

HOUSE OF ASSEMBLY

Wednesday 15 November 1978

The **SPEAKER (Hon. G. R. Langley)** took the Chair at 2 p.m. and read prayers.

PETITION: PORNOGRAPHIC MATERIAL

A petition signed by 220 electors of South Australia praying that the House would pass legislation to provide for Ministerial responsibility to adequately control pornographic material was presented by Mr. Drury.

Petition received.

OMBUDSMAN'S REPORT

The **SPEAKER** laid on the table the report of the Ombudsman for the year 1977-78.

Ordered that report be printed.

QUESTION TIME

URANIUM

Mr. GOLDSWORTHY: Can the Premier say what are the details and the conditions that will be necessary for the Premier to change his mind and the attitude of his Party to uranium mining so that we can regain some of the ground we have lost in mineral development in South Australia?

The report of the Mines Department, which was tabled in the House yesterday, indicates that mining production in South Australia is declining, and it is quite obvious that South Australia is losing badly when compared to the other States. The attitude of the Labor Party to uranium mining has meant that a potential source of wealth is being denied to us, and that attitude is quite different from that of the Governments of Queensland, Western Australia and Victoria, which have gained significant income from mining royalties. The Mines Department report draws attention to the fact that the most significant mineral discoveries have been at Roxby Downs. It also points out that because of the declining returns from minerals to the State (that is, in real terms), this discovery has added significance.

I quote briefly the appropriate passage which states:

It is against this background [that is, against the background of declining returns] that the potential future value to the State of the development of recent significant mineral discoveries, including the Roxby Downs copper-uranium deposits and the uranium deposits in the Lake Frome area takes on new significance.

That is simply a repetition of sentiments expressed by the Director of Mines in last year's report. The Premier claims that we are the least heavily taxed in Australia per head of population, but he also pointed out, when defending the high household charges and high level of taxes for stamp duty on cars and the like—

The **SPEAKER:** Order! The honourable member is now commenting.

Mr. GOLDSWORTHY: I shall not pursue that. The Premier pointed out that our return from minerals is significantly less than that in other States. Yesterday, in answer to a question, the Premier acknowledged that the glaciification of waste material is now an accomplished fact. He said that in France the vitrification process is under way, and it seemed that there was some relaxation

in the previously hard line emotional attitude that the Premier had been adopting to this question of uranium development.

The **Hon. D. A. DUNSTAN:** The motion which was passed in this House, and for which the honourable member voted, stated that in current circumstances it was not safe to provide uranium to a customer country. The basis of that, basically, was that there is no adequate provision for the disposal of high level atomic wastes; that there are no adequate provisions internationally enforcing agreement about dealing with and monitoring high level atomic wastes; nor are there adequate international arrangements in relation to the development of breeder reactors in the plutonium economy. That situation has not markedly altered. It is true that one factory in France, as I pointed out to the House, has been proceeding with the vitrification process. Vitrification, as a means of safe storage of high level atomic waste, has been strongly criticised by scientists in this country as not being a safe means of disposal and being liable to break down within quite a short period.

Whether or not that is the case, at present the vitrification taking place in France is being stockpiled because there is not depository available for high level radio-active material of that kind, nor are there international arrangements to provide for such a depository; nor for that adequate monitoring and guarding for the period of the toxic life of that material.

Mr. Goldsworthy: If they find that, you will—

The **SPEAKER:** Order! The honourable member has asked his question.

The **Hon. D. A. DUNSTAN:** I have said repeatedly that if the conditions which led to the view which was taken by the Government changed then, of course, that situation would have to be assessed. If it were safe to provide uranium to a customer country, the objections that the Government has to uranium mining would disappear. At present, there is no evidence that it is safe or that the conditions which led to the resolution passed in this House last year have basically changed.

STUART HIGHWAY

Mr. GUNN: Can the Minister of Transport say whether, when the section of road between Kimba and Port Augusta on the Stuart Highway is sealed, which I understand will be within the next 12 to 15 months, he will then have the next contract let in order to provide some bitumen to the north and south of the township of Coober Pedy? The Minister would be aware that Coober Pedy is the twelfth largest town in South Australia and has a population of about 1 000 opal miners living and operating in the area. It is situated in one of the driest parts of Australia, and one only has to be in the town for a few moments to understand the problems the residents and anyone else in the area suffer from the dust from the road. If 10 to 15 kilometres each side of the town could be sealed, it would not only assist with the dust problem but it would give miners and local residents a few miles of bitumen road to drive on each day when they are going about their normal business. The Minister would also be aware that Coober Pedy is one of the developing parts of South Australia with an increasing population and is one of the most important opal mining areas in the world and, as such, is vital to the economy of South Australia. I hope that the Minister will give this matter his serious consideration when the next contract is let.

The **Hon. G. T. VIRGO:** I think it is reasonable to say that the Government is fully conscious of the problems

with the whole of the Stuart Highway, and certainly we are sympathetic to the difficulties raised by the honourable member in relation to Coober Pedy. The Government's concern has been demonstrated by our action in recent months when we answered the call to provide Coober Pedy with badly needed grader facilities.

Not only did the Government provide a grader on a subsidy basis using the facilities of the Outback Areas Trust, but in addition we gave a guarantee in the amount of work that would be provided by the Highways Department. Not only did we assist in the purchase of a grader (reconditioned to a standard that was necessary for a vehicle going in to that country) but in addition, we also provided Coober Pedy with work to ensure that the outstanding balance of the share of the cost of the grader was virtually underwritten by the work. The question of our appreciation of the problem therefore speaks for itself.

I would certainly have no hesitation in assuring the honourable member that every consideration will be given to the matter he has raised in relation to the sealing of the highway. However, in all seriousness, I ask the honourable member to do something for the people of Coober Pedy and for the people of South Australia; that is, to support this Government in its claim to the Federal Minister for Transport (Mr. Nixon) for funds. I do not know whether the honourable member is aware, but last Saturday there was a gathering in Alice Springs hosted by the Minister for Transport in the Northern Territory and attended by the Premier of Western Australia and the Minister for Local Government from Queensland at which the question of the provision of Federal funds for the Stuart Highway was understandably one of the major subjects discussed.

At that meeting, the Queensland Minister for Local Government, who really, I think, had gone there to try to get the people from the Northern Territory to trade with Queensland rather than with South Australia, when asked in front of everyone present, gave an unqualified assurance that he would do everything he could to assist the Minister of Transport in South Australia to get additional funds from Peter Nixon. If we can get that assurance from a Queensland National Party Minister, and if we could get the same sort of activity from members of the Liberal Party in South Australia, we could really put pressure on Peter Nixon. I invite the honourable member to use the good offices of the Liberal Party here to pressure Peter Nixon, so that South Australia can get the funds it should be getting to build the Stuart Highway.

UNIVERSITY FEES

Mr. WHITTEN: Is the Minister of Education aware that the Fraser Government is considering the reintroduction of university fees; would this be detrimental to many students in Australia; and should this proposed action be placed in the category of another broken promise? The Minister would know that the Whitlam Labor Government abolished all university fees and also all fees at colleges of advanced education. However, a fresh report today, under the heading, "Students likely to pay varsity fees", states:

The Federal Government is secretly considering the reintroduction of compulsory fees for Australia's 160 000 university students . . . Reintroduction of the fee would directly affect nearly 13 000 South Australian university students.

The Hon. D. J. HOPGOOD: If the report is correct, it would have ramifications beyond the university sector, because it may well apply to students in other tertiary

institutions, colleges of advanced education, and institutes of technology in the various States. I have no doubt that it would be seen as a breach of faith on the part of the present Commonwealth Government if it took such action. We have been teased, I think, by the Fraser Government and its Minister, Senator Carrick, in this matter, ever since the Fraser Government came to office. There have been reports and rumours about the introduction of some sort of student loan system, and clearly that is not the sort of thing that would be contemplated unless it were to replace the present combination of no tuition fees and a tertiary education assistance scholarship, and that has been denied. On occasions, Senator Carrick has denied that the Federal Government is considering the reintroduction of tuition fees at tertiary level.

I have not had a chance to look at what is behind the headlines in today's *News*. I will ask my officers to take up the matter. As I will be seeing Senator Carrick in Melbourne on 8 or 9 December, I will be taking up the matter with him then, as no doubt will other State Ministers of Education who will be present.

I would regard it as quite disastrous if tuition fees were reintroduced at university level. Doubtless, the ability of people from various sectors of income within society to attend university has been immeasurably strengthened by the elimination of tertiary tuition fees, and it would be an extremely retrograde step if they were reintroduced.

INDUSTRIAL DEVELOPMENT

Mr. TONKIN: Will the Premier say what possibilities the Government is now considering for major industrial development in South Australia in the event of the Redcliff petro-chemical plant not coming to fruition? The Economic Development Department has been conducting a most intensive series of surveys in the past few years to find possible areas of development for South Australia. The most promising prospect for major development and the creation of jobs lies in the uranium enrichment plant proposed at Redcliff, on the same site as that of the petro-chemical plant, but the Government's uranium policy is not only precluding the development of our uranium resources, but also discouraging exploration, something the Premier has said in this House has been kept up with by the Mines Department. The Mines Department report, tabled in this House yesterday, states:

A sharp reduction in uranium exploration activity by the Lake Frome embayment explorers and others reflects the Government's imposition of a moratorium on uranium mining in March 1977.

The Government has said previously that it does not mind uranium exploration, because the time may come when it may change its mind, and treatment may proceed. I take it that this was the reason for the Premier's statement in the House yesterday in which he implied that he could see that the vitrification process provided at least a partial answer to the problem of waste disposal. Some of his earlier hard-line statements indicated that there was no chance of any satisfactory resolution being achieved on this matter, but yesterday's statement indicates that there has been a considerable softening of attitude. In the meantime, what other possibilities are being considered in the event that Dow Chemical, after a 12-month feasibility study, cannot proceed with the Redcliff petro-chemical plant?

The Hon. D. A. DUNSTAN: No other major plants are in view in South Australia, apart from the Redcliff petro-chemical plant. The work of the Industrial Development Branch of the Economic Development Department has

been concentrated on a large number of small-scale undertakings, because it is seen generally, in the position of the State as it stands at the moment and with the resources available to us, that diversification lies best for South Australia and the strengthening of our economy in a number of small-scale operations. The surveys in relation to these are continuing.

Regarding the Leader's remarks about uranium, if he had been here earlier he possibly would not have made some of the comments he did in the course of his explanation.

VAUGHAN HOUSE

The Hon. G. R. BROOMHILL: Has the Minister of Community Welfare yet made a decision on the proposal to establish an adjunct to Vaughan House in the Henley Beach area? My question follows recent publicity that the Henley and Grange council had been asked to ascertain views of residents on whether such an establishment would be suitable in that area. It appeared from the local residents' viewpoints that they were pressing council not to support such a proposal. As I understand that council met recently, it may have indicated its views to the Minister, and I should appreciate his saying whether he has made a decision.

The Hon. R. G. PAYNE: I assure the honourable member that my department does not intend to proceed with the proposal it had to establish a girls' hostel in premises in Victoria Street, Henley Beach. I think the honourable member will recall that I announced earlier this month that, if council opposed the proposition, the decision not to proceed would be made. Although council met recently, I have not yet had written advice on its attitude on the matter, although I have received verbal advice. I understand that written advice of the council's opposition to the project is on its way to me.

The establishment of community-based facilities, such as a girls' hostel, is one of the recommendations contained in the report which was referred to yesterday by an Opposition member. The recommendation was to the effect that the community should be involved in rehabilitation measures needed for young offenders. I am not questioning the right of the community to have this view, but it has taken a view other than the one I hoped that it would take. This means that the department is faced with the problem of finding premises for the care of young female offenders and young girls generally who have this need, so we will have to continue the search for suitable premises.

JUSTICES OF THE PEACE

Dr. EASTICK: My question to the Attorney-General is supplementary to one I asked him last Thursday in regard to justices of the peace. Can he tell the House the circumstances surrounding the appointment of justices of the *quorum* and the general relationship of a justice of the *quorum* to the South Australian court system?

The Attorney-General indicated fully the basic requirements of a justice of the peace. At the end of his reply he said that it would not be proper for him at that time to indicate the circumstances surrounding a justice of the *quorum*. So that the record of this matter can be completed, will the Attorney-General now give this information to the House?

The Hon. PETER DUNCAN: I thank the honourable member for the question, which undoubtedly would give

me the opportunity to express and expound my views on this matter for the next 39 minutes. In the circumstances, notwithstanding the fact that the question is almost a Dorothy Dixier, to enable me to explain the Government's policy on the matter, probably in the interests of every member of the House it would be better if I were to ask that the question be put on notice. Alternatively, I will bring down a report for the honourable member, listing in detail exactly how justices of the *quorum* are appointed in South Australia and also listing the great achievements of this Government in ensuring that justices of the *quorum* in South Australia are of the highest calibre and that their training is the best in Australia. If the honourable member is pleased about that course of action, I will bring down such a report for him.

HERBARIUM

Mr. KLUNDER: Can the Minister of Community Development say whether the herbarium at the Botanic Garden is about to be extended and, if so, for what reason and at what cost?

The Hon. J. C. BANNON: The Botanic Garden herbarium is the chief scientific point for collecting and categorising plant specimens in the State and is subject to wide use. The existing two-storey building was planned in 1963 to meet the needs of the Botanic Garden for about 15 years, so it is timely that a proposal has come forward from the Botanic Garden for extensions. That proposal has been examined thoroughly by the Government. It relates to the extensions to the herbarium to extend their laboratories, to provide additional offices and a staff-room and to enlarge the reference collection area. It is a well planned and fairly important development, estimated to cost about \$600 000.

The herbarium, as well as its important research role, conducts major exchanges of plant specimens with other countries. It has an extensive loan programme and an extremely important function of providing information to the public on the identification of plants, both of garden plants and specimens they wish to have categorised in relation to possible plant incursions into drains, etc. The herbarium plays a major information role, 5 000 determinations having been communicated to more than 200 inquirers last year. Honourable members will see the importance of ensuring that this facility remains up to date and efficient. The matter is being referred to the Public Works Committee for inquiry and report.

STAMP DUTY

Mr. BECKER: My question to the Premier is supplementary to the reply I received yesterday to a Question on Notice about stamp duty on new motor vehicles. Will the Government reconsider its attitude and, in order to stimulate further the sale of new motor vehicles, particularly locally manufactured vehicles, amend the Stamp Duties Act so that stamp duty is payable on the actual purchase price, instead of on the manufacturer's suggested retail price? Complaints have been received that the State Government is benefiting from the interpretation of the Stamp Duties Act which allows the Government to charge purchasers stamp duty calculated on the manufacturer's recommended retail price rather than on the actual price paid by the purchaser.

I understand from industry sources that this interpretation of the Act is penalising new car buyers who have the opportunity to shop around and enjoy the benefits of

savings available in the market place. Furthermore, I have been told that there seems to have been confusion in the industry and I understand that some dealers are charging stamp duty on the net purchase price of new motor vehicles. A friend who is a banker complained to the department about this and apparently was given incorrect advice. He was told that he had been overcharged stamp duty because the dealer had used the recommended retail price from the manufacturer to calculate the duty. The officer in the department said that my friend should have paid stamp duty on the net price. When this information was checked, it was found to be incorrect. The complaint I am receiving is that the industry wants clarification about what stamp duty should be paid. Furthermore, the industry, to help stimulate new car sales, would be grateful if stamp duty was paid on the actual purchase price, a figure that the purchaser could understand.

The Hon. D. A. DUNSTAN: I will discuss the matter with the Commissioner for State Taxation. I am sure that the honourable member will appreciate that it is necessary to charge stamp duty on value transferred. At times, arrangements can be made where the figure actually changing hands is quite notional in regard to the actual value transferred.

Mr. Becker: That happens in real estate transactions.

The Hon. D. A. DUNSTAN: My word it does! In those circumstances, a separate valuation is made to make sure that the value that is being taxed is the real value transferred and not the apparent value on the face of an arrangement.

Mr. Becker: That has not always happened, has it?

The Hon. D. A. DUNSTAN: If the honourable member shows me where it has not happened, I will be glad to go back and collect some taxation. I appreciate the honourable member's reluctance about that. The honourable member will see the difficulty, but I will discuss the matter further with the Commissioner.

PAY-ROLL TAX

Mr. DEAN BROWN: Will the Premier say whether the Government will grant exemptions from pay-roll tax for all additional employees employed by individual companies for the remainder of this financial year so that the Government can play its part in encouraging employers to employ more people? Two weeks ago the Minister of Labour and Industry sent a letter to employers requesting that they employ an additional employee as one way of overcoming the record unemployment that we now face. The response I have received from quite a few employers is that they are willing to take on an additional employee if the Government also will play its part in encouraging them to do so.

They have suggested that the Government should exempt all companies from pay-roll tax for additional employees. They have also pointed out that the scheme proposed by the Minister of Labour and Industry would be quite fruitless unless the Government did something to encourage companies to be more viable and employ more people. I also point out to the Premier that it was Liberal Party policy at the last State election—

The SPEAKER: Order! The honourable member is now commenting.

Mr. DEAN BROWN: I do not wish to comment, I simply wish to point out to the Premier that the Wran Government in New South Wales has adopted a similar policy and, judging by the reports on unemployment there, it has been successful.

The SPEAKER: Order! The honourable member is commenting again. I hope he will return to his question concerning pay-roll tax.

Mr. DEAN BROWN: A report in the *Advertiser* last week stated that Sir Thomas Playford equally supported an exemption from pay-roll tax for additional employees. I therefore ask the South Australian Government to do likewise.

The Hon. D. A. DUNSTAN: There are a number of administrative difficulties about the honourable member's proposal. The difficulty lies, of course, in ensuring that a claim in respect of an employee of this kind is, in fact, in respect of an additional employee. However, the Government is examining the general situation regarding incentives, and this matter will be considered in that examination.

HEALTH SCHEMES

Mr. HEMMINGS: Will the Minister of Community Welfare ask the Minister of Health what effect the Federal Government's latest change in the health scheme will have on the provision by public hospitals of spectacles to pensioners?

Constituents have sought guidance on the general effects of the health scheme changes as they relate to pensioners, and the question of spectacles has been raised several times.

The Hon. R. G. PAYNE: I have already made the inquiries of the Minister of Health suggested by the honourable member, because I have had similar requests from my own constituents. I am pleased to tell the House that the situation has not changed, and I am sure many pensioners will be pleased to hear that, in view of the treatment they have received from the Federal Government. Pensioners who hold a pensioner health benefit card can continue to obtain spectacles free of charge from public hospitals in South Australia. Pensioners who do not hold a card (those who fall below the demarcation line set in those matters) will still be able to obtain spectacles at reduced cost. The normal practice is for these people to discuss the matter with a social worker from the hospital concerned and an arrangement is entered into based on the ability of the person seeking spectacles to pay a certain amount.

HOUSING IMPROVEMENTS

Mr. VENNING: Can the Minister of Planning say what application the Housing Improvement Act has to a privately-owned dwelling that the owner lives in? A gentleman from Wallaroo has complained to me about a visit to his home by an inspector from the Housing Trust. The home is owned and lived in by the gentleman and he has no intention of selling or renting it. The inspector told him that certain things would be required to be done to his house. He contacted the Housing Trust, which subsequently wrote to him stating that a Mr. Parrott would be calling on him on a Monday, whereas Mr. Parrott called on the Friday, when the gentleman was not at home. What application has the Act to such a circumstance?

The Hon. HUGH HUDSON: I am not aware of the Housing Improvement Act being applied to situations where houses are owner-occupied, so I will need to investigate the matter. I will bring down a reply as soon as possible.

WHYALLA CRIME RATE

Mr. MAX BROWN: Will the Chief Secretary ask the Police Department whether any increase in the juvenile or teenage crime rate is occurring in Whyalla, and, if it is, what is the extent of it? The Chief Secretary probably knows of the unemployment position in Whyalla, particularly among young people. I consider that, if there is even the slightest implication that there is an increase in the crime rate because of unemployment, the Government should be made aware of it and should seek opinions from the Police Department about what can be done to curtail or ease the position.

The Hon. D. W. SIMMONS: I shall be pleased to obtain a report from the police about the incidence of crime amongst young unemployed in Whyalla. I should be surprised if there was not an increase in crime amongst the young people of this country, in view of the fact that the economic policies of the Federal Government are making it more and more difficult for young people to find a job and to have the self respect that goes with it. In these circumstances, it is not surprising that there is an increase in crime generally.

I think the position in South Australia is similar to that obtaining in other States. There has been an increase in the number of people in prison in the past six months or nine months, and in Tasmania I believe the increase has been about 25 per cent this year. Our increase, fortunately, is not as great as that, but it is reasonable to believe that the growth in unemployment and the growing hopelessness of young people searching for jobs will have some effect on the crime rate.

Referring specifically to Whyalla, I think the editorial in yesterday's *Advertiser* stated specifically that evidence gathered so far of the relationship between unemployment, especially youth unemployment, and the increase in the crime rate is cause for worry. The evidence gathered so far would appear to be a single sentence in the report in the *Advertiser* that a senior officer of the Community Welfare Department in Whyalla said that the number of unemployed juveniles appearing before the courts had increased. That may or may not be true. If it is true, I would not be surprised. The social consequences of the present unemployment position are such that, in the long run, society will have to face the fact that there may well be an increase in crime. One of the most worrying aspects of the present unemployment situation is that many young people are being forced into a position where, in due course, society may reap a very severe harvest. I shall get a report from the police for the honourable member to see what the position is in Whyalla.

CATTLE COMPENSATION

Mr. ARNOLD: Will the Minister of Mines and Energy, representing the Minister of Works, ascertain whether the Government will increase the maximum compensation of \$200 payable under the regulations made under the Cattle Compensation Act for brucellosis and other nominated diseases? On 28 September, I directed a similar question to the Deputy Premier, representing the Minister of Agriculture, asking that the maximum compensation payable be increased from the present \$200 in view of the replacement costs of from \$300 to \$350 that many dairy farmers are facing for cattle condemned under the nominated diseases provisions of the Cattle Compensation Act. Since that time, some dairy farmers in my district have had further cattle confiscated and condemned, and the situation is continuing at a considerable loss to them. If

the Government intends to reassess the situation, could it do so as quickly as possible? Alternatively, if the Government does not intend to discuss this matter with the industry, would it indicate that, so that the cattlemen and the dairy farmers know precisely where they stand?

The Hon. HUGH HUDSON: I will take up the matter with the Minister of Agriculture to see what the position is and how soon a reply can be made available to the honourable member on all the points raised.

WORK

Mrs. ADAMSON: Will the Minister of Community Development outline to the House the intention of his remarks reported at the weekend that there was a need to redefine "work" to include productive leisure, recreation, and alternative lifestyles, and will the Minister say how he proposes that his department will put his intentions into effect?

The Hon. J. C. BANNON: My remarks were related to the fact that today we have high and persistent unemployment, and somewhat tardy action from Federal Government level to recognise that problem. The Federal Government is slowly coming to the realisation that something has to be done about it but, in the meantime, the problem has persisted. The problem of unemployment is falling most heavily on the young people in our community, among whom the level is about 20 per cent, meaning that one young person in five seeking employment is unable to find it. Worse, people are being discouraged from seeking work. A report recently disclosed from the Federal Employment and Industrial Relations Department suggests that unemployment numbers are not going to rise quite as high as predicted (the number will probably reach 500 000), because many young people will not come forward to put themselves on the register, first, because they feel it is futile, and, secondly and more importantly, because they feel that some sort of stigma is attached to unemployment and the receiving of unemployment benefits.

I am afraid that the people on the conservative side of politics have a lot to answer for in this respect: the image of the dole-bludger and the sensational stories about young people supposedly enjoying social service benefits when they could be out actively seeking work have discouraged young people and lowered their morale, so that they do not go and register and take advantage of the benefits there for them, both in job search and in sustenance, while they are unemployed. It was that kind of attitude that I was particularly talking about—the attitude that says that, if you are not in employment, you are somehow worthless in our society; the failure by people on the conservative side of politics to recognise that jobs are hard to get, that people genuinely seeking them are unable to be in employment, and that the average length of unemployment has increased tremendously over recent years. Therefore, we must change our attitude to unemployment and to people on unemployment benefits. We must see unemployment benefits as being a right while unemployed and seeking work and not something they have been slung as a kind of gift or benefit to keep them quiet whilst in this state.

We must come to grips with the social problem, and part of coming to grips with it is to recognise that technological change and the current economic policies of the Federal Government are going to condemn whole generations of young people to unemployment over the next few years. They must find alternatives, and we must help them to find them and to realise that work in recreation and voluntary

activities is something worthwhile; we must encourage them to take part in it.

We must actively pursue the question of alternative lifestyles, and the Premier of this State took an initiative, which, in typical fashion, led the rest of Australia, in setting up a working party to consider and investigate this question of alternative lifestyles and what kinds of other occupation and existence people can have, particularly in this current economic climate. That is a serious Government investigation which is being undertaken at present. We have acted positively in this situation. My remarks were aimed at urging people in the community not to categorise the unemployed as people who are worthless bludgers who are ripping off society in some way but to recognise unemployment as a major problem that involves redefining our social efforts and a community attitude to assist them.

LAND COMMISSION

Mr. EVANS: Will the Minister for Planning negotiate with the Land Commission to have it care for the land the commission holds in broad acres so that it does not adversely affect neighbouring property holders? I have had requests from people living in Oakridge Road, Aberfoyle Park, where the commission owns a five-acre allotment adjoining 15 Oakridge Road. The grass on the allotment is high and is a fire menace, and it poses a risk to them once the grass is totally dry. I believe that the commission owns many other hundreds of hectares in the metropolitan area that it has not leased out to people to graze stock so as to keep the growth down, thus meaning that neighbouring property holders and, in many cases, people living in suburban-type homes face the risk of a major fire starting and that of snakes and other pests worrying them. Will the Minister ask the commission to have the land, which has been taken out of primary production, rotary slashed or ploughed so that it is not a risk to neighbouring property holders?

The Hon. HUGH HUDSON: I will see that the matter the honourable member has raised is investigated by the Land Commission, and I will obtain a report for him as soon as possible on what is proposed to be done.

TROPICAL PLANTS

Mr. RODDA: It was reported in Monday's press that the Premier had had some difficulty in getting investigations carried out in relation to certain tropical plants. Can the Premier say what were the shortcomings evident in the department at that time regarding the setting up of investigations into these tropical plants? It has been reported that at Cadell a certain Mr. Farquhar had been appointed by the Botanic Gardens out of reach of the department to investigate these plants, including avocados, mangoes, limes and certain species of tropical nuts. I understood that the Loxton Research Farm was investigating these tropical plants. Indeed, it has open days, which are making a contribution to the industry. It came as a surprise that the Premier has had to use his "Jimmy Carter veto" to get on the job and have this circumnavigation of the Agriculture Department done by another department. The House would be interested to hear the reasons for this investigation.

The Hon. D. A. DUNSTAN: I am a little astonished at the honourable member's description of me as a peanut-farming sailor, but the period to which I was referring was some years ago. Mr. Farquhar has been appointed for

some time. There was a period, shortly after 1970, when I held conferences with the Agriculture Department about the growing of numbers of exotic vegetables and fruit and the desirability of our investigating the possibility of growing these in view of markets overseas and the fact that there were real advantages for people in South Australia to be able to purchase a much wider variety of fruits and vegetables than were presently available. I believed these fruits and vegetables could be made available readily in South Australia. At that time there was an acute reluctance by the department to investigate those matters, and when I proposed to appoint an officer the department pointed out that it had much more urgent manpower requirements than to go into matters of that kind.

