## LEGISLATIVE COUNCIL

Thursday 12 September 1985

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

## QUESTIONS

### ROAD LINES

**The Hon. M.B. CAMERON:** I seek leave to make a statement before directing a question on paint on roads to the Minister of Labour representing the Minister of Transport.

Leave granted.

**The Hon. M.B. CAMERON:** For the past two months I have had numerous complaints about the situation that occurs, particularly on metropolitan roads, where during and after heavy rain the painted lines on roads are almost invisible. In some situations it can be dangerous, when people heading towards the outer metropolitan area find themselves unable to discern the middle of the road.

The second matter that has been brought to my attention is the question of motor cyclists who find, in many cases, that the paint on the road surface creates a very grave danger, particularly where it is used in the form of an arrow indicating a right or left turn. In fact, motor cycle riders have informed me that it can be like riding on glass. Wherever possible they have to avoid those areas and, even on the dividing lines between lanes, they have to try to avoid those patches of the road that have paint on them because of the danger they face of skidding. I know that on a motor cycle you have enough to do without having to try to avoid paint on the road. Quite enough attention is needed to avoid other vehicles.

Therefore, will the Minister of Transport conduct an urgent investigation into the type of paint used to mark road surfaces, particularly in the metropolitan area, with a view to selecting, first, non-skid paint, and, secondly, a paint that can be clearly seen at night, if the surface is wet. If neither of those things is possible, could he investigate methods of indicating the division of road lanes with some marking other than paint?

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

### EQUAL OPPORTUNITY LEGISLATION

**The Hon. K.T. GRIFFIN:** I seek leave to make a brief explanation before asking the Attorney-General a question about equal opportunity legislation.

Leave granted.

**The Hon. K.T. GRIFFIN:** In August 1984 the Government introduced the Anti Discrimination Bill with some fanfare. As a result of amendments, it became the Equal Opportunity Bill, and was passed with substantial amendments in early December 1984. It has not yet been proclaimed to come into effect. I understand that during the past financial year the Office of the Commissioner for Equal Opportunity began taking on responsibilities as delegate of the Commonwealth Human Rights Commission, and additional staff were engaged for that purpose.

The Auditor-General's Report states that seven full-time equivalent persons were working in the Commissioner's office at 30 June 1984, and the same number were employed at 30 June 1985. A sum of $205 000 has been provided in the 1985-86 State budget for the salaries and wages of the Commissioner for Equal Opportunity and for clerical and general staff; last year $170 655 was spent. It appears from those figures that the new staff for Commonwealth purposes were only just being brought on to the payroll at the end of June 1985, and the full year impact will be reflected in the current year's provision.

The figures also suggest that the budget papers do not reflect adequately what the full year's cost of those additional staff may be. I am also informed that a number of new staff will have to be employed in connection with the new Equal Opportunity Act, but it appears that those staff have not been provided for in the 1985-86 budget. In the light of these facts, my questions to the Attorney-General are:

1. When will the Equal Opportunity Act be proclaimed to come into effect?

2. How many additional staff will be required when this occurs, and what will be the cost?

3. How many staff have been engaged to meet the responsibilities delegated by the Commonwealth Human Rights Commission?

**The Hon. C.J. SUMNER:** The Equal Opportunity Act should be proclaimed some time later this year.

**The Hon. K.T. Griffin:** This financial year or calendar year?

**The Hon. C.J. SUMNER:** Hopefully, this calendar year and certainly this financial year. I believe that it will be possible to proclaim the Act later in this calendar year. The honourable member has asked detailed questions about staffing, and I will obtain responses for him and bring back a reply.

### NATURAL GAS

**The Hon. K.L. MILNE:** I seek leave to make a brief explanation before asking the Minister of Agriculture, representing the Minister of Mines and Energy, a series of questions about natural gas prices.

Leave granted.

**The Hon. K.L. MILNE:** There is no need for me to emphasise the importance to South Australia of the price that we pay for natural gas from the Cooper Basin: I have brought this matter to the attention of the Council time and time again over the past 12 months or so. There is also no need for me, I hope, to emphasise the terrible situation in which we have placed ourselves owing to the fact that amateurs have tried to negotiate with experienced specialists in this field—and I have brought this matter to the notice of the Council time and time again.

I am informed that we are about to fall for the three card trick once again, and all that the negotiators on the Government side (or on our side) are doing it for the first time. Consequently, I am literally terrified that we will make another silly and avoidable mistake. Rumour has it (but I think it is more than rumour) that the Government has come to terms with Santos and the Cooper Basin producers and that the signing of an agreement is imminent early next week. It is further suggested that the starting point for the new gas prices will be about $1.50 per gigajoule from 1 January 1986, and that the price will increase for 1987 when the present supply arrangements end.

I understand that arrangements are being made unilaterally with the producers without consulting AGL of New South Wales, yet they are in a much stronger position than we are in South Australia and together we would have much more influence on the producers. Alone, we have comparatively little. In other words, we should get with the strength and learn from our mistakes in the past.

As the Council knows, I have a motion on the Notice Paper for the appointment of a select committee to inquire

into the present situation. I do not seek a witch-hunt, because it is easy for us to criticise in hindsight. What I want is a thorough investigation into where we stand now and what steps—probably drastic steps—we have to take to get things straight. I have not introduced this motion as a veiled threat to the producers while negotiations are taking place. I am deadly serious that a select committee is the only answer to sort out these matters.

**The PRESIDENT:** Perhaps the matter of the select committee could be better addressed when we are dealing with the select committee.

**The Hon. K.L. MILNE:** I am sorry, Mr President. We have sold our birthright to our gas and we are now powerless to demand a reasonable price to buy it back. This is a ridiculous situation and it simply cannot be allowed to go on. Unless the Government and its advisers in the Public Service are prepared to take very firm action it will be open to grave criticism by every single person in South Australia, and rightly so. My questions are:

1. Will the Government confirm or deny that an agreement with the Cooper Basin producers has been reached and is to be signed next week?

2. Is it true that the price to the Pipelines Authority of South Australia will start at $1.50 per gigajoule from 1 January 1986 for 12 months?

3. What price will apply to the year 1987, when the present supply contract ends?

4. What arrangement is the Government working towards for a futures contract from 1 January 1988?

5. As the arbitration between AGL and the producers begins next Monday, will the Government wait until that arbitration decision is known before entering into a futures contract?

6. Has the Premier of South Australia discussed this matter with the Premier of New South Wales with a view to combined action on future pricing of the same gas and, if not, will he give this Council an undertaking to do so as soon as possible?

7. As AGL through its agreement has access to the producers' books and can therefore ascertain their cost of producing the gas, why has not the South Australian Government got such an agreement, and is the Government insisting on it in any future agreement?

8. As it is understood that the cost of producing Cooper Basin gas is close to 40 cents per gigajoule, will the Government explain to this Council why—

(a) the present price is $1.62 per gigajoule; and

(b) the rumoured starting price for the next agreement is likely to be $1.50 per gigajoule?

