laws being struck down, unless they specifically contravene the provisions of the federal Constitution. We see, however, that the external affairs power in the Commonwealth Constitution is being interpreted by the High Court more in favour of a centralist Government in Canberra than it has in the past, and traditional areas of State responsibility and legislative power have been held to be validly exercised instead by the Commonwealth.

Under the external affairs power, we now see treaties between Australia and other members of the international community being used by the Commonwealth Government as a basis for influencing and, in some instances, overriding State laws. We need only cast our minds back to the Tasmanian dam case, where the rights of the States were overridden by the Commonwealth in consequence of the use by the Commonwealth of the external affairs power and the treaty that it had entered into with other members of the international community relating to conservation matters.

A similar provision applies to the Commonwealth Sex Discrimination Act. In Koorwarta's case it was held that the Commonwealth's power to legislate with respect to equal opportunity and against discriminative acts really derived from it being a signatory to an international treaty. I suggest that we would see more of this as the present Commonwealth Government determines to centralise more and more power in Canberra, rather than respecting the federation which provides a balance of powers and protection against abuse by one or other Government, or a Government agency or instrumentality.

The first draft of the Commonwealth Government's proposed Australian Bill of Rights was designed to adopt the International Covenant on Civil and Political Rights and make it part of the law of Australia. Even though that covenant was negotiated in the 1960s, it was not precise in legal terms and was open to a variety of interpretations. It was also designed to deal more with the nations which were not democracies than with those which were.

If one casts one's mind back to the mid 1960s, there were fewer nations with democratically elected Governments respecting civil rights and civil liberties than there are at present. But in a democracy, such as Australia, the federal Government is proposing that the international covenant should override Commonwealth and State laws. Regrettably, we have not seen the State Government, and particularly the State Attorney-General, taking any public position on this Australian Bill of Rights.

The Federal Liberal Government in office exercised considerable restraint with respect to international covenants, treaties and conventions and embarked upon a quite extensive process of consultation with the States. In fact, it established the Ministers meeting on human rights—Ministers who were essentially Attorneys-General. It also agreed with certain reservations and even federal clauses being included in treaties before they were signed by the Commonwealth Government, and they were ratified only after there was adequate consultation with the States.

The federal Liberal Government did sign the International Covenant on Civil and Political Rights, but did not seek to make it part of the law of Australia and of the States. It established the Human Rights Commission with advisory power only, and it certainly did not seek to override State laws.

The second edition of the Commonwealth Government's Bill seeks to give the Human Rights Commission wide powers of investigation and prosecution with substantial penalties being applicable if there is a refusal to co-operate with any investigation. It does not specifically override State laws. However, it is interesting to note that the Bill (a copy of which has become available to me) operates as a law of the Commonwealth, but not in relation to the making of laws of a State or the common law of a State.

That really means that it does not override the law of the State, but it is interesting also to note that a particular part of the draft Bill applies to State Governments and agencies. That will mean that even State Ministers may be subject to investigation by the Human Rights Commission. I find it an appalling prospect that a Commonwealth instrumentality should be able to investigate not only a Cabinet Minister of a State but State departments and agencies set up under State law as instrumentalities of the Crown. The threat of prosecution for failure to co-operate makes that even more offensive to a State Government and Ministers. For that reason alone, the Bill ought to be resisted. Another interesting provision is that any cause or part of a cause initiated in a State court exercising federal jurisdiction that involves a matter under the Bill of Rights can be removed by an order of the Federal Court from a State Supreme Court to the Federal court. That, too, is offensive.

I will address that issue more particularly in relation to the Constitutional Convention, but the State Supreme Courts are and ought to remain of equal status with the Federal Court. If a State court is vested with Federal jurisdiction, then it ought to be able to deal with any appeals from matters arising within that jurisdiction without the threat of those proceedings being referred by operation of an order of the Federal Court to the Federal Court.

There are some particular matters in the Australian Bill of Rights which, even in relation to federal laws, give some concern. I make particular reference to the fact that there is no provision in the international covenant relating to a right to own property. One of the essentials of a democratic society is the freedom and right of the individual to own property.

Article 11 of the international covenant gives the right to join a trade union, but there is no comparable right to decline to join a union.

In an interesting article published by the Institute of Public Affairs (Spring 1983), reference is made particularly to property rights and the right to strike. By way of preamble to those comments, the article states:

> The major drawbacks of Bills of Rights is that they encourage an artificially high level of litigation which is likely to benefit the legal profession more than the general public.

I should add that any litigation relating to the interpretation of a Bill of Rights will always allow courts to exercise a social rather than a legal judgment. In relation to property rights, the article states:

> There is one fundamental right, however, which finds no place in the international covenant: the right to property. There is good reason to regard this as the single most important right of all. John Locke, the originator of modern thinking about human rights, used the term 'property' in a wide sense to refer to the 'life, liberty and estate' of individuals; and in this sense 'property' means an area within which the individual exercises an absolute and inalienable control over his own destiny. In a narrower and more familiar sense, 'property' refers to assets which the individual owner may choose to sell or give to another. In Locke's day, the claims of property were pitched against Governments which levied taxes without the consent of their citizens.

Parliamentary Government was promoted as a legitimate alternative to tyranny in that it could finance itself without

violating the rights of its subjects. In relation to the right to strike, the article states:

> The international covenant makes no reference to two further rights which Evans—

that is Senator Evans—

> takes as basic: the right to work and the right to strike. The right to work raises important problems of interpretation, since it is a classic case of claim to non-interference becoming transformed into a claim for a certain kind of positive State intervention. Originally the right to work meant that no individual could be prevented from selling his labour on his own terms; nowadays it is usually taken to mean that the State should ensure employment for everyone who wants it. Evans himself regards it as belonging to the category of welfare rights which should be excluded from a bill of rights as such. However, if any move is made to include the right to work in a bill of rights, it should be made clear that the original sense only is intended; and the best way to do this would be to add a provision guaranteeing to individuals the right to opt out of the trade union closed shops.
>
> As for the right to strike, it could be argued that this cannot count as a fundamental right, since it could come into conflict with other rights which clearly are basic. It would be hard to argue that workers in the essential services, for instance, should have an absolute right to strike, in view of the damage that such strikes inflict on the general public. But it is probable that the trade unions would press for some such kind of right to be included as a *quid pro quo* for the individual right to avoid union membership. In this case, the most satisfactory solution would be to qualify the right to strike by excluding from its operation all contracts of employment which explicitly ruled out strike action.

The article then goes on to deal with other aspects of the Bill of Rights, referring particularly to the fact that the Commonwealth first edition—and I might say it is repeated in the Commonwealth second edition—applies the Bill of Rights only to certain Commonwealth laws passed after a particular date, and then gives the Commonwealth Parliament the right to exempt certain legislation from the application of the Australian Bill of Rights.

In that context, therefore, it is really a matter of political judgment as to what should and should not be included, and that in itself is likely to be a controversial decision and will differ from person to person as to what they may regard as essential or not essential.

We have a number of other problems with the International Covenant on Civil and Political Rights as proposed by the federal Attorney-General. Under article 6 there is the right of participation in public life, the guarantee of the right and opportunity to vote and to be elected at genuine periodic elections which shall be universal and equal suffrage and by secret ballot, guaranteeing the free expression of the will of the electors.

One could see a fairly extensive series of cases which would attempt to determine what is a genuine periodic election, what is universal and equal suffrage, and what is meant by guaranteeing the free expression of the will of the electors. It is quite possible that our State electoral laws in relation to the House of Assembly may be subject to some challenge on the basis that a 10 per cent tolerance is allowed in establishing the numbers in electorates.

We may well find that, but for constitutional protection, the system of election for senators is not regarded as democratic, although of course that Upper House with powers almost equal to those of the House of Representatives was established to provide some balance between the States rather than having the overwhelming conglomeration of power in the Eastern States in the House of Representatives.

In articles 1 and 4 there is a right to equality before the law. That then raises questions of whether there is to be unlimited legal aid available, and, for example, whether prisoners have the right to require facilities to be made available so that they can conduct their own defence. In the United States of America, under the American Constitution, there are constitutional battles about the sorts of services which prisoners ought to have available to them so that they can conduct their own defence: fully stocked law libraries, access by telephone to advisers and resource material, and a whole range of opportunities and resources for this sort of activity. Quite outrageous provisions have been sought in the United States, and in some instances they have in fact been awarded.

Article 10 deals with the right of peaceful assembly. What does that mean? Does that mean that a local governing body such as the city council is not allowed to issue permits for buskers, the Hari Krishnas or for anybody else who wants to use the mall for a political, religious or commercial purpose? Does that permit system infringe the right of peaceful assembly?