It was in those circumstances, after the setting up of the Government's fruit and vegetable committee, which was to look at this topic and which included the newly appointed head of the food school, that it was decided that experiments could best be undertaken within the prison areas of the Government, and experiments in these areas have now been going on for some time. Mr. Farquhar was then appointed to the Botanic Gardens. Subsequent to the initiation of many of these things, many new initiatives were undertaken by the Loxton Experimental Station, which has done much good work in this area.

I would not want it thought that the remarks which I have made as to that history of some years ago apply to the present administration of the Agriculture Department, because they do not. I am sure the Agriculture Department is finding some satisfactory results from the work that has happened in the Prisons Department. Currently an experiment is going on at Cadell which will be of great use to the Riverland, apart from the general provisions in relation to limes, for which there is a tremendous market; it is not possible to supply present demands for limes. In the Tatura trellis experiment for stone fruit growing, on present indications it will be possible with that new development, which has come from a Victorian station but of which there is now a planting at Cadell, to increase the yield of some stone fruits by as much as fourfold. That, I think, will be an extremely useful experiment to the Riverland.

As I made the remarks in that context, I am sure that they were understood by the people to whom I made them at Cadell. I am afraid that the somewhat truncated report (and I do not in any way blame the reporter concerned for this) may have given a wrong impression to people. I would not want in any way to denigrate the work which is being done at the Loxton research station, which I think is very valuable.

POLICE PROTECTION

Mr. CHAPMAN: Will the Minister of Transport say what steps he has taken to ensure that greater police protection is given to public transport drivers when operating night services in areas where evidence reveals that ugly and malicious attacks on bus drivers have occurred. A recent incident brought to my attention occurred when about 20 people, at least some of whom (if not all) were Aborigines, who boarded a bus in the Port Adelaide area, during the trip between Port Adelaide and Osborne attacked the driver, causing him apparently extreme distress and, indeed, some bodily harm. On the same occasion the persons involved damaged the bus on which they were riding.

A day or two afterwards, I think on 2 November, an article appeared in the *Advertiser* giving a fairly detailed report of the incident. In that article the Minister of

Community Welfare was reported as saying that he had asked for an investigation by the Aboriginal Affairs Department and for appropriate action to ensure that it did not happen again. The Minister was further reported as saying:

We are not being discriminatory towards the Aboriginal community but we consider that they should not be exonerated from the laws of the land we are all expected to live under.

On 4 November a report appeared in the *Advertiser* in which the Minister of Transport was reported as saying that increased police protection would be provided on certain bus routes in the Port Adelaide area. It is because of that, that I am wondering whether the Minister can inform the House whether he has been successful in obtaining greater police protection for these drivers and, if he has, whether at this stage he is satisfied that the drivers on our public transport are being appropriately protected against what might be described (or, indeed, have been described) as quite ugly and malicious incidents?

The Hon. G. T. VIRGO: I do not want to comment on the description that the honourable member attributes to these things other than on one score. It is quite true that the incident to which the honourable member referred, which occurred at the Port, was an instance where Aborigines were involved. Of course, it is always popular to connect Aborigines with any untoward incident. I think the House ought to know that the last report I had of an incident was one in which three white people were involved, but that, regrettably, did not excite the press to write one word; apparently the whites do not constitute a good story, but the Aborigines do.

Mr. Chapman: The question wasn't meant to be racist.

The Hon. G. T. VIRGO: No. I doubt very much whether it was an Aboriginal who fired the bullet that hit the Marino train last night. I have had discussions on this matter with the State Transport Authority constables who have provided a degree of protection to an extent that is reasonable.

The South Australian Police Force has looked at the matter and is presently continuing a line of investigation. In the meantime, it is providing as much assistance as is possible, taking into account its many other duties. I have had a discussion with the Tramways Union, and it has reported back to its membership, who are entirely satisfied with the action that has been taken.

AUSTRALIAN BROADCASTING TRIBUNAL

Mr. ALLISON: Can the Minister for Education say whether the Education Department's failure to submit any evidence, written or oral, to the Australian Broadcasting Tribunal is an indication that the department is completely satisfied with audio and visual educational programmes or whether this was an error of omission by senior officers of the Education Department, in particular the curriculum development division? I ask this question because the Chairman of the Australian Broadcasting Tribunal (Mr. Bruce Gyngell) is reported in the press as having expressed surprise that a submission was not received from the South Australian Education Department. This is a valid criticism, because all schools in South Australia rely extensively on audio-visual material in the form of direct and taped television broadcasts, and direct and taped radio broadcasts, and children in our State schools can spend a considerable amount of time listening to and viewing these programmes as part of their daily curriculum.

The Hon. D. J. HOPGOOD: If the honourable member

is basing the stress of his question on what happens in schools rather in the home, it is important to point out that the schools have been able to work themselves free of what has sometimes been called the "tyranny of the networks" to a much greater extent than has the home, by the use of video-tape recorders and various specially prepared material. This means that the school has a much greater choice of material to place before the people within a school than does the family, which is committed only to the four channels available.

The content of the material which comes through the A.B.C. or the three commercial channels is far less critical to what happens in the schools than it is to what happens in the home. Nonetheless, it is possible that the department could have put a submission to the tribunal because of the obvious informal educative effect, either positively or negatively, that the media generally has on our young people. I have raised this matter with my departmental officers, and I believe that there was a feeling amongst some of them that the whole exercise was rather pre-ordained anyway. The main point to be made is that the schools are basically concerned with the situation within the schools. Programmes on the general media are not particularly relevant to the material which children finally receive in the schools, because that is still very much in the hands of the teachers at the school.

COMPUTERS

Mr. RUSSACK: Can the Minister of Mines and Energy, representing the Minister of Lands, say what progress has been made in the development in the Lands Department of a computerised system of land and ownership tenure for information? The Auditor-General's Report states:

In 1975 work commenced on the development of a computerised system of land ownership and tenure information, at an estimated cost of \$455 000. This was revised in 1976 to \$641 000 to be expended over two years. Costs to date are estimated to exceed \$1 000 000 and significant deficiencies in the design and development of the system led to a complete review of objectives. The need for more effective management and improved financial control has been recognised by the department. Approval has been given to proceed with the development of an enhanced system, estimated to cost \$2 200 000, for implementation in 1980.

The Hon. HUGH HUDSON: I will bring down a report for the honourable member.

PERSONAL EXPLANATION: NATIONAL COUNTRY PARTY

Mr. BLACKER (Flinders): I seek leave to make a personal explanation.

Leave granted.

Mr. BLACKER : Yesterday on radio, and today in the *Advertiser*, statements have been made that three Liberal members have indicated their willingness to join the National Country Party. Yesterday afternoon, I issued a press release denying any knowledge of such moves and, on checking several moments ago, I found that no approach had been made to our Party office. Despite the issue of that press release, statements have since been made which are being interpreted as implicating me and

the National Country Party. I wish to correct that implication.

At 3.6 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

ADELAIDE COLLEGE OF THE ARTS AND EDUCATION BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act for the establishment of the Adelaide College of the Arts and Education; to provide for its administration and define its powers, functions, duties and obligations; to incorporate within the College the educational institutions presently known as the "Adelaide College of Advanced Education" and the "Torrens College of Advanced Education"; to repeal the Torrens College of Advanced Education Act, 1972; to amend the Colleges of Advanced Education Act, 1972; and for other purposes. Read a first time.

The Hon. D. J. HOPGOOD: I move:

That this Bill be now read a second time.

I propose to introduce two Bills which will complete the process of amalgamation of, on the one hand, Adelaide and Torrens Colleges of Advanced Education to form the Adelaide College of the Arts and Education and, on the other, Kingston and Murray Park Colleges of Advanced Education to form the Murray Park College of Advanced Education. While the two Bills are similar and contain much common material, the different natures and traditions of the colleges involved and the significant inputs from councils, staff and students by way of separate joint interim committees made it desirable to have separate Bills. However, much of the information and explanation which I offer to members will apply equally to both Bills. It will be further noted that both will be subject to the Bill to establish the Tertiary Education Authority of South Australia, although it is proposed that, in the first instance, the colleges will continue to be subject to the functions of the Board of Advanced Education.

The major purpose of this Bill is to create the Adelaide College of the Arts and Education by a merger of the Adelaide College of Advanced Education and the Torrens College of Advanced Education. This merger results from the policy adopted by the Government following an inquiry into post-secondary education in South Australia.

By 1975 it had become apparent that the State was overprovided for in terms of tertiary education institutions. There were by this time two universities and eight colleges of advanced education, six of which were involved in teacher training at a period when South Australia was facing a dramatic downturn in the demand for teachers. As a result, discussions began on "rationalising" the system by merging existing institutions.

These were held, for example, between the Adelaide College of Advanced Education and the South Australian Institute of Technology. It soon became apparent, however, that, if rationalisation was to occur in a systematic manner, it could be achieved only as a result of close examination. To this end, in 1976 the Government established a Committee of inquiry into Post-Secondary Education in South Australia under the chairmanship of Dr. D. S. Anderson. One of the major recommendations of this committee was that the Adelaide and Torrens Colleges of Advanced Education should plan for a merger

"which should be completed as early as possible". The fact that the two colleges had themselves made a submission to the inquiry supporting such a move made the recommendation all the more acceptable.

Since, as will be remembered, Torrens College had originally been formed by the merger of Western Teachers College and the South Australian School of Art, the present merger brings together two colleges which have existed for over a century, namely Adelaide college and the School of Art, and the previous Western, which had itself been an offshoot of Adelaide. It augurs well for the new college that the parties to the union share much common history. The importance of tradition in shaping the future and the reassurance gained from a sense of continuity, embodied in the new name "Adelaide college of the Arts and Education", are likely to be instrumental in ensuring its success as a multi-purpose institution which will be the sixth largest in Australia.

In practical terms, the complementary resources of both institutions will enhance the quality of the education and increase the options available to students, thus benefiting the education of teachers generally. In terms of academic resources, it should be noted that both colleges had plans to develop further courses in reading education, education administration, ethnic studies and continuing education. Such courses should be designed to serve teachers across the whole range of schooling which will now be possible with the merging of primary and secondary training. This, indeed, reflects changes that have been occurring in the structure of the education system in the State following the recognition that a division between primary and secondary teaching is too inflexible. It should be further noted that the combination of primary and secondary teacher education provides the potential for absorbing any reduction in enrolments.

There are advantages, too, in terms of physical resources. The present site of the Adelaide College of Advanced Education is overcrowded, necessitating rental of accommodation on North Terrace; no space exists for further development. Torrens College, on the other hand, is on a 17-hectare site for which the original brief postulated a student body of 3 500. If present trends continue, it is unlikely that Torrens College would, on its own, exceed 2 500 students. The additional space allows both for the appropriate housing of at least some present Kintore Avenue activities and the more efficient use of the Torrens campus.

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

Leave granted.

Explanation of Clauses

Clauses 1 and 2 are formal. It is the intention of the Government to proclaim the Act in the New Year. The interpretation clause provides the usual range of definitions on matters relating to the identification of the college. Clause 4 establishes the college as an autonomous body resulting from the merger of Adelaide College of Advanced Education and Torrens College of Advanced Education. Clause 5 sets out the functions of the college and establishes its particular commitments in the areas of the visual and performing arts and teacher education. Subclause (c) of this clause makes provision for widening the scope of the college to cover education in other fields. Clause 6 brings the college within the purview of the Tertiary Education Authority of South Australia for the accreditation of its awards. The college may award degrees, diplomas and other accredited awards. Clause 7 is the normal non-discriminatory clause.

Clause 8 makes provision for the establishment of the college council. There will be equal representation of academic staff, general staff and students on the council. In the first instance, provision has been made to ensure that elected membership is drawn from each college campus. Since the new college will have a diversity of interests, it is not proposed to prescribe the categorisation of members appointed by the Governor other than to include four former graduates of the new college or its predecessor colleges, of whom one shall be a graduate in art or design. It is intended to allow the number of persons appointed to council on the nomination of the Minister to vary between 14 and 16, so that the Associate Director, who was formerly Director of Adelaide College of Advanced Education, and the Head of the South Australian School of Art may be appointed under this category. In order that the council may gain the services of people with specific knowledge or expertise of value to the college, provision is made under subclause (3) for the council to co-opt up to two additional members from outside the college. Subclauses (6), (7) and (8) define the initial electorates for student and staff representation on the council. Subclauses (6), (7) and (8) contain a device to enable the council to be appointed on proclamation of the Act. Once the Bill is passed, I propose to cause elections to be held prior to Christmas.

Clause 10 defines the term of appointment of members of the council and the grounds on which a member may be removed from office. Although the normal term of office will be for two years, some of the initial appointments to council will be for one year only, with the right of re-appointment. The intention of introducing staggered appointments is to ensure some continuity of experienced membership with regular turnover in the council. Clauses 11 and 12 are normal provisions for the conduct of the council's business and include a precise definition of a quorum. Clause 13 sets out the specific powers of the council. Clause 14 requires collaboration with other appropriate authorities and provides a reserve power for the Minister to ensure that there will be an adequate supply of teachers. Clause 15 gives the council authority to determine the internal organisation of the college and subclause (2) perpetuates the designation of one of the schools or divisions within the college as the South Australian School of Art. The South Australian School of Art has made a significant contribution to education in this State. The perpetuation of the name within the framework of the new college ensures the continued recognition of this distinguished art centre.

Clause 16 provides for the position of Director as the chief executive and for the appointment of the first Director. The interests of staff transferring from the present colleges to the new college are protected under clause 17. It is proposed that staff within the two colleges transfer automatically to the new college as from the date of proclamation of the Act. Subclauses (1) and (3) protect existing salary and accrued leave entitlements whilst subclause (6) entitles staff to contribute to the South Australian Superannuation Fund. The appointment of the Associate Director and the terms and conditions of that appointment are specified in subclauses (2) and (3).

Clause 18 makes possible the encouragement of an active student life within the college. Clause 19 makes provision for land to be used by the college in the conduct of its business and transfers property currently owned by the existing colleges to the council of the new college. Clause 20 gives the council authority to make statutes governing the detailed operations of the college. Members will note that any such statutes will be subject to disallowance by either House of Parliament. Similarly, the

by-laws for which provision is made in clause 21 will be subject to disallowance in the usual way. Clause 22 attests the validity of statutes and by-laws and provides in subclause (4) that the council may adopt the statutes and by-laws of the present colleges. This provision is necessary if the college is to have a working base from which to operate in the new year. Subclause (5) recognises that a great deal of work is involved in the establishment of statutes and by-laws and therefore permits the adoption of present practice for up to two years.

Clause 23 requires the college to report to Parliament annually, while clause 24 requires the keeping of accounts audited by the Auditor-General. Clauses 25 and 26 relate to the funding of the college and its borrowing rights. Clause 27 specifies the college's exemption from certain charges. Clause 28 refers to legislation which will need to be repealed or amended consequent upon this Bill. Clause 29 makes the powers conferred on the college subject to the powers of the Tertiary Education Authority of South Australia.

Mr. ALLISON secured the adjournment of the debate.

MURRAY PARK COLLEGE OF ADVANCED EDUCATION BILL

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

The Hon. D. J. HOPGOOD (Minister of Education) obtained leave and introduced a Bill for an Act for the establishment of the Murray Park College of Advanced Education; to provide for its administration and define its powers, functions, duties and obligations; to incorporate within the College the educational institutions presently known as the "Murray Park College of Advanced Education" and the "Kingston College of Advanced Education"; to repeal the Kingston College of Advanced Education Act, 1974; to amend the Colleges of Advanced Education Act, 1972; and for other purposes. Read a first time.

The Hon. D. J. HOPGOOD: I move:

That this Bill be now read a second time.

If passed, it will complete the process of amalgamating the Kingston and Murray Park Colleges of Advanced Education to form the Murray Park College of Advanced Education. This merger, like that between the Adelaide and Torrens colleges, is the result of policy adopted by the Government following the Report of the Committee of Inquiry into Post-Secondary Education in South Australia. Since most of the background material and explanations which I gave in respect of the Adelaide College of the Arts and Education Bill apply with equal force to this Bill, I shall mainly direct my remarks to significant differences.

One of the major recommendations of the Anderson Committee was that the two institutions should merge and that an Institute of Early Childhood Studies should be created within the so-formed college. The Government accepted the recommendation and established a Joint Interim Committee comprising council, staff and student members to produce detailed plans.

The new college will, in addition to its other existing courses, be a significant centre in Australia for the provision of early childhood education studies. Both colleges presently have courses in this area and Kingston has trained early childhood education teachers with distinction since 1907. From the outset it has encouraged its students to understand the complete development of the child rather than merely teaching students to

appreciate cognitive aspects of growth, an approach which has become marked in other areas of teacher education only in more recent years.

The small size of the college, however, threatened its viability with the decrease in the need for pre-school teachers: a reduction in intake of the magnitude required would seriously prejudice the early childhood programme, as, indeed, it would the similar programme at Murray Park were both courses to stand alone. The merger will therefore create a viable programme and generally cushion the effect of a reduction in student numbers.

Other benefits will follow. Murray Park Early Childhood Education staff are necessarily limited in the range of specialist skills while the size of Kingston does not allow for a range of optional subjects which would contribute to the professional and personal development of teachers. But the Institute of Early Childhood Studies, formed from both, will have access to the excellent facilities of a larger institution including staff who are skilled in a wide variety of disciplines relevant to the training of pre-school teachers. Furthermore, the merger will provide overall a greater diversity of resources than is at present available to either institution.

As a merger of the two colleges will result not so much in a new college as a college significantly extended in one of its functions, there is merit in retaining the name of the major component—the Murray Park College of Advanced Education. This college, itself the successor of the Wattle Park Teachers College, has only been so named since 1972. But already it is widely known as an institution concerned with teacher education and communication studies and particularly well known to its surrounding community which uses the facilities for recreational and cultural purposes. These facts suggest two further reasons for calling the institution the Murray Park College of Advanced Education. The name of the multi-purpose college is the more appropriate of the two existing names; secondly, since the Institute of Early Childhood Studies will vacate the Kingston campus at the earliest possible time, and move to the campus at Magill, the retention of the latter's name, already well known, seems desirable.

The decision so to name the institution in no way reflects on Kingston College of Advanced Education, which will make a highly significant contribution to early childhood studies in particular and, more generally, extend staff expertise in the various disciplines taught at the college. As indicated earlier, since many of the clauses in both this and the Adelaide College of the Arts and Education Bill are identical, I shall emphasise in my remarks the differences between the two. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 4 establishes the college as an autonomous body resulting from the merger of Kingston College of Advanced Education and Murray Park College of Advanced Education. Clause 5 sets out the functions of the college and identifies communication studies, including journalism, and teacher education as areas of expertise within the college. Subclause (c) of this clause makes provision for widening the scope of the college to cover education in other fields.

Clause 8 provides for the creation of a council, the constitution of which bears strong similarities with that proposed for the Adelaide College of the Arts and Education. As with the latter, there will be equal representation of academic staff, general staff and students; likewise, the persons nominated to council by

the Minister of Education will not be prescribed in any way. The number of such persons may, as in the case of the Adelaide college, vary between 14 and 16. This will allow scope for a wide range of viewpoints to be represented on council reflecting the interests of a larger and more diverse institution. In contrast to the proposed council for the Adelaide College of the Arts and Education, there is no requirement within the Murray Park legislation for former graduates to be included on council.

There will be two *ex officio* positions on council—namely, the office of Director and one other intended for a senior member of staff. It is proposed that the latter person shall, in the first instance, be the head of the Institute of Early Childhood Studies. An additional two persons with relevant expertise may be co-opted to council under subclause (g). The initial electorates for the staff and student representation are defined in subclauses (6), (7) and (8) and ensure that persons are elected from each existing college campus.

The next clause to which I would draw attention is clause 10, which relates to the term of office of members of council. This clause differs in two respects from the parallel clause for the Adelaide College of the Arts and Education. Student members will be appointed for a one-year term so that final-year students may not be deterred from standing for election because of their unavailability for a two-year term of office. All other members of council, other than *ex officio* members, will be appointed for two years. The second difference relates to vacancies on council: subclause (6) provides that an elected member may, at the discretion of council and with the concurrence of the electing body, complete his full term of office, even if he ceases to hold the position by virtue of which he was elected. The intention is to ensure that the services of valuable members of council are not summarily lost. As with the Adelaide College of the Arts and Education, appointments to council will be staggered.

In view of the distinguished history of Kingston College of Advanced Education as a centre for teacher training in the field of Early Childhood Education, it is proposed in clause 15 (2) to designate one school or division within the new college as the "Institute of Early Childhood Studies". Furthermore, under clause 17 (2), provision is made for the current Director of Kingston College of Advanced Education to become the head of this institute.

Clause 17 makes identical provision to that contained in the Bill for the Adelaide College of the Arts and Education for the protection of staff rights and the terms of their transfer to the new college. There is one additional provision, however, in the superannuation arrangements available to staff. Under subclause (6), current contributors to the Superannuation Fund established by the Kindergarten Union may elect either to continue their membership or become contributors to the South Australian Superannuation Fund. Subclauses (7) and (9) set out specific details consequent upon the exercise of this option.

The remaining clauses of the Bill are identical to the provisions of the Bill for the Adelaide College of the Arts and Education, including clause 29 which makes the powers conferred on the college subject to the powers of the Tertiary Education Authority of South Australia.

Mr. WILSON secured the adjournment of the debate.

POLICE OFFENCES ACT AMENDMENT BILL

The Hon. D. W. SIMMONS (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Police Offences Act, 1953-1978. Read a first time.

The Hon. D. W. SIMMONS: 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

The purpose of this Bill is to enable the Government, by regulation, to ban dangerous articles. The three groups of articles that have inspired the amendment are imitation firearms, self-protecting aerosol sprays, and hand-held catapults. The amendment, however, is drawn in a general form so that the Government will from time to time in the future be able to ban other dangerous articles as the need arises without incurring the delays involved in passing amending legislation on each occasion.

The imitation firearms that the Government is concerned about are exact copies of genuine firearms. Most of them are impossible to distinguish from the genuine weapon without close examination. Some of them are capable of firing blank cartridges. Their potentiality for use in crime is obvious.

Self-protecting aerosol sprays are used by directing the spray into the face of an attacker. They cause temporary blindness and may damage the respiratory system. If these sprays remain available it is impossible to ensure that they will not be used for aggression instead of defence.

The hand-held catapult now available in Adelaide is an extremely powerful weapon capable of firing a missile, such as a ball bearing, at over 200 feet a second. It is a precision instrument and capable of great accuracy and, in the hands of irresponsible people, will be a threat to the safety of others.

Clause 1 of the Bill is formal. Clause 2 amends section 15 of the principal Act. Paragraph (a) inserts a new subsection that makes it an offence to manufacture, sell, distribute, supply, possess or use a dangerous article. The provision excludes a person who has a lawful excuse for doing any of these things. Paragraph (b) replaces subsection (2) of the section to simplify the drafting and to enable the forfeiture of dangerous articles to the Crown. Paragraph (c) defines "dangerous article" to be an article or thing declared by regulation to be a dangerous article for the purposes of the section. Paragraph (d) redefines "prescribed drug" to mean one declared by regulation instead of by proclamation. Paragraph (e) adds a new subsection empowering the Governor to make regulations for the purposes of the two definitions.

Mrs. ADAMSON secured the adjournment of the debate.

PRICES ACT AMENDMENT BILL

Adjourned debate on second reading.
 (Continued from 9 November. Page 1888.)

Mr. GOLDSWORTHY (Kavel): The Bill seeks to make amendments to the Prices Act, some of which were introduced in a previous session and were rejected. I have read the Minister's explanation of the Bill, and it seems that, although there are two or three provisions, the major one seeks to extend the power of the Commissioner to inquire into prosecutions in relation to land purchases and home purchases. I have read the report of the Commissioner for Consumer Affairs (Mr. Baker) on the activities of his branch last year, and it seems that

Parliament has a serious complaint against him about his remarks in that report. It is my view that those remarks could be a breach of privilege.

I will read from the report of the Commissioner, whose comments reflect on the decisions of Parliament in a most adverse fashion. In my view, it is not the function of a public servant (indeed, the head of a department) to reflect adversely on the decisions of Parliament, no matter what his private views may be in relation to those decisions. It is the function of our senior public servants to administer the law as it has been enacted as a result of the deliberations of the constitutionally and democratically elected members of Parliament. I believe that the Commissioner at least erred gravely in his function in making the comments. I believe that it could constitute a breach of privilege, and I hope that we do not see a repetition of this sort of thing. I believe that it is an attempt not only to reflect adversely on the decisions of Parliament, but also to influence any further decisions. The matters on which he comments are the subject of the Bill. Page 12 of the Parliamentary Paper sets out the Commissioner's remarks, as follows:

It seems quite ludicrous for the Commissioner to have power to deal with consumer problems regarding goods and services and not with real estate. How can it be explained to a consumer who finds himself in difficulty with a contract to purchase a home that assistance cannot be given with that contract although assistance could be given in the case of, say, the purchase of furniture for the home or even an item such as a small electrical appliance?

To meet the growing demand for advice and assistance in this area, the Prices Act Amendment Bill, 1977, introduced by the Government in the latter part of the year under review, included, *inter alia*, an amendment which would have brought the investigation of such matters, including finance arrangements associated therewith, within the jurisdiction of the branch.

Unfortunately for prospective home purchasers in South Australia, this amendment was rejected. An examination of *Hansard* dealing with this matter reveals that some members of the Opposition maintained that complaints may be lodged with the Land and Business Agents Board; that machinery exists for this procedure; that the board has investigatory staff; and that there is no need to duplicate this process.

However, these views do not appear to reflect the powers and functions of the Land and Business Agents Board. The powers of the Land and Business Agents Board are restricted to matters involving the conduct of persons licensed or registered under the Land and Business Agents Act, i.e. land agents, land salesmen and land brokers.

That is a clear reflection on the decisions, after due deliberation and debate, of the Houses of Parliament and, in my view, it is quite improper and could constitute a breach of privilege. I hope that we do not have a repetition of that kind of pressure being put on members and reflections being made on the conduct of this Chamber or of another Chamber by a public servant such as Mr. Baker.

Having read that, I would be inclined to reject the Bill, because I do not believe it proper for public servants in their annual reports to Parliament to tell Parliament how it should act.

It is for us, on the basis of our knowledge of the situation and of other instrumentalities that act to protect the public in relation to land and business agents, to make our judgment on this matter. It is not for Mr. Baker or anyone else to tell us what we should be doing or where we have been wrong. I take strong exception to a remark like that in a report to Parliament by a public servant, and I believe that every other member should do the same. I

hope that Mr. Baker takes the trouble to read the *Hansard* report of this debate, because he refers to the *Hansard* record in his comments, and I hope that he takes note of what I have said and pulls his head in.

Mr. Gunn: And shows some common sense.

Mr. GOLDSWORTHY: Well, it could well constitute a breach of privilege.

Mr. Gunn: A gross infringement of members' rights.

Mr. GOLDSWORTHY: It is an insult to Parliament. I have never encountered this in my previous experience in Parliament, and I certainly hope that I do not see it again. I would have thought that the Attorney-General, who is a political animal, might have written it himself but, if he did, Mr. Baker had no right to put his signature on it. That is conjecture, but it is the only explanation I can put forward for this abnormal behaviour.

My inclination, on first reading the Bill, was to support it, and I will follow that. I will not be unduly influenced by those most unfortunate remarks of the Commissioner. The Bill seeks to extend the powers of the Commissioner in the areas I have indicated. The previous Bill, if my memory serves me correctly, sought to make a number of disparate amendments, of which the provision in this Bill was one. The Minister said that the Bill seeks to extend the operations of the Act for three years. The Prices Act comes before the Parliament for annual review, and that is a good thing. The public would be better served if more legislation came up for annual review. It does not take many minutes for the legislation to be passed but, if there is something wrong with it, it should come to the notice of Parliament, without it having to be the Government's decision to introduce it.

