HOUSE OF ASSEMBLY

Thursday 4 December 1980

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITIONS: PROSTITUTION

Petitions signed by 1 062 residents of South Australia praying that the House urge the Government to strengthen existing laws against the prostitution trade, reject any proposal to legalise the trade, and request the Commonwealth Government to sign the United Nations convention on prostitution were presented by the Hons. Jennifer Adamson, E. R. Goldsworthy, R. G. Payne, W. A. Rodda, D. O. Tonkin, and D. C. Wotton, and Messrs. Bannon, Becker, Blacker, Lewis, and Peterson.

Petitions received.

PETITION: PORNOGRAPHY

A petition signed by 28 residents of South Australia praying that the House legislate to tighten restrictions on pornography and establish clear classification standards under the Classification of Publications Act was presented by the Hon. D. O. Tonkin.

Petition received.

PETITION: WATER FACILITIES

A petition signed by 68 owners of land in or residents of the district of Skye praying that the House urge the Government to purchase and operate the water supply facilities at Skye was presented by the Hon. D. C. Brown.

Petition received.

PETITIONS: TEACHING STAFF

Petitions signed by 10 residents of South Australia and 10 staff members of Happy Valley Primary School and Central Southern Regional Education Office praying that the House urge the Government to take all possible steps to prevent the erosion in numbers of seconded teachers and support services in the Education Department were presented by Messrs. Becker and Schmidt.

Petitions received.

PETITION: BRIGHTON ROAD

A petition signed by 1 078 residents and proprietors and users of Brighton Road praying that the House urge the Government to restrict the use of heavy vehicles, particularly those carrying inflammable liquids or gases, on Brighton Road was presented by Mr. Mathwin.

Petition received.

QUESTIONS

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard:* Nos. 647, 662, 724 to 726, 736, 750, 852, and 854.

FORESTRY WORKERS

In reply to **Mr. PLUNKETT** (20 November).

The Hon. D. C. BROWN: During Question Time on 20 November, the honourable member asked why it was that the Woods and Forest Department advertised in the *Border Watch* for forestry contractors of various types when adequate staff were available from within the department.

I am informed the department has traditionally used contractors and their machinery for works such as new site preparation for plantations and for forest road works, supplementing its own machinery. There is a seasonal concentration of much of the work.

Recently, tenders which have been called have evoked very poor response, suggesting that there is less contractor machinery available than in previous years. The advertisements referred to are necessary for the department to assess the availability of machinery in the region and thus enable the department to determine its own necessary equipment purchasing programme.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In reply to **Mr. HEMMINGS** (19 November).

The Hon. D. C. WOTTON: Regarding amendments to sections 218 and 220 of the Local Government Act Amendment Bill (No. 2), the explanation given earlier was correct.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In reply to **Mr. PETERSON** (19 November).

The Hon. D. C. WOTTON: In relation to clause 36, "Power to declare a general rate": as the inclusion of this paragraph was made in another place, local authorities have not had the opportunity to consider the implications of the new provision which requires councils to declare a general rate on or before 31 August. Therefore the information requested by the member is not available.

SCRUTINEERS

In reply to **Mr. HEMMINGS** (19 November).

The Hon. D. C. WOTTON: The present provisions of the Local Government Act relate to scrutineers to be appointed for not only the conducting of a poll but for attendance at the count. In both instances the candidate may appoint more than one scrutineer for this purpose, but only one may be at any time present in the polling place or present at the count.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

In reply to **Mr. HEMMINGS** (18 November).

The Hon. D. C. WOTTON: In relation to positions of presiding officer and returning officer, the following reply is provided:

> Prior to polling day an elector is able to post or hand to the Returning Officer or Deputy Returning Officer postal vote papers for inclusion in the ballot. On election day an elector may hand the papers to the presiding officer in charge of the polling place.

PROVISION OF POLLING PLACES

In reply to **Mr. HEMMINGS** (19 November).

The Hon. D. C. WOTTON: The Local Government Act provides that councils are responsible to designate the polling places to be used for elections within their own areas. In many instances councils do use the same polling places as those used for State and Federal elections. However, it is the responsibility of each council to make its own decision in this regard. It is not contemplated at the present time to enact legislation to take this responsibility away from local government.

FIRE DRILL

The SPEAKER: In conjunction with the President of the Legislative Council, I wish to thank all members, staff and other occupants of the building for their co-operation in carrying out a fire alert and evacuation drill yesterday. It is acknowledged that an unannounced drill may have caused some inconvenience. However, it was considered that this was the most desirable method.

The drill has revealed some minor problems, for which the appropriate corrective measures will be taken, but at the same time it has confirmed that the system and procedures, as corrected, will ensure the safety of all occupants of the building in any real emergency. It is likely that similar drills will be undertaken from time to time as considered necessary, and the continued co-operation of all members and staff is requested.

MINISTERIAL STATEMENT: STAMP DUTY

The Hon. D. O TONKIN (Premier and Treasurer): I seek leave to make a statement.

Leave granted.