In article 12 there is a reference to search and seizure. Under subarticle 2, a search or seizure is unlawful unless made pursuant to a warrant issued by a judge, justice or magistrate upon reasonable grounds, supported by oath or affirmation, particularly describing the purpose of the search, who or what is to be searched, and what is to be seized.

In South Australia there are general search warrants that are not issued by judges or magistrates or even justices, but they are available for the use of police officers in the detection of criminal offences and the apprehension of offenders. We see in a range of legislation that the tow truck inspectorate, the forest wardens and a range of other inspectors and wardens have certain powers of seizure and search without warrant. They would quite obviously be threatened by that article in the international covenant.

Article 14 raises questions about the rights of the child. Are they rights which exist prior to the birth of a child? It raises the question which is the subject of some controversy as to whether or not a child injured before birth should have a right of damages for that injury where it is caused by the negligence of some person.

Freedom of religion is referred to in article 9. There is a presumption of innocence in article 24—a presumption that would in some respects override what are commonly called reverse onus provisions in legislation. Article 26 deals with the rights of the accused relating to trial, yet I would suggest that there are some provisions there about having adequate time and facilities to prepare for the trial, to receive legal assistance without costs which are all difficult to accommodate within some provisions of State and federal laws in Australia. Article 27 states:

> No person shall be convicted of any criminal offence and be liable to a heavier penalty than was applicable at the time the offence was committed.

That would bring the federal Labor Government's retrospective tax measures into very serious question.

So, while there may be some benefits in aspects of the international convention, I hope that honourable members will be able to see that the adoption of that in the way that the Federal Government proposes, or at all, would certainly create considerable litigation and impinge on the rights and freedoms that many Australians now regard as proper and reasonable.

I turn now to the Australian Constitutional Convention. When the State Attorney-General made some reference to it in Brisbane recently, he was particularly critical of the convention in that it had not been able to achieve what he regarded as substantial reform of the Australian Constitution. I do not agree that the Australian Constitution needs to be rewritten or substantially amended: it needs some fine tuning. It has been in operation for some 84 years and has served the Commonwealth of Australia. As it has grown it has served well and effectively. Some areas need adjustment, and they have been subject of debate at various Constitutional Conventions. However, I take exception to

the criticism of the Constitutional Convention by the State and Federal Attorneys-General, measuring success only by the number of referendum proposals put as a result of them and passed.

The most recent Constitutional Convention in Brisbane was undoubtedly a success. We saw for the first time no bloc voting by political Parties. We saw even the Labor Party, renowned for its Caucus attitude to voting in the Parliaments and at the Constitutional Conventions, disagreeing from delegation to delegation and the Commonwealth Government portion of the federal delegation being at odds with some of its State colleagues. We saw, as we have seen on all other occasions when the current series of Constitutional Conventions have been held since 1973, the Liberal Parties agreeing and disagreeing not only within but between delegations. The Convention in Brisbane achieved a significant measure of agreement on a number of important issues.

A criticism of the Adelaide Convention is creeping into folklore as an unparallelled failure. I refute that, because it provided the foundation for the successes of the Convention in Brisbane. If one reflects back to the 1983 Convention in Adelaide, one will remember that it was shortly after a change of Government at the Federal level; spy planes had been sent over Tasmania by the then Attorney-General; the Tasmanian dam case was being pursued with considerable vigour by the federal Labor Government; and there was an air of controversy about governmental and political issues that pervaded the Constitutional Convention.

That flowed over on to the floor of the Convention, and in the course of the debate there was considerable antagonism between delegates, of differing political Parties. But, during the course of that Convention not once did any member of the Labor Party of any delegation vote other than in a bloc vote, whereas between Liberal Parties and delegations there was a difference of opinion that reflected the consistent attitude of the Liberal Party to Australian Constitutional Conventions.

The Hon. Frank Blevins interjecting:

The Hon. K.T. GRIFFIN: I will deal with that in a moment. That is why we believe that the Constitutional Conventions provide some useful forums for constitutional debate. I turn to the referendum to which the Minister of Correctional Services has referred. If he casts his mind back to the question of simultaneous elections, he will remember that the debate at the Adelaide Constitutional Convention in 1983 was on the question of simultaneous elections, fixed terms and four-year Parliaments, so that no Government would be able to manipulate the holding of an election for the Senate, or for the House of Representatives for that matter.

The Federal Labor Government proposed to put that question to the people by way of referendum, but subsequently said that it would not do so. When it finally decided at fairly short notice to put the referendum question to the Australian people, it put it in a form that was never discussed and agreed by any Constitutional Convention. It had so emasculated the proposition as to make it a largely unrecognisable proposition, which is why the referendum failed.

The other reason was that it was put at election time. The only way in which referenda can generally be put dispassionately is away from the times of Federal elections. I hope that, following the unsuccessful referenda at the most recent Federal election, all Governments of whatever political persuasion in the future will embark on constitutional change away from the election environment, which generally dooms proposals to failure.

The Hon. Frank Blevins: Paul Hogan—on a committee of 20.

The Hon. Frank Blevins: Paul Hogan—on a committee of 20.

The Hon. Frank Blevins: I'm not recommending. That's what was mentioned by the federal Attorney-General.

The Hon. K.T. GRIFFIN: The Federal Attorney-General has this Mickey Mouse proposition of a commission of 20, comprising former Prime Ministers, Paul Hogan, members of the media and a variety of other people. It is a naive proposition that is doomed to failure because it does not involve public debate and participation; nor does it involve elected representatives at all levels of Government.

Finally, we saw at Brisbane the convention supporting a continuation of essentially the same sort of mechanism as the recent Constitutional Conventions, because it is the elected representatives who must ultimately have to carry the can for constitutional change, and it will not come from a Mickey Mouse venture of 20 sundry persons chosen by any Attorney-General, whether Labor or Liberal and not responsible to anyone.

The principal issues debated at the Brisbane Convention related to the widening of the tax base for the States in the context of a general reduction in State and Federal taxes, a proposition that both the Labor and Liberal delegations supported because we recognised that the way in which the Federal Government has been arbitrarily determining the distribution of tax revenue is not in the interests of the federation and needs to be amended.

Also, section 96 grants, with very stringent and detailed conditions attached, do not leave any responsibility to the States and, in fact, encourage the formation of federal bureaucracies duplicating the work of the States. So, an important decision by the convention was to amend section 90 of the Constitution (recognising that that is up to the Federal Government to put to the people) to enable a sharing of particularly the excise power that presently is solely vested in the Commonwealth.

The question of integrated courts is important in the context of the establishment of the Federal Court, with widening jurisdiction at the expense of the State Supreme Courts. The proposition that the Constitutional Convention accepted was that there should be a cross vesting of jurisdiction between the State Supreme Courts and the Federal Court of Australia so that when the State Supreme Courts have an action before them they are able to resolve all questions and not have costly jurisdictional points argued by lawyers to the disadvantage of litigants; and likewise when the Federal Court has a matter before it, it is able to deal with all questions before it rather than being concerned about whether the State or federal jurisdictions have the appropriate power to deal with those matters.

The only other matter to which I will refer relates to external affairs. I made reference to this area in the early part of my speech today. The Convention accepted that there should be a Treaties Council to comprise nominees of the States and the Commonwealth which would have a much greater level of access to the treaty and convention discussions by the Commonwealth than has occurred in the past. That was not supported by the Federal Government, nor was it supported by our State Attorney-General. Notwithstanding that, I certainly believe that it is an important venue for giving the States access to treaty discussions which, if concluded, might impinge on State laws and State activities.

The Hon. R.C. DeGaris: It's happened already.

The Hon. K.T. GRIFFIN: It has happened already, but I must say that when Senator Durack was federal Attorney-General he agreed to a more detailed procedure for involving the States in treaty negotiations. I recognise that dealings by Australia with the international community must be under the responsibility of the Federal Government, but I do not accept that that should allow the Federal Govern-

ment to enter into treaties which would override State laws. I think that the Treaties Council is an important development. I hope that the Federal Government, seeing the strength of support for that move at the Constitutional Convention, will change its mind and ensure that such a council is established.

It is not another bureaucracy and it is not extensive, but it establishes formal mechanisms for information to be available to the States at the earliest possible opportunity to enable them to decide attitudes towards treaty and convention negotiations. Overall, the Constitutional Convention was a success for the extent of the debate on particular issues and the extent of agreement on key issues which affect the interests of the States in particular.

The States need to fight for the maintenance of the Federation and against the centralisation of power in Canberra. It is not just a preservation of State Governments and State Parliaments; in essence, it is the protection of the rights of the citizens of the States and to provide an appropriate balance of power between the States and the Commonwealth so that neither has the potential to have absolute power. It is said quite frequently that the Government that is nearest to the people always more effectively represents the interests of the people. I certainly subscribe to that. I support the motion for the adoption of the Address in Reply.