I am not prepared to argue or quibble over the fact that the operation of the Act is to be extended for three years, however. The Minister sought to have it extended permanently, I think, in his most recent attempts to amend the Bill by striking out the clauses in it that referred to the date on which the legislation should cease to operate, thereby making it permanent legislation. The attempt was rejected. That is one area on which the Minister did not comment. So, we have a similar Bill before us again. I am glad that it is before us again, so that I could get off my chest the matters I have raised.

The other amendments all seem to be consequential upon this attempt to bring the purchase of land and houses within the scope of the authority of the Prices Commissioner. Any support I give the Bill will not be as a result of his comments in his report: they are the kinds of comment that would tend to make me go in the opposite direction.

I am not enthusiastic about the legislation. This Government thinks that one of its major achievements is in the area of consumer protection, but none of this protection can be given without cost to the consumer. You really cannot carry this kind of legislation to the nth degree. You can protect people to a certain extent against themselves, but you cannot protect them for 60 minutes of the hour, 24 hours a day. You cannot do that for the public of South Australia (nor do I believe that it would be reasonable), nor are we expected to do that. One has to decide what will be the cut-off point. Such legislation is typical of the socialist philosophy that seems to be carried to the nth degree, particularly in Sweden, under which we look after the consumer from the cradle to the grave so that he does not have a care in the world. That is done at great expense in terms of taxes.

To illustrate that none of this legislation is without cost to the consumer, I point out that what I found in Sweden was that the people there were complaining bitterly about the level of their taxes. A teacher or a worker on a car

assembly line was paying more than half his salary in income tax. That is the price for the protection afforded to the public from cradle to grave in the welfare state. If you take away the natural responsibility which people should feel for themselves and their families, I believe you take away a lot of the initiative that people should have. Having said that, on balance (and it is a fine balance) I am prepared to support the Bill.

Mr. EVANS (Fisher): I have views similar to those of the member for Kavel. I support the Leader's comments in relation to Mr. Baker, who is a public servant in charge of a department producing a report for Parliament in an area that has much effect on our community and on the business sector as well as on consumers. I have said before that it is easy for persons such as consumer affairs inspectors to reach a position in which they can virtually blackmail people into meeting their requests.

Unfortunately, quite often some of the businessmen who are involved in these investigations have made errors unwittingly and unknowingly. Sometimes they have lacked the knowledge they should have had in certain transactions because they are in business in a small way and they are just as innocent in a sense as are the consumers involved, and yet the departmental officers, if they wish to use their muscle, can say that if certain action is not taken they will investigate the whole of the books and accounts of the company for the past three years or make some other threat.

Any people in their right mind would say that they will watch the position in future for that sort of error; they will pay back the money to the consumer whether it is justified or not. In his report, Mr. Baker said:

To meet the growing demand for advice and assistance in this area the Prices Act Amendment Bill, 1977, introduced by the Government in the latter part of the year under review, included, *inter alia*, an amendment which would have brought the investigation of such matters, including finance arrangements associated therewith, within the jurisdiction of the branch. Unfortunately for prospective home purchasers in South Australia, this amendment was rejected. An examination of *Hansard* dealing with this matter reveals that some members of the Opposition maintained that complaints may be lodged with the Land and Business Agents Board; that machinery exists for this procedure; that the board has investigatory staff; and that there is no need to duplicate this process.

Mr. Baker did not say that some members of Parliament voted against it (and it would have been improper enough to reflect on Parliament); he set out to play politics by saying that some members of the Opposition had voted against it. That is even more vicious and cannot be classed as anything other than improper. If he wanted to say in his report that Parliament rejected some amendments of the Minister, and nothing more than that, people could have looked at *Hansard* to see which members of Parliament did reject the amendments if they wished to do so.

The Attorney-General continually seeks to change legislation and bring in "progressive" legislation, and now public servants are setting out to try to influence the decision of Parliamentarians by putting within reports the actions taken by Parliamentarians within Parliament. Our duty is to vote according to our conscience and to be able to face up to it within the community.

Members interjecting:

Mr. EVANS: The snide remarks of the Attorney-General and the member for Stuart do not alter our responsibility. The job of a public servant is to interpret laws and undertake the duties he has to carry out, not to set out to try to jibe Parliamentarians into acting according

to his wishes. I think that example is bad.

At one time a notice board in City Cross displayed the names of businesses that had offended, in the opinion of the Attorney-General. The Public and Consumer Affairs Department displayed the names of individuals if they had been found guilty of an offence, and, of course, they had already paid the penalty. These people were held up to ridicule even though they had paid the penalties according to our law, and the Attorney-General supported that procedure. The names of business organisations that are found guilty of offences are published in the annual report of the Public and Consumer Affairs Department, no matter what type of offences have been committed.

The Hon. J. D. Wright: They ought to be.

Mr. EVANS: I do not mind if the Minister says that, but I say that consumers who have been found by the Public and Consumer Affairs Department to be telling lies and sometimes quite fraudulently trying to achieve goals that were dishonest ought to be named in the report so that businessmen know that a certain person is dishonest and fraudulent and should not be trusted in business transactions. Do we say so if a person makes complaints more regularly than other people?

The Minister will say that it is a branch of a Government agency to protect consumers. I am saying that we have to start to protect the small business organisations from the actions of unscrupulous consumers. Quite honestly, if a consumer really knows the law and wants to play around with it, he can do so at the expense of the small businessman. Some small businessmen have incomes lower than or equal to those of the consumers who are complaining, and they cannot afford to challenge the complaint and take it to court. They have no recourse at all within their financial reach.

Regarding the reference by the Commissioner in his report, whether that is the original intention of the person making the report or the instruction of the Attorney-General, I do not know, but the principle is wrong and we should be conscious of that. The Attorney-General hangs his hat on this legislation by relating to the Hollandia Homes situation.

The Hon. Peter Duncan: And Amadio and others.

Mr. EVANS: All right. I have some sympathy with people affected by the Hollandia Homes situation. They will be having another meeting tonight. They have suffered through contracts into which they have entered and now find themselves unable to meet their payments. I am still trying to help some of them, and I apologise to them for not attending a meeting I had promised to attend. I could not attend because of things that went wrong in this place. As much as we put legislation through, some of these people cannot be protected and in the future a similar breed of people will come into the community who will not be able to be protected, not because of the business companies, not because of the consumer, but because our education system does not teach people about practical living.

I want to go through some of the incidents that occurred with Hollandia Homes. I was conscious of the problems of this group and others. I had a meeting with some of the Directors three years ago, as did the Attorney-General. The Attorney knew the doubts that existed in my mind, as did his colleague the Minister for Planning. I believe the companies also knew. The Government of the day thought (and perhaps I thought so, too) that in a situation of high inflation some people would be able to obtain their home at a lower price than would be the case if inflation continued (and thank goodness Fraser cured this). That worked for many people. The greatest percentage of people who entered into those contracts were successful,

particularly those whose State Bank loans came through much more rapidly than is the case at the moment. Those people only had to wait 12 or 15 months at that time for their State Bank loan.

Some of the people who signed those contracts made foolish decisions after signing them. One example is of people I went to see who purchased a car and a truck on time payment after purchasing a house. The car was valued at \$3 000 or \$4 000, but under a hire-purchase agreement would cost about \$6 000 or \$8 000 at least. They also purchased a truck for \$38 000 for interstate carrying. As a deposit on that truck, they used \$6 000 they had been able to save. That was money that they had not used for the purchase of their home. They also purchased furniture on hire purchase, some of which was not necessary for them to live while getting over a difficult period of repayments. They placed themselves in a position in which it was absolutely impossible for them to survive. If the truck and car had not been purchased and they had battled on with the old car and had not bought the furniture, that couple could have got over their financial problems.

One lady I spoke to this week told me that they now realised their error. They realised that they should have gone to their bank, because when they did go to their bank manager recently and told him that they were in real difficulty he asked them to let him look at the contract and said, "If only you had shown me this before you entered into it." There you have people who did not trust their bank manager enough to go to him for advice that they would have got free of cost. At the same time, if a person is waiting for a Savings Bank loan and wants short-term finance until approval comes through that bank tells its applicants to seek advice from it before signing any contracts. The war service homes people do the same thing; they give advice.

We could eliminate many of these problems (not all) if we made it a condition that any applicant for a State Bank low-interest loan, which is subsidised by the Federal Government at 4.7 per cent under the Commonwealth State Housing Agreement (which means the taxpayer is subsidising it), has to be advised by the bank before entering into any short-term finance for the home. At that time they should apply to the State Bank for an opinion about the contract to be entered into. A nominal fee of \$10 or \$20 could be charged for advice about such things as hire purchase contracts, and that is cheap advice.

If the State Bank had been doing that (and it would not have to give advice on every application received, but only when an applicant was going to buy a property on short-term finance until their State Bank loan came up), I believe that would have eliminated many of the problems I have mentioned. That should be practised in future, regardless of whether this Bill passes with amendments.

It is true that some of the persons involved were given information, either directly or indirectly, by salespersons that was not 100 per cent accurate. I believe that in some cases that sort of information was given in such a way that it could not be proven one way or the other that incorrect information was given. It may be that in some cases it can be proven and, if so, there is an opportunity to take action against the person concerned. There were also those persons who did not declare everything themselves, consumers who deliberately hid certain other commitments that they had by not disclosing them, thinking that they were going to get into a house on a low deposit and that eventually they would be able to pay off their other debts. They got themselves into serious financial hot water and ended up losing all they had. I do not think that the Public and Consumer Affairs Department can protect

people from that sort of action, their own action, at all. It would be very unfair if, because somebody had withheld information, the department went to a financier or hire-purchase company and said that it knew the people did not disclose everything to it but is asking that company to carry the baby.

I believe the move Hollandia Homes made recently in trying to help people with their problems was a significant step. I do not believe it will solve all of their problems. I do not believe that some of the people involved can handle the proposition offered by Hollandia, because of other hire-purchase commitments that they have. I do not know how you resolve that situation without the taxpayer or some organisation subsidising it.

I agree with the Deputy Leader that it is impossible to protect people from themselves 24 hours a day, or to protect the whole of society 24 hours a day. If we try to do that, we will finish up with a society that wants everything to be put in its lap and wants the opportunity to succeed without the possibility of failure.

If we try to build a system, whether it be in business, the Public Service or the professions (or in sport, if you like), where we try to guarantee success without the probability or possibility of failure we will create inefficiency and an attitude in people's minds that it does not matter what they do because somebody over there (Big Brother) will pick them up and get them out of the hole. It does not matter how big the hole they get into financially because Big Brother will get them out of it at a cost to the rest of society. That is where the cost is met in the long term. I have put to people in industry the suggestion that we should produce films pointing out to young people and others that shelter is the most important asset we can own and have for future happiness, whether we live an individual life, married, unmarried, a *de facto* relationship or whatever it may be.

We in Australia have not done that yet. We talk about all the protective legislation we have to cover someone who makes a mistake, but we have not tried to educate society about the benefits of trying to put together something for the future, particularly shelter. If the business houses and State and Federal Governments, collectively (and I believe the Federal Government would contribute to it) put together a small amount of money to produce films showing that money is a commodity and that, if one borrows through an agency, or a gift, one must pay interest, which is a debt. The cost of using the commodity is the interest paid or agreed to be paid, but many people do not understand that.

People involved in this situation have recently told me that, whilst their house was sold to them for \$35 000, they now owe \$40 000. They cannot understand when you explain to them that some of that extra \$5 000 is deferred interest payments. I am not blaming them for that; I am blaming society. If business houses and Government take up the challenge, we will develop a long-term attitude that gives the building industry stability, and it will give people a better understanding of finance.

We could show people that, if they bought, on time payment, a luxury item worth \$6 000 or \$7 000, ultimately they would pay \$15 000. If people buy real estate, a house to live in, a home unit or a flat (if the flat can be developed as a separate title), for \$30 000, on the law of averages throughout the history of this country when they finish paying for it, it will be worth more than was paid in total. Except for a few antiques and some jewellery, real estate is perhaps the only commodity that gains in value. I am saying we should educate people to prepare for their future, instead of letting them get into trouble and then expecting the taxpayer to pick up the tab.

I disagree with the last clause in the Bill, which will make the provisions of the Act prevail until 1981. I believe we should provide for only a 12-month period. I should like 1981 changed to 1979, because what I suggest has worked well in the past. Each year there has been an opportunity to be able to comment.

I believe that Mr. Baker knows that he was wrong in attacking any members of Parliament who voted against a proposal by the Government. I do not believe Mr. Baker, in his own conscience, is a man who would not know that he was wrong. I cannot see why he set out to destroy his own credibility, unless it was under immense pressure from the Attorney-General. If public servants are going to dictate to the Parliament on what it should do and how we should vote, our whole system of democracy must fail. The whole system of members of Parliament representing a point of view and expressing it in Parliament must fail. As much as Mr. Baker may believe that he made a small error and that he was forced into it by the Attorney-General or through Government philosophy, he has set a precedent. If we do not stop the practice now, other public servants might be forced by Government pressure to bow to such actions.

Mr. Groom: We didn't.

Mr. EVANS: If it was not through Government pressure, as indicated by the interjection, Mr. Baker's credibility on this incident is even worse. I have some respect for the work this man has done in consumer affairs and I do not deny that I have taken matters to him and his officers.

The Hon. Peter Duncan interjecting:

Mr. EVANS: The honourable Attorney-General can interject but I say that if a businessman operates correctly 99 per cent of the time and is incorrect only 1 per cent of the time the Attorney-General is the first to attack. If a public servant does his job effectively 99 per cent of the time and then makes one error and someone on this side decides to put a stop to that, the Attorney-General objects. I leave it to others to judge the Attorney-General's standards. I will support the Bill through the second reading, but I will oppose the inclusion of 1981 and try to have it amended to 1979. The clause provides:

"consumer" means—

- (a) a purchaser or prospective purchaser of land;
- (b) a purchaser or prospective purchaser of goods;
- (c) a purchaser or prospective purchaser of services; or
- (d) a person who incurs, or proposes to incur, debts, (not being a person acting in the course of carrying on a trade or business);;

If this Bill does become law we will see what the real effect is on people's attitudes and how they manage their financial affairs. I believe that an education programme is one of the most important things we can provide, because in my own situation three school-teachers have come to me after they got into financial difficulties. I would have thought that people such as school-teachers would know what interest and deferred interest payment meant. If they do not understand the system, doubtless other people will come out of the education system and not understand finance. I support the Bill through the second reading.

Mr. DRURY (Mawson): I support the Bill because I believe it is necessary for the Commissioner to be able to give protection to people in financial deals such as those mentioned by the member for Fisher, for example, those involving Hollandia Homes. Not long after I was elected to this Parliament, I was "blooded" by a succession of people who considered that they had been hard done by in this type of financial arrangement when they found they could not obtain a State Bank loan because they had

hanging over their heads a third mortgage of which they were not aware when they signed the contract.

I agree with the member for Fisher that shelter is the most important commodity that a human being must cater for in his lifetime, along with food and clothing. The three of them together form a necessary trinity which is forsaken only at one's peril. Nevertheless, when deals such as those organised by Hollandia Homes were put to people, constituents told me that in some cases they were required to sign mortgage documents at 7 p.m. they were told the reason for that was that the firm was changing offices, things were in a bit of a mess, and the company wanted to get the contracts through in a hurry. That may be so, but I would agree with the member for Fisher that people need education. Schoolteachers, or people with a higher education have been trapped in deals like this, because it is not easy to read a mortgage document. It is a two-page document, printed on both sides. The most important page is page 3, which contains the term of the loan, the rates of interest, and all the other details on what is owed. When one has such a series of documents thrust in one's face and is told by a salesman to sign, it is a simple thing to do, especially when one is enthused by the thought of owning one's own home.

One constituent who spent two years in a flat with his wife and a couple of children had little hope (as he saw it) of ever owning his own house. When the idea of owning one's own house is put up, one is generally enthusiastic about it, especially if one pays a rental of about \$169 a month. True, that is for the bridging finance until the State Bank loan comes through. Compared to \$420 a month, one thinks that that repayment is a good deal. However, it is conveniently overlooked that about \$270 is accumulating each month and, depending on the deposit, amounts to about \$6 500 to \$7 000 at the end of the two-year bridging-finance period. It is here that the problems begin, because purchasers suddenly find that they have one of two choices: either they can produce that sum then or allow it to be deferred for a further 15 years, accruing interest all the time.

From the calculations I have seen, by the time people pay for the house it will have cost about \$80 000. That is a preposterous situation and is crying out for some form of purchaser protection. The old rule of *caveat emptor*, let the buyer beware, cannot be as callous as that. Indeed, we cannot allow it to prevail, especially when people are buying a house. When I was doing a real estate course about 16 or 17 years ago, I was told that the purchase of one's house was the most important purchase that one would make in one's life, and I still hold that opinion.

Therefore, to allow people to be either pressured into signing documents, which they later find to be detrimental to them, or to put them in such a position that they are in danger of losing their house, cannot continue. In some cases, people panic, as did one of my constituents, who declared himself bankrupt. That put him out of the running for a bank loan until his bankruptcy was discharged.

People do these things. Most of the people involved have been young couples. This Bill is a necessary reform. It gives protection, particularly to young couples, and most of the people who have approached me have been on an average to low income. This Bill gives those people protection, although as the member for Fisher has pointed out, three schoolteachers were also caught in this way, and they probably would be considered to be on middle incomes.

The member for Fisher has claimed that public servants should not dictate to Parliament. It is a fact that public servants are often in the front line of the daily business of

people's lives and, having been a public servant for more than 18 years in both the State and Federal Public Service, I know that legislation has been initiated from time to time through the actions of public servants.

I do not think that that is a bad thing—that is not dictating to Parliament. It is merely carrying out the role of a public servant where some reform is necessary. Mortgages are difficult to read, and I hope that something can be done about that. The member for Fisher also claimed that people should go to the bank before signing documents. I do not know whether that suggestion is entirely practicable.

People are enthusiastic when they are buying their own house and tend to overlook such matters. Can people on low incomes use fully the two-day cooling-off period? Can they get the time off work to make such inquiries so that, if there is something detrimental in the contract that would jeopardise the future, could they get out of the contract? Often, they do not have the time within that two days to do it. So, the action taken by the Commissioner, to assist people in real estate deals, is a good one and one that I fully support.

The Hon. PETER DUNCAN (Attorney-General): As the first part of this session is in its dying stages, I should have preferred not to take up the time of the House to reply at length. However, considering the filthy allegations that have been made against the Commissioner for Consumer Affairs, I consider that there is no course available to me but to properly defend his name and honour in this House.

Members opposite have been very duplicitous in their attitude this afternoon. Many times in the past I have heard them pay a tribute to the work done by Mr. Baker when he was Prices Commissioner. The sorts of despicable attack launched against him in the House this afternoon were absolutely reprehensible and should never have been made. To set the record straight because of the allegations that have been made, I should state that I, as Minister, have had no conversations whatsoever with Mr. Baker concerning the contents of his report either before or after it was published.

Mr. Goldsworthy: It's about time you did.

The Hon. PETER DUNCAN: That is an extraordinary suggestion. On one hand, the Deputy Leader suggests that in some snide way I have influenced the presentation of the report and its contents, and when he finds that there is no substance in that smear he suggests that I should have acted in that way. The Deputy Leader cannot have it both ways. This is typical of the duplicity of the Opposition in acting like that. It shows the sort of standard of government that we would have in this State if the Opposition Party was on the Treasury benches. Fortunately for South Australia, that is not likely to happen for a long time.

The Liberal Party in these types of matter apparently believes that, when a statutory duty is given to an officer, that duty should be interfered with by the Minister. It is not the practice of this Government or its Ministers to do so. I can only say that I am appalled to hear the Deputy Leader suggest that that should happen.

The Commissioner for Consumer Affairs in this State has a clear statutory duty to report to me on how he has conducted his office in protecting consumers in this State, and that is exactly what Mr. Baker did this year. When Mr. Baker found that a severe limitation was imposed on his ability to protect consumers, he brought the matter to notice in the only way that he could do so, that is, through his annual report to me, as Minister, which report I lay on the table of this House, in accordance with the requirements of the Prices Act.

Mr. Tonkin interjecting:

The Hon. PETER DUNCAN: That is typical of the Leader of the Opposition and shows why he is in such poor standing with the people of South Australia. What is he trying to suggest: that I should not lay the report on the table of the House?

Mr. Tonkin: You should not be an accessory after a direct reflection on this Parliament. You are, by your own admission. You accepted the report and laid it on the table, knowing what was in it.

The Hon. PETER DUNCAN: I hope that *Hansard* got the contents of the Leader's interjection. That shows what little regard he has for the law. The law requires me to lay the report of the Commissioner on the table in this House, regardless of the contents of that report, and that is what I have done. Apparently, the Leader believes that, if a Minister does not agree with the contents of a report that he is required by Statute to lay on the table, he should not lay that report on the table.

Members interjecting:

The Hon. PETER DUNCAN: That is an extraordinary thing for him to say, and I hope that everyone in South Australia gets the gist of it. I believe that the Commissioner, in this House this afternoon, has been defamed appallingly by the Deputy Leader under the protection of privilege.

Members interjecting:

The SPEAKER: Order! The honourable member for Kavel was heard almost in silence.

The Hon. PETER DUNCAN: I believe that the smear laid on the Commissioner this afternoon was absolutely reprehensible and that the Deputy Leader should withdraw it, because no-one in South Australia has a better record of protecting consumers than has Mr. Baker, who is upheld by 99 per cent of the people of this State as an honest and concerned man with the interest of the consumer at heart, and that is all he is required by the Prices Act to be. The sorts of smear and allegations made this afternoon by the Deputy Leader in relation to Mr. Baker, an honourable man, do no credit to the Deputy Leader or to members in this House who are associated with him. It was an absolutely filthy attack, and I am appalled by it; I am sure every decent citizen in this State will be equally appalled.

There are a few things I want to say about this and the way the debate has proceeded this afternoon in this personal smear on the Commissioner. Obviously, members opposite had no reply to his criticism, telling criticism, in the light of the subsequent difficulties people in this State have had with Hollandia, Amadio, and various other groups, which have entered into contracts with consumers that have not been in the best interests of those consumers. The Commissioner, I believe, has acted honourably, properly, and correctly, and I go on record as saying that.

The only other matter concerns the contribution made by the member for Fisher. If one could look around South Australia, notwithstanding the Workers Party and its cohorts and all the other people who act as the enemies of the consumer, one would see that there was no doubt that the No. 1 enemy of the consumer in South Australia was the member for Fisher. He acts in a duplicitous fashion in everything he says on this subject. Every time a consumer Bill comes before Parliament, he attacks the legislation, saying that we are going too far, that it is an infringement of the rights of business, that it will send small businessmen to the wall, and that consumers are rapacious. He attacks consumers generally in this State. That is the sort of approach he takes every time a consumer measure is before Parliament.

Outside the House, however, he is not averse to being one of the most frequent users of the consumer protection legislation in referring his constituents to the Consumer Affairs Branch. Personally, I think he does that because, in most instances, he is too damned lazy to do anything about the complaints himself. Nevertheless, he uses the Consumer Affairs Branch as much as does any other member, if not more. He is a real two-timer in his attitude, but, if the people he assists in his constituency by referring them to the branch knew the sort of attitude he takes in this House, they would be utterly appalled at the duplicity he has shown. I think he believes in the law of the jungle in this area and elsewhere; if he had his way, consumer protection laws in this State, which are hailed throughout the world as being some of the best, would be cast from the Statute Book.

The only other thing was his suggestion that we should make some films in this area. I was almost spellbound to hear him suggesting that we should make films on matters of consumer protection. In the past, when the Government has made consumer protection films, the first person to criticise it for doing so has been the member for Fisher. How extraordinary it is to hear him this afternoon, in his namby-pamby fashion, attack the Government, saying it is not making enough films!

The Bill should proceed with as much speed as possible, and it should pass the Parliament in the form in which it has been introduced. In particular, Parliament should grip the fact that, since 1948, we have extended the Prices Act on an annual basis, and it has been a thorough waste of time. If we were to estimate the amount of time involved and the cost of bringing in such a Bill annually and debating it as we are this afternoon, debating it in another place, and going through all the administrative procedures necessary to proclaim it, I think the public would be appalled at the incredible waste of time involved. I can only suggest that any Opposition members who speak in this House in accordance with the dictates of their conscience should support the Bill tooth and nail through every stage, so that we can have rational prices and consumer affairs policies in this State for the next few years.

Mr. Goldsworthy: One of the filthiest speeches I have heard for many a long day.

The SPEAKER: Order!

The Hon. Peter Duncan: You'd know!

The SPEAKER: Order!

Mr. Goldsworthy: You just bob up—

The SPEAKER: Order! I have spoken to the Deputy Leader on two or three occasions.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Interpretation."

Mr. GOLDSWORTHY: This is probably the clause which has led to most of the heated debate on this Bill. The clause was the subject of comments by the Commissioner for Consumer Affairs, in which he reflected upon the decisions of Parliament.

The CHAIRMAN: Order! I hope the honourable member will be able to indicate to the Committee how the Commissioner is the subject of this clause.

Mr. GOLDSWORTHY: Only to speak in support of the clause, I suppose.

The ACTING CHAIRMAN: I will look through the clause. At first glance, I believe that he is out of order. I will discuss the matter with the Clerks.

Mr. GOLDSWORTHY: I think I am out of order. I was seeking to draw the Attorney-General's attention to relevant sections in *Erskine May* which would indicate to

him that he had a clear duty to tell the Commissioner that he could be in breach of Parliamentary practice.

The ACTING CHAIRMAN: If the Deputy Leader continues on that course, he will be out of order.

Mr. GOLDSWORTHY: I shall not continue on that course. I had intended to respond to the Minister's remarks. We will have to get him a copy of *Erskine May*, otherwise his Commissioner might be in trouble.

Clause passed.

Remaining clauses (3 to 5) and title passed.

Bill read a third time and passed.

JURIES ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1, Page 1—After clause 1 insert new clauses 1a and 1b as follow:

1a. *Amendment of principal Act, s.46—Balloting at trial*—Section 46 of the principal Act is amended—

(a) by inserting after the passage 'required to constitute the jury' the passage '(including any reserve juror to be empanelled in pursuance of the direction of the Court)'; and

(b) by inserting after the present contents thereof, as amended by this section (which are hereby designated as sub-section (1) thereof) the following subsection:

(2) Where the Court considers that an inquest for murder or treason is likely to extend over a considerable period, the Court may direct that a reserve juror be empanelled in relation to that inquest.

1b. *Amendment of principal Act, s.47—Jury to try inquest*—Section 47 of the principal Act is amended by inserting after the word 'shall' the passage ', subject to this Act,'.

No. 2. Page 1, lines 11 to 15 (clause 3)—Leave out all words in these lines and insert:

(a) by striking out the word 'except' in subsection (1) and inserting in lieu thereof the words 'not being an inquest'; and

(b) by inserting after subsection (2) the following subsections:

(3) Where a reserve juror has been empanelled in relation to an inquest for murder or treason and, immediately before the jury retires to consider its verdict, it is apparent that the reserve juror is not required to complete the number of the jury, the Court shall discharge the reserve juror from the jury.

(4) Notwithstanding the amendment of this section by the Juries Act Amendment Act, 1978, the provisions of this section, as in force before the commencement of that amending Act, shall continue to apply in respect of any inquest commenced before the commencement of that amending Act.