9. In view of the complicated situation in which South Australia finds itself, and in view of the obvious mismanagement of the situation by all previous Governments involved and their Public Service and private sector advisers, what action is the Government now taking to introduce drastic legislation, if necessary, to protect the people of this State so that we can buy back our own gas at a fair price and at least no more expensive than the price paid by AGL in New South Wales?

**The Hon. FRANK BLEVINS:** As usual in these cases where the question is directed to another Minister, it is a mere formality for the Minister representing that Minister to refer the question to his colleague. However, on this occasion the Hon. Mr Milne took the opportunity in what was allegedly a brief explanation to comment on the present Government, and the previous Government, and express his views on what ought to happen. Therefore, to follow the norms of Question Time and merely say that I will refer the question to my colleague in another place is somewhat unfair.

It could be argued that the remarks of the Hon. Mr Milne were out of order, although they were not ruled out of order. It is grossly unfair to make a comment of that nature when the Minister is not here. Before referring the specific details of the question to my colleague in another place, I point out that the Hon. Mr Milne was correct in those parts of his explanation where he stated that there was no need for him to spell it out: he was quite correct—there is no need.

This Government, over the past almost three years has been suffering from problems that were left by the Hon. Mr Goldsworthy. I invite all members of the Council, and of the public, to read the excellent contribution made to the Council yesterday on this question by the Hon. Ms Levy. It was an extensive, unembellished and accurate exposition of the facts.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. FRANK BLEVINS:** I also well remember addressing myself thoroughly to this question while in Opposition, albeit briefly, as always. I did my homework and had a look at some of the agreements (and debates on those agreements) that were made by a previous Premier, Don Dunstan. I see that the basis of those arrangements went to a select committee. That select committee brought down a unanimous report. When looking at the *Hansard* record of the debate on that report I saw the Hon. Dean Brown's name. He opened his address to the Parliament by saying what an excellent agreement had been negotiated.

I have said that in this Council before: I have read it out of *Hansard.* If the Hon. Mr Cameron, or anybody else, wants to contradict what the Hon. Dean Brown said, that is fine. What concerns me about this matter is that, with the benefit of 20/20 hindsight, it is very easy to criticise. It may well be that on both sides there were things to criticise and decisions that were taken in good faith at the time with the full support of both sides of the Parliament and decisions taken as a result of a unanimous report of a select committee.

If members want to criticise it now, that is all very well, but just remember that it was a unanimous report of a select committee and that meant (and this is quite clearly stated on the record) that the Hon. Dean Brown supported the basis of those agreements. Another thing that concerns me about this matter, before I come to the specific questions, is the question of a select committee. I appreciate that the Hon. Mr Milne, the Hon. Mr Gilfillan and other rank and file members of the Democrats have an interest in this particular question, because we get these questions all the time. They are very carefully drawn up, whether by consultants, or whatever, I do not know. I, for one, take it at face value that the Hon. Mr Milne and the Hon. Mr Gilfillan have a deep interest in and detailed and technical knowledge of this area, as evidenced by the question.

**The Hon. C.J. Sumner:** You should tell us who puts the questions up to them.

**The Hon. FRANK BLEVINS:** That is for others to say. What concerns me is that, in spite of this deep technical knowledge that the Hon. Mr Milne and the Hon. Mr Gilfillan express in the way their questions are phrased in detail, I wonder about the technical ability of a select committee of this Parliament to deal with this question. I have been on many select committees over the past 10 years and I am a very strong supporter of the select committee system, but it is necessary for select committees only to deal in areas where they are competent. That is in no way to put members of Parliament or select committees down: as I stated, I am a strong supporter of them, provided that they are within the bounds of the competence of the members

of Parliament and of the ability of the system of select committees to cope.

**The Hon. R.J. Ritson:** Like nuclear physics and uranium?

**The Hon. FRANK BLEVINS:** I agree: the Uranium Select Committee is a classic example. I think that there was one moved by the Hon. Mr DeGaris before, on the energy requirements of South Australia. It will never come to any conclusion because the select committee does not have the capacity to deal with those questions.

**The Hon. K.L. Milne:** It depends on the advice that they receive.

**The Hon. FRANK BLEVINS:** They have all the advice in the world, but I have very grave doubts as to the ability of a select committee to deal with this question. If it had, I would be the first to support it, but I have some reservations. Maybe those reservations can be cleared up.

One other point that was made in the Hon. Mr Milne's explanation that requires some comment at this stage is the question of legislation. The Hon. Mr Milne asked, 'What action is the Government taking to bring down tough legislation?', in effect, to sort out this problem. I am not sure what the Hon. Mr Milne meant by that: is he advocating that the Government bring in legislation to break contracts? If he means that, in all fairness to the Government he should have spelt that out in his explanation rather than implying that the Government had the ability to bring down tough legislation and was not doing it. If he is stating that the Government ought to bring down legislation that breaks contracts, he should say so.

The Government is looking at all the options, but at the moment the negotiations with the producers are taking place. I do not think that this Council should do anything to jeopardise those negotiations. I am not suggesting that the questions and notices of motion, etc., that have been placed on the Notice Paper do that. Quite the contrary: they show to the producers that there is a widespread concern throughout the community about this question. So, I am in no way critical of questions that have been asked and of what has gone on to the Notice Paper. However, I say again that if the Hon. Mr Milne is suggesting that we legislate to break contracts there is an obligation on him to spell that out clearly. The Government will consider it. I will refer the detailed questions themselves to my colleague in another place and bring back a reply.

## GOVERNMENT WASTE

**The Hon. L.H. DAVIS:** I seek leave to make a brief explanation before asking the Minister of Tourism, representing the Minister of Water Resources, a question about Government waste.

Leave granted.

**The Hon. L.H. DAVIS:** Western Hauliers Pty Ltd is the largest private distributor of liquid petroleum gas in South Australia. It also has a substantial transport operation servicing country areas. Western Hauliers is located on Grand Junction Road, Gepps Cross. It has expanded its operation significantly in recent years, boasting an annual turnover of several million dollars. Last year the company decided to provide additional storage for liquid petroleum gas. This necessitated the installation of a fire main over a distance of 157 metres. The General Manager of Western Hauliers, Mr Ian Curran, established that a private contractor could install the main for a cost of $6 000. Mr Curran also approached the E & WS Department.

It took him three to four months to obtain an answer from the E & WS Department as to the cost of the main. He was eventually advised that the cost was $2 650 to connect the fire main and that there would be a charge of $2 182.50 annually for five to six years to recoup the cost of the fire main. It amounted to a total cost of $14 500—two and a half times the quote of the independent contractor. The E & WS Department claimed that this charge was necessary to achieve its benchmark rate of return of 15 per cent. Mr Curran was not impressed.