The Hon. R.C. DeGARIS: I support the motion that the Address in Reply as read be adopted. I express my loyalty to Her Majesty Queen Elizabeth II. I also extend my congratulations to His Excellency the Governor on the manner in which he has served as Her Majesty's representative in South Australia. One should not overlook the support His Excellency has received from Lady Dunstan in fulfilling his function in this State. I express my sympathies, along with other members, to the families of the late Les Hunkin and the late Jack Clark, past members of this Parliament.

I think this is the twenty-third or twenty-fourth (I am not sure) Address in Reply speech I have made in this Parliament. One thing is certain: it is the last. I know that the Hon. Lance Milne will be delivering his final Address in Reply speech tomorrow. Perhaps there are those who will breathe a sigh of relief with that—

The Hon. Frank Blevins: About Lance?

The Hon. R.C. DeGARIS: And me—we are both included. I still think that there will be some sighs of relief when we have both disappeared. I believe that Address in Reply speeches have declined in interest since I became a member. I will not examine at any length the reasons for this decline except to say that constructive comments in Address in Reply speeches from all sides are less frequent than was the case in earlier times.

This is the final session of the Parliament under the Bannon Administration. Unlike some contributors to this debate, I do not accuse the Government of hypocrisy and dishonesty. From a South Australian point of view, the Government has performed reasonably well. John Bannon has been a reasonable Premier of this State and, although at times I have held differing views on legislation before Parliament from the view expressed by the Government, overall one cannot be overcritical of the general performance of Premier John Bannon.

While saying that, I also compliment the performance of John Olsen as Opposition Leader in the other place. In both Leaders I believe this State is well served—as well served as it has been over my period in this Parliament. I see John Olsen as the best Liberal Leader since Tom Playford, who without a shadow of a doubt was the outstanding Treasurer during my time in Parliament. I congratulate the Hon. Barbara Wiese on her promotion to ministerial rank, although I point out that promotion to ministerial rank at a late stage in a Government's life has a history of shortness in that office, as the Hon. John Cornwall knows only too well.

The Hon. Frank Blevins: And Chris Sumner. Don't single out John Cornwall.

The Hon. R.C. DeGARIS: That is correct. However, in the possibly brief period available to her, I wish the Hon. Barbara Wiese well in her new role. The other three Ministers in this Chamber have performed reasonably well. I was disappointed with the removal from office of the Hon. Brian Chatterton as a Minister and did not expect the Hon. Frank Blevins to fill that post with a great deal of ease. With his pragmatic views the Hon. Frank Blevins has gone further than that and has achieved the post of Minister Assisting the Treasurer— a peculiar post for a Labor Minister in this Council. I used to watch the Hon. Frank Blevins sitting in this Chamber avidly reading the ALP *Herald.* I now notice that that avidity is towards the *Financial Review.* I hope that he continues to read that paper in this Chamber after his reappointment to this honourable Chamber following the next election.

In the Hon. John Cornwall we have the stormy petrel of the Labor Ministers. It would be quite an easy task to be critical of the short fuse he possesses. Once again, overall, his administration of the health portfolio deserves some credit. There are extremely complicated legislative issues that need to be tackled in the general health field, and the Minister has introduced some needed legislation in these areas. However, much more needs to be done.

Much of this legislative work is not of a Party philosophical nature. The march of modern technology relating to the health portfolio needs the general agreement of members of Parliament so that those legislative ends can be achieved. The Leader of the Government in this place (the Attorney-General) has also performed quite well and I appreciate the Attorney's feeling for the functions of a second Chamber. Although the Labor Party still holds to the philosophy of the abolition of this Council, as illustrated and expressed by the Hon. Cec Creedon, I do not believe that that view is held individually by a majority of ALP parliamentarians.

However, because of the changes that have been made in the structure of this Council, other fundamental changes are required if the Council is to fulfil its legislative role. I have spoken about this issue previously, and I do not wish to restate my views. I am disappointed that the joint committee did not tackle those problems, but I appreciate that, although some of my views vary from the views of the Attorney, I believe that basically he holds the view that changes must be made so that the role of this Council can be improved under the new circumstances. It would probably have been more beneficial had the committee been based in this Council rather than being constituted as a large joint committee trying to carry out its task. I note that the Hon. Gordon Bruce took a similar view in his Address in Reply speech.

I was the Leader in this Council both as a Minister and as Leader of the Opposition during one of the most dramatic periods in the history of this Council. Although I was faced with a relatively able Ministry (especially in the House of Assembly) when Leader of the Opposition, I also faced a brand of Liberal politics with which I could not agree. I suppose that some day someone will write about that period, but the outcome was that the future of this Council is relatively assured. However, I have already stated that this Council must face further changes if it is to fulfil satisfactorily its role as a House of Review. I do not wish to pursue that point further.

I would like to thank many people who were involved in that most difficult period, but I will restrict my thanks to those who are still serving in this Council. I appreciated the

support I received from the Hon. John Burdett and the Hon. Trevor Griffin at that time, and I wish them well in their continuing parliamentary careers. There are many people who are no longer members to whom this Council and I owe a debt of gratitude, but I will not list them now.

Since I have been in politics there has been a continuing growth in the size of government, not only in the past 20 years but also during this century. Political Parties both in government and in opposition tend to dream up election promises, to spend more public money, and to try to influence people to vote for them at the election in the hope that that Party will achieve the rewards of power. I do not recall a political Party in an election campaign ever promising increases in taxation, but that usually occurs in some form or another after an election. I believe that the time has come for the policies of government to take a new direction—a direction that uses the advantages of smaller government and allows the market place to have greater influence in the provision of services to the community.

In stating my case for a change of direction, I draw attention to the remarkable growth in the number of statutory authorities in Australia over the past 80 years. Statutory authorities are quasi government bodies that carry out the functions of government one step away from political influence. I believe that the first statutory authority to be established in Australia was the Victorian Railway Commissioners in the 1860s. It was established to divorce from political influence the building of railways in Victoria, where their construction was for political gain rather than the provision of an economic transport system.

The success of that political divorcement led to the growth of the number of statutory authorities in Australia, and that system now requires that statutory authorities be more responsible to the Parliament in terms of their activities. I believe that that has been accepted throughout the Western world particularly if one considers the work that was done by the Victorian committee that was set up to inquire into and report on the operations of statutory authorities. One can see from the work of that committee that that sort of investigation is required. The work undertaken by Senator Peter Rae in the federal sphere leads me to that same conclusion. Today I heard a person talking about statutory authorities in Great Britain: he said that statutory authorities were being abolished in Great Britain and in other parts of the world. When Napoleon was holding sway in Europe a person was appointed to watch Dover Straits for the coming of the French fleet. That office was not abolished until 1948—a long time after the need for that sort of operation had expired.

The last report that I read from the Victorian committee identified 9 244 statutory authorities operating in some form of government in Victoria. Another reason for the rapid growth in the number of statutory authorities in Australia, particularly at the State level, has been the federal/State responsibilities in the taxation area. I could expand to some extent in this regard, but I will not do so now, except to say that the Commonwealth/State taxation relationship has added to the development in the States of statutory authorities that provide certain services in regard to which the federal Government does not tax.

Most honourable members would appreciate that on previous occasions I have talked at length about the need for a close watch on the operations of statutory authorities, and I still hold that view. The fact remains that one of the reasons for the birth and growth of statutory authorities was that there was a need to separate Party political decisions on matters that should have been left to the normal market forces. During this century the collection by federal and State Governments, local government and quasi government institutions have increased from about 10 per cent of the gross domestic product to close to 50 per cent of the GDP in the last financial year. If one understands those figures, one recognises the enormous growth that has taken place in the size of government in this century.

This increase occurred during the office of Liberal and Labor Governments, although the increase is usually greater during Labor Administrations. However, I add that that increase is not very significant. Probably the most dramatic increase in Government expenditure occurred during the Whitlam era, when expenditure was increased enormously in comparison with expenditure under other Administrations. Are we to see a continuing growth in the size of Government expenses and in costly Government expenditures, or will we as parliamentarians have sufficient influence to force political Parties to consider a substantial reduction in the activities undertaken by Governments?

There is only one way to reduce the tax burden that we have thrust upon the community and that is to reduce the size of government. The only way to reduce the size of government is to rely upon the competitive marketplace for the services that we require to serve the community. In a small way this Government deserves some credit for making some minor moves in this general direction. For example, are there any reasons at present for the Housing Trust to be involved in the building and management of shopping centres in the State? I do not think that there is one person in this Council who would say that there are any such reasons. I do not think that anyone would accept that the Housing Trust has that role to play in our modern community in South Australia. The decision by the Government to sell off those shopping centres was correct. It may have been pushed into that move because of statements made by the Liberal Party in the House of Assembly—I do not know; that may not be so—but I support the view that the decision taken for the sale of those shopping centres was correct from South Australia's point of view. Should we stop there with the Housing Trust?