The Hon. PETER DUNCAN (Attorney-General): I move:

That the Legislative Council's amendments be disagreed to.

Honourable members will know by now, I imagine, of the scheme proposed by members in another place that, where juries are involved in murder or treason trials, such juries should be empanelled to consist of 13 persons to give, in

effect, a spare in such circumstances. Their scheme is that the thirteenth juror would sit as a juror until the jury finally retired and, if the 12 principal jurors were still able to sit on the trial and none had retired with the judge's leave, the thirteenth juror would be released and discharged.

The Government does not accept that that scheme would work as effectively as the scheme that has been proposed by the Government. I gave serious consideration to such a scheme before introducing this amendment to the Juries Act, but rejected it after receiving advice from Supreme Court judges and others who believe that the most practicable and reasonable approach would be to introduce a scheme similar to that which now applies for other jury trials in South Australian courts—when up to two persons retire, the jury can continue to hear the matter.

Originally, when the scheme for up to two retiring jurors was introduced, it was not applied to murder and treason trials, because those were the two offences that at that stage still retained capital punishment as the penalty. Subsequently, capital punishment was abolished in relation to those two offences. Accordingly, I believe that the time is now ripe to amend the Juries Act to apply similar rules to murder and treason as now apply to other criminal jury trials in this State.

This is an important matter. I recognise that this Bill deals with quite fundamental rights of citizens, and it should therefore be dealt with with great care and caution. Some criticism has been made of the fact that the Bill was not passed earlier and, whilst I appreciate that criticism, I am one of those persons who believe that we should, in circumstances such as this, give it full consideration. Therefore I have not attempted to have the Legislative Council deal with this matter as a matter of urgency to try to hurry it through the Parliament so that it could apply to jury trials which have been going on over the past few weeks.

I make that point so that honourable member will see that this is a matter that I think is above politics, and not one for Party political debate. Those are the reasons why basically I do not accept the amendments, I believe that the present system in all jury trials, apart from murder and treason, works adequately and successfully, and that it should be extended to murder and treason.

Mr. TONKIN (Leader of the Opposition): I am disappointed that the Attorney-General will not accept the amendments. These matters are extremely important, and as a result of the activities, particularly of Mr. Burdett in another place, who moved these amendments, I took some pains to ascertain opinions from members of the legal profession and the Judiciary. There seems to be a general belief in the legal community that this scheme, which I understand was one of the recommendations of the Law Reform Committee, was more generally favoured than was that proposed in the original Bill. That being so, I believe that such a recommendation would necessarily attract the support of the Government and the Attorney-General.

I am at somewhat of a loss, despite his explanation, to understand why he holds to the Bill as originally introduced, and does not accept what I suspect is the majority feeling of members of the legal profession in practice in this State. I find myself not convinced by the arguments that he has put forward and, therefore, I support the amendments to the Legislative Council.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments adversely affect the Bill.

**PLANNING AND DEVELOPMENT ACT AMENDMENT
BILL (No. 2)**

In Committee.

(Continued from 26 October. Page 1762.)

Clause 3—"Interpretation."

The ACTING CHAIRMAN (Mr. McRAE): The member for Fisher has on file an amendment involving lines 12 to 20. The Minister for Planning has circulated amendments to lines 15 and 16, and lines 19 and 20. To safeguard the Minister's amendments, although I intend to allow the member for Fisher to move the amendment to lines 12 to 20, I intend to put the question along the following lines: "In lines 12 to 15, leave out all words in these lines to the word 'number'." If this amendment is carried, I will put the remainder of the member for Fisher's amendment, but should it fail I will call on the Minister.

Mr. EVANS: I move:

Page 1, lines 12 to 20—Leave out paragraphs (a), (b) and (c) and insert paragraph as follows:

(a) by striking out paragraph (v) and the word "or" immediately preceding that paragraph.

The Minister's intention was to change the definition of "allotment" so that, where there are sections of land delineated by a survey line, road, railway, or drain, all aggregated under one title and presently available to be created into separate titles, that should be allowed to prevail. However, in relation to any other form of subdivision over 30 hectares, say, a property of 200 hectares, without any demarcation line by means of a survey line or railway, that property would be subject to the conditions the Minister wishes to lay down. I ask the Minister to accept that there are persons who have pieces of land with a survey line through them; they are in any sense separate allotments, divided by a road or railway, and that, under present conditions, the person might have bought the property at a high price (by perhaps paying only part of the purchase price, and taking the rest on mortgage), because there is extra value in being able to create separate titles.

If we disallow that practice by leaving the clause as it stands, such persons could find that they have a property of lower value than is the actual mortgage. The intention of the Real Property Act was to give people titles; the Act was never intended to be a planning device. Because a person has not sought to obtain separate titles for pieces of land, for which he could have obtained separate titles, without even applying to the State Planning Authority, we believe that the right should exist for him to apply to the Registrar of Titles for a separate title. I ask the Minister to accept my amendment. We support the Minister's concept that we do not want massive subdivision of land in the community, particularly in rural areas, but, where the person already has the right to create the title, without going to the State Planning Authority, but by going to the Registrar (because of the physical barrier involved in the land), he should be able to create separate titles.

The Hon. HUGH HUDSON (Minister for Planning): I cannot accept the amendment. The present position defining "allotment" means that, where a piece of land is traversed by a road, railway or drain, titles can automatically be obtained for the pieces of land on either side. The proposed provisions involved in the paragraph would delete the present paragraph (b) (iv) in the definition of "allotment" and would have the effect only of preventing titles from being obtained automatically. It would not mean that separate titles could not be obtained. People would still be able to apply for approval to create

separate allotments, and all the normal rights of appeal would be available if, for some reason, approval was not granted. There is no interference with the right of appeal, but it does not mean that they cannot have separate titles. It simply means that they are subject to the planning approval process and, if that planning approval is refused, they have the right of appeal to the Planning Appeal Board.

The reasons for this are, first, that some developers are using the loophole regarding the physical separation by a road to circumvent subdivision controls under the Act. For example, instances have arisen of developers having new roads opened bisecting existing allotments and automatically obtaining titles for twice the existing number of allotments. The honourable member would agree that there should not be a provision that allows a developer to defeat the purpose of the subdivision controls in the first place. This has taken place along the Murray River. The result is that subdivision controls themselves have become virtually meaningless, and no consideration is given in the creation of these allotments to the basic issues of access and the actual construction of the roads, water supply, and effluent disposal. The various considerations that have to be taken into account in determining whether the subdivision ought to be permitted simply mean that these matters are not taken into account. The issue of new titles takes place automatically.

Secondly, when new roads are opened under the provisions of the Roads (Opening and Closing) Act and the new roads straddle an existing or closed road, small pockets of land are created on either side of the new road. Under the current provisions, separate titles can automatically be obtained for those pockets of land regardless of their size and regardless of whether or not access is available. Many are quite small pockets of land which should be amalgamated with adjoining land and not issued with a separate title for potential sale. Such instances have occurred in the Southern Vales area, where the subdivision policy is directed at preventing subdivision into small allotments. Where there is direct policy aimed at avoiding small allotments, small allotments are created nonetheless. The consequence is that the subdivision controls, which all members have agreed to, are simply being circumvented.

The third situation results when existing roads which are made roads or notional roads on a public map are closed. Separate titles may be issued automatically for the pieces of land on either side, again regardless of there being no access to the pieces of land. Circumstances such as I have outlined result in titles issuing and development rights being assumed without proper regard for the planning principles involved. I suggest to the honourable member that it is simply not proper to permit this situation to continue. We are not saying that subdivision should not take place where a boundary is created that creates allotments on either side. It may be that it should take place, but the normal issues that have to be considered in these circumstances should still be considered, that is, whether access can effectively be provided or whether it will be possible to dispose of effluent. If the applicant for subdivision is refused approval by the Director of Planning, he has an automatic appeal if he wishes to exercise it to the Planning Appeal Board, which operates in these matters in a way that is designed to see to it that the Director of Planning is not acting in an arbitrary way. I suggest to the honourable member that the Bill in this respect should not be amended.

Dr. EASTICK: I appreciate the explanation given by the Minister. We are not concerned about what will happen in the future where, for example, the Highways Department

or some other authority decides to create an artificial barrier which results in a small parcel of land being left on the opposite side of the road. There can be no argument about what happens in the future in these circumstances. However, we are concerned about the rights of the individual who has enjoyed this benefit up to the present time. I want to dissociate my remarks from those parcels of land adjacent to closed roads, because I can see a real issue in respect of that situation and I do not want to become involved in that discussion at the moment.

For some time many of these people who have property which is on one title but which is on opposite sides of a road or some natural barrier have had the land valued and therefore rated, be it by local government or by the State, on the basis that it is subdivisible or a small allotment and therefore it has this potential value. In essence, what the Minister is asking us to do is disadvantage the people who, through no fault of their own, have suddenly to live with a determination of the Government as at 19 September 1978. If the Minister was suggesting that the Government intended to provide compensation for the people so disadvantaged, that might be another matter, but I realise the difficulties of that becoming a reality. However, the Minister is asking us to say to the people who have paid these additional rates and taxes that unfortunately they cannot recoup the losses that will arise. Also, people who have purchased land recently have put a value on their purchase in full knowledge that at the date of the purchase they would be able to expect the delivery of titles of right and that they would not have to appeal and therefore add a further cost if, in fact, the Director refused them that right. The Opposition is not opposed to the provisions of the Bill applying to future transactions but it is opposed to the Bill relating to what has happened and what it will deny persons so affected.

Mr. EVANS: When the Minister spoke about new roads, was he really saying that property owners have been able to create completely new roads which have never been surveyed, without approval from the local council and without any approval, thus separating the property into different titles?

The Hon. HUGH HUDSON: Developers have constructed new roads which have bisected some land which enables a situation to occur. The situation can also occur under the provisions of the Roads (Opening and Closing) Act, and also where an existing road is closed.

Dr. Eastick: Closed, but not necessarily registered as closed?

The Hon. HUGH HUDSON: Where either made roads or even notional roads on a public map are closed—where they are in fact closed. If there is no automatic right to subdivide as a consequence of this Bill, the people who have previously been caught by a higher value should now get the benefit of a revaluation as they should be able to demonstrate a case for a lower value for the property. If they want to retain it in the one ownership, they should be involved in lower rates and taxes as a consequence. However, if they maintain the so-called existing rights, they will also maintain existing values and existing rates and taxes, and, if they do not want to sell off, that is not an advantage.

It is not necessarily the case that everyone who would be affected by this would get an advantage from the amendment moved by the member for Fisher. I think that point should be made clearly. Where the valuer has put a higher value on land because it is capable of having separate allotments attached to it, the individual concerned pays higher rates and taxes, and that is offset by the advantage when he wants to sell, but if he does not want to sell he would be disadvantaged as a consequence

of this amendment.

In these sort of things I do not think that there is any way of providing absolute protection for all existing buyers. As a Parliament we simply have to face up to making a decision as to what should be appropriate in these circumstances. If we are to talk about rights, what about the rights of the person who is sold a piece of land at an inflated value, who cannot get effective access, and therefore cannot use and enjoy that land in the way he would want to use and enjoy it. You have to consider rights from that point of view: the rights of the prospective purchaser who gets into some of these situations.

Dr. Eastick: They buy with their eyes open, don't they?

The Hon. HUGH HUDSON: Nobody ever completely buys land with his eyes open. I think that all members have discovered (to the pain of some of their constituents) that there always are situations in which people buy land and simply do not realise the restrictions that exist or can exist in relation to the use and enjoyment of that land. When the honourable member talks about the existing rights of somebody to get a maximum price for an allotment he has the right to create at present, he also has to consider the potential future rights of somebody who is to buy that land.

The position we have here is obviously wrong. It is not a situation in which we can say that, for all of those allotments that have been so created up to now, people can get separate titles, if they have not done so already. That is not the situation. We have to ask those people to go through the normal planning approval process and, if it is a reasonable thing, if access is satisfactory, particularly where property is straddled by a road, and there is no problem with effluent and general amenity, I would not anticipate much difficulty in obtaining approval from the Director of Planning, or, if he refused that approval, in obtaining a positive result from the Planning Appeal Board. I suggest strongly that we have a highly unsatisfactory situation that has created a loophole for developers to exploit and they have so exploited this loophole, which should be closed. That does not mean one cannot get separate allotments in these circumstances: it means that one has to go through the planning approval process that everybody else has to go through.

Mr. EVANS: I take up two points. First, the point that the Minister made about a person who owns a piece of land that has an aggregation of sections of land that could have been created as separate titles, the cost of which might be higher because of the point my colleague made about revaluation. It would be just as easy for Parliament to amend the Acts so that that person, if he or she so wished, could apply to have an endorsement put on the title that it would remain as one title. That sort of amendment can easily be handled by Parliament, so that the person who wishes to avoid the higher valuation and keep the title on one allotment, believing it should stay one allotment, can make that application. If we were really worried about that person, we could give them that opportunity.

Secondly, in relation to access, before a person received a separate title, or before a person bought a property and was disadvantaged because he could not get proper access (and I do not know what is in the proposal that the Attorney-General is bringing into the House relating to the Land and Business Agents Act), it could be a legal obligation on local government that it disclose all the encumbrances that may be on the title. The council could state in the form 90 declaration, I think it is, under the Land and Business Agents Act, that the council believed that the allotment did not have satisfactory approach or access. If we are to make that Act work properly, we can

amend it because one of the problems has been that councils have not been legally obligated to disclose all of those details and they have, in the main, disclosed only the more obvious things, if they were so inclined. I hope that the Attorney-General is covering that aspect.

The Minister does not convince me with his argument. I believe that, given time to discuss the matter, some areas of compromise can be found. I stick by my amendments. I believe that that is the way the situation should be, in lieu of what the Minister is proposing, until such time as some other form of compromise can be achieved. I ask members to support the concept that existing rights should continue. If there is concern by the Minister that people, such as developers, are buying new titles to create new allotments by using the physical barriers that now exist under any one title, such as roads, railways, drains, or survey lines (and I make the point about survey lines strongly because I think that it is important that the right to create a separate title on a survey line should remain), we should be talking about the title that exists at a particular time in an individual's name, as we did under another Act.

I think it was under that Act in 1970 that we said that, if a person owned a title before a certain date, they were entitled to cut off one piece for a member of the family. That was a provision that worked quite effectively. If we want to cut out the subdivider or exploiter, we can achieve it by putting a limit of time on when the title is purchased.

I know of a case of one family with three sons who want to build on separate pieces of the land originally in the father's title. The Minister says that they might get approval to do that: there is no guarantee that they will. They have always planned their lives on the presumption that they will build on that land. They do not want reticulated water or sewerage; they just want to build their houses and live on the property on which they were born. In all probability that will be approved, but we are saying to those people that they have to go through the application process and, if they miss out, they must then go to some form of appeal that will cost them money, although there is no guarantee that they will get that approval. I ask the Committee to support the amendment.

Dr. EASTICK: Members on this side recognise the complexity of the situation: it is one that is not easily resolved. The Opposition does not believe that the Minister's course of action is necessarily the answer.

Also, we have conceded that the course of action we are about to take might not be the answer. In particular, I refer to the statement made by the Minister on the issue arising where a road has been closed and has been recognised locally as a closed road, but suddenly it is reopened and becomes a responsibility of the local governing body. I believe and hope that there is a mid-course that will recognise the rights of the individuals, but I am afraid that the Minister's amendment does not adequately provide that. If we cannot find some common ground here, I am sure that it will have to be found somewhere else. Can the Minister say whether the Government has given any consideration to a moratorium on fees or portion of the fees involved with multi-allotments on a single title to entice people to aggregate the title? This would offset the problems that exist under the old Act where there is an expectation of a title to each of those portions. I am aware that, under section 61 of the Planning and Development Act, it is possible for people to seek to have their property aggregated and declared open space and, as a result, have the benefit of a lower valuation and the additional costs associated with it. It is a procedure that is more common in country areas where broad acres are involved rather than small allotments. Has the Government considered offsetting the potential dangers of

every person having access to titles to all of the allotments now in their name if, for example, this Bill did not pass here or elsewhere? There must be common ground that will be of benefit to the State. We honestly and sincerely do not believe that the course of action we are being asked to follow will provide adequate common ground to allow for a resolution of this issue, and so assist the whole planning process in South Australia, until zoning comes into existence.

Any action that is taken after 19 September to create new allotments or small parcels of land on opposite sides of roadways or whatever, does not cause us any concern. As of that date it will be considered a new development and a person will be creating such a block with his eyes wide open. We cannot refuse a person what we believe to be inalienable rights because of the money they have spent in a purchase, or because they have held a parcel of land for a long time. The Minister indicated the difficulty associated with a person paying high rates and taxes. As a result of the provisions he has suggested there now will be a means of seeking a revaluation, and therefore a benefit in future.

I have already referred to the problem where a person who has purchased a parcel of land recognises the potential of the purchase by virtue of the lines on a map or other configurations that exist and has paid for it over three, five or 10 years at a higher rating value than would have existed, and will now receive no benefit whatsoever. I am not talking about a profit benefit, but purely and simply the opportunity to recoup the costs that he has paid for a long time. It is a complex situation, and I ask the Minister whether he would reconsider the issues in view of my statement.

The Hon. HUGH HUDSON: My position is unchanged on the matter. I do not think the honourable member is willing to face up to the unpleasant choice that exists. You cannot have things both ways. You cannot maintain the value that applies for existing rights where a separate title has not already been obtained and, at the same time, say that we are now to have some degree of control overall in these situations. I have given some preliminary consideration to the difficulty in amalgamating titles. I am particularly interested in whether we can devise means whereby there is an encouragement towards amalgamation of titles, particularly in the Adelaide Hills area more than any other.

In response to the member for Fisher, there is no legislative provision for cutting off separate titles for a son or a daughter; that was never enacted. An undertaking was given by the Government at the time and has since been followed by directors of planning that the administrative approach would permit that to happen. It is done by administration and not by legislation, because there is no legislative right to this.

There is a difference of opinion on this, but the matter has been fully debated. I have every confidence that the member for Light's colleagues in another place, when they take their decision on this Bill, will realise that they must make a responsible decision and allow it to pass.

Mr. RUSSACK: Can the Minister say whether consideration will be given to children in the subdivision of land?

The Hon. Hugh Hudson: That applies now, it is automatically done within the administration.

Mr. RUSSACK: I raise this matter because a parent in my district wishes to make some land available to his children.

The Hon. HUGH HUDSON: I rise on a point of order. This situation would be relevant if that position were created by a road, the closing of a road, or some other

physical barrier. If it is not relevant in those terms, I suggest that the honourable member writes to me and I will look into it for him.

The ACTING CHAIRMAN: I do not uphold the point of order, but I ask the honourable member for Goyder to keep his question within the framework of this Bill.

Mr. RUSSACK: I will accept the Minister's offer and communicate with him.

Amendment negatived.

The Hon. HUGH HUDSON: I move:

Lines 15 and 16—Strike out the passage "or in some other similar manner".

I will speak to my amendments generally. The purpose of the amendments is to make clear that people who were in the process of undertaking a survey to get titles from the Registrar-General or who had submitted plans to the Registrar-General without a title being issued will be able to obtain titles, if the Registrar-General is satisfied on the evidence provided. A statutory declaration will be requested if the Registrar-General doubts the accuracy of evidence, and I assure honourable members that the Registrar-General would be satisfied by that. The amendment in its present form is acceptable to the Association of Consulting Surveyors and other people who have been involved in various survey work.

Mr. EVANS: I should have thought people involved would prefer to have the words "in some other similar manner" included in the clause. Clause 3 (a) inserts the following new paragraph:

- (b) a separately defined piece of land that is delineated on a public map and separately identified by number or in some other similar manner;;

Why are the words "or in some other similar manner" not included?

The Hon. HUGH HUDSON: The Registrar-General has advised that the inclusion of the words "or in some other similar manner" is considered to be contrary to the intention of the proposed amendment, in that a large number of separately defined pieces of land are delineated on public maps and are separately identified other than by number, but are patently unable to stand in isolation as viable land units. The Registrar-General recognises the problem under discussion. A letter from Mr. Morrison, President of the Association of Consulting Surveyors, dated 16 October, states:

Thank you for your letter of 11 October 1978. Our association has discussed the draft amendment provision, clause 5. In terms of the explanation and interpretation given to us by Mr. Brian Kiley of the Lands Titles Office, the amendments appear to go as far as possible towards overcoming the objections raised with you. Thank you for your consideration.

Dr. EASTICK: Subclause (4) refers to land separately identified by number in a plan prepared by the Registrar-General, and accepted for filing in the Lands Title Office by him before 19 September 1978. Who will be responsible for the expenditure initiated in good faith by the owner of a property when the work to be done by licensed surveyors or land brokers to establish new blocks had not progressed sufficiently for documents to be filed by the given date? Have organisations involved in contracts with clients leading up to 19 September been warned that they should tread warily? If this was not done, a client might have spent thousands of dollars on a major redevelopment project, with no prospect of recouping the expenditure.

It is inconceivable that the client would expect or obtain a favourable court decision, about sharing the cost with the land broker, land agent, surveyor, or someone like that. Some constituents have told me that in the District of Light, about nine parcels of land are being subdivided, but

documents could not be filed with the Registrar-General by the given date, and hundreds of dollars are involved. Will the Government consider compensating these people? I ask that with tongue in cheek, realising that this would be almost impossible to expect, but these people acted in good faith and initiated expenditure which they are now, by Government decree, unable to recoup.

The Hon. HUGH HUDSON: Lines 19 and 20 give the Registrar-General a degree of protection for his own file plans; an individual in private enterprise will obtain protection under new section 5, which provides that where the Registrar-General, is satisfied, by evidence, that the plan was prepared on or before 19 September and a title had not been issued—

Dr. Eastick: What is meant by "having been prepared by"? How much preparation is required?

The Hon. HUGH HUDSON: We tried various words, such as that the Registrar-General had to be satisfied that significant expenditure had taken place, and we discussed the matter with the Registrar-General, who said, "If there is any evidence that will satisfy me that the plan is in the process of being prepared, that will be sufficient, and I will take a statutory declaration to that effect as evidence." I think that is the kernel of the situation.

If in all the cases the honourable member has mentioned the Registrar-General can be satisfied by a statutory declaration about what had been done prior to 19 September, he will provide title. The particular provision in the amendment, in lines 19 and 20, is designed simply to make sure that the Registrar can have title in relation to his own plans in the Registrar-General's office.

Mr. EVANS: I have not seen the copy of the letter from the Minister to Mr. Morrison, nor have I seen all the letter that came back. It surprises me that Mr. Morrison was prepared to accept that "in some other similar manner" was deleted, because that narrows the area. I would not think that that would have been the intent of the association, but I could be mistaken. Will the Minister say whether any other amendments were prepared to be put on file and were sent to the association, or whether amendments that I may have missed were put on our files and were withdrawn before the present amendments were put on file?

The Hon. HUGH HUDSON: The best thing for me to do is to read the letter that I sent to Mr. Morrison. It states:

Dear Mr. Morrison,

You will recall that I discussed with representatives of your association the proposed amendment to the Planning and Development Act concerning land subdivision controls relating to allotments of 30 hectares or more.

As a result of your representations and a number of cases which have come to my attention, it is clear that the proposed measures should include a provision preserving the former position in circumstances where:

- (a) plans were lodged with the Registrar-General before 19 September but not processed by that date to the point of titles issuing; and
(b) plans were prepared from existing data or by survey before 19 September on the basis of the definition of "allotment" which then applied, but were not lodged with the Registrar-General by that date.

I appreciate that considerable sums have been outlaid on plan preparation and other works, on the basis of titles being issued as a formality, and that it is reasonable that in the two circumstances outlined plans should be allowed to proceed.

Accordingly, I propose to introduce a new provision which will cover those cases where the Registrar-General is satisfied that the plan was prepared before 19 September which is the date of introduction of the Bill.

I understand that, as evidence, the Registrar-General may

require the certified plan,—
it would be certified by a licensed surveyor—
with the surveyor's field notes—

and they have to be kept and dated; that is a statutory requirement on the surveyor. If he says that he has done certain work and certain surveys, he must keep the field notes, and the Registrar-General could ask to see them.

Dr. Eastick: Those notes will be a plan in the total concept?

The Hon. HUGH HUDSON: Not necessarily; they would indicate that expenditure had taken place. The letter continues:

or alternatively a statutory declaration.

Enclosed is a copy of the draft amendment provision which I am considering—

That is the amendment we are now considering. The letter continues:

I would welcome your association's views on the matter at your earliest convenience.

The letter to Mr. Morrisson mentioned specifically that the Registrar-General would require the certified plan, if that was available, or the surveyor's field notes, if available, or a statutory declaration.

Dr. EASTICK: The Minister referred to a plan, and to the field notes, which are an important part of the total exercise. At least three of the cases that I raised briefly concerned people who had commissioned a survey which was carried out on Monday, the eighteenth.

The Hon. Hugh Hudson: No worries.

Dr. EASTICK: I want to be certain about this. No plan was completed by 19 September; it was impossible. The field work had been undertaken and the documentation taken into the office would comprise the data used in the compilation of a plan after 19 September. It was an integral part of an honest involvement. I want to be sure that those people will not be disadvantaged. They are just as disadvantaged, although not so much financially, as is the person who had expended funds for the preparation of a plan ready for lodgment.

The Hon. HUGH HUDSON: When the matter was first discussed with the Registrar-General we thought about words such as his being satisfied that there had been any significant expenditure of funds, and so on, but we determined on the words in the amendment. We are quite satisfied with the Registrar's assurance that he will exercise his judgment with common sense. He has already indicated that a surveyor's field notes would be sufficient evidence, so that cases the honourable member cites, where the survey took place on 18 September and all that might have taken place before 19 September was the field notes, which the surveyor is required by law to keep without a complete plan having been prepared, would satisfy the Registrar-General. That matter was checked with the Registrar-General before I wrote to Mr. Morrisson. I can give the kind of assurance that the honourable member is seeking.

Mr. EVANS: The amendment is a step in the right direction, although not as far as I and perhaps other would like to see the Minister go. We would not oppose the amendment, and later we will attempt to go further. In this instance, however, we will support the amendment.

Mr. BECKER: I take it that the Minister consulted the Institute of Surveyors. Can he say why he did not consult the Association of Consulting Surveyors, the members of which are in private practice and involved in the bulk of the work within the State?

The Hon. HUGH HUDSON: Before the Bill was introduced, I did not consult anyone. That should be obvious. I did not flag to anyone the fact that the Bill was coming in. In fact, there was a slight delay in the

publication of Mr. Hart's report, simply because he recommended that this sort of subdivisional control should be introduced. We thought that, if that were released prior to this legislation being brought in, it might have flagged the fact. The correspondence to which I have been referring is with Mr. Morrisson, the President of the Association of Consulting Surveyors of South Australia Incorporated.

Mr. Becker: Did you consult the institute?

The Hon. HUGH HUDSON: I presume that in this case it was those in private practice who were involved. I did not consult the institute, but I am assured that one of my officers did, which was very conscientious and competent of him. The Association of Consulting Surveyors is involved in private practice, and its members would be involved in this situation.

Mr. BECKER: I am not totally satisfied with the Minister's explanation, because, as I understand it, all members of the Association of Consulting Surveyors are not aware of the statement the Minister just made. Hardships will be created where preliminary investigations have commenced.

The Hon. HUGH HUDSON: What are you worried about?

Mr. BECKER: I want an unequivocal assurance that, if the surveyors have been involved in any cost whatsoever, they will be all right.