Mr Curran approached the Ombudsman and the Minister of Water Resources about this seemingly high cost. They both advised him that it was Government policy for the E & WS Department to lay all mains. Mr Curran eventually accepted this advice and a few months ago arranged for the E & WS Department to lay the water main; 157 metres of 100 mm pipe was duly laid. After it was laid, the E & WS Department and the fire brigade decided that 100 mm pipe was not adequate for the volume. The 100 mm pipe was then replaced with 150 mm pipe. After it was laid, the E & WS Department and the fire brigade agreed with Mr Curran's observation that the pipe supplying the 157 metre fire main could not handle the additional volume required, anyway and that it would shatter; in other words, there was little point in changing the pipe over.

The 157 metre fire main was laid by six or seven E & WS Department employees over five or six days. Mr Curran had ascertained from an independent contractor that a backhoe could have dug a trench in a day, dropped a pipe in and then backfilled it in another day; in other words, it would have been a two-day job involving two or three people for the independent contractor. Mr Curran, who has built up his business based on efficiency and hard work, was appalled. At the very best, the E & WS Department employees had taken five or six times longer than the independent contractor would have taken to complete a relatively straightforward job.

The E & WS Department charge to Western Hauliers was two and a half times greater than the quote from an independent contractor. The E & WS Department took three to four months and some needling to provide the initial quote—and then changed its mind about the size of the pipe after it was laid. Incidentally, Western Hauliers was charged an additional $500 for the E & WS Department and the fire brigade getting the pipe size wrong in the first place.

I suggest that, if it was not so serious, this scenario is enough to guarantee that it would be the lead item in a Monty Python show. Mr Ian Curran, who has developed, as I have said, a considerable reputation as a leader in his field—indeed, having the largest private operation in the supply of liquid petroleum gas in this State and a substantial transport operation—was, frankly, appalled. I am also appalled at this extreme example of Government waste. Will the Minister provide an explanation for this appalling example of inefficiency in a Government department?

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

## AIRLINES OF SOUTH AUSTRALIA

**The Hon. R.J. RITSON:** I understand that the Attorney-General has an answer to a question I asked on the subject of Airlines of South Australia.

**The Hon. C.J. SUMNER:** A meeting was held between Government Ministers and officials and ASA management, at the request of the company, to discuss the future of regional airline services in the State. The company was recently unsuccessful in obtaining a share of the Moomba service which was allocated, under tender, by Santos and Delhi, to Lloyd Aviation. As a consequence, aircraft utilisation has been reduced and discussions were aimed at assessing the impact with respect to long term planning.

Discussions are continuing. No conclusions have been reached at this stage.

## GRAND PRIX

**The Hon. M.B. CAMERON:** I seek leave to make a statement prior to directing a question to the Minister of Tourism on the subject of Grand Prix advertising.

Leave granted.

**The Hon. M.B. CAMERON:** Yesterday, in answer to a question from the Hon. Miss Laidlaw, the Minister made the following statement: that during the last financial year the State Government has allocated some $500 000 to the Grand Prix Board for that purpose—which was advertising of the Grand Prix—and a further $500 000 has been allocated for that purpose during the coming financial year.

There was an article in the newspaper today, parts of which caused me some concern. Let me assure the Minister that, despite her comments yesterday, it is not the intention of the Opposition, and certainly not myself, to knock the Grand Prix; quite the contrary, I hope it works, because we have a lot of money tied up in it. In this morning's article the following statement was made by Mr T.W. Bowey: 'There has just not been the publicity promised.' Mr Morris, who comes from South Australia, said he had personally spent '$8 000 on newspaper and radio advertisements, which formed the main publicity for the event in Victoria.' Mr J.A. Greenslade, the South Australian Department of Tourism manager for Victoria and Tasmania said:

> No special money had been allocated to promote the event. We have tackled publicity within our limitations. We could not promote one event to the detriment of continuing overall promotion of South Australia.

If there are insufficient funds available for the promotion of the Grand Prix in this State, it is of some concern. It is very important that this event be promoted, other than in South Australia. It should be promoted overseas, too, and it is of some concern that it appears that the money—according to information provided through the newspapers—is not going to the areas where it is needed. I ask the Minister whether she will revise her answer to the question yesterday or provide some information of what special allocations of funds have been made to other States for the purpose of promoting the Grand Prix, separate from the normal promotions by the Department of Tourism.

**The Hon. BARBARA WIESE:** Here we go again.

*Members interjecting:*

**The Hon. BARBARA WIESE:** I find the negative attitude towards this event of people in this place quite extraordinary. However, I am quite happy to supply the information that this negative Opposition seeks. The main thrust of the marketing campaign for the Grand Prix has been conducted by the Grand Prix Board. The responsibility of the Department of Tourism in this matter is to use the event in the general promotion of South Australia as a tourist destination.

**The Hon. L.H. Davis:** Who is responsible for the marketing? Where is the money coming from?

**The Hon. BARBARA WIESE:** Those questions are too stupid to answer; everybody knows where the money is coming from. The Government is providing the money through the budget. The Grand Prix Board has advertised very extensively in all States of Australia and the campaign that has been waged in all States since the tickets went on sale in June, has been very successful. To date 60 000 tickets have been sold. Prior to tickets going on sale the intention was to aim for a 60/40 market sales split—that is 60 per cent of tickets to be sold within South Australia and 40 per cent to be sold outside South Australia, which would include interstate and overseas. With the 60 000 tickets that have been sold that 60/40 split has been achieved, which proves that the marketing that has taken place so far and is continuing in other States has been very successful. We are still two months away from this event and one can expect that the sales will continue to pick up in the coming two months.

As far as the Department of Tourism offices are concerned, in both Melbourne and Sydney, they do not have a marketing budget, as such. The responsibility for marketing South Australia is the responsibility of the Department of Tourism here in South Australia. Any statements that are made about special allocations for marketing the Grand Prix within the Department of Tourism in our Sydney and Melbourne offices are invalid in that respect. There have been extensive efforts made in those offices to promote the packages which have been put together by promoters and, where appropriate, we have engaged in joint promotions of particular packages. There have also been window displays in both the Melbourne and Sydney offices and the department has done everything it could in other States to assist with the promotion and marketing of the Grand Prix. The ticket sales figures that I quoted earlier (the breakdown of interstate as opposed to local sales) indicate that our marketing campaign is very successful.

**The Hon. M.B. Cameron:** Do you think there is a problem in Victoria?

**The Hon. BARBARA WIESE:** I cannot see that there is anything more to add and I do not know why members of the Opposition seem to want to keep beating this up as an issue and presenting the Grand Prix in a negative light, which could very much jeopardise the success of this excellent opportunity that we have here in South Australia to promote our State as a prime tourist destination.

## PARLIAMENTARY TERM

**The Hon. R.I. LUCAS:** I direct the following questions to the Attorney-General:

1. Has the Queen assented to the Act providing for four-year Parliaments that was passed by this Parliament early this year?

2. If she has not, is the Attorney-General able to indicate when royal assent will be given to the Act providing for four-year Parliaments?

3. Is the Attorney-General able to guarantee that the next Parliament will be for a period of four years, or will it be for a period of three years?