The sale of expensive properties under the control of the Health Minister also deserves approval. However, as with the Housing Trust, that particular policy and attitude deserves expansion. In relation to the operation of the Central Linen Service, the Hon. John Burdett made an important point in his Address in Reply speech, which was strongly criticised by the Minister. The privatisation of that and other health service operations should be accepted if we are to improve and provide those services at a cheaper price to the taxpaying public which bears the burden of their cost.

Not only does this process save the taxpayer money, but it increases the flow of taxation to the Treasury, both State and federal. I could at this stage recount the story of the Frozen Food Factory which, as Health Minister, I rejected because it was not viable. A brief reflection on that operation, when it was established, illustrates the need for Governments not to be carried away with providing services that can be provided better in another way.

The use of the private sector for the provision of a number of other services provided by the Government could be expanded upon—transport, education, construction, energy and other commercial operations. However, I stress that, if we wish to prevent the continuing taxation collection growth, there is only one direction to take. If we wish to see a higher standard of management of the community's resources, there is only one direction to take—that is, to reduce the size of Government and privatise as many of its activities as possible.

If one looks at movement in Western democracies, one sees that even democracies with socialist Governments are moving towards smaller government and the use of the competitive marketplace as a means of reducing its size. In Canada there has been a strong movement in British Colum-

bia and in Alberta. A great deal of vigour has certainly been added, although the system used in Alberta has greater appeal to me than the policy established in British Columbia.

The Hon. Frank Blevins: They are hardly socialist Governments.

The Hon. R.C. DeGARIS: I will come to socialist Governments in a moment. In Great Britain the Thatcher Government has embarked upon a massive privatisation program that is creating an immense change in the British economy. In 1979 nationalised and State-owned firms accounted for 10 per cent of Britain's gross domestic product, 15 per cent of total investment and the employment of 1½ million people.

The Thatcher Government has sold £6.1 billion worth of local authority housing to the tenants, although a proportion of that amount has gone toward providing loans for those purchases. It has used the private sector for ancillary health services. It has extended that to public authorities requiring ancillary services, such as catering and cleaning, and to the sale of public assets.

I will mention a few of the sales that have been made. British Petroleum shares were sold, reducing the Government's holding to 31.7 per cent, returning to the Government £800 million. British Aerospace: 51.6 per cent sold; Government holding 49.4 per cent; return to the Government £43 million. British Sugar: total sale return to the Government £44 million. Cable and Wireless: Government holdings reduced to 23.1 per cent; return to the Goverment £450 million. Amersham International: total sale; return £64 million. National Freight Company: total sale to employees; return £5 million. Britoil: sale of 51 per cent, 48.9 per cent held by the Government; £627 million. Associated British Ports: total sale; £97 million. International Aeradio: total sale; £60 million. British Rail Hotels: total sale; £51 million. British Gas: total sale; £82 million. Enterprise Oil: total sale; £380 million. Sealink: total sale; £66 million. British Telecom: offered 50.2 per cent to the public—Government holding 49.8 per cent—£3 916 million. There were five times the number of applicants for shares in British Telecom as there were shares available. British Technology Group: £716 million. That is a total of almost £7 000 million, apart from housing of assets moved to the private sector.

In Great Britain only 7 per cent of people own shares in companies whereas in the United States the figure is close to 30 per cent. The position in Great Britain has changed substantially, to the benefit of the community.

When I started on this subject I got out a list of where privatisation is taking place in other countries. I point out that the Government in South Australia has already undertaken moves to privatise some activities. I refer to the State and federal Governments jointly announcing their intention to privatise AMDEL during 1985.

At Commonwealth level, Treasurer Keating, in his May budget statement, announced the transfer of administration of the defence service home loans scheme to the private sector, the sale of the huge Belconnen business complex in Canberra to the private sector and the planned Tuggeranong Town Centre to be developed and operated by private sector interests.

In West Germany during 1984 the Government announced its intention to reduce holdings in 10 major State-owned companies ranging from the State airline to Volkswagen. In France (and one cannot say that there is not a socialist Government in France) the Government has commenced a privatisation campaign. It has sold $60 million worth of shares in the State-owned bank and it is selling off foreign subsidiaries of electronics maker Thomson S.A.

One can go through the whole of Western democracies and find a movement towards privatisation taking place. In Turkey, Italy, Spain, Cuba and even in China, the Middle East, the United States and Canada there is a great list of the many Government activities that are being privatised.

When one begins on the question of privatisation and looks at ways of reducing the size of government and the tax burden upon people and providing services at a better cost to the consuming public, I point out that there are now two forces in Great Britain opposing the privatisation policies being undertaken by the Thatcher Government. The first is the Labour Party. It has already pledged on its return to power to put privatisation in reverse. The policy that the Labour Party says it will follow is that these companies will be taken back into public ownership, without speculative gain for any of the shareholders.

I would say that that threat will not be fulfilled. The Labour Party has already had to back away from its opposition to local government housing sales. If the companies so privatised take to their new freedom with continuing improvement in performance, Labour Party policy could fade before the next election, just as I believe it is fading now. But the more difficult problem for Margaret Thatcher is the 'nervous Nellies' of the Conservative Party. The moment the opinion polls show a blip, fully 2½ years before an election, blue funk runs through the Conservative Party like AIDS at a sexual orgy—if I may quote Bernard Levin in *The Times*. The first blip in the opinion polls begins the movement for 'Save our seats by hook or by crook'—or both—'Save our seats abandoning the vain hope of changing for the better'—'Save our seats by pretending that problems can be solved without pain to anyone'—'Save our seats by seeking the middle ground' (more likely the middle ages)—'Save our seats because Mrs Thatcher wants the transformation of Great Britain into a nation of self-reliant, prospering individuals!' Yes, there are two threats: the socialist left of the Labour Party and the 'nervous Nellies' of the Conservatives. Neither will succeed.

The present opposition to Mrs. Thatcher's rapid move towards privatisation is similar to the opposition to those moves in Australia. As the acceptance of privatisation is moving with rapidity in overseas countries—whether it is jute mills in Bangladesh, cotton mills in Pakistan, nationalised industries in France, Canada, West Germany, Japan (even Mr Gorbachev is smiling in that direction)—we need to develop our own particular approach if we are going to appeal to the voters of the 1990s.

If we do not take that course, there is little chance of this nation competing on world markets with the more dynamic economies of our competitors. Apart from that factor, the taxpaying public deserve a new deal which takes a different direction from the continuing rises in the amounts of money collected or borrowed to finance the demands of federal, State and local government treasuries.

In contrast to the means of reducing the taxation burden is the clear indication that tax reform issues will continue to play an important part in policy discussions over the coming years. The economic summit, the taxation summit, the Constitutional Convention relating to State taxing powers and the Victorian State Government report on revenue raising all show a keen interest in the general matter of taxation. Simplification and reform is the demand from all sections of the community but, as one would expect, each section wants a better deal. I accept the fact that reforming the tax structure in Australia—at federal, State and local government level—is necessary. I wish to stress that if that process only reforms the existing structure, then we are not achieving very much.

The important part of any reform and review of taxation is to develop policies that reduce the general level of taxa-

tion. That can be achieved only by a reduction in the size of government—there is no other way—and the way to reduce the size of government is to use the private sector for the provision of services. In the Western world's quite rapid movement towards privatisation, there is no single policy that will apply to a large range of government services presently provided. Each one needs to be examined and a policy formulated for the privatisation of that activity.

I leave the point there with the Council. There is in the community a concern with taxation. There is a deep interest in the reform of our present taxation system, but above this is the need to reduce the impact of taxation. The only way this can be achieved is to reduce the size of government, and privatisation achieves this goal. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 374.)

The Hon. M.B. CAMERON (Leader of the Opposition): I wish to speak briefly on this Bill, which has obviously arisen as a result of difficulties having been brought to the attention of the Grand Prix Board. We have individuals in the community who have clearly set out to 'assist' in the promotion of the Grand Prix and to ensure also that one of the stated objectives of bringing the Grand Prix to Adelaide—job opportunities for South Australians and an increase in the business of the State—occurs. Frankly, I am pretty much on their side at this time because, in a situation like this, there has to be some balance. There is no doubt that the Grand Prix will be an asset to South Australia. In the original documentation it was made clear that there was going to be some cost to the State and that that cost would be recovered, where possible, and also that the racing community would have costs on which it would be looking for some return.