The Hon. HUGH HUDSON: I will not give the assurance in the form that the honourable member wants, because that would enable someone who had just reached a stage of incurring the cost of a telephone call to claim that he was covered by the assurance. The assurance is in the form that some planning work had taken place by the surveyor, or that some kind of contract had been entered into that it would cost the person money to get out of, but clearly that is not an assurance that is intended to cover any expenditure at all. The original discussion we had with the Registrar-General was, "Okay, if there has been any significant expenditure," because that was the basis on which I discussed it with representatives of the Association of Consulting Surveyors. The Registrar-General has said that he prefers it this way, that this is the kind of evidence that he would accept, and I think what he said is perfectly reasonable and involves a commonsense approach. It would cover the relevant situations that will arise.

This matter was first introduced on 19 September, and shortly after that I received the initial approach from the association, and I think one or two other letters. Since I had given the replies to the association and to the other people who had approached me, I have had no other approach whatsoever for almost a month.

Amendment carried.

The Hon. HUGH HUDSON moved:

Page 1, lines 19 and 20—Strike out all words in these lines and insert the following paragraph and subparagraph:

(c) by striking out paragraphs (iv) and (v) of the definition of "allotment" and inserting in lieu thereof the following paragraph:

(iv) separately identified by number in a plan prepared by the Registrar-General and accepted for filing in the Lands Titles Registration Office by him before the nineteenth day of September 1978.

Amendment carried; clause as amended passed.

Clause 4 passed.

New clause 5—"Plans of subdivision and resubdivision to be approved."

The Hon. HUGH HUDSON: I move:

Page 2, after line 9—Insert clause as follows:

5. Section 45 of the principal Act is amended by inserting

after subsection (6) the following subsection:

(7) Notwithstanding the foregoing provisions of this section, the approval of the Director and a council is not required for a plan of subdivision or resubdivision where—

- (a) the plan was lodged with the Registrar-General before the first day of January, 1979, and the Registrar-General is satisfied by such evidence as he may require, that the plan was prepared on or before the nineteenth day of September, 1978; and
- (b) no allotment of less than 30 hectares in area is delineated on the plan.

I suggest that, in view of all the discussions that have taken place, particularly with the Registrar-General, this form of wording is more satisfactory than that suggested by the member for Fisher.

Mr. EVANS: I cannot talk about my own amendment yet, but I do not believe that this new clause is a more satisfactory form of words, although it would be more satisfactory than none at all. For that reason, I am prepared to support the Minister's amendment now, and then attempt to amend his new clause later.

The ACTING CHAIRMAN: The honourable member will have to move his amendment.

Mr. EVANS: Unless, of course, in the meantime the Minister's own amendment is defeated. That would make it interesting, but that is not likely. At this stage, I support the Minister's amendment.

The ACTING CHAIRMAN: Order! The point is that the honourable member wants to amend the Minister's amendment, and he should do it now.

Mr. EVANS: I thought we were going to put the Minister's amendment first, and when it became a clause, I would attempt to amend that.

The ACTING CHAIRMAN: I will put "that the amendment to the amendment be agreed to." If it is lost, I will put "that the amendment be agreed to," and, if that is carried, put the clause.

Mr. EVANS: I move to amend the new clause as follows:

Leave out from paragraph (a) of subsection (7) the passage "the plan was prepared on or before the nineteenth day of September, 1978" and insert:

- (i) the plan was prepared on or before the nineteenth day of September, 1978; or
- (ii) significant work had been done on or before the nineteenth day of September, 1978, relating to the preparation of the plan.

I believe that we are taking up the Minister's point that it has to be more than just a telephone call that has been made. The Registrar-General still has to make a decision that significant work has been done. I know that the Minister will debate keenly what wording is the better. I believe that we are saying significant work should be done, but, if someone can prove that he or she has done work of some significance, the Registrar-General, being of the attitude that the Minister says he is, would know the intent, that is, that where people have incurred some expense they should be allowed to go on with it, without going through the formal channels. I ask the Committee to support my amendment to the new clause.

The Hon. HUGH HUDSON: I cannot agree to the amendment. I suggest that it does not go as far as we propose, because the honourable member is requiring that the plan be prepared on or before 19 September. There is no argument about that. It requires that significant work had been done on or before 19 September relating to the plan's preparation. We have left it to the Registrar-General's discretion. We do not want to have courts determining the meaning of "significant work", and so on,

which is the only other alternative. The phraseology we have adopted allows a commonsense approach.

I have already made clear that the Registrar-General will accept work preparatory to the actual plan. He will accept either the surveyor's field notes or a statutory declaration that the plan was in preparation. If we leave it to the Surveyor-General's discretion in the matter, the legalistic type of case that might otherwise have to go to the courts where someone is really trying to swing the lead will not occur. It is far better, in getting a dividing line on this issue, to have it in the Registrar-General's hands. Matters can always be discussed with him. He is always perfectly reasonable. Representations can be made if he is given a decision that someone does not like, but we are not put in the position of having long court rigmaroles follow on from the kind of words the honourable member has set out, which I had originally thought about but with which the Registrar-General was not happy, on the grounds that we would have the courts having to determine that significant work had been done on or before 19 September 1978, and what that meant legally. It would not be good enough for the Registrar-General to determine what it meant. He would have to do so in terms of Crown Law advice and, when there is an opportunity for litigation, lawyers always have two hands (even if it is the member for Mitcham, and he has one behind his back). We should not create the opportunity for litigation.

Amendment to new clause negatived.

Dr. EASTICK: Does the Minister appreciate that, by introducing 1 January 1979, he is effectively closing off the opportunity of presentation to the Registrar-General at about 2 p.m. on 22 December? I make this point positively because of an unfortunate experience that a constituent had in relation to the moratorium on stamp duty for the purchase of a house. This unfortunate incident resulted in his losing \$672, yet he was at the office of the Housing Trust at 2.20 p.m. on Christmas eve, only to be told that the stamp duties office would be closed. Most offices close for business between 24 December and 2 January. It will be necessary for people to have lodged these documents by, say, midday or perhaps 2.30 p.m. on 22 December, otherwise it will be outside the provisions contained in the Act. The date of 1 January 1979 is meaningless, because the effective time will probably be about noon on 22 December 1978.

The Hon. HUGH HUDSON: I give the assurance that, if there is evidence, when the Registrar-General receives it after the Christmas break, that it was posted before 1 January 1979, it will be taken to be within the meaning of "lodged with the Registrar-General".

Dr. Eastick: Will the Solicitor-General go along with it?

The Hon. HUGH HUDSON: I go along with it. Who is going to challenge it? If the Registrar-General agrees in these circumstances, and if any challenge arises, we would have to amend it later to cover the situation. If there is evidence that it has been posted before 1 January but cannot be lodged in the hands of the Registrar-General, that will be sufficient.

Mr. EVANS: Much hangs on a person's opportunities to know what we are doing when we talk about closing it off at the end of December. It would worry me if, somehow, we did not get the message out to those people who may be affected. I hope that the association would get to know of it, and would bring it to the notice of its members. People should be able to gain the knowledge that we are putting a limit, as far as applications go, of proving that some work has been done, either by producing a statutory declaration or surveyor's notes.

The Hon. HUGH HUDSON: I will consider that matter.

Dr. EASTICK: The Minister's assurances are useful for

the record. I will be the first to hold him to the amendment that may be required if the Solicitor-General or some other authority indicates that the assurances are not possible in law. Over the years, people who have worked on assurances have sometimes suddenly found that by some technical problem associated with the law they have not been able to gain the benefits given by the assurances. We recognise what is intended and will work harmoniously towards the necessary amendment should it become necessary.

New clause inserted.

Title passed.

The Hon. HUGH HUDSON (Minister for Planning) moved:

That this Bill be now read a third time.

Mr. EVANS (Fisher): There is much in the Bill which the Opposition would like to see become law, but there are also certain matters which still concern us immensely. For that reason, I ask that the Bill be opposed in its present form. The one provision, in particular, that we would like to see in the Bill is that a limit should be placed on its operation until December 1979. Regardless of whether the present Minister's Government is in power or whether another Minister is in office, we believe that pressure should be applied to have zoning proposals completed so that we have a clear indication of land use of their areas available to all persons.

That is one of the main reasons. Another is the restriction on an individual's rights, which we think is the case regarding the right to create new titles, even though we know that the department generally uses common sense. We do not argue against that. Departmental officers are gradually taking an acceptable approach. True, at times there has been conflict, but that does not matter as their attitudes are changing. For those reasons, we must oppose this Bill in its present form, knowing that the Minister has the numbers and hoping that in another place the necessary action can be taken to get the Bill into the form in which we would like to see it.

The House divided on the third reading:

Ayes (25)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan, Dunstan, Groom, Groth, Harrison, Hemmings, Hopgood, Hudson (teller), Keneally, Klunder, McRae, Olson, Payne, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (17)—Messrs. Allison, Arnold, Becker, Blacker, Dean Brown, Chapman, Eastick, Evans (teller), Goldsworthy, Gunn, Nankivell, Rodda, Rusack, Tonkin, Venning, Wilson, and Wotton.

Pair—Aye—Mr. Corcoran. No—Mrs. Adamson.

Majority of 8 for the Ayes.

Third reading thus carried.

BOILERS AND PRESSURE VESSELS ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SPICER COTTAGES TRUST BILL

Returned from the Legislative Council without amendment.

PIPELINES AUTHORITY ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 November. Page 1880.)

Mr. DEAN BROWN (Davenport): The Opposition supports this Bill, which makes a number of minor amendments to the original Act. One amendment alters the superannuation provision by upgrading the Act to which it refers. It also alters the power of the authority to raise money and to invest funds: it can invest in debentures as well as in interests or shares.

The significance of the Bill is found not within the Bill itself but in the Minister's second reading explanation, which refers to a levy to be imposed on the transport of natural gas to Adelaide through the pipeline to help pay for the exploration programme to be financed by the State Government. Serious questions could be raised about whether this is the appropriate means by which to raise finance for exploration purposes.

I assume that exploration is a capital cost and, if it is, one should not pay for a capital cost by simply raising revenue from the transport of gas. However, it is the Government's policy that this is the way that the funds should be raised. I believe that capital costs involved in exploration are somewhat different from other capital costs because, if a well turns out to be completely dry, it is automatically written off. Some differentiation should be made between a development well and a truly exploratory well.

I am sure that the Minister would question the validity or raising capital through this means for development purposes as opposed to exploration purposes. This technique is used by Telecom, and it should be dissuaded from using it if that is possible. Governments tend to use it because they are unwilling to raise the finance or because it is the easiest way to raise development capital, rather than dealing with the traditional methods.

The Opposition supports the Bill. However, I draw to the attention of the House that it will increase the price of gas. Doubtless, certain parties and consumers in the Adelaide metropolitan area will be upset by the price increase, particularly ETSA, the gas company and individual large purchasers such as the cement company. The price of electricity might possibly be further increased within 12 months as a result of the levy being imposed on the gas. I support the Bill with one or two reservations about the techniques used to raise this money for the purposes of exploration and development wells in the Cooper Basin, but I believe that the object of the Bill should be supported.

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

[Sitting suspended from 6 to 7.30 p.m.]

POLICE PENSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 1455.)

Dr. EASTICK (Light): As I understand the situation, the Opposition supports this Bill. This matter follows from the general attitude expressed in this House on a number of occasions in respect of pensions. It does improve the situation for the Police Force. As such, that is not a bad thing, but it is necessary to record the fact that as soon as the position is improved in one direction automatically there is a flow-on situation in other areas of the Public Service, and eventually the private sector wants the same

or similar benefits.

That, in itself, can be something of a problem and should be given due accord in relation to the very grave question that has been raised in this House and in another place as to the ultimate and eventual cost of superannuation and similar payments to people who have been in service. I do not want to suggest, or seem to suggest, by the remarks I have made, that the Opposition is penny-pinching or is dissatisfied about providing benefits within the public area that are as good as they may possibly be. I again come back to the point that, in advancing the benefit in any one sector, one has to recognise that it will eventually relate to all other sectors in both the public and private fields.

We must recognise that not only is there this demand by other sectors of the community to approximate the benefits which accrue to the one, but it has, over a period of time, been a matter of disputation, both between public servants and the Government, and eventually between members of the private sector and the business to which they provide their services. No-one wants to see disputes at any time. It disrupts industry and adds to the cost of commodities being produced, or services being provided. That has an escalating effect and eventually the community at large pays. The position is one which is constantly with the Government and is also, once the Government has made the decision, constantly with the community at large.

I recall that when you, Mr. Deputy Speaker, and I entered this place as members of the class of '70 one of the very first actions taken by the then new Government was to upgrade the base pay rate within the South Australian Railways. It was not long before that was effecting every other area of the Public Service. There was some disputation about the whole issue, and a number of days were lost because of strike action.

The next move, which again had a serious effect on the total economy, was that the margin which existed between the skilled and unskilled labour was narrowed to the point where the weekly variance was as little as \$3.50, so the position unfolded that there was a grave question in the minds of many young people whether there was any advantage to them in making themselves available for additional training and taking the opportunity of going to night school. At the end of that additional effort (and it is the short term that so many of these young people recognise) they were only going to benefit by as little as \$3.50 a week.

We saw, as a result of that situation, a down-turn in the availability of skilled labour, of those persons who were artisans in their own right or who were able to turn their hands to particular needs. The position subsequently arose that those in the work force were not necessarily able to provide the scope of service or the ability that their predecessors had been able to supply within certain areas. That fact is fully recognised, and I relate it to the clauses of the Bill on the basis that it is eventually one of the flow-ons which comes from improving the benefits within a certain service.

Mr. Olson: Upsetting wage relativities.

Dr. EASTICK: I appreciate the member for Semaphore's interjection because this is one of the grave issues referred to by the Premier last week and by the new Minister of Community Development over the weekend. It is the same issue which was the basis of a question by the member for Coles this afternoon to the Minister of Community Development. They all indicated the very real problem that exists in providing additional work opportunity because of the effect that high costs have on the number of job opportunities. What we have said over a

period of time in a slightly different way is that one person's rise is another man's job. The problem is that these increased advantages have an eventual deleterious effect on longer-term issues.

The current second schedule in the Police Pensions Act Amendment Act, 1976, provides that at 21 years of age or younger members will contribute 5.1 per cent of their salaries to the fund. The new measure provides that at 20 years of age or younger members will contribute 5 per cent. The old Act provided that at age 22 members would contribute 5.2 per cent. Under the new schedule the percentage at age 22 will remain the same, and members will now contribute 5.1 per cent from 21 years of age. In other words, another step has been introduced. The balance of the table appears to be identical.

As I said earlier the change is minimal but we must remember that such a change will still have an effect. The multiplying effect is causing the concern and must be highlighted in this issue.

Mr. BECKER (Hanson): As the Minister explained when he introduced this legislation, there are two main provisions. The power to invest in the fund is the usual wide and sweeping additional power—"as the Treasurer thinks fit". The investments are guaranteed by the Government, and the fund may invest in securities, as does any normal pension fund, superannuation fund, provident fund or whatever. This provision ensures that the fund will benefit from the best opportunities available to earn a satisfactory income, and that is extremely important in the interests of the contributors.

Last year an amendment was made to the regulations of the Police Regulation Act reducing the minimum age at which a person may be appointed to the Police Force—under 20 years of age. At present, persons joining the Police Superannuation Fund contribute 5.1 per cent of their salary. This Bill creates a formula whereby members of the Police Force 20 years of age and younger will contribute 5 per cent. The scale then escalates from age 21 at 5.1 per cent up to 6 per cent for members 30 years and over. In my opinion the amendment is acceptable and quite sensible.

The condition of the fund is recorded on page 397 of the Auditor-General's Report dated 30 June 1978, where it is reported that the fund has seen considerable growth and stability over the past few years. The Auditor-General makes the following comment:

The investigation as to the sufficiency of the fund as at 30 June 1974 has been completed. The Public Actuary has advised that the investigation as at 30 June 1977 should be completed during 1978-79.

The poor old Public Actuary works under a considerable amount of pressure, and it does take a long time before his reports are made available. Considering the whole situation, the legislation is quite sensible and we support it.

The Hon. D. W. SIMMONS (Chief Secretary): The member for Light must have been filling in time because, although he said a lot of interesting things in his discourse, they had no relevance to this Bill. He commented about a flow-on from this Bill to other ones, but if the honourable member had looked at the second reading speech he would have found that this Bill represents a flow-on from the Superannuation Fund to the Police Pension Fund. I thank members opposite for their support. It is a sensible Bill, and I hope it will be passed very quickly.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—"Repeal of second schedule of principal Act and enactment of schedule in its place."

Mr. BECKER: This clause creates an opportunity for those people who join the Police Force under 20 years of age to commence contributions at 5 per cent. How many recruits under 20 years of age have been engaged in the past 12 months? As it also slightly involves the contributions to the fund, can the Chief Secretary make the Public Actuary's Report dated 30 June 1974 available to the Committee?

The Hon. D. W. SIMMONS (Chief Secretary): The report of the Public Actuary was tabled in the House a month or two ago. I do not have available at this time the information regarding the number of recruits but I will obtain it for the honourable member.

Clause passed.

Title passed.

Bill read a third time and passed.

WORKMEN'S COMPENSATION (SPECIAL PROVISIONS) ACT AMENDMENT BILL

(Second reading debate adjourned on 9 November. Page 1882.)

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—"Certain persons not workmen within meaning of Workmen's Compensation Act."

Dr. EASTICK: Can the Minister say who will be covered by this new provision? Previously, jockeys or persons who were professionals in relation to their workmen's compensation were not provided for. Will the provisions of this Bill affect the activities of the sporting community?

The Hon. J. D. WRIGHT (Minister of Labour and Industry): New paragraph (c) provides:

a person who derives his entire livelihood, or an annual income in excess of a prescribed amount, from participation as a contestant in sporting or athletic activities and from activities related to his participation in sporting or athletic activities;;

Anyone who is on a professional full-time basis or earns the prescribed amount (which will be fixed by regulation by the Governor) will be exempt; this is a departure from the previous practice.

Mr. EVANS: It has been difficult to legislate in this area. A temporary measure has been operating for the past 12 months. Protection to the sporting community will be ensured under the provisions of the Bill. Does the Government intend to take other action during the next two years, if it is still in power, regarding this matter? Sporting groups have shown concern, particularly when the Minister has attempted to prescribe, by regulation, the amount a person can earn. Most people who play sport do so either in the winter or the summer and the income they receive per week for six months appears to be quite high; however, spread over 12 months, it is not high. Does the Government plan to introduce legislation during the next two years?

The Hon. J. D. WRIGHT: There is little doubt that the Government will be in office during the next two years. At this stage, all the Government intends is to extend the life of this legislation. This Bill has been necessary because of the request of employer bodies, in particular, in this State for an examination of the total scheme of workmen's compensation. That request was supported by me and the

Government. A report has been presented by the committee inquiring into sports and has been examined. The committee will make recommendations in due course. If a recommendation is made within the next two years, action will certainly be taken.

Clause passed.

Clause 3 and title passed.

Bill read a third time and passed.

MEMBERS OF PARLIAMENT (DISCLOSURE OF INTERESTS) BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 656.)

Mr. TONKIN (Leader of the Opposition): This is an appropriate time to discuss this Bill, as some members (I was not one) were fortunate enough to see *T.D.T.* tonight, on which the question of the disclosure of financial interests on a voluntary basis was raised. The sources of income of members on the front benches of both Parties were examined and it was said that Liberal Party front bench members are much more co-operative in giving the required information; however, there has been a tremendous reluctance on the part of Labor Government front bench members to disclose their financial interests. The Attorney-General, after saying the things he has said over the past few months, should be willing to set an example. I understand that he had conveniently forgotten 2 000 shares in a broadcasting company; those involved with the *T.D.T.* programme appeared to know more about this than the Attorney-General.

The television programme demonstrated the difficulties which face the House regarding this Bill, which provides for the setting up of a register of the sources of income and financial interests of members of Parliament and their immediate families. The principle on which it is based is that members of Parliament should not only carry out their public duties without any consideration of private or personal gain but should also demonstrate to the community that they have not been influenced. The Opposition wholeheartedly agrees with this principle, but its practical application has been a matter of considerable inquiry and debate over the years wherever the Westminster system of Parliamentary democracy has been adopted. The legislation before us suggests one way of applying this important principle, but the Opposition believes that it is not the best way for the principle to be applied. The Bill can be improved.

The events tonight, I think, substantiate the need for protection of members' privacy whilst they discharge their public duty. When a similar Bill was last before the House, I spoke of the difficulties of preparing satisfactory amendments, but the time that has elapsed since then has allowed for the consideration of appropriate alternatives.

The fact that any legislation at all is considered necessary is a matter of considerable regret. There has always been an element of cynicism expressed as to the motives of people entering Parliament and, unfortunately, that cynicism seems to have reached new heights in recent years. Edmund Burke said that he believed it "a very shallow notion" that people seek to serve in Parliament for no other motive than Parliamentary perk and pension, and I agree; but I believe that we all have a responsibility, by our actions, to earn and to maintain the respect of the people who put us here. If we ever reach a stage where Parliament and its members are held in such little regard or in such contempt that people seek to enter Parliament

simply to serve themselves, not only Parliament but our entire way of life will be destroyed.

The Westminster tradition was clarified by Mr. Speaker Abbott, in 1811, when he ruled that no person who had a pecuniary interest could vote upon any matter, and that such interest should be declared to the House. Indeed, that should happen—

Mr. Klunder: You will abstain from voting?

Mr. TONKIN: If the honourable member wants to take this Bill to its extreme limit—and as an extreme person he may well wish to do that—obviously he will abstain from voting. The practice of this declaration of an interest and this abstention from voting on a matter which closely concerns one's personal and private interests has been widely adopted and adhered to since that time, and has served us very well. There have been exceptions, as has been said by many people, including the Attorney-General, who introduced the Bill.

Mr. Mathwin: Will he tell us about it when he gets on to the second reading?

Mr. TONKIN: I am sure he will, as he told the people of South Australia tonight.

Mr. Mathwin: Will he tell us his interests, do you think?

Mr. TONKIN: I think he has already disclosed what interests he has. It was difficult, but there we are. If anyone is determined to transgress the established tradition and practice of the House in this way, it is unlikely that any legislation will prevent it at any time. The Strauss Committee of the House of Commons was set up in 1969, in response to what was then described as a growing concern of members of the public that there was something awry with Parliament. Having considered this same matter of pecuniary interests, its members concluded that the setting up of a register would not change this fundamental concern. It is a most valuable report, and I commend it to members. It bears close examination.

In 1974 the House of Commons further considered the matter and, having voted in favour of the establishment of a register of interests, it set up a Select Committee to determine how best it should operate; in other words, it approved of the principle. It was not able at that stage to say how best the system should operate. The current procedures adopted by the House of Commons are summarised, together with those of the United States and Canadian Parliaments and the report of the Joint Committee of the Commonwealth Parliament of Australia, in a paper prepared by the Parliamentary Library last year. Honourable members will be pleased to hear that I do not intend to read that document into *Hansard* again.

The findings of the Joint Committee on Pecuniary Interests of Members of the Commonwealth Parliament, the Riordan Committee, recommended that a non-specific declaration of interests system should be instituted. One section of the report (Part II, chapters V, VI and VII) was devoted to recommendations with respect to the Public Service and statutory authorities, Ministerial officers, and the media, respectively. There will, I think, be one or two comments made about the media and the need to disclose its financial and pecuniary interests a little later in this debate.

The recommendations made throughout its report by the Riordan Committee reflected the committee's desire to suggest workable proposals designed to safeguard and enhance the integrity of public officials, without making unjustified inroads into their existing rights of privacy. This necessarily implied a willingness to temper the demands of a fully effective declaration of interests system with other conflicting demands. They also set out the requirements, which I think are familiar to all members of

this House, to disclose not the amounts, but the sources of income, other than Parliamentary income, of all members.

The requirements are familiar to all, but the method of disclosure basically is the point at issue. The Opposition, as I said before the Minister was listening, supports the principle of the disclosure of interests. We are concerned particularly about the method of disclosure adopted. It is necessary at all times to balance public duty against the rights of privacy of the member and, more particularly, of his family, and the method devised by the Riordan Committee, which I think leads the way in this regard, is a most important one. I quote from that document, as follows:

Members of Parliament should provide the information required in the form of a statutory declaration to a Parliamentary Registrar who shall be directly responsible to the President of the Senate and the Speaker of the House of Representatives. It is reasonable and proper to allow the public to have access to the information disclosed on establishing to the satisfaction of the Registrar and with the approval of the President or Speaker that a *bona fide* reason exists for such access.

In other words, the people who wish to know, to check, whether or not there may be a conflict of interest must be able to satisfy some responsible body or person that they have a proper reason for seeking that information. The quotation continues:

These statutory declarations should be in loose-leaf form so as to enable members of the public to inspect any relevant details in the statutory declaration filed by a particular Senator or member. Upon any request for access being received by the Registrar, the Senator or member concerned shall be notified personally and acquainted with the nature of the request and informed of the details of the inquiry before such access is granted. The Senator or member thus notified may, within seven days, submit a case to the Registrar opposing the granting of access. On receipt of such submission the Registrar, with the approval of the President or Speaker, shall make a decision from which no appeal shall lie.

That is the crux of the Riordan Report as to the manner in which a disclosure should be made and in which information should be made available to members of the public. Ministerial officers are mentioned in the Riordan Report, as are members of the media. The provision for disclosure therefore was thought to be totally justified. Members of Parliament were required in this way to demonstrate their probity, but they must be—and they were, under this system that was proposed—protected from mischievous, capricious, or malicious inquiries, and that was built into the system.

I believe that members of Parliament deserve that degree of privacy and protection. People get access to the register only after they have demonstrated their need and their right to do so. They must, indeed, provide a genuine reason for their inquiry. That is not only proposed in the Riordan Report, but it has been proposed in New South Wales, as a result of the inquiries made in New South Wales, and also, as I understand it, in the proposed legislation in the Victorian Parliament. I believe that this is a particularly important principle, and I think it is absolutely central to the Bill before us. We have to balance at all times public duty, the duty which lies upon every member of this House, against the undoubted right of privacy. That right of privacy may indeed be modified by public position. No-one denies that, but it is never abolished by public position. It is, no matter how modified it may be, an undoubted right, and this applies particularly to members of the family, because members of the family, as a general rule, have no say in what profession is

followed by the member of Parliament concerned.

They are there, and I acknowledge the immense debt that I owe members of my family for their support in my present profession, but they have no say. They have rights of privacy which cannot in any way be intruded upon by my profession, or my public duty. Neither can my wife's rights nor any other spouse's rights be intruded upon. The Attorney-General's suggestion that women or men, the spouses of members of Parliament, should be required to disclose their interests and to give up their right of privacy, sits very strangely on a Government that says it supports measures against sex discrimination. We are now talking about an individual's right of privacy. Although other people may not regard members of Parliament as individuals at times, they are, and members of their family are, too.

The reports that appear at various intervals show clearly the concern expressed by various members and their families. I quote an article from a daily journal. A wife of one Liberal member who did not want to be named said that she would rather go to gaol than reveal to the public her financial interests. That member of the family of a member of this House does not have any particularly massive, rich, or expansive financial interests. It is the principle that she is talking about. I think that it is a fine principle and one that I would expect the Attorney-General of this State to stand up for, in other circumstances. "It is an infringement of my privacy," she said. I quote:

My husband has no right to demand the information of me. The article raises the very real question of what would happen if a member's wife refused to give the information, and it states that it is one of those grey areas, but the Attorney-General has waffled on the subject. He does not know. If a member has made an honest attempt to obtain the information from his spouse, that would be sufficient defence.