**The Hon. C.J. SUMNER:** The Hon. Mr Lucas is a strange person. He participated in the debate on this Bill, as I recall, and it was made clear at the time that the Bill applied not to this Parliament but to the next Parliament. That was clear in the Bill and the honourable member participated in the debate, but now he asks the very same questions. One really has to query whether or not he pays any attention to the legislation. I did not have an opportunity to see Her Majesty when I was overseas.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** So I did not ascertain from her whether she has yet signed the legislation, but I am sure that—

**The Hon. R.I. Lucas:** Swanning through Europe!

**The Hon. C.J. SUMNER:** No. I had to get back to the Council at the appropriate time from the activities in which I was involved on behalf of the Government and the people of South Australia. Quite frankly, the visit was most useful, and I believe that everyone should be proud of the fact that South Australian representatives at the United Nations congress on crime and the rehabilitation of offenders, including

Ray Whitrod of the Victims of Crime Service and me, played a very important role over the two weeks of that congress in ensuring that the congress approved for submission to the United Nations General Assembly a declaration on the rights of victims of crime.

That was the activity in which I was engaged in the two weeks of my visit to the United Nations congress. The week before that I was involved in a conference on victimology, which was a leadup to the United Nations congress. Therefore, I can assure members that, although I was unable to see Her Majesty about the matter raised by the Hon. Mr Lucas, I was certainly engaged in very fruitful and worthwhile work, as I said, work that will in due course bear fruit in the form of a United Nations declaration on the rights of victims of crime.

I would have thought that the Hon. Mr Lucas would know what the Bill provided on this topic. I do not know whether the Queen has assented to the Act, but I will attempt to obtain information for the honourable member and let him know as soon as I can.

**The Hon. R.I. LUCAS:** Would the Attorney-General outline whether, if the Queen did not assent to the Act before the calling of an election, the next Parliament would be for three years or four years?

**The Hon. C.J. SUMNER:** Once again I can only say that the honourable member is a strange fellow—either he is strange or he is decidedly dim.

**The Hon. R.I. Lucas:** What's the answer?

**The Hon. C.J. SUMNER:** The answer is patently obvious, or it should be obvious to the Hon. Mr Lucas.

**The Hon. R.I. Lucas:** You're a lawyer.

**The Hon. C.J. SUMNER:** One does not have to be a lawyer to know how a Bill becomes law. Perhaps the honourable member would like me to give him a lecture on the basic constitutional position, but I would have thought that, after almost three years in this Parliament, even he would have the wit to determine what enables a Bill to become law.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** Such a Bill must be passed in the House of Assembly and the Legislative Council and there must be royal assent. There is no doubt about the situation. The fact is that the legislation does not apply to this Parliament: it will apply to the next Parliament. As soon as the Bill has gone through all the constitutional stages, involving royal assent, it will become law. I fully expect that that will occur before the next election. I understand that the matter has gone through the normal procedure of being referred to Her Majesty for royal assent.

**The Hon. R.I. Lucas:** But if it didn't, what would happen?

**The Hon. C.J. SUMNER:** I am not sure whether the honourable member knows something that I do not know. I have not been here for the past three weeks, but—

**The Hon. R.I. Lucas:** You're being very evasive.

**The Hon. C.J. SUMNER:** I am not being evasive. I do not know. I am not sure whether the honourable member expects me to know (as I returned only yesterday) whether the Queen has given her assent. As I said in reply to the previous question, I was not able to visit Her Majesty when I was overseas. Perhaps the honourable member knows that an election will be called tomorrow or next week, or that the Opposition will block Supply next week. I am not sure. Perhaps that is what the Hon. Mr Lucas is aiming at—perhaps he is suggesting that Supply will be blocked. At this stage I expect that, if assent has not already been given (and it may well have been given—it is quite likely that it has been given), that will occur before the next election.

## LLOYD AVIATION

**The Hon. PETER DUNN:** I seek leave to make a brief explanation before asking the Minister of Labour a question about the United Trades and Labor Council ban on Lloyd Aviation.

Leave granted.

**The Hon. PETER DUNN:** We are all aware that in the past couple of days the United Trades and Labor Council imposed a black ban on the supply of fuel to Lloyd Aviation, a very entrepreneurial company that has outlaid enormous sums to supply a service to the Cooper Basin and in particular to Moomba. The cost is $19 million for one aircraft to supply these services. Now, Lloyd Aviation has found that it will soon not be able to fly that aircraft, because the United Trades and Labor Council has put a ban on the supply of fuel to that company as it wants a closed shop.

*Members interjecting:*

**The PRESIDENT:** Order!

*The Hon. R.C. DeGaris interjecting:*

**The Hon. PETER DUNN:** That is all right. They might be bringing people to the Grand Prix. Commissioner Eggleton at a voluntary conference recommended that the UTLC lift its ban immediately. Does the Minister agree with the UTLC position, that is, its holding Lloyds to ransom by demanding a closed shop and black banning the supply of fuel to Lloyd Aviation and, if he does, what action does the Minister propose to maintain the Cooper Basin supply of gas to Adelaide and other parts of South Australia?

**The Hon. FRANK BLEVINS:** There have been discussions about this dispute over the past four or five days—perhaps for as long as a week. I have had discussions with the principals of Lloyd Aviation and with the Trades and Labor Council and I arranged a meeting of the parties at one stage. As the Hon. Mr Dunn said, there was a meeting before the commission yesterday and again today.

Some proposals were put, I believe, to the unions from Lloyd Aviation. I am not privy to what those points were, but I can assure the Hon. Mr Dunn that the Government and I will play whatever role we can to see that the dispute is resolved satisfactorily. I will say that the airline industry is highly unionised and, as I understand it, Lloyd Aviation is moving from being a relatively small operator into what we would call the big-time, with larger aircraft and more substantial services. It seems to me that in the aviation industry the strength of the unions is very high. I pointed out these facts to Lloyd Aviation and I am happy to advise the Council of that. If Lloyd Aviation finds itself in a dispute with unions in this area, the company is taking on a hard task.

**The Hon. Peter Dunn:** You are agreeing—

**The Hon. FRANK BLEVINS:** I am not agreeing or disagreeing with anyone. As Minister of Labour it is my obligation to point out some of the problems that both employers and employees can come across. I pointed out—

**The Hon. Peter Dunn:** You do not agree—

**The Hon. FRANK BLEVINS:** I am not saying whether I agree or disagree. What I am saying as Minister of Labour—

**The Hon. Peter Dunn:** The Minister of even-handedness.

**The Hon. FRANK BLEVINS:** That is right. I pointed out some of the problems that can arise. I pointed out (and, as far as I am aware, it was appreciated) to the principals of Lloyd Aviation that there are many employers in this State and throughout Australia who insist on their employees being members of a union. They do that out of naked self-interest. It is in the interests of those employers to do so.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. FRANK BLEVINS:** I am not talking about small employers but about some of the major employers in this State and the Commonwealth. I refer to an industry where there are two employers of equal size and importance, and one does not have a policy of preference to unionists and the other does. There is no question of coercion or anything like that. It is in their interests, as they see it, to have a preference for unionists clause. This Government makes no secret of its belief that workers who obtain benefits from awards should be members of a union. However, the Government does not have a policy of compulsory unionism. It has a policy of preference to unionists.