Because the State is putting out money on behalf of taxpayers, we have to see some return to individuals in South Australia. It is important that there be a balance and that we do not restrict people who wish to participate in the Grand Prix—perhaps by selling objects that promote the Grand Prix—to the point where only people who are specially licensed can participate. I have a bother with that situation. I know the reasons for licensing—that there has to be a return—but at the same time we must not impose restrictions to the point where only a few isolated individuals are licensed for particular purposes.

As the Hon. Mr Griffin pointed out, it could get to a stage where one has to restrict the use of names to the point where there will be nothing left. One will almost not be able to say the word in the community.

We must be careful that we do not go too far down the track. There has to be a balance. We should be encouraging people within this State to make use, as far as possible, of the event to promote job opportunities within South Australia. If that means individuals selling T-shirts which have certain names on them, and they see some advantage in it, that is fine. I agree that there has to be the actual Grand Prix logo, and that it has to be protected, because obviously that has been designed by the people running the Grand Prix, and that is their property.

I think we will have to be careful going beyond that, because clearly this was not covered by the original Act, and there are people who have properly, within the law, set out to take advantage of the event. They have done nothing illegal, and it certainly appears to me that we are setting out to make it potentially illegal. These people could well be left with a lot of stock which they have manufactured legally and which they will no longer be able to sell. This involves not just small manufacturers but all sorts of people, including retailers. Commitments have been properly made, within the law, and I am very opposed to a situation where we set out on a course that could well destroy people and their businesses just because they have been operating within the law.

If the intention that was originally part of the Act was not in the Bill that was brought before us when the Grand Prix Act was introduced originally, that is to some extent too bad, because these people have acted within the law. I certainly will not follow down a path which would put them outside the law when they have been operating quite legally.

It is important that in this issue we keep a balance and that we do not get too carried away so that everything we do or say and everything associated with the Grand Prix has to be attached to the official organisation, because we will really get to the extent where we will tie up the whole community and will not get the entrepreneurial flair coming into the selling of it. We will not have any publicity coming into it if we are not careful, because we will not even be able to use the words 'Grand Prix'. We must keep a little balance in the whole issue, while recognising the need for funds to come in. We do not want State funds spent and then there not be the potential for a return. I do not want too much restriction placed on the community; nor do I want it to reach the point where the community cannot take advantage of the Grand Prix. Certainly, I do not want people put outside of the law by an Act of Parliament when they had previously been operating within the law.

I understand that the Hon. Mr Griffin has amendments to ensure that some of these matters are taken care of, and I fully concur in the remarks that he has made regarding the Grand Prix and the various symbols that are being used. He raised the question of the black and white chequered flag. How on earth one can prescribe that is quite beyond me. We should certainly know now about everything that will be prescribed, because I do not want to find out that we have passed an Act of Parliament that then puts other people, whom we do not know about at the moment, outside the law, but about whom we find out afterwards; it will be too late then. People will come to us complaining, but it will be too late for us to assist them.

I certainly will not pass a Bill in Parliament that gives that potential problem. I support the Bill at this stage, but I will be looking very closely at the amendments that have been foreshadowed by the Hon. Mr Griffin in order to try to straighten out what is obviously a problem. We will certainly try to solve the problems that will be posed for some people in the community by this Bill.

The Hon. FRANK BLEVINS (Minister of Labour): The Government welcomes the support of Opposition members for the second reading of the Australian Formula One Grand Prix Act Amendment Bill and for the expressions of support by the Hon. Mr Griffin and the Hon. Mr Cameron for the holding of this event. It could be said that the Opposition has been somewhat equivocal in its support and that some of the criticisms of the Bill by the Hon. Mr Griffin and the Hon. Mr Cameron are further examples of that equivocation.

The purpose of the Bill is to enable the Australian Formula One Grand Prix Board to control the name of the event, which they are charged with organising and promoting, and of all graphic signals of that name, in such a way that they can maximise the benefits to South Australia and the financial return on the considerable investment that is

being made in this event. I call on honourable members opposite to support this Bill and to abandon the 'two bob each way' attitude which has characterised their attitude to the promotion of this event so far.

The Hon. Mr Griffin has identified what he terms 'areas of difficulty' in this Bill after the discussions with the Officer of the Crown Law Department which were facilitated by the Attorney-General prior to his departure overseas. The first point raised by the honourable member is in relation to the official logo for the Australian Formula One Grand Prix. I remind honourable members that the Australian Formula One Grand Prix Act was introduced into this Parliament late last year and was in fact passed through this place and the other place in December.

At the time the legislation was passing through this Parliament, no logo had been designed to represent the Australian Formula One Grand Prix. The logo was first presented to the Australian public via the news media on 14 February 1985, the same day that the Australian Formula One Grand Prix office at Rose Park was officially opened by the Premier. I am assured that the Australian Formula One Grand Prix Board is more than happy to follow the same procedure as the Jubilee 150 organisation; that is, to identify the logo in a schedule to the Act along with a graphics standards manual, setting out all possible permutations of the logo for both commercial and non-commercial reproduction. That standards manual is currently under revision to take into account the participation of Mitsubishi as principal sponsor of the Australian Formula One Grand Prix.

I note that the Hon. Mr Griffin has raised a trivial point regarding the title of the event, which he claims has not been defined. I refer him to the title of the legislation debated in this place late last year, namely, the Australian Formual One Grand Prix Act. This surely reflects the title of the event. It is also worthy noting that plans for publication of a list of the successful applicants for licences to market goods bearing the name and/or logo of the event are currently in hand. I am quite happy to make that list available to the Hon. Mr Griffin. I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

AUSTRALIAN GRAND PRIX LICENSEES

Licensee	Product	Contact	Phone
Australia Post, Box 4000 G.P.O., Adelaide, S.A. 5001	Souvenier Envelope	Max Polmear	(08) 216 2325
Australian Consolidated Press, 54 Park Street, Sydney, N.S.W. 2000	Official Race Preview Official Race Programme	Greg Haythorpe	(02) 268 0666
Budget Books Pty Ltd, 17-23 Redwood Drive, Dingley, Vic.	Colouring in activitiy books	Graeme Purcell	(03) 551 6111
Carlo Alberto Pty Ltd, 16 Lemon Avenue, East Keilor, Vic. 3033	Woollen Pullovers	Jeff Craig	(03) 336 3905
Cooper & Sons Ltd, 9 Statenborough Street, Leabrook, S.A. 5068	Beer	Bill Cooper	(08) 332 5088
Fineskin Leather & Supplies Co., Lot 1, Factory 5, Cranbourne, Vic. 3977	Leather driving gloves, Steering wheel covers, jackets, chamois cloths, wallets	Coke Kohli	(059) 962 860
The Flag Centre, 14 Goodwood Road, Wayville, S.A.	Flags, bunting	Ivan Steed	(08) 271 7546
Flamebird Pty Ltd, 133 Archer Street, North Adelaide, S.A. 5006	Cigarette lighters, showbag	Phil Jefferies	(08) 267 4711
Gold Key Developments, 7 East Tce, Mile End 5031, (Cnr Rose Street)	Hats, caps	Roger Pitt	(08) 352 8166
Goodsports Pty Ltd, 33 Nelson Street, Stepney S.A.	Jackets, knit shirts, track pants, rugby top	David Eckert	(08) 363 0633
Grant Emblems/Sunbuster Caps, 5 Barrenjoey Road, Mona Vale, N.S.W.	Caps, jackets	Robin Graham	(02) 991 515
Graphic Distributors, 655 Portrush Road, Glen Osmond, S.A. 5064	Posters	Gary Lane	(08) 799 344
Harveston Pty Ltd, 17 Michael Street, Brunswick, Vic., 3051	Sports bags, back pack	Tony Stivala	(03) 387 2066
J. & J. Cash, 91 Murphy Street, Richmond, Vic., 3121	Metal key rings, badges	Peter Taylor	(03) 428 0441
Label Leaders Pty Ltd, 16-20 Birmingham Street, Mile End South, S.A. 5031	Stickers, labels	Rod Cowell	(08) 352 8144
LCA Promotions Pty Ltd, 5 Garden Court, Para Hills West, S.A. 5096	Wall plaques	John Driehuis	(08) 258 5281
Levi Strauss (Aust) Pty Ltd, 41 McLaren Street, North Sydney, N.S.W. 2600	T shirts	John Anderson	(02) 922 5588
B. Liebich & Sons, c/o Barry Dickson Agencies, 251 Waymouth Street, Adelaide, S.A. 5000	Port	Barry Dickson	(08) 51 9727
J. P. & D. J. MacAvaney & Co Pty Ltd, 38 Gawler Place, Adelaide, S.A. 5000	Pewter Tankards	Jack MacAvaney	(08) 223 4512
Nouveau International Pty Ltd, 14 Baker Street, East Botany, N.S.W. 2019	Beach towel, hand towel	Paul Kantor	(02) 666 5933
Offset Alpine Printing Pty Ltd, Derby/ Wetherill Streets, Silverwater, N.S.W. 2141	Diary	Bob Lawson	(02) 647 1000
Orlos Handbags (Aust) Pty Ltd, 458 Burwood Road, Belmore, N.S.W. 2192	Canvas tote bags	Bill Dalton	(02) 759 4555
Rembrandt Ties Pty Ltd, 97 Gilles Street, Adelaide, S.A. 5000	Ties, scarves	David Pozza	(08) 223 5366
Robert Grey Textiles Pty Ltd, 35 Milan Terrace, Stirling, S.A. 5152	Sweatshirts	Bob Henderson	(08) 339 1576
S.A. Copper, 474 Pulteney Street, Adelaide, S.A. 5000	Copper wall plaques	Don Smyth	(08) 223 2436