Mr. Mathwin: It is a neat bit of footwork.

Mr. TONKIN: It is a very neat piece of footwork that reflects the great haste with which this original legislation was drawn. I think it is worth putting on record what the Attorney said:

He is obliged to put in his returns what he knows of his wife's or family's interests," Mr. Duncan said. "Provided he has made reasonable inquiries about those interests, he is absolved from the penalty clauses of the legislation."

One cannot have it both ways. The Attorney is either serious about this matter or he is not. He either wants to trample on the rights of privacy of members of families, spouses or individuals, or he does not, but for goodness sake let him come out into the open and say exactly what he means.

One other fact came out of that article that was demonstrated again this evening on a television programme. Labor Party members are most unhappy too about the thought that their wives, families, and themselves, in some instances, are required to list their sources of income, other than Parliamentary sources. Considerable discussion has taken place in Caucus, as I well know. Many members of Caucus felt so strongly about the subject that they were obliged to confide in members on this side of the House. They are depending, I gather, on their colleagues in another place dealing with the situation on their behalf, but they are not prepared to come out and say so.

Mr. Mathwin: How do you think the member for Morphett feels about his wife's interests?

Mr. TONKIN: The member for Morphett is very upset about the disclosure of his wife's interests, and I suspect many other people are, also. As I said, it will be extremely

difficult to enforce this legislation, but I do not believe for a minute that the principle should be lost sight of. I believe that the Attorney-General, in his haste to get this legislation in in the first place to take advantage of a political situation, has been trapped into a further situation now where he finds that he cannot change—

The Hon. Peter Duncan interjecting:

The SPEAKER: Order! The Attorney-General will have the chance to reply.

Mr. TONKIN:—without in fact, having to back down on his original statements. That sums up the present situation. A procedure is available to safeguard the privacy of members, commensurate with their public duty, but more particularly it will safeguard the privacy of immediate families. This can be done either under the Riordan Committee proposals, where the Speaker (or you, Mr. Speaker, or Mr. President) becomes the custodian of the register under the Registrar's guidance, (which I presume is the Clerk of Parliament), or other proposals can be put forward. We have not heard the last of the inquiries on this entire matter.

Last Wednesday I appeared before the Federal committee of inquiry when it sat in Adelaide, with Sir Nigel Bowen (Chief Justice), Sir Cecil Looker (past Chairman of the Associated Stock Exchanges) and Sir Edward Coin (former Taxation Commissioner)—

The Hon. Peter Duncan: Did you give your evidence in public?

Mr. TONKIN: I have nothing to hide. I gave my evidence in public. I am amazed that the Attorney-General was not there; I would have thought he would have been there with his ears pinned back.

Mr. Keneally: He had nothing to declare.

Mr. TONKIN: He had something to declare tonight, but he forgot about it.

The Hon. Hugh Hudson: He has no real assets, we all know that.

Mr. TONKIN: He certainly should not be holding down the job he does, with no intellect, or legal, or any other assets. I suggest that, for the Attorney-General's comfort, the Minister of Mines and Energy leave the Chamber and cease laying the Attorney-General open to the truth.

Members interjecting:

The SPEAKER: Order! I can hardly hear the honourable Leader of the Opposition.

Mr. TONKIN: I do not think it is worth going into that matter, because I think the Attorney-General would be very embarrassed. The same right of privacy applies, although I believe there is the same duty to disclose, to senior public servants, permanent heads of departments, people engaged in the administration of Government policies, and also to Ministerial employees. The whole question is very carefully set out when one considers advertisements that appear in the daily press. I refer to one that appeared in the morning newspaper, dated 9 September 1978.

Mr. Goldsworthy: Was that the *Truth*?

Mr. TONKIN: I do not think it is the *Truth*. It stated that research assistants were required in the Premier's Department. Also, an ethnic information officer position was advertised (with a salary range of \$9 959 to \$10 900 a year), whose duties would be to assist people of ethnic origins with information about services, assist with minor problems, etc. We then come down to a senior projects officer position in the Premier's Department (Policy Division) and we find the salary range is \$18 500.

The SPEAKER: I hope that the honourable member can link his remarks to the clauses in the Bill.

Mr. TONKIN: I intend to, with a vengeance.

The SPEAKER: So far, I have listened for the past two

minutes and I cannot see how he can link it up, but if he can, I will be only too pleased.

Mr. TONKIN: I am only too happy to enlighten you, Sir, I will continue to quote. Here we have a senior projects officer being appointed to the Policy Division of the Premier's Department. I am talking about the disclosure of interests of senior public servants, and even of members of the media.

The principle we are talking about is entirely the same. The duties of this senior projects officer include the investigation and research of specific policy and other matters, reporting on means and priorities of implementation, review of existing policies and the provision of independent analysis and comments on reports of all kinds, including Cabinet submissions.

If they are in possession of those facts, they have a clear responsibility to demonstrate to the public that they have no opportunity of gaining any personal or private advantage from the knowledge they will gain in the course of their duties. The matter is clear. I believe (and I will take action at an appropriate time) that we should ensure that permanent heads of departments and possibly Ministerial employees should be subject to this same provision and requirement to demonstrate their probity to the community at large.

Mr. Allison: And anyone who awards contracts.

Mr. TONKIN: He, too, should be questioned, and I am sure that members will agree that the tragedy of the present situation is that tenders are rarely called, except on a selective basis, by this Government. These people have a public duty, either in their own right or by association, as Ministerial employees more so than do members of families of Parliament.

Mr. Allison: Particularly Opposition members, who do not control the finances.

Mr. TONKIN: Indeed, but that situation will change far sooner than people think. The Attorney-General has given some notice in the media that he intends to extend this same requirement for the disclosure of pecuniary interests to political candidates. With the same provisos that we have set down and the procedure I will soon outline, I see no objection to that principle, either, provided, we think, that editors of newspapers and political journalists may also be required to disclose their interests.

Mr. KENEALLY: On a point of order, Mr. Speaker. I understand that, under Standing Orders, a member when on his feet and speaking should address the Chair. I draw your attention, Mr. Speaker, to the fact that the Leader seems to be addressing the press gallery.

The SPEAKER: There is no point of order. The honourable Leader has been addressing the Chair.

Mr. TONKIN: Be that as it may, I have canvassed that subject. I am certain that people other than members of Parliament appreciate the dilemma of balancing the responsibility of publicly disclosing their interests against the right of privacy of the individual. The question is: where do we stop in this matter? The present legislation provides for the disclosure of interests of members and candidates, as we suspect may be the case, and their families. They should be subject to the same requirement and protection of privacy, and the protection of privacy can be achieved in either of two ways.

I have already outlined the proposals of the Riordan Report where an officer of Parliament, whether the Clerk or some other designated officer, acts as the Registrar where the register is kept under the control and aegis of a committee set up of the Speaker and the President. I understand that this requirement to disclose would apply to every member regardless of his position.

The register is not made public. This seems to be a general approach that has been adopted by most other Parliaments. People can examine the register on request and on showing that they have a proper right. I and the Party I represent believe that it would be a better situation if the Ombudsman, as a public officer, were to be the Registrar of members' pecuniary interests. If he should be responsible for keeping a register, he should be responsible for receiving requests and inquiries as to whether or not a conflict of interest exists.

The Ombudsman has been chosen because he is of high standing, indeed, in the eyes of the public. I believe that the public has complete trust in the Ombudsman. We are particularly fortunate that Mr. Combe is such an excellent officer and performs his duties so well in this State. I have every confidence that anyone appointed to that position in the future would act in exactly the same way.

I repeat, the Ombudsman is a man of high standing. He is an officer responsible to Parliament, but he is not an officer of Parliament, and I am conscious of that distinction. He is used to dealing with inquiries from the public, that he acts on. He conducts investigations without fear or favour, and reports without fear of favour. It is probably significant that his reports to Parliament was tabled in the House today. The amendments that could well be made to the Bill mean that the Ombudsman would keep the register and would examine it.

The SPEAKER: Order! The honourable Leader knows that he must not discuss any foreshadowed amendments.

Mr. TONKIN: I simply said that the Bill could be improved by amendments that could be moved. The Ombudsman, having examined a complaint, would report to the complainant that there was no conflict: in other words, that he had examined the register on behalf of the client and had satisfied himself that there was no conflict of interest and simply goes back and says, reassuringly, "There is no conflict of interest in this case. You can rest assured that your member is behaving with the utmost probity," or he may find an area of possible conflict. If he does, he should be given wide powers to conduct an investigation into any matter and to report to Parliament any breach of the regulations he might find. In other words, he would report to what would be set up—a Parliamentary committee on pecuniary interests, which would be the equivalent of many other Parliamentary committees on privileges that exist in many other Parliaments.

The SPEAKER: Order! Does the honourable Leader intend to move that way in Committee?

Mr. TONKIN: I am not sure what I may be moving in Committee.

The SPEAKER: The honourable Leader knows that he cannot speak on any amendment he intends to move.

Mr. TONKIN: I do not know what amendment I will move in Committee, because the Parliamentary Counsel seems to have lost it.

The SPEAKER: Order! I hope the honourable Leader realises what I am saying.

Mr. TONKIN: Indeed, I am conscious of it.

Mr. Millhouse: Can he say whether he is supporting or opposing the Bill?

Mr. TONKIN: If the honourable member had been present at 7.30 p.m. instead of arriving at 8.25 p.m.—

Members interjecting:

The SPEAKER: Order!

Mr. TONKIN: I think I have made that clear on at least the past four occasions. I am sorry that the member for Mitcham did not watch *TDT* this evening to see how the Attorney-General rated on his disclosure of interests Bill. This matter should not be treated lightly. We have had our

little fun at the Attorney's expense; fair enough.

I believe that the remedy for any breach of privilege, whether it be proved as a result of an investigation by the Ombudsman or decided on by a Parliamentary committee on pecuniary interests, should be in the hands of Parliament. I believe that, if a conflict of interest is shown, the penalty for that conflict of interest undisclosed should be a suspension from Parliament and, if corruption is demonstrated by the inquiry, I believe that a member should be disqualified from sitting in this place. I regard the whole matter of potential corruption as seriously as that. The Ombudsman, if he were to take on these duties, should report to Parliament regularly. He should keep a register, which applies to members, permanent heads, and Ministerial staff, and he should watch those affairs at all times.

The question of what should be recorded is a matter which, although it seems to be set out clearly, is left totally wide open in the Bill. It is set by regulation. A number of matters are set out and the last item refers to such other matter as may be from time to time prescribed. That means that a member of Parliament can be required to disclose almost anything. Now it is simply a source of income which exceeds a prescribed amount, but sometimes it could be the actual amount. This is an unjustified intrusion into the privacy of a member.

If that provision is to be applied, there is even more reason to support my proposals; that is, that members should be required to disclose their interest in a register, but that register should not be public: it should be available for examination by the Ombudsman or some registrar, on behalf of members of the public. However, that is even a bigger argument in favour of my suggestion. Either the Attorney has to make clear what will be required for disclosure or he should take steps to safeguard the privacy of members and also their families, which is the better course of action. The Attorney-General was recently reported (*National Times* of 9 September 1978) as follows:

He did not think MP's would consciously seek to evade the law: the penalty involved (\$5 000) is sufficient.

That is a matter of opinion. If a member chooses an element of corruption in his Parliamentary duties, he should be expelled from this place.

The Hon. Peter Duncan: Of course.

Mr. TONKIN: A \$5 000 fine seems to be singularly inappropriate, especially when the matter is dealt with summarily. There is no reason to suggest that a member would be automatically expelled. The report continues:

... it provides a pretty strong deterrent. Secondly, public anger at anybody who did fail to disclose his assets or sources of income ... would destroy (his) political career.

I do not accept that that would happen automatically. I am certain that there are cases where that would not apply. If a person were dealt with by the Magistrates Court and even if the maximum penalty were imposed, that would not necessarily destroy a politician's career.

I agree with the whole principle that any instance of corruption must be punished in the most severe way, but financial corruption in politics, which is what this Bill seeks to avoid, is not confined to a Parliamentarian's personal holdings. The Attorney would agree with me about that, and I am pleased to see that he does.

Another and equally serious area of potential abuse involves campaign funds and the so-called slush funds. There is rising public disquiet in South Australia over the continued and acknowledging existence of the Premier's slush fund, known as the Leader's Fund—

The SPEAKER: Order! I have listened to the honourable member for some time and I have read the

second reading explanation and the Bill. I have let the honourable member stray from the Bill, which concerns the pecuniary interests of members of Parliament and their families, but I hope he will now keep to the measure.

Mr. TONKIN: Certainly, and I am happy to link up the matter for you, Sir. The Premier of the State is a member of this House and under this Bill he is required to disclose his pecuniary interests. Therefore, if he receives money from a slush fund, whether corruptly or otherwise, he should be required to disclose it. It is entirely within the ambit of this Bill.

There is rising disquiet in South Australia because the source of this money is not being disclosed to the public. The fund has been described by the Premier, and he has been questioned on it in this House. This is a matter of pecuniary interest, because he has admitted that he has control of that fund. The Premier has said that businessmen and organisations doing business with the Government are asked to contribute to it. It has been described by the Premier as "purely political". He stated:

There are many people in South Australia who are not prepared to give money directly to the Labor Party but who are prepared to give money to a fund which is dispersed according to my discretion. There is no secret about it—I made a statement in the House describing the nature and operation of the fund. However, it isn't anybody's business except mine and the people who made contributions for political campaigning.

I repeat what I said during the Address-in-Reply debate, because it relates to the interests of the Premier, a member of the Parliament of this State: people doing business with the Government who are desperately concerned about the future of their businesses have felt compelled to contribute to the fund. They are hardly in a position to protest about what they might reasonably interpret as corruption, because they know that they cannot afford to put themselves offside with the Premier.

The existence of a slush fund for the personal use of the Premier to whitewash what in its absence would be seen as nothing less than blatant blackmail or bribery, provides an enormous potential for corruption either real or perceived. If this legislation is to apply to members of Parliament, and if the Government is really concerned to avoid any possibility of corruption, which is what this Bill is all about, members of the Labor Party must follow the example set by the Liberal Party and by Labor Parties in the Commonwealth and other States, and dismantle the Premier's slush fund.

Unless such an assurance is given, this legislation will be nothing more than a farce. Recently, I have noted the provision in other legislation requiring companies to disclose donations to political Parties, charities, and, I imagine, to members of Parliament. I hope that that does not happen. Again, that is what this legislation is all about. I hope that, if these provisions become law, similar legislation will be introduced to provide for the examination of books of unions and for the disclosure of contributions by unions to members of political Parties or to political Parties.

I support the principle of disclosure as I believe that members of Parliament have a duty to show people that they are performing their duties without fear or favour, without private or personal advantage. However, they have a real right to privacy, and their families have no less a right to privacy than has any other person in the community. In supporting the principle, I have suggested alternative and better methods of putting this principle into practice. I intend to take action in Committee, but I support the second reading.

The SPEAKER: Order! The honourable member was

out of order when he spoke about some officers.

Mr. TONKIN: On that principle, I support the second reading.

Mr. GUNN (Eyre): I have strong views on this matter. I do not believe that a member of this House should allow any private involvement to interfere in any way with his conduct as a member or with how he casts his vote.

However, it is rather hypocritical for Government members to put forward this Bill when the political Party that sends them into this Parliament forces them to sign a pledge that takes away all their independence. It is farcical for the Attorney-General to laud the virtues of this legislation.

The Hon. PETER DUNCAN: I rise on a point of order, Mr. Speaker; there is nothing in the Bill about political Parties, matters related to the signing of pledges, or anything of that sort.

The SPEAKER: I do not uphold the point of order, but I want the honourable member to stick strictly to the Bill.

Mr. GUNN: In no way do I wish to stray from the Bill. It encompasses many areas and many matters of concern. Its ramifications are very wide.

The SPEAKER: Order! The Bill relates only to disclosure of interests of members of Parliament and their wives and families.

Mr. GUNN: I should have thought that, when one was discussing this legislation, one would be permitted (and I would be surprised if one were not in a free and open society)—

The SPEAKER: Order! The Chair will decide that.

Mr. GUNN: —to make comparisons and give reasons why the legislation is defective in certain areas. That is a democratic right and I would be surprised if anyone would object to member's doing that. When a member comes into this House, if he is going to make a judgment based on his personal opinion, and if he is going to be influenced by his financial involvement, it is right and proper for him to disclose his interests. Already, under the Constitution of this State and Standing Orders, he is required to do that.

It is hypocritical for the Government of this State to have its own members bound so that they cannot think for themselves. No matter what they think, or what financial interests they have, when Caucus decides something they are bound. Therefore the pious and self-righteous attitude of the Attorney-General is hypocritical and certainly shows the Government up in a bad light, because it is not consistent. One could say more about this matter when referring to other legislation and the Government would, if it was consistent as an organisation, repeal the matter to which I have been referring.

You, Mr. Speaker, would know what appears on page 70 of the latest Australian Labor Party platform and rules booklet. Let us look at the existing provisions that govern members. Standing Order 214 provides:

No Member shall be entitled to vote in any division upon a question in which he has a direct pecuniary interest, and the vote of any Member so interested shall be disallowed.

People can say that that is not strong, so let us look at what the South Australian Constitution states in relation to members of Parliament. Section 50 of the Constitution Act, 1934-1975, provides:

If any person, being a member of the Parliament—

- (a) directly or indirectly, himself or by any other person whatsoever in trust for him, or for his use or benefit, or on his account, enters into, accepts, agrees for, undertakes or executes in the whole or in part, any such contract, agreement or commission as aforesaid; or

- (b) having already entered into any such agreement or commission, or part or share of any such contract, agreement, or commission, by himself, or by any other person whatsoever in trust for him, or for his use or benefit, or upon his account, continues to hold, execute, or enjoy the same, or any part thereof.

His seat in the Parliament shall be and is hereby declared to be void.

That is a strong weapon to hold over any member of Parliament. That is the principle of fair play and a guarantee written into the Constitution of this State.

I can give an example of how this section operates. Some time ago, because of my large district, it became obvious that I needed two vehicles, one to stay on this side of the gulf and one to stay on Eyre Peninsula. In trying to get a suitable vehicle, not having an overflowing bank account, I decided that perhaps I could get one at the Government auction for a reasonable price. I made a few inquiries and sought the advice of the Attorney-General and the member for Morphett. They arrived at the conclusion that, even though the vehicle would be bought at public auction, I would have my seat declared vacant if I engaged in that transaction, even though an agent might purchase the vehicle for me or even if a member of my family purchased it for me. That section completely precludes members of Parliament from engaging in contracts with the Government.

I can give another example in which I was involved. On becoming a member of this House, my family and I had a small contract with the Highways Department. It was one of those contracts (and you would probably understand this Mr. Speaker), where a person is quietly coerced into signing. The Highways Department officers say, "You have a piece of land we want to put a quarry on and we are going to call tenders for it." I was told, "If you argue we will have it declared a stone reserve, so the best thing you do is sign the contract."

Mr. Tonkin: Wasn't there an environmental impact study?

Mr. GUNN: That sort of tripe and nonsense, such as an environmental impact study, and so on, was not in vogue then. I will say more about that incident on another occasion. I duly signed a contract and there were some minor royalties involved. On becoming a member of this House, the responsible officer of the Parliament asked me whether I had any contracts. I said that I did, and I had to cancel that contract. I could not receive anything. I did not object to that, but my mother and brother were also completely precluded. I think those two examples show clearly to members and anyone else interested that the law is strong in these areas, as it should be. I do not think that any member of this House would want to see another member involved in any unbecoming or shady transaction that in any way reflected upon the standing of this House in the community.

What are some of the problems caused by this legislation? I do not think that there is any argument that this particular legislation is a direct breach of a member's privacy and the privacy of his family. I wonder what will happen if the right of privacy legislation is again introduced into this House. All honourable members would recall what the present Chief Justice, Mr. Justice King the former Attorney-General, said about that matter. At that time I had some sympathy for that legislation, even though some of my colleagues were very much opposed to it. I still hold my views. I wonder what sort of contradiction there will be if that legislation is introduced again.

The Government has put forward the view that in this

State the only people who have any influence in relation to expenditure or the letting of contracts on behalf of the public are members of Parliament. If it is good enough for members of Parliament to have to disclose their interests then, in my view it is good enough for the people who sit in the Parliamentary press galleries, for heads of departments, Ministerial private secretaries—

Mr. Nankivell: There's the Services and Supply Department.

Mr. GUNN: Yes, particularly the Services and Supply Department. Those people should be required to declare their interests. A few years ago I was involved in a debate in this House, and made some inquiries, about John Ceruto, who at that time was employed in the Premier's Department. In that capacity—

The SPEAKER: Order! The honourable member will have an opportunity to speak on that matter in the debate on a contingent motion that the Leader of the Opposition moves.

Mr. GUNN: That particular matter is well known to members of the House and I will not canvass it any further now. I will refer to one or two other matters. In recent times we have read in the press tremendous criticism of the Liberal members of this House by a journalist, Mr. Kelton. If he had to disclose his political involvement in this State, it would be clear, and everyone would know why he had written those articles, because they are untruthful and inaccurate and have not been based on fact.

The SPEAKER: Order! The honourable member has moved back to the contingent notice of motion once again, and he will have an opportunity to speak on that later. I want him to stick to members of Parliament and their families.

Mr. GUNN: Thank you, Mr. Speaker. I have the necessary evidence and I will continue my comments on that matter later. I believe this particular Bill needs improvement. As it is it should not pass into law. I agree with what the Leader has said about certain recommendations made by the Riordan Committee, and about the recommendations made by the New South Wales committee that considered this matter some time ago. I understand that legislation has been enacted in that State along the lines recommended. It is interesting to see what some of the witnesses had to say when the committee was discussing breach of privacy. One prominent witness summed up the position by saying:

In the alternative involving the Registrar of Interests, direct or indirect, public or otherwise, would in the privacy committee's opinion provide only spasmodic and uneven benefits because it is ineffective and it is an intrusion into the democratic process. It would be an unjustified invasion of privacy.

The Hon. Peter Duncan: Read what the witness said. Don't just leave it at that.

Mr. GUNN: Unfortunately, they did not give it, but I am sure the Attorney-General has a copy of the report and he can look it up for himself. Recommendation No. 6 in the committee's report was:

That a joint standing committee, upon pecuniary interest, be entrusted with the responsibility of drafting a suitable and meaningful code of conduct for submission to Parliament. Members should furnish the information in the form of a statutory declaration at the commencement of every Parliament or, in the case of new members, upon taking their seat in Parliament, to the Registrar, who will act on the instruction of the committee as well as under the resolution of the House. The register shall be kept in loose-leaf form and members will be required to notify the Registrar of any changes when they are known by the member to have occurred. Members will be expected to comply with

registration or face the prospect of disciplinary action by the respective Houses.

I believe that those recommendations, and the recommendations of the Federal committee, are far more responsible and will protect the public far more than will this legislation. I have a number of amendments on file and I hope at a later stage the Committee will support them. It was interesting to see what Erskine May said about this matter. I do not intend to take up the time of the House by quoting from that book but I recommend to the Attorney-General that he read the important information contained in pages 142 and 143.

The Federal committee clearly recognised that the interests of the public and members of Parliament could be legislated for in a manner which would be responsible and fair to the community and to the members. I will support the second reading, but I hope that the amendments on file will be carried. I also hope that the matters which the Leader wishes to canvass at a later stage will be accepted by the Committee, because they will ensure that we have a meaningful and responsible piece of legislation and will be seen by the public to be responsible.

Mr. MILLHOUSE (Mitcham): I support this Bill. I supported the last one and I was sorry it was not passed.

Mr. Gunn: That was the Government's fault.

Mr. MILLHOUSE: I do not know whose fault it was, but I am sorry that it did not get through. While there are lots of arguments against it in this day and age I believe a provision such as this is desirable. Whether it should be widened is another matter. If the Liberals are supporting the second reading, they are showing a great lack of enthusiasm about it in their speeches. The principle behind this Bill is a good one, but whether the Bill will work in practice is another matter. There are a lot of things that remain to be prescribed and I do not enthuse about that ploy, because it means we are passing what is to a certain extent a blank cheque, as I have said on many occasions.

I think I know why the Liberals are so unenthusiastic about this Bill. It is perfectly obvious to me that once this Bill becomes law, it will discourage some people from offering themselves for election to Parliament. One only has to look at the members who represent the Liberal Party, more particularly in the Legislative Council than here, to see that the Liberal Party represents the wealthy section of the community. People who have assets are far more likely to be unwilling to disclose those assets publicly than people who have very little to disclose. The balance of political advantage from this undoubtedly will rest with the Labor Party because, as a rule, those who offer for endorsement as Labor candidates do not have the wealth that members of the Liberal Party who offer for endorsement have. Therefore, members of the Labor Party have less to disclose and have less reason to hesitate about disclosure.

From my experience, members of the Australian Democrats, in this regard anyway, correspond more closely to members of the Labor Party than to members of the Liberal Party, because on the whole we are not wealthy people and do not have many personal assets. Therefore, I do not believe this Bill will affect us. I think the reason for the lack of enthusiasm generated by members of the Liberal Party (and I speak with great charity and respect for my good friend from Rocky River) is that this will be, if anything, of some disadvantage to the Liberal Party, because it represents the wealthier members of the community.

Mr. Goldsworthy: Whom do the Australian Democrats represent? Nobody!

Mr. MILLHOUSE: If the so-called Deputy Leader had been present a few minutes ago, he would have heard me say that the Australian Democrats are much more akin to the Labor Party than the Liberal Party. A couple of the things in the Bill I wonder about. First, I am glad that the Government has done what I suggested in the last debate should be done, that is, widen the definition of "spouse" to include a putative spouse. The definition has been taken from the Family Relationships Act, 1975. I would have thought, with great respect to my friend from Eyre (if he is my friend), that this was wide enough. The Family Relationships Act defines a putative spouse as follows (and this is what we are putting in this Bill):

A person is, on a certain date, the putative spouse of another if he is, on that date, cohabiting with that person as the husband or wife *de facto* of that other person and—

- (a) he—
- (i) has so cohabited with that other person continuously for the period of five years immediately preceding that date; or
 - (ii) has during the period of six years immediately preceding that date so cohabited with that other person for periods aggregating not less than five years; or
- (b) he has had sexual relations with that other person resulting in the birth of a child.

That definition will be included in the Bill, and I would have thought it was sufficient. It covers the point I raised in the debate last time, and I am glad that the Attorney-General accepted the suggestion I made.

Members of Parliament will have to disclose not only their own income but also the income of members of their family. How the devil will we find out the income of members of the family? It is more likely to be the spouse than a child, because it is only a child under the age of 18, and in the nature of things a parent is likely to know that child's income.

Mr. Nankivell: What if they leave home at 16?

Mr. MILLHOUSE: That is a good point; the member for the Mallee is always astute in money matters. There is no better expert on Parliamentary superannuation and salary than he: I have often observed that. The point he raises is a good one.

The CHAIRMAN: I hope the honourable member will confine his remarks to the Bill.

Mr. MILLHOUSE: It is a good point, and I will take it up. I must have missed it before.

Mr. Goldsworthy: The honourable member for Mitcham is pretty good on superannuation, too.

Mr. MILLHOUSE: I cannot answer that. The point that the member for the Mallee raises is a good one. A child might leave home at 16 and make himself a millionaire by the age of 17. However, it is unlikely that any member of this House would sire (or dam, I suppose we should say) such an offspring. It is unlikely that any member of this House will produce an offspring who is capable of doing this, but theoretically it is possible. What does the poor member of Parliament do about declaring the income of that child under the provisions of this Bill? I do not know.

Mr. Nankivell: Do you support it?