**The Hon. L.H. Davis:** That is not compulsory?

**The Hon. FRANK BLEVINS:** That is not compulsory.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. FRANK BLEVINS:** In fact, that is in some awards, by decision of the various industrial tribunals. I do not see anything wrong with that. Whether industrial tribunals choose to do that or whether they have the power in some circumstances to insert that in an award, I guess that there will always be employers who, out of their own naked self-interest, will insist that members of their work force be members of a union, or they will give preference to unionists. It is not one-sided—it is a mutual arrangement between lots of employers and employees. I hope that the dispute between Lloyd Aviation and the UTLC is resolved quickly. It certainly will be resolved. All disputes are eventually resolved. I hope it will be resolved quickly and to the satisfaction of the various parties. I will do anything I can to assist that—I already have.

**The Hon. PETER DUNN:** I desire to ask a supplementary question. The Minister has not answered the second part of my question, although he appears to agree with the first part. What plans has the Minister to keep supplying gas to South Australia and Adelaide if there is a stalemate?

**The Hon. FRANK BLEVINS:** There is no suggestion of any problems with gas supplies to Adelaide. If the Hon. Mr Dunn knows of any, I would welcome his letting the Government know. There has been no correspondence or contact as far as I am aware by the gas producers that they are or will be having any difficulty in supplying gas to Adelaide. If there is a problem, I am sure they will contact the Government and we will look at what is required at the time.

If the Hon. Mr Dunn has some contact with the suppliers, if he indicates that he has and if those concerns have been expressed to the Hon. Mr Dunn, I will immediately contact Santos and Delhi to see just what the problem is. My guess is that there has been absolutely no contact whatever with the gas producers to the Hon. Mr Dunn expressing any concern about supplying gas. I am sure that that is the factual position. The Hon. Mr Dunn has read a newspaper report and said, 'I will try and beat this up into a scare about the availability of gas in Adelaide.'

**The Hon. Peter Dunn:** And you cannot answer it.

**The Hon. FRANK BLEVINS:** I can answer it. If the Hon. Mr Dunn has had any contact with the producers—

*The Hon. Peter Dunn interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Dunn has just asked a supplementary question.

**The Hon. FRANK BLEVINS:** —expressing concern about the supply of gas to Adelaide, he should let me know. Obviously, the producers would not contact the Hon. Mr Dunn with information of that nature—they would contact the Government. To the best of my knowledge, they have not done so thus far. If they do, I can assure the honourable member that the Government will take every step required to ensure that there is continuity of supplies to Adelaide. This is a rather feeble and pitiful attempt by the Hon. Mr Dunn to grab a small headline. He would not get a big one, because journalists in this State are a wake up to him and his company who pick up newspapers, read a news item and then say that they will try to frighten the life out of the South Australian public with some kind of extraordinary question. I am sure that the producers have never heard of the Hon. Mr Dunn and care little about his thoughts on the particular problem. As I say, I am trying to help them with Question Time—

*Members interjecting:*

**The Hon. FRANK BLEVINS:** That is all right. Whatever the Minister of Labour can do, he will do, he already has done, and he will continue to do in the future to the benefit of this State.

## RAPE VICTIMS

**The Hon. M.B. CAMERON:** Has the Attorney-General a reply to my question of 6 August about rape victims?

**The Hon. C.J. SUMNER:** The Police Department issues publicity meterial which deals with the subject of rape. The department is careful in that literature to preface any advice offered by stressing that no-one can tell a victim what to do in any given situation and that, in the final analysis, he or she must be the best judge of what action to take. The only situation in which the Police Department advises that rape victims should not offer active resistance is when they are faced with the danger of being seriously maimed by a rapist. Specifically, the crime prevention literature issued by the Police Department suggests that victims do not fight when faced with a gun or knife against the body.

The Commissioner of Police has indicated that the advice offered to victims in life threatening situations is soundly based and, despite the AIDS scare, does not consider that revision of this advice is justified or, indeed, wise. The Commissioner has pointed out that his comments are confined to the police situation and do not necessarily coincide with the advice issued by other agencies.

## Mr FYFE

**The Hon. M.B. CAMERON:** Has the Attorney-General an answer to the question I asked about Mr Fyfe on 21 August?

**The Hon. C.J. SUMNER:** The Attorney-General has lodged an appeal to the Court of Criminal Appeal on the sentence of three years imprisonment imposed by the sentencing judge on Mr Fyfe. The Crown is of the opinion that the sentence is manifestly inadequate.

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## AUSTRALIA ACTS (REQUEST) BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to enable the constitutional arrangements affecting the Commonwealth and the States to be brought into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation. Read a first time.

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

*That this Bill be now read a second time.*

This Bill is the first stage in the implementation of the agreement reached between all State Governments and the Commonwealth Government, in which Her Majesty and the United Kingdom Government has concurred, to remove the constitutional links which remain between Australia and

the United Kingdom Parliament, Government and judicial system, and to substitute new constitutional provisions and procedural arrangements. In particular, the implementation of the agreement will bring the constitutional arrangements affecting the States into conformity with the status of Australia as a sovereign, independent and federal nation.

The specific details of this agreement have been reached following extensive consultations which have taken place over the past few years between the Commonwealth, State and United Kingdom Governments and Palace officials. At the outset I emphasise that nothing in the legislation will impair the constitutional position of Her Majesty the Queen in the government of each State and the Commonwealth of Australia. On the contrary, as will appear later, the effect of the legislation will be to bring the Crown closer to the people and Governments of this nation, since the Queen, instead of being formally advised on State matters by United Kingdom Ministers, will be advised by State Premiers. Most of these measures are to be effected by legislation to be enacted by the State, Commonwealth and United Kingdom Parliaments, the form of which has been agreed by all Governments.

Ultimately, the key elements will be an Act of the Federal Parliament and an Act of the United Kingdom Parliament, each to be known as the Australia Act, which will be identical in all material respects. The two Australia Acts will be proclaimed to come into operation simultaneously. By this unique legislative means it has been possible to resolve the legal and political difficulties inherent in the historic step we are taking.

In accordance with the agreed procedure and to satisfy constitutional requirements, before the Australia Acts can be enacted the Parliament and Government of every State will:

(1) Request the Commonwealth Parliament, pursuant to section 51 (38) of the Commonwealth Constitution, to enact its Australia Act.

(2) Request and consent in accordance with Constitutional Convention to the United Kingdom Parliament enacting its Australia Act.

(3) Request and consent to the Commonwealth Parliament in turn requesting and consenting to the United Kingdom Parliament enacting its Australia Act. The request and consent of the Commonwealth Parliament to the Australia Act of the United Kingdom is required by section 4 of the Statute of Westminster.