Licensee	Product	Contact	Phone
Souvenirs Australia Pty Ltd, 14 Provident Avenue, Glynde, S.A. 5020	Souvenirs including teaspoons, lapel pins, rulers, coasters, stubbie holders, beer steins, postcards, erasers, litter bag, wallets, etc.	Geoff Pitt	(08) 337 3166
Standby Graphics Pty Ltd, 115-117 Cooper Street, Surrey Hills, N.S.W. 2010	Poster book, pictorial magazine, calendar	Wayne Ward	(02) 211 3144
Starstruck Merchandising Pty Ltd, Suite 4, 209 Toorak Road, South Yarra, Victoria 3141	On site retail of merchandise	Michael Fielding	(03) 240 8061
Textile Trading, 12-126 Tolley Road, St Agnes, S.A. 5097	T-shirts	Michael Finnis	(08) 264 4899
Thomas Hardy and Sons Pty Ltd, Reynell Road, Reynella, S.A. 5161	Wines, champagne	Mike Von Berg	(08) 381 2266
Willow Ware (Aust) Pty Ltd, Cnr. Mark/Buncle Streets, North Melbourne, Victoria 3051	Stubby holder, cooler	Michael Paine	(03) 328 2631
Zamel's Pty Ltd, 71 Rundle Mall, Adelaide, S.A. 5000	Jewellery, medallions	Adrian Zamel	(08) 223 4557

The Hon. FRANK BLEVINS: The revenue raising functions of the Australian Formula One Grand Prix Board were contracted out to private enterprise shortly after the establishment of the Australian Formula One Grand Prix office. Details of the marketing contract were released on 8 March this year. They involve a consortium of three companies. The contract allows for a South Australian firm Tuohy Allan and Associates, and a New South Wales based firm, PBL Marketing, to operate under the umbrella of another South Australian firm, Southern Television Corporation, to gain a broad spread of contact with the Australian business community.

The requirements for firms seeking licences to market goods bearing the Australian Formula One Grand Prix name and/or logo were established by that marketing consortium and were in fact publicised in the national and local press by PBL Marketing, who took that particular responsibility under the internal organisation of the marketing consortium. I seek leave to have a copy of that advertisement inserted in *Hansard* without my reading it.

The PRESIDENT: Is it statistical?

The Hon. FRANK BLEVINS: No, it is not statistical: it is an advertisement. To save any dispute—

The Hon. J.C. Burdett: We are not disputing it.

The Hon. FRANK BLEVINS: No, but there is some dispute whether things that are not statistical can be inserted. They can be, but I table that document.

The mechanism established required firms seeking licences to apply to PBL Marketing. However, all licences so far granted have been approved directly by the Australian Formula One Grand Prix Board, which meets regularly in Adelaide. The whole thrust of these licensing arrangements has been the protection of the main marketing implements of the Australian Formula One Grand Prix Board, namely, the title of the race and the graphic representation of that title.

The healthy response to the publication of requirements for licensing demonstrates the level of demand for commercial use of these implements, and in turn those companies that have won the right through licensing arrangments to reproduce these implements deserve the protection of this Legislature. These are companies that have taken a commercial initiative via the established official channels to market goods in relation to this event which, in their judgment, will be successful in the market place.

From the Government's point of view, these licensing arrangements are the means of maximising a return to the State of the considerable investment in this prestigious event. To protect itself against unlicensed profit-taking through the use of the name and/or logo related to the event, the Australian Formula One Grand Prix Board has applied for registration under the Trade Marks Act of the logo and of the title 'Australian Formula One Grand Prix'.

The Australian Formula One Grand Prix has also been advised by its patent and trademark attorneys that they should apply to restrict the use of the term 'Grand Prix', but only in relation to the event which will take place in the streets of the eastern side of Adelaide from 31 October until 3 November, as described in the Australian Formula One Grand Prix Act.

In general terms, one of the Government's principal aims in attracting Formula One Grand Prix racing to South Australia has been to stimulate business activity in association with the event. This Bill seeks not to discourage entrepreneurial flair or initiative but rather to encourage the business community of South Australia to take full advantage of the staging of this event in our city.

Bill read a second time.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

PARLIAMENT (JOINT SERVICES) BILL

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

This Bill is an exact copy of the Bill annexed to the report of the Joint Committee on the Administration of Parliament presented to the Council. As I am sure members would by now be aware, the Bill is principally concerned with the employment of the officers who serve both Houses and the provision of joint services. As mentioned in the report of the Joint Committee, the Bill:

(a) creates a joint parliamentary service concerning those employees;

(b) sets forth their conditions of employment; and

(c) provides for various other matters that are for the most part presently embodied in the Joint House Committee Act 1941.

Central to the structure of this Bill is the creation of a Joint Parliamentary Service Committee. The committee will be a

corporate body consisting of members of both Houses; it will be constituted by both Government and Opposition members; the two Presiding Officers will be *ex officio* members. Appointed members of the committee will hold office until the first sitting day after a general election for the House of Assembly. Provision is made for the appointment of alternate members. The Chairman of the committee will alternate between the office of the President and the Speaker, each acting for an alternate calendar year. The first Chairman is to be the most senior Presiding Officer.

As recommended by the Joint Committee, the proposed committee will have clear authority to employ officers and regulate the performance of their duties. In turn, the officers will have prescribed rights to recreation leave, sick leave, long service leave and accouchement and other special leave. The situation pertaining to the retirement of officers is to be specifically dealt with. Clear grounds for the taking of disciplinary action, and associated rights to be heard, are to be provided for. The Bill also makes provision for the payment of higher duties allowances in appropriate circumstances. Overall, the entitlements contained in the Bill are similar to those that apply to public servants.

The Government is pleased to support the recommendation as to the establishment of a contemporary structure for the joint parliamentary service. The division of the joint parliamentary service into three divisions, each headed by a chief officer, should enhance the status of officers and lead to efficiencies in administration. The creation of a management panel of the chief officers of the three divisions should assist in achieving a consistent and efficient approach to the joint parliamentary service as a whole and ensure equality amongst the staff. The Government accepts the recommendation that the creation, classification and abolition of offices of the joint parliamentary service reside with the Governor acting on the recommendation of the new committee and that the committee be responsible for the appointment of persons to vacant offices, the retirement of officers, the day to day management of officers, and the taking of disciplinary action.

It is acknowledged that critical care must be taken in the application of various Acts to persons employed in the Parliament. There is no doubt that the supremacy and absolute independence of Parliament must be preserved and that Presiding Officers must retain control of access to Parliament House. Equally, the Parliament must be seen to be willing to abide by the laws that it itself has made and promulgated. Furthermore, officers should not be deprived of all rights by virtue of their special positions. It is almost certainly true to say that the provisions of the Bill dealing with the application of the various Acts provide the best possible balance between the various principles that apply. It is accepted that it is critical that the Parliament must not be compelled to comply with orders of courts and tribunals and that its supremacy must never be abrogated, but it is appropriate that the committee be allowed to accept an adjudication in appropriate circumstances. It is therefore appropriate, as recommended by the committee, that the Parliament, through the new committee, be empowered to decide when to accept and give effect to an order made under a particular Act and the Government is confident that the committee will always act sensibly and fairly.

Apart from these matters, the Bill also adopts all other recommendations of the joint committee. The new committee will take over the responsibilities of the Joint House Committee and the Joint House Committee Act is to be repealed. Consequential amendments will be made to the Public Service Act to ensure that officers in the new service are properly recognised.

The Government looks forward to the implementation of this measure at the Parliament and trusts that it will achieve the objectives in relation to which the select committee was established.

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 repeals the Joint House Committee Act and vests the property, rights and liabilities of the Joint House Committee in the committee being established by this Act. Clause 4 sets out the definitions required for the Act.