Mr. MILLHOUSE: Yes, I support it with enthusiasm, unlike members of the Liberal Party. A far more likely difficulty is that spouses with independent sources of income will jack up and say to their member of Parliament spouse, "I'm not going to tell you." Without mentioning names, I think all of us know that there are some members of Parliament whose spouses are wealthy.

Mr. Venning: So what?

Mr. MILLHOUSE: How will a member of Parliament ascertain the spouse's income if she says, "I'm not going to

tell you what it is", and put it in his return? This Bill does not put any obligation on members of a member's family to disclose their sources of income to the member of Parliament.

Mr. Goldsworthy: What about the \$5 000 incentive?

Mr. MILLHOUSE: There is no obligation on a member of the family to disclose income. I am thinking particularly of a certain member of the Legislative Council (and the member for the Mallee will know who I mean); that member of the Council has a wife who is independently minded, and she will tell him to go to hell.

Mr. Nankivell: My wife will, too.

Mr. MILLHOUSE: The member for the Mallee says that his wife will, too. The Bill provides no way around this, and it is really a loophole.

Mr. Goldsworthy: Does the wife of the member for Mitcham come clean?

Mr. MILLHOUSE: She has not much to come clean about, I regret to say. There is a gap in the Bill, because unscrupulous members (and we all accuse each other of being unscrupulous from time to time—and sometimes we may be right) may well be able to channel income to a spouse and then the spouse can, either genuinely or not, refuse to disclose her income, and the member of Parliament will escape making a declaration. Clause 7 provides:

7. A member shall not—

- (a) without reasonable excuse, fail to furnish such information.

Presumably, if a member can convince the Registrar that he cannot obtain the information from his spouse, that would be a reasonable excuse. This is a matter of interpretation for a court eventually, and the court may take another view.

The Attorney-General obviously knows this, and I would have expected he would know even if I had not mentioned it. The Leader of the Opposition may have mentioned it. This is a weakness, a gap in the principle which remains unplugged and could have serious repercussions. I am not particularly happy about a maximum fine of \$5 000 for an offence which is to be disposed of summarily. I would rather that the matter be tried in the District Criminal Court and a decision on the facts made not by a magistrate but by a jury of ordinary men and women. A fine as high as \$5 000 is a very good reason for omitting clause 8 and allowing the matter to be dealt with by the District Criminal Court.

Those are the only things I wish to say. I see the gap there, and I think it could be used to evade the provisions of the Bill. If we are to impose a fine of \$5 000, I think people are entitled to be tried by jury, rather than having to rely on a magistrate's decision on matters of fact. Apart from that, let us wait and see how the Bill works. We are giving a bit of a blank cheque because of the prescriptions in the Bill, but I certainly support the principle. It is my own conviction, and I am happy to be able to say that it is right in line with the policies of my Party, the Australian Democrats.

The Hon. PETER DUNCAN (Attorney-General) moved:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

Mr. BLACKER (Flinders): I shall speak briefly about this Bill to clarify my position. When a similar measure was last before the House, I opposed the second reading, and I am tempted to do so on this occasion. However, a number of amendments have been foreshadowed, and it is desirable, therefore, that the second reading should be

supported so that the amendments can be moved and discussed.

On the question of availability of information about members, their incomes, and their assets, I think it is desirable that a register should be kept of members' interests and their assets; unfortunately, that is where my support for the measure stops, because I do not believe that such information should be available to any man or woman who walks in off the street. It is my contention that, if any person has a query about the pecuniary interests of a member of Parliament, he should be able to go to the Auditor-General or to a nominated person or authority specifically set up for that purpose and inquire whether a certain member's affairs can be investigated. That authority could investigate the member's affairs and give a certificate to the effect that his affairs have been examined and he has no pecuniary interests in a certain measure or in his duties as a member of Parliament. Such a procedure would give each member some privacy, and certainly it would not be a deterrent to an individual to enter Parliament. I see this as a deterrent to prevent some people who could contribute quite considerably to the running of this House from entering Parliament.

My greatest fear about having open slather or an open book for anyone to walk off the street and examine a member's private affairs relates to the way in which the information will be interpreted. When a similar Bill was before the House, I instanced my own situation. Some two years ago I had interests in one piece of land, a farm which I operated prior to entering Parliament. Since that time, I have sold the land and scaled down my farming operations. I got married and purchased a house in Port Lincoln. My brother indicated to me that he would like to come in on a 50/50 share arrangement in the farming property. I agreed to that, so I have a half interest in that one piece of land. However, that piece of land includes three sections, and adds quite a lot to my list of assets.

About nine months or 10 months ago, I purchased a small portion of grazing country. There are no improvements and it is subdivided into six paddocks, but that is another title. My house property would also go on to the list. Comparing my present situation with that of two years ago, when I had my name on one title, I now have my name on three titles with five sections of land, although my assets have reduced considerably. I have deliberately scaled them down because physically I am unable to work them. As a result, I am sure that people who might happen to inspect those documents could have a complete misunderstanding of the real situation.

I do not wish to go further at this stage, except to say that I believe there should be a register of assets and income sources, but I am quite concerned that, if a free disclosure were permitted, misinformed and wrong interpretations could be placed on a list of assets. I support the second reading, in the hope that due consideration will be given in Committee to the foreshadowed amendments. Should they fail, I will oppose the third reading of the Bill.

Mr. EVANS (Fisher): I have some reservations about the Bill. I shall refer mainly to matters referred to by other speakers. I accept the point made by the member for Mitcham, and also made by the member for Mallee, although in a different way: if this Bill goes through as it stands, it is a distinct advantage to members of the Australian Labor Party, but not to others who may tend to lean towards Liberal philosophies. The member for Mallee made that point in a past debate.

If a person has a philosophy which causes him to believe in the individual's using his own initiative to progress, and if he wants to take a punt in life, whether in a profession or

a business, he will tend to drift towards the private enterprise system. It is natural that such people in the main will attempt to put assets together, whether in property, shares in companies, or in business. At times, the income from a business might seem substantial in any one year, but, when we consider the debts a person may have, the actual income in total that he receives may be nowhere near the income from any one business, because there could be losses in other areas.

The Bill provides that members must show where they obtain an income exceeding a certain sum in any area. I believe that could be quite dangerous for some people. In the main, a person with a socialist philosophy goes towards the A.L.P. Those persons in the main (not all, but the vast majority) go either towards a Government job, whether in the tertiary or teaching field, or the Public Service or the trade union movement, with a view to becoming a senior officer in the trade union movement. So, a bigger percentage of people with that philosophy drift into that area. They may work for a public instrumentality. They believe in the socialist and the Government-owned philosophy, and they also believe strongly in trying to promote their philosophy through a teaching or tutoring profession.

It is not true to say that all people in those positions have a socialistic philosophy. That is not true. However, because they have a goal to change society to their own philosophy, people who are dedicated to that cause head in that direction. They tend not to acquire assets in the main, although many of them are hypocrites, because they put assets together and attack others for doing the same thing. In that position, if a person believes in preserving his privacy and that of his family, and if he desires to stand for a Party that is not of the socialist philosophy, if he has some assets, he would say, "I do not wish to tell anyone where I get my income, and so I do not wish to go into that field." I agree with the member for Flinders that we are excluding in that way some people with great potential to represent society in either House of Parliament.

Mr. Keneally: The right sort of people won't be put off.

Mr. EVANS: Let me tell the member for Stuart that, if a potential member went home to his spouse and said, "I have been approached to stand for Parliament and one of the conditions if I become a Parliamentarian is that you and our children up to the age of 18 years must disclose all your income sources," some spouses would say, "I am sorry, but if you go into politics I will not support you, because I am not prepared—"

The SPEAKER: I think that the honourable member is now speaking on the contingent notice of motion relating to electoral candidates.

Mr. EVANS: The Bill states that a member must disclose his wife's income, and that of his children under 18 years of age. A person who seeks or is approached to become a member of Parliament must take into consideration then that he or she will have to disclose to the authorities the spouse's income, and that of children under 18. Some people will say, "I will not support you as your spouse if you go in". They may even say, "I will do everything to destroy you as far as a potential politician is concerned". Who wants to argue? This provision would stop some people from coming into the political scene. There is no doubt that there is an advantage to one philosophy as against the other by this sort of provision.

Mr. Keneally: How?

Mr. EVANS: If the honourable member is out growing maize on some mixed farm up north, that is his problem. I explained how earlier, and if he was not here or was not listening, he can read it tomorrow. If he cannot read, he can get one of his colleagues to do it. I hope that they can

help him. The putative spouse is classed as such if the member of Parliament has lived with a person continuously for five years, yet a person who is married for one month must disclose the wife's sources of income. Let us think about that seriously. Marriage might not mean very much today, but it is not good enough to work on the five-year period. It should be shorter. If someone is cohabitating for four years and eleven months, he can gain considerable benefits from some source of income that is not proper. He could have quite a number of assets, and we believe that the source of income should be disclosed.

One cannot always legislate for honesty. If a person wishes to be dishonest and finds a method of getting income that is to their benefit from some decisions taken as Parliamentarians, he could easily get around this, if he wished. I know that such people put their seat at risk if they are caught. That is the same with all law, but if one has the opportunity to support a certain measure and one held the balance of power in Parliament, someone might approach one and say, "I am prepared to give you \$10 000 because it is of considerable benefit to me to get this". One can put it through the system by going to Hobart to the casino, or if there is a group of businessmen with the Premier's blessing one can play it through some gambling system and clean the money, launder it. One can bank money also under a fictitious name. We do not have identity cards to produce at a bank here. One can open a bank account in any name. Someone else can bank money for you. There is no guarantee that we will catch the dishonest people. The people we will hinder will be those who act in what I call a "proper manner". Maybe we are just trying to prove by this legislation that that is the case.

I do not oppose the Bill's principle. I made no bones about it today when I was approached and asked whether I had any source of income, and I disclosed some areas in which I did not have any income. I do not care if it is used on *T.D.T.*, because my constituents know of my activities in the past. The Bill provides that one must also disclose the income of the children under 18, unless one has a reasonable excuse. I do not know what a court would decide was a reasonable excuse. I may have had a better idea five years ago when the court system was static in interpretations, but in many areas courts are changing their interpretations. They look at old case law, but there is a tendency to be easier with some interpretations. A person may have been married three times, and could have by the first two spouses children who might be living in another State or country. Does the member have to track them down?

The Hon. Peter Duncan: They are not covered by the Bill.

Mr. EVANS: I raised this last time, but I will accept the argument if the Minister says we do not have to worry about it. But I would worry if I had to tell my son, Andrew (who earns a few dollars now), to cough up and tell us how much he earns because I have to tell Mr. Duncan. I know what he would say to me. He would probably not even know who Mr. Duncan was. That is unreasonable, although I am happy to disclose what I have got. I know that my wife would not be happy to disclose what she has got. She has not got much anyway in the sense of assets. She does not believe she should have to tell the community what she has just because I am her husband and a member of Parliament. She believes that the principle is wrong. She says that the Labor Party has been a past master of saying that each individual has a right to his or her own way of life, and spouses should not have to disclose what they do. It is their own right, their own individual way of life, and just because the husband or wife does something else, my wife cannot see why she should be placed in the

position of disclosing to me any income source she has. I know what it would be; it is nil. It does not matter; though—the principle is there. That is what one should object to.

Mr. KENEALLY (Stuart): I support this Bill, as the principle behind it is beyond question. As the Attorney-General mentioned when he introduced it, the public office confers on an individual responsibilities for his conduct which he did not have as a private citizen, and legislators should place their public responsibilities before their private advantage. Everyone who has spoken to the Bill agrees with that. I find it easy to support, because, once it becomes law and I declare my pecuniary interests, I expect to get a form from the Social Security Department. Of course, I will be too principled to fill it in.

I was interested to hear the member for Fisher say that wives of members or prospective members might not be anxious to comply with the legislation. This might well be so. I expect that it will cause my wife some embarrassment as well, because when she married me some 25 years ago everyone thought she married me for my money, and as she was an attractive young lass and became married to the sort of man she did, that was a reasonable assumption for them to make. However, when they find out after I declare my pecuniary interests that there must have been some other reason for her marriage, she will be embarrassed.

I am surprised that the member for Fisher would believe that possible candidates for Parliament will be prevented from standing, because the wife might not wish to declare her pecuniary interests. It seems to me, with great respect to the possible candidates, that, if they have wives like that, they might consider whether they are suitable to stand for Parliament, anyway. There is a great need for wives to support what their husbands are doing and *vice versa*, if the wife is a member. If this legislation is on the Statute Book, that will be a decision they will have to make before they even contemplate coming into Parliament. I do not believe this consideration will prevent any prospective member from standing for the position. However, if their reluctance to declare their pecuniary interest is the reason for not standing as a member of Parliament, I suggest that the State would be better off if they did not stand.

The Leader of the Opposition said earlier that, on a television programme this evening, more reluctance was shown by Government members to declare their pecuniary interests than was shown by Opposition members. I did not see the programme referred to but, if that is the case, that seems to me to be a strong reason why this legislation should come into effect. I am not saying that Government members are not prepared to disclose their pecuniary interests, because, after all, the Government has introduced the legislation, but, if Ministers were not prepared to declare their pecuniary interests, it would be a sad state of affairs.

In Queensland it seems that the Premier of that State believes that the people of Queensland would only be happy with the Premier who was able to indicate to the electorate at large that he is a successful business man, no matter what ethics he follows in that practice. I can recall, as can other members, that it was an aluminium company which distributed to the members of the Queensland Government shares in the company, and they accepted them.

The Hon. Peter Duncan: Comalco.

Mr. KENEALLY: Yes. That is the sort of practice which in any other State and, hopefully, in any other progressive country in the world have brought not only condemnation

from the electorate at large but also a requirement for the Premier and Cabinet to resign. Many smokescreens will be raised against the legislation. It is a fundamental responsibility for members of Parliament to declare their pecuniary interests. It is not sufficient for members to say that they will declare their pecuniary interests but that their wives and families will not declare their interests. That is not on. Members who would suggest this are kidding themselves and are trying to kid the Parliament, which, I hope, is composed of reasonably intelligent people. Everyone knows that, if you have a pecuniary interest and an astute lawyer or accountant to advise you, you will transfer some of your interests to members of your family. If by doing that you evade the ambit of the legislation, there is no point in having the legislation. I imagine that all members expect to live a long and happy life with their partner. They do not believe that, if they transfer three-quarters of their pecuniary interests, their partners will leave them in the lurch. It is a lurk some members may use to avoid taxation or to evade the ambit of the Bill. I am happy to declare my pecuniary interests, embarrassing as that might be.

The suggestion has also been made that members who have not been able to provide adequately for their future are members who ought not to have the responsibility of administering the affairs of the State. I come from basically working-class stock. I come from a family that has never had anything, and, frankly, apart from one member who has the good fortune to be a member of Parliament, they still have nothing. I am not ashamed of that. If people believe that, because I am not rich, somehow or other I have been inadequate in providing for myself and family, that is for them to judge. That cannot be a valid criticism of members of Parliament. The Government strongly supports the Bill, and I hope that Opposition members will do likewise. I also hope that no more smokescreens will be placed before the House to justify some evasions of members' responsibilities.

Mr. RODDA (Victoria): The member for Stuart is having us all on by saying that he is in the pauper class. When one looks at the honourable member one sees that he looks less like a pauper than do most Opposition members. When we see him in full flight in Stuart, his declarations seem to belie him.

It was interesting today to be interviewed by a sweet young lady from the television programme *T.D.T.* and to realise that we have some pikers in the House who were not prepared to have a dry run. It was most disappointing that the authors of the Bill refused to line up for a dry run. As much as we hate the legislation, I told her everything. I was interested to hear the response from the Minister in charge of the Bill. When he was asked about it, he referred to the stickybeaks. Undoubtedly, this matter will be of great interest to the stickybeaks. I can imagine people looking at the member for Stuart and saying, "Fancy him being so light on." I am taking his word as his bond about his "depauperisation", and I am sure that this will be a great shock to the people in Stuart.

The Bill contains a requirement for the member to furnish returns as to income sources, interests, etc. Clause 5 provides for the member to declare the sources of interests. The interpretation clause refers to "the prescribed amount" as \$200. I assume that the regulations will spell out that something like a balance sheet will have to be declared. I do not know that it would give me much joy to produce that type of document. It is a pig in a bag. I might have to declare my betting accounts; that will embarrass me and some of the people I talk to on Saturdays, and it will show what a bad judge I am. The

prescribed amount will bring some of us into line on that score.

I, along with my colleagues, question the need for this legislation. Parliament has existed for a long time in South Australia. I think that we have been singularly prominent as the type of people who have served in this Parliament on both sides of the House. I question the need for the legislation. There will be apprehension from people aspiring to Parliament when they, as candidates, have to declare their pelf, before they can become candidates. This legislation gives me no joy; I am not in favour of it.

Mr. VENNING (Rocky River): I cannot let the opportunity pass without saying a few well-chosen words about this legislation. Listening to the debate I could not help but think that this legislation is in keeping with what this Government has brought into this State. We have heard the cry, "Keep Australia Beautiful." What have we got? Up goes crime everywhere, through the legislation of the South Australian Government.

The SPEAKER: Order! I hope that the honourable member will link up his remarks to the Bill.

Mr. VENNING: This legislation is broadly in keeping with this Government's philosophy. A member will be required to state what are his assets. A member's spouse will be compelled to do likewise, as will be one's family up to the age of 18 years. My wife would have to declare that her greatest asset was her husband, and I would certainly declare that my wife was my greatest asset. I would declare that her value is priceless. She has brought up a family that I can be proud of. Certainly, I would be happy to relate that information about my assets in the register.

It is interesting to know that a register will be created so that stickybeaks can see what members' interests are. Where is this country going today? What is the philosophy of this Government? It is unbelievable. True, it represents what the Government is and what it stands for.

The Hon. Peter Duncan: We're going honest!

Mr. TONKIN: On a point of order, Mr. Speaker, does the Attorney-General by his interjection intimate that the Government of this State has been dishonest up till now?

The SPEAKER: There is no point of order. Interjections are out of order.

The Hon. PETER DUNCAN: On a point of explanation, the honourable member has—

Members interjecting:

The SPEAKER: Order! The honourable member for Rocky River has the floor.

Mr. VENNING: Over the years members of Parliament have come in for abuse about their salaries. I remember what the press has done to politicians in the past. Although it may be getting away from the Bill, I remember how Sir Robert Menzies was taken to task in the *Sydney Morning Herald*, about his Parliamentary salary, and he told the Editor of that paper, "You put your salary on the front page, and I'll put mine underneath, and here I am running Australia." That finished the paper. That is the sort of action that we want today, instead of this type of pandering legislation that we are getting from the Government. I reluctantly support the second reading.

The Hon. PETER DUNCAN (Attorney-General): The Bill is important and I believe it will eventually become part of the Statute law of this State; the sooner it does, the better off we will all be. The sooner that happens, the sooner the standing of members of Parliament will start to recover from the sorts of scandal that have rocked this nation over the past two or three years. I do not suggest that any of those scandals have occurred in South Australia, but nonetheless we are part of the nation, and

the effect of that is that we have a national media and all the scandals that have rocked the Victorian Government and, to a slightly lesser extent, the Federal Fraser Government, and most certainly the extraordinary Queensland Government, have had their repercussions in this State as they have had nationally.

We are not alone in seeking this legislation. As a Government, we have pioneered attempts to introduce this legislation in Australia, but others have followed. I have no doubt that eventually such legislation will be the rule throughout the nation. Anyone who wants to criticise my *bora fides* in this matter should look back through *Hansard* to see that, long before I became a Minister, I put up a private member's Bill for this type of legislation, which I believe is most important if we are to be able to go into the community and hold up our heads as members of Parliament, given the sort of general attitude that people have. We should come before them with clean financial hands, with all our financial cards on the table. Basically, this is what this legislation is all about.

There are only a couple of matters that I wish to deal with. The Leader astounded members on this side. He started his speech, apparently (I was not here initially to hear his comments), saying that he supported the Bill to the second reading stage, but then he spent the entire long and laborious and rambling speech attacking the legislation. He claimed that he supported the principle of the Bill, but he spent his whole speech attacking it. Certainly, that was a strange way to show support for a measure. Apparently, the Liberal Party has had much unhappiness over this legislation. That is not a matter of my concern. Obviously, some members opposite are unhappy about this legislation, and it seems that the compromise that they have reached is to support the Bill to the second reading stage and then attempt to decry it whilst at the same time claiming that they support the principle.

I cannot reflect on another place, but I believe we will see the true colours of the Opposition when the Bill reaches another place where the Opposition has the numbers to thwart it. The only members of Parliament in Australia who actually seem to oppose such legislation are Opposition members in South Australia and members in the deep north in Queensland. To my knowledge the only persons whom I have heard, apart from various members opposite, oppose the principle of this legislation—

Mr. Tonkin interjecting:

The Hon. PETER DUNCAN: The member for Victoria said that he opposed it.

Mr. Tonkin: Did he?

The Hon. PETER DUNCAN: He did, indeed. The Leader has so little control over his Party that he does not even realise whether or not members are supporting the Bill. That is a sad thing for South Australia. I refer to a letter sent to the Premier of this State by the Premier of Western Australia, Sir Charles Court, a well-known Tory in this country, which states:

We are of the opinion that some action will have to be taken at both State and Federal levels, in connection with the declaration of interests of members of Parliament, in view of the generally unsatisfactory situation which exists and the unfair inferences and allegations which are made from time to time.

I believe that this is a matter that should have been approached without the intrusion of Party politics. It is a matter that should have been approached by all members showing some concern for the standing and status of the institution. If that had been done, then I believe that we could have developed a law in this State which would have

been bi-partisan, which would have served us well, and which would have ensured that we as a Parliament, as an institution and as individual members of this House could have gone to the community with some degree of probity and in the knowledge that public trust and confidence in our Parliamentary institution had been rekindled. I believe that will be the effect and impact of this Bill.

Bill read a second time.

The Hon. PETER DUNCAN (Attorney-General) moved:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider amendments relating to disclosure of financial interests by electoral candidates.

Motion carried.

Mr. TONKIN (Leader of the Opposition): I move:

That it be an instruction to the Committee of the Whole House on the Bill that it have power to consider amendments relating to disclosure of financial interests by certain public officers.

The SPEAKER: Before the House considers this motion, I point out to the Leader that Standing Order No. 439 provides:

Debate on a motion for an instruction must be strictly relevant thereto, and must not be directed towards the general objects of the Bill to which the instruction relates or anticipate the discussion of a clause of a Bill.

Debate on this motion is, therefore, restricted in its scope and the main thing to be debated is the reason for moving the instruction. The honourable Leader.

Mr. TONKIN: Thank you, Mr. Speaker, I am grateful for your guidance. It is entirely proper that I define the public officers that I refer to in this matter for the guidance of the House. I refer particularly to permanent heads of departments, senior officers in the Public Service, particularly Ministerial officers; that is, officers on Minister's staffs who are paid by the public purse and are closely associated with the Ministers of the Crown in the administration of the State. I do not intend to go into detail of why this is necessary, but I believe that this is a category of person who should be considered when we are considering the entire matter of disclosure of pecuniary interests of members of Parliament and of officers who assist members of Parliament who are in Government and therefore responsible for the administration of the State.

The House divided on the motion:

Ayes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Keneally, Klunder, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Dean Brown.

Noes—Messrs. Corcoran and Dunstan.

Majority of 6 for the Noes.

Motion thus negatived.

In Committee.

Clauses 1 and 2 passed.

Mr. TONKIN: On a point of order, Mr. Chairman. If, as I understand, the Attorney-General is to move that electoral candidates for Parliament be included, I would have thought that he would have bounded to his feet to move the amendment that I have under clause 1, page 1 regarding the title "Disclosure of interests", because the title as it stands will not cover candidates for Parliament.

The CHAIRMAN: There is no point of order. Clauses 1 and 2 have been put to the Committee and passed.

Clause 3—"Interpretation."

The Hon. PETER DUNCAN (Attorney-General): I move:

Page 1, after line 10—Insert definition as follows:

“electoral candidate” means a person (not being a member) nominated as a candidate for election as a member of the House of Assembly or of the Legislative Council.

By now members have been circularised with amendments to be moved by me, and can see from the purport of those amendments that the intention is to “rope in” electoral candidates from the day of nomination, as well as members of Parliament. This definition is part of the scheme to ensure that electoral candidates are included in the legislation.

Mr. GUNN: I support this amendment, because I intended to move a similar amendment, but when I gave instructions I was told a couple of days later that the Attorney had a similar amendment. It is only right that a candidate should have to declare his interest.

Amendment carried.

The Hon. PETER DUNCAN: I move:

Page 2, after line 9—Insert definition as follows:

“person to whom this Act applies” means—

- (a) an electoral candidate; or
- (b) a member.

This is consequential on the scheme to include electoral candidates in the legislation.

Amendment carried.

The Hon. PETER DUNCAN moved:

Page 2, lines 14 to 19—Leave out the definition of “relevant day” and insert definition as follows:

“relevant day” means—

- (a) in relation to an electoral candidate—the day on which he is nominated as a candidate for election; or
- (b) in relation to a member—the day falling one month after the conclusion of a return period.

Amendment carried.

The CHAIRMAN: Before calling on the honourable member for Eyre, I inform the Committee that there are two amendments which have been circulated by the Attorney-General and the member for Eyre relating to lines 20 and 21 which seek to leave out the definition of “return period” and insert new definitions in lieu.

To safeguard the amendments I intend to put the question that all words in lines 20 and 21 be left out. If this is carried, I will put the Attorney-General’s amendment as it was first to be placed on file. If this amendment is carried, the member for Eyre will not be able to proceed with his amendment, but should it fail I will call on the member for Eyre. The first question I put is: “That all words in lines 20 and 21 be left out.”

Amendment carried.

The Hon. PETER DUNCAN moved:

Page 2, lines 20 and 21—Leave out the definition of “return period” and insert definition as follows:

“return period means—

- (a) in relation to an electoral candidate—the period of six months expiring on the day last preceding the day on which he is nominated as a candidate; or
- (b) in relation to a member—a period of six months expiring on the thirteenth day of June or the thirty-first day of December in any year.

Amendment carried.

The CHAIRMAN: As the amendment of the Attorney-General has been carried, there is no point in the member for Eyre going on with his amendment.

Mr. GUNN: I move:

Page 2, lines 22 and 23—Leave out definition of “spouse” and insert definition as follows:

“spouse”, in relation to a person to whom this Act applies, includes any person who is a party to a heterosexual or homosexual relationship with that person:

It is only proper that, if spouses of members have to be included in this legislation, then those members who are having a different sort of relationship, while not on a formal basis, should also be included. It needs little explanation, and I sincerely hope the Attorney-General will accept the amendment which is introduced in good faith.

The Hon. PETER DUNCAN: The Government does not intend to accept the amendment. This is an attempt by the honourable member to trivialise the Bill and the principle behind it, because it is quite ridiculous to include such people. To my knowledge no other legislation in the State includes such people.

Mr. TONKIN (Leader of the Opposition): We have heard from the Attorney-General, who is supposed to be a serious and responsible young man, the most amazing series of contradictions. Members of the Opposition have already made quite clear that they support the principle of the Bill. By our actions members on this side have discussed and supported many of the items that have gone through, including the question of candidates, yet the Attorney-General has said that we are opposed to the legislation.

He has made all sorts of funny remarks about it, and it seems he had already made up his mind that we were going to oppose it and therefore he had to treat us that way, and was not thinking. He now says, because the member for Eyre is trying to improve and tidy up some of the loopholes in the Bill, as publicly admitted by the Attorney-General, we are supposed to be trivialising (if there is such a word) the legislation. I cannot understand it, he just does not make sense. Obviously, Caucus has decided on the wording and the Attorney-General is not prepared to budge one inch because he does not dare, and that shows the degree of support he has in Caucus.