Clauses 2, 3 and 4 respectively of the Bill now before the Council achieve each of these three prerequisites. The first schedule contains the proposed Australia Act of the Commonwealth Parliament.

The second schedule contains the proposed Australia (Request and Consent) Act by which the Commonwealth Parliament and Government will request and consent, pursuant to section 4 of the Statute of Westminster, to the enactment of the Australia Act of the United Kingdom. The U.K. Australia Act is in turn a schedule to the Australia (Request and Consent) Act. It is identical in all material respects to the Australia Act of the Commonwealth Parliament; there are minor differences, especially in the interpretation clause (clause 16), necessary because they are Acts of different Parliaments.

It is proposed that this State Act will come into operation prior to the introduction of the Australia Bill and Australia (Request and Consent) Bill into the Commonwealth Parliament. In brief, the Australia Acts will terminate all power that remains in the United Kingdom Parliament to make laws having effect as part of the law of the Commonwealth, a State or a Territory of Australia.

The Australia Acts will make important changes by removing existing fetters and limitations on the legislative powers of the Parliaments of the Australian States which stem, by and large, from their origins as English colonies. The residual powers of the United Kingdom Parliament to make laws for the peace, order and good government of a State will be expressly vested in the Parliament of the State and any existing uncertainty as to the capacity of State Parliaments to make laws which have an extra-territorial operation will be removed, but not so as to confer any additional capacity to engage in relations with countries outside Australia.

The Colonial Laws Validity Act will not apply to State laws made after the commencement of the Australia Acts, nor will the common law doctrine of repugnancy. An effect of these changes will be that, in future, State Parliaments will have full legislative power to repeal or alter any United Kingdom law which presently applies in the State. The changes in the legislative powers of State Parliament are subject to the Commonwealth Constitution and the Commonwealth Constitution Act and do not enable State Parliaments to alter the Commonwealth Constitution, the Commonwealth Constitution Act, the Statute of Westminster or the Australia Acts. As well, residual executive powers of the United Kingdom Government with respect to the States will be terminated.

The legislation will also remove the remaining avenues of appeal from Australian courts to the Privy Council making the High Court of Australia the final court of appeal for all Australian courts. This will end the anomalous situation, in the area of legal precedent, where a State Supreme Court could find itself faced with two binding, yet conflicting, authorities. A major change to be effected by the Australia Acts concerns State Governors. Except for the power of appointment and dismissal of State Governors, Governors will be vested with all of the Queen's powers and functions in respect of the States. Her Majesty will, however, be able to exercise any of those powers and functions when she is personally present in the State.

In the appointment and dismissal of State Governors and in the exercise of her powers and functions when she is personally present in a State, Her Majesty will be directly advised by the Premier of the State concerned. The Australia Acts thus establish the constitutional role of the Premiers in directly advising the Queen. Her Majesty has already expressed her concurrence in this development by which the role of the Crown will be adjusted to suit the needs of the Australian Federation. Whilst Her Majesty will be able to exercise any of her powers and functions normally performed by the Governor when she is personally present in the State, all State Premiers have expressly concurred in an undertaking that Her Majesty will only be formally advised to exercise those powers or functions when in a State where there has been mutual and prior agreement between the Queen and the Premier. It is anticipated that this will become accepted as a convention governing the circumstances in which the Queen will exercise such powers.

The Governor of a State in future will be able to assent to all laws enacted by the Parliament of a State. The Governor will no longer be required to withhold assent from certain types of Bills or to reserve any Bill for the signification of Her Majesty's pleasure. In future Her Majesty will not be able to disallow an Act to which the Governor has assented nor shall any State Act be suspended pending the signification of Her Majesty's pleasure. The Australia Acts themselves and the Statute of Westminster in its application to Australia will be able to be repealed or amended in the future, but only by an Act of the Commonwealth Parliament passed at the request or with the concurrence of the Parliaments of all the States. The Australia Acts also make nec-

essary consequential changes to the Constitutions of Western Australia and Queensland.

With the concurrence of Her Majesty and the United Kingdom Government, agreement has also been reached between the State and Commonwealth Governments about Imperial Honours. The Australia Acts do not make provision for these new arrangements as they are strictly matters of Imperial, rather than Australian, concern. The agreement which has been reached permits State and Commonwealth Governments to continue to use the Imperial Honours system if they wish to. In future recommendations for honours at the instigation of State Governments will be tendered by the Premier of the State direct to Her Majesty and will no longer involve the provision of advice from United Kingdom Ministers. Her Majesty has agreed to this new arrangement and the United Kingdom is currently drafting amendments to the statutes and warrants governing the various honours to provide for this change. The existing quota system will continue. I seek leave to have the detailed provisions of the proposed clauses of the Bill inserted in *Hansard* without my reading them.

Leave granted.

**Explanation of Clauses**

Clause 1 is designed to terminate the power of the United Kingdom Parliament to enact legislation having effect as part of Australian law, whether as law of the Commonwealth, of a State or of a Territory. It thereby achieves complete legislative independence of Australia from the United Kingdom. Clause 2, which must be read subject to clauses 5 and 6 mentioned below, declares and enacts in subclause (1) that each State Parliament has full power to legislate extra-territorially provided that the laws are for the peace, order and good government of the State. Subclause 2 (1) corresponds to section 3 of the Statute of Westminster which provides that the Commonwealth Parliament has full power to make laws having extra-territorial operation. Subclause (2) will remove any other limitations that might exist by reason of the former colonial status of the States on their otherwise plenary legislative powers.

Since the Privy Council decisions of *Nadan v The King* [1926] AC 482 and *British Coal Corporation v The King* [1935] AC 500 it has been arguable that the grant of power to State Parliaments to make laws for the peace, order and good government does not empower a State Parliament to legislate to affect the exercise by the Crown in the United Kingdom of the Crown's legislative, executive or judicial powers in respect of the State. Although this view is only based on *obiter dicta* and has been doubted in later decisions, it was thought desirable to include subclause 2 (2) to ensure that this view would no longer be tenable in relation to the State Parliaments. Subclause 2 (2) will not confer upon any State any capacity that the State did not have immediately before the commencement of the Australia Acts to engage in relations with countries outside Australia. Thus the States are not by this subclause given additional power to establish diplomatic relations with other countries, or relations in the nature of diplomatic relations.

Clause 3 is modelled on section 2 of the Statute of Westminster which applies to Commonwealth legislation. Subclause 3 (1) will remove the fetters imposed upon the States by the Imperial Colonial Laws Validity Act 1865. State Parliaments will thereby be freed from section 2 of that Act which prevented States from legislating inconsistently with United Kingdom Acts extending to the State. This provision, however, is prospective and will not validate any past State legislation already void for repugnancy. Section 5 of the Colonial Laws Validity Act 1865 which entrenches manner and form provisions will be replaced by section 6 of the Australia Acts. Subclause 3 (2), which will operate subject to clauses 5 and 6 will exclude the common law repugnancy doctrine and make it clear that State Parliaments will be able to enact legislation repugnant to the laws of England or to existing or future United Kingdom Acts, and that those Acts may be repealed or amended by a State Parliament in so far as they form part of the law of the State.