Clause 5 provides for the creation of a committee to be known as the 'Joint Parliamentary Services Committee'. The committee is to be a body corporate and is to consist of six members, being the President of the Legislative Council, the Speaker of the House of Assembly, two members of the Legislative Council (one being a member of the Government and one being a member of the Opposition) and two members of the House of Assembly (one being a member of the Government and one being a member of the Opposition). Appointed members of the committee are to hold office until the first sitting day after a general election and will be eligible for re-election. Two members of the Legislative Council and two members of the House of Assembly are to constitute a quorum. The chairmanship of the committee will alternate each year between the President and the Speaker.

Clause 6 creates an office of Secretary to the committee. Clause 7 provides for the division of the joint parliamentary service into three divisions, namely *Hansard,* Library and Joint Services. Each division is to have a chief officer, being respectively the Leader of *Hansard,* the Parliamentary Librarian and the Secretary of the committee.

Clause 8 prescribes the duties of chief officers. They are together to constitute a management panel for the purpose of achieving a consistent and efficient approach to the management of the joint parliamentary service as a whole. Clause 9 provides for the delegation of powers or functions under the Act. Clause 10 provides for the creation or abolition of offices in the joint parliamentary service by the Governor on the recommendation of the committee.

Clause 11 relates to the classification of offices by the Governor on the recommendation of the committee. It is proposed that a system of classification that corresponds to the one applying under the Public Service Act 1967 be adopted. Officers will be able to apply for reclassifications. Clause 12 provides for the appointment of persons to vacant offices. A person first appointed to an office in the joint parliamentary service will normally be appointed on probation. Clause 13 allows the committee to arrange for people to work in a division of the joint parliamentary service on a temporary basis, or at hourly, daily or weekly rates of remuneration.

Clause 14 provides for the retirement of officers of the joint parliamentary service between the ages of 55 years and 65 years. Retirement may also occur on the ground of invalidity. Clause 15 relates to compulsory retirement on the ground of physical or mental incapacity to perform the duties of office. An officer directed to retire on such a ground may lodge an objection and shall be given a right to be heard in support of his objection. Clause 16 concerns the right of the committee to discipline an officer. Specific grounds for disciplinary action are set out in the clause and the committee will be empowered to forfeit entitlements to leave, impose fines, reduce salaries or classifications or dismiss officers who are liable to such disciplinary action. Officers liable to disciplinary action are to be notified of any liability to the taking of disciplinary action and a right to be heard is included.

Clause 17 empowers the committee to suspend an officer who has been charged with an indictable offence. Clause 18 prescribes the rights of officers to recreation leave. Recreation leave will normally accrue at the rate of 20 working

days for each year of service and there will be a proportionate entitlement for each month. Leave accruing during a particular financial year may be taken at any time during the year, although leave may be taken only at such times as the committee may approve. The working days falling between Christmas and new year must, unless the committee otherwise directs, be taken as recreation leave.

Clause 19 prescribes the rights of officers to sick leave. Sick leave will accrue at the rate of 12 working days for each year of service. Sick leave will be credited in advance from 1 July of each year. Clause 20 provides for rights to long service leave. Ten years service will give rise to an entitlement to 90 days of leave, each subsequent year of service to 15 years will give rise to an entitlement to nine days of leave and thereafter each year will give rise to 15 days of leave. A person who ceases to be an officer and who has long service leave standing to his credit will be entitled to receive a sum in lieu of leave. Long service leave will be paid out on a *pro rata* basis after seven years service. Clause 21 provides for the granting of special leave to an officer by the committee. Clause 22 relates to the ability of the committee to provide that the accrued rights of a person in previous employment may be preserved under this Act and to the preservation of continuity of service. Clause 23 provides for entitlements to recreation and long service leave accrued to an officer who dies to be payable as a debt to the dependants of the officer. Clause 24 provides for the status of officers under certain Acts. Special provision is made to preserve the independence of the Parliament.

Clause 25 provides for consultation between the committee, the President and the Speaker for the purposes of achieving comparable conditions for all of the staff of the Parliament and the efficient management of the resources of the Parliament as a whole. Clause 26 provides for a joint officers committee that is to make recommendations to the Joint Parliamentary Service Committee in relation to the management and working conditions of the staff of the Parliament. Clause 27 allocates to the committee the control of the dining and recreation areas of the Parliament. Clause 28 relates to the provision of meals and refreshments. Clause 29 allows the committee to fix allowances and deductions affecting the salaries of officers. Clause 30 allows the committee to direct an officer to perform temporarily duties other than or in addition to the duties of his office. Clause 31 relates to the expenditure of funds.

Clause 32 preserves the rights of the Presiding Officers to remove persons unlawfully on the premises of the Parliament. Clause 33 directs the committee to provide an annual report to both Houses. Clause 34 is a rule-making provision.

The first schedule provides for transitional arrangements. The Governor is, on the joint recommendation of the President and the Speaker, to publish a list of officers who are to be brought initially under the Act. Existing classifications and rights are to be preserved. In addition, parliamentary reporters are to become part of the joint parliamentary service, unless they opt (on an individual basis) to remain in the Attorney-General's Department. The second schedule makes consequential amendments to the Public Service Act 1967.

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

[*Sitting suspended from 5.22 to 9.52 p.m.*]

AUSTRALIAN FORMULA ONE GRAND PRIX ACT AMENDMENT BILL

Adjourned debate in Committee (resumed on motion).

(Continued from page 438.)

Clause 2—'Interpretation.'

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

Page 1, after line 14—Insert new paragraph as follows:

(aa) by inserting after the definition of 'Deputy Chairman' the following definition:

'the graphic standards manual' means a document adopted by the board as the graphic standards manual and lodged at the General Registry Office:.

As a result of my raising matters previously and the Minister's response, discussions have taken place and the Minister has kindly made available certain officers. As a consequence I intend to move a series of amendments which, to a large extent, pick up the problems that I outlined in the second reading debate. They relate, in respect of clause 2, to the description of the logo, which is to be protected, and to the names that are to be protected.

This amendment provides a definition of 'graphic standards manual'. That manual will contain the description of the logo and its variations; in any event, the board has copyright of the logo which will be lodged at the General Registry Office so that it will be available publicly for all to see. People will have access to that description. I will move further amendments dealing with the names that will be proscribed in legislation, and that is much more desirable than those names or any other names being proscribed by regulation, which would mean, of course, that the Parliament would have little opportunity to debate the matter other than through a disallowance motion. This would also mean that the description would be on the public record in the Statute passed by the Parliament and available for all to see.

The Hon. FRANK BLEVINS: The Government agrees with this amendment. Some of the amendments with which we will be dealing have been agreed to, but the Government still has reservations about other amendments. That is not to say that we will not agree to them finally when the Bill goes to another place. At present the Government is not convinced that they go as far as perhaps they might or that, if the Hon. Mr Griffin's amendments are passed, the Bill as it goes to the House of Assembly will give the degree of protection for which the Government is looking. However, I appreciate the cooperation of the Hon. Mr Griffin on behalf of the Opposition.

Amendment carried.

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

Page 1—

Line 18—

Leave out 'name' and insert 'names'.

After the expression 'Australian Formula One Grand Prix' insert 'and "Adelaide Formula One Grand Prix" '.

After line 18—Insert new paragraph as follows:

(aa) the expressions 'Formula One Grand Prix', 'Adelaide Alive', 'Fair Dinkum Formula One' and 'Adelaide Formula One' where those expressions can reasonably be taken to refer to the Australian Formula One Grand Prix;

The first amendment provides that the name 'Australian Formula One Grand Prix', already contained in the Bill, is protected, as is 'Adelaide Formula One Grand Prix'. Other names will be protected where they relate to Australian Formula One Grand Prix, and those names are covered in the second amendment under new paragraph *(aa)*. Those names are 'Formula One Grand Prix', 'Adelaide Alive', 'Fair Dinkum Formula One' (those two names being developed by the Australian Formula One Grand Prix Board) and 'Adelaide Formula One'.

The Hon. FRANK BLEVINS: I support the amendments, but I make the point that they go only so far. A case can be made out for including other names, and one that comes to mind is 'Australian Grand Prix'. My information is that the name 'Australian Grand Prix' is owned by a particular body that confers that name on the premier motor car race

in Australia each year. While I have not been able to marshall sufficient facts to convince the Hon. Mr Griffin about my point of view, I believe it is possible that sufficient facts can be put before the House of Assembly to convince members there that that name (and there may be others) ought to be protected.

If that is the case and another place is persuaded, obviously it will come back to this Chamber. The Council can then decide whether the name 'Australian Grand Prix' or any other that the other place decides to insert is sufficiently firm that it warrants being in the Bill.

Amendment carried.