Mr. GUNN: I am disappointed, to say the least. It seems that the Attorney-General again wishes to create different classes of citizens in this State. It is grossly unfair that spouses of members have to abide by this legislation and have to declare their particular financial interest, and yet people who have other less formal sorts of relationships are not covered. It is a contradiction, and clearly shows that the Attorney-General is not fair dinkum and is being quite discriminatory. I wonder about the motives behind his decision not to support this amendment.

Obviously, I will not be successful when this matter is put to the test, but I inform the Attorney-General that I will be making representations further up the corridor. When I had this amendment drawn I was quite confident that the Attorney-General would be reasonable and that the Government would accept this provision. I am amazed that he would show such a lack of consideration for spouses. It is a complete abrogation of the responsibilities of an Attorney-General, and he is certainly failing to uphold that office. He has quite clearly indicated to the people of this State that people can be involved in quite undesirable arrangements that would not be accepted by most decent living people in South Australia.

Mr. RODDA: I support the amendment. Legislation has been introduced over the years to broaden progressiveness (I think that was the popular word), but the Government backs off when it suits it. It backed off when an attempt was made to bring everyone within the ambit of the Bill, and that showed the Government’s double standards.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy,

Gunn (teller), Mathwin, Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Dean Brown. Noes—Messrs. Corcoran and Dunstan.

Majority of 6 for the Noes.

Amendment thus negatived; clause as amended passed. Clause 4—"The Registrar."

Mr. TONKIN: I move:

Page 2, lines 25 to 33—Leave out subclauses (2) and (3) and insert subclause as follows:

(2) The person for the time being holding, or acting in, the office of Ombudsman shall be the Registrar of Members' Interests.

This is a fundamental improvement and provides that the Ombudsman will be the Registrar of Members' Interests. The amendment takes from any other public servant or officer of the Parliament the responsibility of keeping a register of members' interests. The Ombudsman is a person of great integrity and public standing; he has the confidence of the public. Every member of this House must agree with that. No better person could keep a register of members' interests and act as Registrar. I will talk briefly about the activities of the Registrar in the event of the Ombudsman's holding that position.

The CHAIRMAN: I put to the Committee that the Leader of the Opposition wishes to speak on the matters that would be consequential if the amendment was carried. If there is no objection, I will allow the honourable member to do so, provided that he is brief.

Mr. TONKIN: I thank you, Mr. Chairman, and the Committee. The Registrar's real and heavy responsibility goes beyond compiling a list of members' interests and publishing it in the House. That is a relatively simple exercise and could be undertaken by any competent officer, but the Registrar must also examine inquiries from the public regarding conflicts of interest. If he determines that there is no possible conflict of interest, he will tell the inquirer that he does not intend to examine the matter further.

If he decides that there could be a conflict of interest, he has a duty to conduct an inquiry. If he considers that evidence should be given, or documents should be submitted, and if he is convinced after that inquiry that a person to whom this Act applies has not complied with the Act, has financial interests that prejudice the proper discharge of his public duty, or is guilty of impropriety in the conduct of his financial affairs, he refers the matter to the Parliamentary Committee on Pecuniary Interests.

I will not go further at this stage, because these are amendments which I will move in any case, but it is most important that we realise that the person who has this heavy responsibility must be of high standing in the community, and that is why I believe that our affairs as members, and the affairs of our families and of candidates for Parliamentary office, should be left in the hands of a person of such status, stature, and integrity as the Ombudsman.

The principle that we are talking about is the method of disclosure, and what we will be voting on when we vote on this amendment will be whether or not the public should be presented with a Parliamentary Paper listing for public view all of the details certainly of our interests, but not importantly of our interests, but also of the interests of our families. That seems to be the key to it. I am prepared to accept that we have a public duty which does mollify our

right of privacy. We would not be here if we did not accept that. I still maintain that members of our family have every right to privacy. I also subscribe to the view put forward by the Attorney-General that members of families should be required to disclose their interests because, in many cases, if a man or woman seriously wanted to mislead Parliament as to his public duties—

The CHAIRMAN: Order! I think the honourable Leader is getting away from the clause he wishes to amend, which relates to the Registrar.

Mr. TONKIN: I believe that those families will be far more willing to disclose if they know that the Registrar is the Ombudsman, and if they know that the register will be kept in his care, and not made available for any mischievous or malicious inspection.

Mr. GUNN: I support the amendment. I believe that the Ombudsman is an appropriate person to be appointed as the Registrar under this legislation. Ombudsmen, in this State and in other parts of the world, are experienced in handling difficult cases and reporting impartially on them. I think the Ombudsman in this State would fit the position very well.

If the measure is widened to cover members of the press, it would be interesting to hear his comments if a request were to be made to inquire into the political affiliations of a member of the press. We know that the political journalist from the *Advertiser*, Mr. Kelton, acts as a press secretary for the Government. We are fully aware of that. No wonder the Minister of Community Development has not got a press secretary, because Kelton acts as his *de facto* press secretary.

The CHAIRMAN: Order! I do not believe that the honourable member is now speaking to the clause. The honourable member must confine his remarks to the clause.

Mr. GUNN: I take it from your comment, Mr. Chairman, that I am not permitted to continue along that line. I was about to make a comparison.

The CHAIRMAN: I understand the point the honourable member wishes to make, and he will be proceeding correctly if he now confines himself to the clause.

Mr. GUNN: I think that the Leader's comments were quite appropriate and worthy of strong support.

The Hon. PETER DUNCAN: I oppose the amendment. As it stands, the clause does not state who the Registrar must be. At present, we think one of the Clerks of Parliament would be an appropriate person, quite possibly. However, this clause does not preclude the Ombudsman from being appointed as the Registrar. Certainly, I will give some consideration to the Leader's suggestion, but I think the clause stands better as it is, without the amendment.

Mr. MATHWIN: I support the amendment. The Attorney-General gave a very poor answer. The only excuse he could make was that it might be the Ombudsman, or it could be an officer of Parliament, or Tom, Dick or Harry. It was a poor answer to such an important amendment. The Leader put forward a good case for the appointment of the Ombudsman. No-one in this House who knows Mr. Gordon Combe would disagree with the Leader's comments. It is not good enough for the Attorney-General to say that it could be the Ombudsman or anyone else who is appointed as Registrar. If he believes that the Ombudsman is a fit and proper person to hold this position, why does he not support the amendment? Why leave it open for some sort of manipulation perhaps later on? Is that why the Attorney will not support the amendment? It is high time he saw the situation in its proper light.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Dean Brown.
Noes—Messrs. Corcoran and Dunstan.

Majority of 6 for the Noes.

Amendment thus negated.

Clause 5—"Member to furnish returns as to income sources, etc."

The Hon. PETER DUNCAN: I move:

Page 2—

Line 34—Leave out "Member" and insert "person to whom this Act applies".

Line 40—Leave out "a Member" and insert "he".

Page 3—

Line 1—Leave out "a Member" and insert "he".

Line 4—Leave out "the Member" and insert "he".

Amendments carried; clause as amended passed.

Clause 6—"Availability of information."

Mr. TONKIN: I move:

Page 3, lines 10 to 22—Leave out subclauses (2), (3), (4) and (5) and insert subclauses as follows:

(2) The Registrar shall, at the request of any member of the public, examine the register with a view to determining whether he should conduct an investigation under this section.

(3) Where in the opinion of the Registrar—

(a) the information disclosed by the register is such that an investigation should be carried out under this section; or

(b) there is reasonable cause to suspect that a person to whom this Act applies—

(i) has not complied with this Act;

(ii) has financial interests that are such as to prejudice the discharge of his public duties; or

(iii) is guilty of impropriety in the conduct of his financial affairs,

the Registrar may conduct an investigation of that person's financial affairs.

(4) The Registrar shall inform any person who makes a request under subsection (2) of this section whether or not he has decided to conduct an investigation under this section.

(5) Where the Registrar decides to conduct an investigation under this section, he may require any person to whom this Act applies, and any other person who, in the opinion of the Registrar, may be able to provide information relevant to the investigation—

(a) to appear before the Registrar for examination;

(b) to answer truthfully questions relevant to the investigation; and

(c) to produce documents relevant to the investigation.

(6) A person who fails to comply with a requirement of the Registrar under subsection (5) of this section shall be guilty of an offence and liable to a penalty not exceeding two thousand dollars.

(7) Where the Registrar, after conducting an investigation under this section is satisfied that a person to whom this Act applies—

(a) has failed to comply with this Act;

(b) has financial interests that prejudice the proper discharge of his public duties; or

(c) is guilty of impropriety in the conduct of his financial

affairs,

he may refer the matter to the Parliamentary Committee on Pecuniary Interests constituted under this section.

(8) The Parliamentary Committee on Pecuniary Interests shall consist of—

(a) three members of the House of Assembly appointed by the House of Assembly; and

(b) two members of the Legislative Council appointed by the Legislative Council.

(9) The Parliamentary committee shall investigate any matter referred to it under this section and may take such action as it thinks appropriate in relation to any such matter.

(10) Proceedings under this section shall be conducted in private.

(11) The Registrar shall, as soon as practicable after the conclusion of each financial year, submit a report to the Minister stating—

(a) the number of investigations conducted by him under this section in that financial year; and

(b) the number of requests made to him in that financial year under subsection (2) of this section and the names and addresses of the persons by whom those requests were made.

(12) The Minister shall, as soon as practicable after his receipt of a report made in pursuance of subsection (11) of this section, cause copies of the report to be laid before both Houses of Parliament.

The amendment is self-explanatory, but it is very much in accord with the recommendations of the Riordan Committee, which was set up during the term of the Whitlam Government. The implementation of the recommendations was before the House of Representatives when it was prorogued in 1975. The amendment safeguards very strictly the right of privacy of members of a member's and a candidate's family. I believe, for that reason, it is a particularly important principle. We agree on the principle of disclosure of interests. When we are voting for the amendment, we are voting for the right of privacy of members of our families, a right which should not in any way be modified by the fact that they happen to be married to or children of members of Parliament.

We are prepared, as members of Parliament, to accept that our right of privacy is modified by public duty, but that modification does not in any way apply to the individuals who are members of our families. The amendment will achieve and safeguard that right of privacy for these people. It will prevent malicious, mischievous and what has been termed "squizzybeak" people from seeing what members of Parliament and their families are worth for their own curiosity.

Sometimes, as has been pointed out in another Parliament, the information that could be gleaned from an open inspection of a published Parliamentary Paper could be the subject (I do not think this is going too far in today's society, and I am not happy to say it), of terrorist activities, kidnapping, intimidation, and stand-over tactics. I believe that the publication of such a register could lead to a great deal more harm, especially to members' families. We must consider that matter carefully.

Mr. ALLISON: I wonder whether the Attorney-General has also considered in these times, when there is increasing physical attack upon wives and families of people in public office, that he is not, after all, providing criminals with a potential shopping list against which they might select targets for attack, kidnap, or holding for ransom. I know it is an unlikely event in a peaceful situation, but when one bears in mind the situation in other countries (and Australia is increasingly following the pattern of violence in other countries), this is certainly a

matter that could be carried to the extreme by criminals using that list if it were published. I suggest that to make people justify their approaches for information would go a long way towards stopping that type of activity.

The Hon. PETER DUNCAN: Dealing with the last matter first, I find the Prime Minister's view, that this list, as it is described, could in any way contribute to information available to terrorists, about the most specious argument that I have ever heard.

Mr. Allison: I thought I was being original.

The Hon. PETER DUNCAN: It is the Prime Minister's argument. The reason for that is that the register here (and members opposite may innocently not appreciate this) will not require people to disclose their addresses. They will be required to state the volume and folio number of property owned, not their residential address. It will be much more difficult for any person who seeks to harm members to obtain that information than it is simply to go to the electoral roll, which is readily available for anyone to see, in which all of us are listed, together with a home address.

How specious the argument is. I am absolutely flabbergasted to think that the Opposition has chosen to raise that argument in debate. That is the sort of argument the Prime Minister must have run off the top of his head at some stage; it certainly has no merit whatever. Regarding the substantive proposals in the amendment, it ought to be labelled the blackout amendment. It will ensure that the register is no longer a public register, and I believe that the Leader has moved the amendment with that deliberate intention.

Mr. Tonkin: Do you support the right of privacy of the individual?

The Hon. PETER DUNCAN: I believe that various rights in society (as does the Leader) are modified by various occupations.

Mr. Tonkin: No, the right of an individual who is not a member of Parliament?

The Hon. PETER DUNCAN: I believe that people in society have to comply with certain rules and regulations and that, in this instance, it is appropriate that the family members of a member of Parliament should make the disclosures required. The fundamental argument in favour of all of this, if there is one argument that is the paramount argument in support of the legislation as it stands, seems to be the question of public trust in members. In the current climate of opinion, I do not think that anything short of a full public register is likely to be sufficient to convince the electors that their representatives' private affairs are beyond suspicion. That is the fundamental reason why we need to have a public register.

Mr. GUNN: The Attorney-General has clearly displayed this evening that he is a hypocrite, because earlier he would not accept a proposition that would have placed certain private relationships on the same basis. The Leader has moved an amendment which was basically put forward by the New South Wales report.

Mr. Tonkin: He probably doesn't agree with his colleagues there, though, or with his colleagues in the Federal Parliament.

Mr. GUNN: No. Recommendation No. 4 of the New South Wales report states

Access to the information disclosed in the register can only be permitted after establishing to the satisfaction of the register and the Joint Standing Committee on Pecuniary Interests that a *bona fide* reason exists for such access.

Why should the person at least not have to give a reasonable reason? The Attorney has not put forward any valid reason against that. The Riordan Report, which is a joint Party report, states:

Members of Parliament should provide the information

required in the form of a statutory declaration to a Parliamentary Registrar who shall be directly responsible to the President of the Senate and the Speaker of the House of Representatives. It is reasonable and proper to allow the public to have access to the information disclosed on establishing to the satisfaction of the Registrar and with the approval of the President or Speaker that a *bona fide* reason exists for such access. These statutory declarations should be in loose-leaf form so as to enable members of the public to inspect any relevant details in the statutory declaration filed by a particular Senator or member. Upon any request for access being received by the Registrar, the Senator or member concerned shall be notified personally and acquainted with the nature of the request and informed of the details of the inquiry before such access is granted. The Senator or member thus notified may, within seven days, submit a case to the Registrar opposing the granting of access. On receipt of such submission the Registrar, with the approval of the President or Speaker, shall make a decision from which no appeal shall lie.

That is a reasonable recommendation, and it is the kind we would like to see in the legislation. It is the kind of practical recommendation which, I am sure, all reasonable members of the public would accept. It is the sort of recommendation that should also be included in other parts of the legislation dealing with other people who should be covered by the legislation. The Attorney-General cannot get out of his present difficulties by again blaming the Federal Government or the Prime Minister.

Mr. TONKIN: The Attorney really is a bit of a joke, but the trouble is that he is such a dangerous joke. I have never heard a more specious reason (if I may quote him) for the defence of his attitude on the register as it is. He began by saying that it would be perfectly all right, that there would be no risk of terrorism, because our addresses would not be published. That is not even funny; it is puerile.

The Attorney said that the Federal members of his Party now favour open disclosure, but I suggest that he checks that again and see some of the latest reports. I am not too sure that we should not be waiting for the report of the current inquiry before we all decide (we are all agreed on the principle) on the method of disclosure. I can assure him that many of this Federal colleagues want to see the Riordan Committee recommendations put into effect, and that is what is happening with Mr. Wran and his Government; they are going to adopt that principle, too.

The Hon. Peter Duncan: What about your colleague Mr. Hamer? He has had a bit of a conversion since Ballarat.

Mr. TONKIN: What the Attorney does not realise is that the Victorian Premier (Mr. Hamer) has already consulted me about this legislation. I have provided him with that excellent library research paper which every member will have read or heard about. He is examining proposals we have put forward, based on the Riordan Report. The Attorney-General is taking great credit for himself for being the first man to have thought of this, or perhaps for being the first to introduce it. South Australia is leading Australia again! It seems to me that, in doing so, he has been in such a hurry that he is not in step with the his colleagues in the rest of Australia. Why should we be lumbered in South Australia with legislation in a form which the colleagues of his own Party in other States or spheres do not approve? Let us have the best—not what he thinks is best, but what the general consensus is of what is best.

Bearing in mind the Attorney's views on marriage and lack of marriage, and his attitude towards society which he has clearly expressed many times in the House, for him suddenly to turn around and say that spouses or putative

spouses should have their privacy withdrawn obviously means that he does not believe in privacy. We are talking about privacy and about whether this will be a published document or a closed document open to inquiry; that is the long and short of the matter.

The Attorney-General, who advocates the right of privacy of individuals regardless of whether or not they are married, or whatever relationship they are in, is now saying that, because they are married or are in some other relationship with a member of Parliament, they must forfeit their right to privacy. What hypocrisy! I can say nothing more: the facts speak for themselves.

Mr. BECKER: The Attorney cannot understand our point. He should appreciate the confidentiality of financial matters and general privacy. Surely the Labor Party appreciates that, especially from its experience in the past election because one of its candidates, who was defeated, is now before the courts, the type of individual who would have used information envisaged by this Bill and ruthlessly bandied it about in any electorate. It would not have worried me, because I have nothing to declare. I cannot see the ulterior motive behind the legislation, unless the Government wants to set someone up. That is what it is all about. The Government wants to bring certain people to public attention to ridicule them. In regard to British justice and democracy we have gone too far. The register should be confidential. It can be supervised. I have examined the time table regarding the presentation of the register to Parliament. I fear what the Attorney may be setting up. He could create a situation involving a criminal element in South Australia. He would not be happy if something happened to a member of the family of a member of Parliament.

The member for Mount Gambier referred to attacks on the family of a member of Parliament. My children have suffered at high school because of the political affiliations of their father. Some people in the community allow their political affiliations to run away with them, and will stop at nothing to seek revenge on certain individuals. The Attorney has much of the community against him about some of his attitudes. The recent media survey did not rate the Attorney highly, and I would hate to see anything happen to his children merely because someone decided to take revenge on him because of his policies.

What about future members of Parliament? We must ensure that the information requested and any other information does not go too far. I cannot support the clause. The Leader's amendment is sensible, logical and deserves the total support of the Committee.

Mr. WILSON: The Attorney will not wait for the report of the present inquiry, because he is intent on being the first to institute this legislation in Australia. He wishes to outdo his predecessors, the Hon. L. J. King and the Premier, and become Australia's great reforming Attorney-General. No other inquiry into this matter has brought down provisions such as those incorporated in the Attorney's Bill. The Riordan Committee was referred to by the Leader and the member for Eyre. It did not go as far as this Bill goes. In a report in the *Parliamentary* (July 1975) concerning the House of Commons inquiry, the following statement is made:

On close relatives of members, the committee again recommended no action. Indeed, we declare—
and this is important—

we "would regard a disclosure of the interests of spouses and children as an unnecessary invasion of privacy for which there is no justification at present".

As that is the point of the Leader's amendments, I commend them to the House.

Mr. GUNN: On reading the Riordan Report, I find that

the Attorney submitted the arguments that he has incorporated in this legislation to that committee, but they were rejected by it.

The CHAIRMAN: Order! I fail to see how the Attorney-General's giving evidence to the Riordan Committee is a matter for discussion under this clause.

Mr. GUNN: The Riordan Committee, basically—

The CHAIRMAN: Order! There seems to be some dissension to my ruling. If I accepted that giving evidence to the Riordan Committee is a subject for debate, honourable members could debate any of 11 000 000 people in Australia having given evidence. I cannot allow that.

Mr. GUNN: The Leader's amendments are basically the same as the final recommendations of the Riordan Committee. Obviously, the Attorney put forward his views, now contained in this Bill, to the committee, but they were given short shrift. They were not considered to hold water and, therefore, it would be appropriate for the Committee to support the Leader's amendment.

Mr. TONKIN: The Attorney claimed earlier that it was only to be a publication of no addresses, comprising only folio numbers and interests, etc. In the clause just passed, paragraph (e) referred to "any prescribed matter". At the drop of a hat by proclamation or regulation we could be asked to disclose almost anything. The Attorney's clause 6 was based on a submission to the Riordan Committee, which was established by his own colleagues, and that provision was rejected in favour of the type of amendment that I have moved. That is astounding. The Attorney is an individualist; there is no question about that. And his individualism is costing South Australia dearly.

Mr. BECKER: I am disappointed that the Attorney is not prepared to add further to his remarks. I can remember at the time of the previous Federal election when the Commonwealth Leader of the Opposition (Mr. Hayden) gave a statement of his assets and liabilities. I think he made a fool of himself in doing that. That matter was discussed by many people, and I do not think that he achieved anything at all by doing that. The Attorney-General was interviewed on a television programme and refused to disclose his assets.

The Hon. Peter Duncan: That's not true.

Mr. BECKER: Did the Attorney make a full and total disclosure? I do not see why, at this stage, the Attorney should have to do that. What he has is his own personal business. I do not think the Government will achieve anything by laying everybody bare in this fashion.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Dean Brown.
Noes—Messrs. Corcoran and Dunstan.

Majority of 6 for the Noes.

Amendment thus negatived; clause passed.

Clause 7—"Failure to furnish information."

The Hon. PETER DUNCAN moved:

Page 3, line 23—Leave out "Member" and insert "person to whom this Act applies".

Amendment carried.

Mr. GUNN: I move:

Page 3, line 29—Leave out all words in this line.

This amendment greatly improves the measure. A penalty

of \$5 000 is quite unreasonable. The next clause is unreasonable, too.

Mr. TONKIN: I support the amendment, in conjunction with reference to a clause yet to come. We have now agreed to a situation in which we will have a public register, which will be a Parliamentary paper in this Chamber. I think that this Chamber is quite capable of dealing with breaches of pecuniary interests in its own way.

I believe that provision already exists to do that under Standing Order 214. If a member has failed to comply with the Act and has financial interests that prejudice the proper discharge of his public duties, or if he is guilty of impropriety in the conduct of his financial affairs as a member of Parliament, I believe it is up to Parliament to deal with the matter. If the matter comes forward by way of complaint it will come to the officer of this Parliament.

We do not know whether that is certain, but the Attorney-General has indicated that the Registrar is likely to be an officer of the Parliament. If that happens and the registry is made public, the House will have all the facts and will have the ability to ascertain and establish exactly what the facts are. I believe that it is totally wrong to take the business, the responsibility, the undoubted rights and privileges of this House away from members: that is exactly what is happening under the proposed legislation. At the appropriate time I will also oppose clause 8, which provides that proceedings for an offence against this Act shall be disposed of summarily, therefore the two clauses are inter-related.

I believe that the House has a responsibility to look after its own affairs, and I repeat that I believe that anybody guilty of this sort of misconduct is very much in breach of privilege and should be dealt with by the House, if necessary by suspension or disqualification. In my view, disqualification is the only appropriate penalty for somebody who has taken blatant advantage of his Parliamentary position for personal or private gain.

The Hon. PETER DUNCAN: I oppose the amendment, because this is a further example of the Opposition's desire and intention to gut this Bill. Without a penalty clause of this type the Bill would be almost worthless. As the honourable member knows there would be no substantive sanction at all and, without a substantive sanction, the Bill would not be worth the paper it is written on. The Bill must have a substantive sanction, and I believe \$5 000 is appropriate considering the seriousness of the matter involved.

Mr. TONKIN: Once again the Attorney-General is waffling. He is a fool to talk about—

The CHAIRMAN: Order! I ask the Leader of the Opposition to withdraw the remark. He is not able to reflect on a member of the House.

Mr. TONKIN: I will withdraw the remark and I apologise, but I must say I have been intensely provoked. The Attorney-General is perhaps not functioning as well as he should be at present. He says we are going to gut the Bill, and by that I suppose he means take the backbone out of it and make it worthless. He is proposing that we must have a substantive sanction. If he does not believe disqualification from a seat in Parliament is a substantive sanction, I do not know what he believes would be. I suppose his attitude reflects some sort of measure of the value he puts on his seat in Parliament. Once again, the Attorney-General has not made any sense at all, and his reasons for opposing this amendment are absolutely specious, without any basis, and, quite frankly, ridiculous.

The Committee divided on the amendment:

Ayes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy,

Gunn (teller), Mathwin; Nankivell, Rodda, Russack, Tonkin, Venning, Wilson, and Wotton.

Noes (23)—Messrs. Abbott, Bannon, Broomhill, and Max Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Pairs—Ayes—Mrs. Adamson and Mr. Dean Brown. Noes—Messrs. Corcoran and Dunstan.

Majority of 6 for the Noes.

Amendment thus negated; clause as amended passed.

Clause 8—"Summary of proceedings."

Mr. TONKIN: I oppose this clause. I will not go into details again, but I believe that the affairs of the House in relation to matters of privilege must be left in the hands of the House. I hope that the Attorney-General does not reply with that specious argument that disqualification from the House is not sufficient penalty for an offence against this regulation. I believe that it is the extreme and ultimate penalty, and I believe that we deserve to live under those laws and Standing Orders as we do. I do not think we should put our affairs into the hands of a magistrate who can simply impose a fine.

The Attorney-General is emasculating the Bill by including a \$5 000 fine, because they are not criminal proceedings. I know exactly what the Attorney-General is doing. If he wants to take things seriously, he must put himself on the line the same as other members of Parliament do, and should be subject to disqualification if caught breaching the requirements of the Act.

The Committee divided on the clause:

Ayes (23)—Messrs. Abbott, Bannon, Broomhill, and Brown, Mrs. Byrne, Messrs. Drury, Duncan (teller), Groom, Groth, Harrison, Hemmings, Hopgood, Hudson, Klunder, Langley, McRae, Olson, Simmons, Slater, Virgo, Wells, Whitten, and Wright.

Noes (17)—Messrs. Allison, Arnold, Becker, Blacker, Chapman, Eastick, Evans, Goldsworthy, Gunn, Mathwin, Nankivell, Rodda, Russack, Tonkin (teller), Venning, Wilson, and Wotton.

Pairs—Ayes—Messrs. Corcoran and Dunstan. Noes—Mrs. Adamson and Mr. Dean Brown.

Majority of 6 for the Ayes.

Clause thus passed.

Clause 9 passed.

Title.

The Hon. PETER DUNCAN moved:

After "South Australia" insert "and certain other persons".

Amendment carried title as amended passed.

The Hon. PETER DUNCAN (Attorney-General) moved:

That this Bill be now read a third time.

Mr. TONKIN (Leader of the Opposition): I support the principle of disclosure of interests, and I believe that the Opposition has made that quite clear. I do not oppose that in any way. However, I oppose the method that has been adopted.

The Hon. J. C. Bannon: Because it is workable.

The SPEAKER: Order! The honourable Minister is out of order.

Mr. TONKIN: I am not alone in my opinion and I point out that the Bill contains the same clauses that were recommended by the Attorney-General to the Riordan Committee, which was established by his colleagues but which rejected them outright in favour of other amendments. Ministers should watch what they say because they are embarrassing their colleague considerably. The Opposition supports the principle and believes

that it should be put into effect by using provisions similar to the recommendation of the Riordan Committee, a committee set up by members of the Australian Labor Party in Government and adopted by both State and Federal members of that Party. For the Attorney-General in any way to snigger and sneer because the Opposition agrees with his colleagues does him no credit, and certainly does not help his credibility.

Bill read a third time and passed.

ADJOURNMENT

At 11.28 p.m. the House adjourned until Thursday 16 November at 2 p.m.