Clause 4 expressly repeals sections 735 and 736 of the Imperial Merchant Shipping Act 1894 in so far as they form part of the laws of a State. This clause makes it unnecessary for the States to enact special legislation, pursuant to subsection 2 (2) and section 3 of the Australia Acts, to free themselves from the restrictions imposed by sections 735 and 736 of the Merchant Shipping Act, under which certain State laws on merchant shipping require the confirmation of the Queen acting on the advice of United Kingdom Ministers, or must be reserved for the signification of the Queen's pleasure. Clause 4 corresponds to section 5 of the Statute of Westminster 1931 in relation to Commonwealth Acts.

Clause 5 qualifies clause 2 and subclause 3 (2) by making the grant or declaration of State legislative power contained therein subject to the Commonwealth of Australia Constitution Act and the Commonwealth Constitution. Clause 5 goes on to provide that those clauses do not operate so as to give effect to any provision of a State Act which would repeal, amend or be repugnant to the Australia Acts, the Commonwealth of Australia Constitution Act, the Commonwealth Constitution or the Statute of Westminster, as amended and in force from time to time.

Clause 6 preserves the entrenched provisions of State Constitutions by providing that a law of a State respecting the Constitution, powers or procedure of the Parliament of that State shall be of no force or effect unless made in the manner and form, if any, required by a law made by that Parliament, whether before or after the commencement of the Australia Acts. This provision is included because of the repeal of the Colonial Laws Validity Act (section 5) by the Australia Acts.

Clause 7 deals with the powers and functions of Her Majesty and the Governor in respect of the States. By subclause (2), and subject to later subsections, the Governor of a State, as Her Majesty's representative, is invested with all of Her Majesty's powers and functions in respect of the State and in future the Governor, not Her Majesty, will exercise those powers. The word 'only' is included in subclause (2) at Her Majesty's request to avoid the possibility of Her Majesty being advised to override a decision reached by a Governor, or of Her Majesty being advised to act in a matter which has not been placed before the Governor. Subclause 7 (2) is dealing with the vesting of Her Majesty's powers and functions in State Governors instead of Her Majesty. It is not in any way intended to preclude delegation by the Governor in accordance with the letters patent or laws of the State, nor to preclude legislation by a State Parliament affecting the future exercise of any such power or function.

By subclause (3) Her Majesty will continue to appoint and to terminate the appointment of the Governor of a State. By subclause (4), when Her Majesty is present in a State, she may exercise any of her powers and functions normally exercised by the Governor. Subclause (5) provides for the Premier to advise Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of the State. Her Majesty has formally indicated her concurrence in this major constitutional development, which is unique. The phrase 'The advice' precludes formal advice from any other source and will, *inter alia*, preclude conflict-

ing formal advice from United Kingdom or Commonwealth Ministers, or from Premiers of other States.

With respect to subclauses (4) and (5), as stated earlier all Premiers have formally agreed that the exercise by Her Majesty of such powers and functions will only occur where there has been mutual and prior agreement between the respective Premier and Her Majesty. Clause 7 has no operation with respect to Imperial Honours which are not strictly State matters. Clauses 8 and 9 are designed to put an end to the mechanisms dating from colonial days whereby supervision of the legislation enacted by State Parliaments was achieved.

Clause 8 will put an end to existing powers of the Queen to disallow a State Act to which the Governor has assented (see, for example, the Australian Constitutions Acts of 1842 and 1850) and will prevent any requirement for the operation of State laws to be suspended pending signification of the Queen's pleasure (see, for example, clause VII of the current instructions to the Western Australian Governor). Clause 9 is aimed at discontinuing the role of Her Majesty in assenting to Bills of State Parliaments.

Subclause 9 (1) provides that any law or instrument requiring a Governor to withhold assent from any Bill passed by a State Parliament in accordance with any applicable manner and form requirement, is to be of no effect (see, for example, clause VII of the current Instructions to the Western Australian Governor). Subclause 9 (2) will preclude the operation of any law or instrument which requires the reservation of any State Bill for the signification of Her Majesty's pleasure (see, for example, section 1 of the Australian States' Constitution Act, 1907). Clause 10 corresponds to sections in various United Kingdom Independence Acts and provides that, after the commencement of the Acts, the United Kingdom Government is to have no responsibility for the government of any State.

Clause 11 will terminate appeals to the Privy Council from Australian Courts (defined in clause 16 (1)). (Appeals to the Privy Council from the High Court and all other federal courts, and from Territory courts have already been abolished by Commonwealth legislation subject only to section 74 of the Constitution, which no longer has any practical operation: *Kirmani v Captain Cook Cruises Pty Ltd (No. 2); ex parte Attorney-General of Queensland* (1984) 58 ALR 108.) However, subclause 11 (4) provides that where an appeal has been instituted or special leave to appeal granted before the commencement of the Australia Acts, such appeals may proceed.

Clause 12, which supplements clause 1, expressly repeals section 4, subsections 9 (2) and (3), and subsection 10 (2) of the Statute of Westminster in so far as they form part of Australian law. Section 4 of the Statute of Westminster provides that no United Kingdom Act passed after the commencement of the statute shall extend, or be deemed to extend, to a dominion as a part of the law of that dominion, unless it is expressly declared in that Act that that dominion has requested, and consented to, the enactment thereof. Subsection 9 (3) provides that, in the case of Australia, the request and consent shall be the request and consent of the Parliament and Government of the Commonwealth. Subsection 9 (2) of the Statute of Westminster preserves the State's power to request the United Kingdom Parliament to legislate for the State in respect of certain matters within the authority of the State and not within the authority of the Parliament or Government of the Commonwealth. Section 4 and subsection 9 (2) will be superseded by section 1 of the Australia Acts which will abolish completely any power of the United Kingdom Parliament to legislate for Australia (see above). Since subsection 10 (2) provides that a dominion Parliament may at any time revoke the adoption (*inter alia*) of section 4, this provision will become otiose upon the repeal of section 4.

Clauses 13 and 14 contain provisions amending closely corresponding provisions of the Queensland and Western Australian Constitutions. The other States do not have equivalent provisions. These changes are consequential upon the termination of the powers and responsibilities of the United Kingdom Government in respect of the States and other changes effected by the Australia Acts. Clause 15 is designed to secure the Australia Acts and the Statute of Westminster as it operates in Australia, against any amendment or repeal which does not have support throughout Australia. A unique system has been devised by which such amendment or repeal may only be made if all State Parliaments and the Commonwealth Parliament agree.