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

Page 1, line 19—Leave out 'adopted by the Board as its official logo' and insert 'the general design of which is set out in the schedule and which is more particularly depicted and described in the graphic standards manual'.

I was anxious to ensure that the logo was included in the Statute, as was the Jubilee 150 logo included in the Jubilee 150 Act. This amendment achieves that. The logo is then available on the face of the Statute to all who have an interest in this matter.

Amendment carried.

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

Page 1, lines 20 to 25—Leave out all words in these lines.

This amendment is consequential on the earlier amendments that I have moved relating to a more specific description of the logo and the names that are to be proscribed.

Amendment carried; clause as amended passed.

New clause 2a—'Application of amending Act.'

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

Page 2, after line 5—Insert new clause as follows:

2a. The following section is inserted after section 3 of the principal Act:

3a. (1) The amendments made to this Act by the Australian Formula One Grand Prix Act Amendment Act 1985 do not apply in relation to goods marked with official Grand Prix insignia—

(a) which were manufactured before the prescribed date; or

(b) which, although manufactured after the prescribed date, were manufactured to fulfil contracts relating to the supply of goods marked with official Grand Prix insignia entered into before the prescribed date.

(2) Subsection (1) does not derogate from any civil remedy that may be available to the Board apart from that subsection in relation to goods referred to in that section.

(3) In this section—'the prescribed date' means the 22nd day of August 1985.

This is a very important clause because it deals with the question of retrospective operation of this legislation. During the course of debate, I made the point that certain persons acting legally, or at least acting within the law, have manufactured and supplied certain goods that are marked with the insignia which may become the official insignia as a result of the amendments that we have made to this clause.

If this Bill passes, those people will be prevented from selling those goods and honouring their contracts. I believe that that is a breach of a very basic principle that something which is presently legal ought not to be made retrospectively illegal. Any person who has entered into a contract to supply goods marked with the official Grand Prix insignia before 22 August or who has manufactured goods before that date is able to sell them on the market without fear of prosecution.

The Hon. FRANK BLEVINS: I oppose this amendment. I appreciate that I do not have the numbers to press home my opposition, so I will not divide on this particular amendment. Whilst the Hon. Mr Griffin puts with clarity one of the problems that has arisen for certain parties involved in manufacturing goods that relate in some way to the Grand Prix and in some way promote it, there is another side to the argument.

There are other parties who quite legitimately have entered into contracts based on certain assumptions with the Grand Prix Board and they are legitimate commercial concerns that have, as it were, played the game by the rules right down the line. It may well be that this amendment means those persons' business operations will be prejudiced.

I appreciate that there are two sides to the debate. The Hon. Mr Griffin has one; I have another. However, Mr Griffin has the numbers, so, whilst I oppose insertion of the new clause, I will not divide.

The Hon. I. GILFILLAN: I have had discussions today with Grand Prix representatives who indicated to me that the activity of manufacturers using some of this material prior to this date would have contravened a federal Act. I am certainly in no position to judge that. It seemed to me that, if people have been deliberately and flagrantly breaking the law of which they were aware, I do not have any particular sympathy for them.

I agree with the Minister that there are those who have attempted to comply with what they thought were proper obligations and who have paid money for it and, therefore, should be protected. However, if this legislation (as was the concern of the Hon. Trevor Griffin) had retrospective impact, it certainly would not have appealed to me. So, this clause appears to be reasonable. Either I was wrongly advised or I misunderstood what I was told this afternoon, namely, that those who had infringed the protection of *bona fide* trademarks or logos were liable under federal legislation.

I assume that, if that were the case, they could be prosecuted or action taken against them in those circumstances. Regardless of how the numbers go, I would not want to be deliberately protecting people who have flagrantly disregarded their obligations. However, I consider that this amendment is reasonable in this Bill.

The Hon. K.T. GRIFFIN: I assure the Hon. Mr Gilfillan that this clause certainly does not protect people who have been in breach of the law. What it seeks to do is protect those who have been acting within the law up to the time that this Bill has been considered by Parliament and passed, because what this Bill will do in my view, and on independent legal advice which I have taken, is make illegal acts which were previously legal.

The point that ought to be recognised is that in subsection (2) of this new section 3a there is protection for any other remedy which might be available to the board where such breaches of the present law are alleged—whether it be under the federal Trade Practices Act, the Trademarks Act, the Copyright Act or whatever. It depends on what is being alleged.

If it is being alleged that the logo itself as set out in the schedule which we are to consider has been used without consent, quite obviously it is a breach of federal law and even State common law. But, if it is in relation to names which have previously not been identified as being the property of the Australian Formula One Grand Prix Board, that will not be illegal activity.

There are entrepreneurs who have been acting within the law and who under this Act may now be considered to be acting illegally if they continue to produce the goods. However, it gives them protection from what was legal up to 22 August 1985. It gives protection to those operating within the law, but it confers no protection on those who have undertaken or will in the future undertake illegal activity.

New clause inserted.

Clause 3—'Insertion of new ss. 28a and 28b.'

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

Page 2, lines 27 to 33—Leave out paragraph *(c)* and insert new paragraph as follows:

(c) may be revoked by the board for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.

This is in some respects a technical but nevertheless an important amendment. It seeks to ensure that where consent has been given it cannot be revoked by a notice in the *Government Gazette* without there being a breach of the consent. As the Bill stands at present it is a simple matter to revoke a consent, even if a person who is acting within the terms of that consent has committed no breach of any terms and conditions, and that is done by giving a notice in the *Gazette.* That is wrong in principle, and this amendment ensures that consent is revoked only for a breach of conditions.

The Hon. FRANK BLEVINS: I support the amendment.

Amendment carried.

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

Page 2, line 34—Leave out 'or a local court of full jurisdiction'.

This amendment deletes reference to the local court of full jurisdiction having the power to grant injunctions. That power has fairly serious consequences and ought to be exercised only by the Supreme Court, which has been the court traditionally entrusted with that responsibility.

Amendment carried.

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

Page 3, line 16 to 20—Leave out all words in these lines and substitute new paragraphs and subsection as follows:

(c) the goods or, if they have been destroyed, compensation equal to the market value of the goods at the time of their seizure; and

(d) compensation for any loss suffered by reason of the seizure of the goods.

(2a) An action for the payment of compensation under subsection (2) may be brought against the board in any court of competent jurisdiction.

This is an important matter of principle, because it gives a person a right of action where the police have seized goods and a prosecution has not been instituted within three months or, if it has and if it has not been a successful prosecution, the person from whom the goods have been seized can proceed in a court of competent jurisdiction against the board for compensation for any loss suffered by reason of the seizure of the goods. It is an important matter of principle.

Amendment carried; clause as amended passed.

New clause 4—'Insertion of schedule.'

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

Page 3, after line 26—Insert new clause as follows:

4. The following schedule is inserted after section 30 of the principal Act:

SCHEDULE

This new clause depicts the official logo over which the Government has copyright. If one looks carefully at the small print one can see that the copyright is claimed by the Government, in any event. It is important to be in the Act itself so that the public at large can see precisely what Parliament has determined should be the subject of protection.

New clause inserted.

Title passed.

Bill reported with amendments. Committee's report adopted.

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

That this Bill be now read a third time.

The Hon. M.B. CAMERON (Leader of the Opposition): I do not wish to prolong the debate in any way, but I want to say how much we appreciate the sensible compromise that has been reached in this matter by the Hon. Mr Griffin and the Minister. While I recognise that the Minister has put some curbs on any enthusiasm about this whole compromise being final, I trust that this sensible compromise will not be subject to alteration because, I believe, it covers the area that everyone was concerned about, that is, the question of people's rights being protected when they have been operating within the law. Also, it will allow some free enterprise to operate during the Grand Prix to enable this State and the people in it who have some entrepreneurial skills to participate in the Grand Prix and to benefit from the Grand Prix, and it will result in the job opportunities that will come from it.

The Hon. FRANK BLEVINS (Minister of Labour): I thank the Hon. Mr Cameron for his kind words. I stress again that on behalf of the Government I have some strong reservations about one of the amendments, although it is not in any way meant to stifle free enterprise. What we are attempting to do is protect businesses that have entered into legitimate agreements based on knowledge at the time—

The Hon. J.C. Burdett interjecting:

The Hon. FRANK BLEVINS: Yes. It is not that we are in any way trying to prevent private enterprise or free enterprise (whatever was the expression used by the Hon. Mr Cameron), but we have here some competing interests and the Government is attempting to ensure that a proper balance is struck between free enterprise and the rights of a legitimate organisation to sell something that it owns to other people.

Bill read a third time and passed.

ADJOURNMENT

At 10.12 p.m. the Council adjourned until Thursday 22 August at 2.15 p.m.