Subclause (3) leaves open the possibility that a future amendment to the Commonwealth Constitution using the section 128 referendum procedure might give the Commonwealth Parliament power to effect some alteration to the Australia Acts or the Statute of Westminster. Clauses 16 and 17 will provide for matters of interpretation, short title and commencement. There are minor differences in clause 16 between the United Kingdom and Commonwealth Australia Acts because they will be Acts of different Parliaments. For example, the Statute of Westminster does not need defining the United Kingdom Act. The Commonwealth Australia Bill bears the date '1986' since it is proposed that it should commence operation at the same time as the United Kingdom Australia Act.

Implementation of these changes will represent the completion of a unique project of major significance which has received the support of all Governments in Australia, regardless of their political composition. These changes will complete the process of Australia's constitutional development commenced at the beginning of this century. It will eliminate those laws and procedures which are anachronistic and substitute new arrangements which reflect Australia's status as an independent and sovereign nation. It will ensure the capacity of the States to exercise fully powers appropriate to their position in our federation, freed at last from the legal fetters and limitations derived from their earlier status as British colonies. I commend this Bill to the Council.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## ANZ EXECUTORS & TRUSTEE COMPANY (SOUTH AUSTRALIA) LIMITED ACT AMENDMENT BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the ANZ Executors & Trustee Company (South Australia) Limited Act 1985. Read a first time.

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

*That this Bill be now read a second time.*

In May 1985 Parliament passed an Act permitting ANZ Executors & Trustee Company (South Australia) Limited to operate as a corporate trustee and executor in South Australia. This Bill is intended to rectify a minor procedural difficulty with the new Act. It appears that the company does not have authority under the Act to apply for letters of administration of the estate of a deceased person (where the deceased person dies wholly intestate) on behalf of a person who is entitled by law to apply. The company's solicitors have been consulted and are satisfied that this amendment resolves the problem. I seek leave to have the

detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

**Explanation of Clauses**

Clause 1 is formal. Clause 2 makes an amendment to section 5 of the principal Act. A new subsection is substituted for existing subsection (2). Under the new subsection, the company may—

*(a)* apply for and obtain, in the same circumstances as a natural person could, probate of a will or letters of administration of an estate; or

*(b)* with the approval of the court and the consent of a person entitled to probate or administration in respect of an estate, apply for and obtain probate of a will or letters of administration, as the case requires.

**The Hon. K.T. GRIFFIN** secured the adjournment of the debate.

## SOUTH AUSTRALIAN HERITAGE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 September. Page 819.)

**The Hon. L.H. DAVIS:** I support this Bill, which seeks to amend the South Australian Heritage Act 1978, which is the key piece of legislation protecting the built and natural heritage of South Australia. The subject of heritage has become more fashionable in recent years, I hope not only because we have the Jubilee 150 celebrations on us, shortly to be followed by the Bicentennial celebrations in 1988. However, I think there is a growing realisation by members of the community of the importance of preserving our built and natural heritage. As a past Chairman of the Australian Heritage Commission, Dr Kenneth Wiltshire said in the inaugural Sir Raphael Cilento Heritage Oration last year:

> It is now accepted that one major indicator of an advanced and mature society is the extent to which it preserves its heritage and learns from it.

South Australia, and Australia as a whole, trail Europe and North America in their appreciation of and incentives for heritage. It is one thing to have legislation that seeks to protect our heritage. That in itself is a starting point. However, one of the most important ingredients in the proper understanding of heritage is in education: educating children about the built environment, with emphasis on historical preservation, will help ensure protection of our cultural heritage and help these future decision makers make intelligent, ecological and aesthetic judgments as voters. I am pleased to see much more time devoted in our schools both at the primary and secondary levels to educating children about the importance of our heritage.

There is a bittersweet irony about this piece of legislation. We see that the Government in another place agreed without demur to an amendment that provided that the Heritage Act should now bind the Crown. That was moved by the Opposition in another place. In other words, the Government is now agreeing happily to shut the gate after the horse has bolted, because the very fact that the Act did not bind the Crown enabled the Government to treat South Australia's heritage with such disdain in recent times.

We instance, as we have on many occasions in this place, the destruction of the historic Grange vineyards, which have now been swallowed by a housing estate. I foreshadow that, ironically, in that very place the new inhabitants of the houses surrounding the Grange vineyards will now protest about the recently proposed tourist activities that are designed to bring people to those historic vineyards. We see again the wanton and unnecessary destruction of the historic Yatala A division and, most recently, the secret destruction of the stables at Yatala, despite the assurance of the Minister of Environment and Planning to the Enfield District Historical Society that those stables would be preserved, notwithstanding the development of Yatala prison.

One can quote other instances where the Crown has sought to bypass the standards that are set down for the private sector in respect to development affecting items on the State's Heritage List. I am pleased that the Government has seen fit to mend its ways, albeit very late in the day, and I fully support the proposition that is set down in clause 6 that the Heritage Act must bind the Crown.

The provisions of the Bill also contain important and necessary extensions to the functions of the South Australian Heritage Committee. The Bill now provides that the committee can advise the Minister on the provision of financial assistance to persons or bodies for the preservation or enhancement of, first, registered items or State heritage areas and, secondly, the environmental, social or cultural heritage of the State. There is a tacit admission in this clause of the need to provide positive incentives for heritage as well as the negative provisions that have traditionally been encompassed in heritage legislation.

We trail North America and Europe by some distance when it comes to providing incentives for institutions and individuals who have heritage items. I think it would be a forward step if a meeting of representatives of the Federal and State Governments and local government could iron out a policy to establish incentives for people or institutions with heritage properties. We see in America, for example, that taxation incentives have placed a positive light on conservation, encouraging the recycling of old buildings and a link between heritage and tourism. Of course, that link is being recognised in South Australia and in other States.

It is important for the Australian Government to introduce a scheme which will encourage people with heritage properties to conserve them through taxation benefits. We also see the need for State Governments to encourage the preservation of heritage areas. One can instance the east end market, Rundle Street east, which is a precinct largely intact. The land tax component, which is now crippling small business, is a positive disincentive for people to maintain the property in its old form. I hope that, in the short term, the Federal and State Governments and local government can come to appreciate the need to work together to provide a suitable financial package and incentive in the heritage area.

One of the central provisions of the Bill relates to conservation orders. I support this provision, which ensures that the Minister can make a conservation order to ensure the proper protection of sensitive and fragile heritage sites, particularly those in more remote areas of South Australia; for example, one can instance the Flinders Ranges. The Hon. Diana Laidlaw, in her very thoughtful contribution, instanced an example which both of us saw in recent days: the destruction by vandals of stables attached to Martindale Hall.

It is pleasing to see that the Government has acted positively in this area. However, I believe that its actions in Parliament have not been matched by its actions in the community. That is the most disappointing aspect in addressing this Bill. I hope that the Government, albeit in the eleventh hour of its term, accepts the error of its ways. I hope that this Bill is confirmation of that fact.

Bill read a second time and taken through its remaining stages.

## ADJOURNMENT

At 3.37 p.m. the Council adjourned until Tuesday 17 September at 2.15 p.m.