The Hon. D. O. TONKIN: This morning Executive Council approved an increase in the rate at which credit and rental transactions become liable for stamp duty. The rate will be increased from 14 per cent to 15 per cent. This brings South Australia into line with Victoria, which increased the threshold rate earlier this year.

The Government has been monitoring this situation for many months and, following the increase in interest rates recently announced by the Federal Treasurer, was convinced that an increase in South Australia's rate was necessary. Those sections of the financial community which are subject to stamp duty on credit and rental transactions would have been seriously disadvantaged had we not acted to raise the threshold rate by 1 per cent. This matter will remain under constant review.

The Government has also been consulting with other States about the possibility of widening the tax base and reducing the rate of duty on credit and rental transactions. I will keep the House informed on any developments in this area.

MINISTERIAL STATEMENT: COAL EXPLORATION

The Hon. E. R. GOLDSWORTHY (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. E. R. GOLDSWORTHY: I wish to draw the attention of the House to press reports relating to exploration for coal in the Arckaringa Basin by the company, Meekatharra Minerals (Australia) Pty. Ltd.

An honourable member: Have copies of the statement been delivered?

The Hon. E. R. GOLDSWORTHY: They have been on the table since—

Mr. Millhouse: Do we have to pick them up?

The SPEAKER: Order! Leave has been granted to the Deputy Premier, and I ask him to continue with his statement.

The Hon. E. R. GOLDSWORTHY: In particular, I refer to reports in today's *Australian* under the heading "Meekatharra's Arckaringa coal reserves jump" and in the latest issue of the *Miner* newspaper under the heading "Huge South Australian Strike". These reports include comments attributed to the Chairman of the company, Mr. D. O'Callaghan, about the extent of assumed coal reserves in the Arckaringa Basin, and proposals for development of these reserves.

In particular, the reports contain comments about the possibility of beginning to exploit the reserves by 1984, and plans to use the coal to generate power in South Australia, to export as steaming coal, and as the basis for a liquefaction plant. The Government appreciates the interest and enthusiasm with which Meekathara Minerals is taking up an exploration programme in the Arckaringa Basin.

However, I have an obligation as Minister of Mines and Energy to keep the public fully informed of the progress of resource development in South Australia and, in this case, the comments I have referred to about the coal in the Arckaringa Basin are not justified by information so far supplied to me.

I am advised that the drilling in the basin so far is inadequate to justify estimates of the reserves made by the company. As well, it is far too early to speculate as to how this coal might be utilised.

As to the suggestion that it might be used for power generation in South Australia, I must emphasise that evaluation of the Wakefield and Kingston deposits is far more advanced, and their development for this purpose is much more likely than such a remotely located coal.

I might say that at my instruction the Deputy Director-General of Mines and Engergy contacted the company today by telephone, and I was no further satisfied than I was earlier in relation to the statement. In all of the circumstances, I will be calling on Meekathara Minerals to justify the statements it has been making.

QUESTION TIME

INTEREST RATES

Mr. BANNON: In view of the Premier's appearances in Federal election press advertisements urging that we vote Liberal for South Australia's sake, does he believe that the higher interest rates announced within weeks of the election and within days of the Queensland election will benefit South Australia? If the Premier believes that the interest spiral will not benefit this State, what precise relief measures does he plan to take? Before the rate rise a young couple on average weekly earnings of $12 100 seeking a loan could afford to repay $26 700 to a savings bank over 25 years. Now, because they will be able to repay only $24 800, the deposit gap, the amount of money required to get and establish the initial loan has increased by $1 900.

Couples with an existing loan of $30 000 over 25 years will face extra repayments of more than $5 weekly if banks do not extend the term of loans. Before the latest mortgage interest rise, South Australian building approvals for new private houses in the three months to August

1980 were down 11·4 per cent on the same period last year. The interest rises will wipe out the value of the Liberal Party election promises of increased home savings grants. South Australian manufacturing—

The SPEAKER: Order! The Leader is now commenting.

Mr. BANNON: Sorry, Mr. Speaker. It has been reported in the press that South Australian manufacturing employment depends significantly on the production of items financed by interest-bearing loans, including motor vehicles and consumer durables; that being so, South Australia will be hard hit by these increases.

The Hon. D. O. TONKIN: I apologise to the House for my voice this afternoon. The higher interest rates which have been announced by the Federal Government will not be regarded with a great deal of pleasure by anyone in the community. There are a number of points I would like to make in respect of them. First, fortunately, we are still well below the interest rates which apply nowadays in many countries in the world, and it is fascinating to find that we are concerning ourselves with an interest rate increase of the level to which it has risen, when compared with interest rates of about 18·5 per cent, with very definite indications that it will go to 20 per cent in the United States of America.

In relation to the interest rate increase I have taken advice from the State Bank of South Australia, and I understand that the Savings Bank of South Australia is to make a decision on this today, and I have no reason to doubt that it will be any different. The advice, of course, is that the different categories of interest rates will remain the same. Concessional housing loan interest rates will remain unaltered. There will be no difference there. Rates on loans for housing on a non-concessional basis from the general bank will increase by 1 per cent per annum in line with the increase. Rates for overdrafts and long-term loans under $100 000 will be increased by 1 per cent per annum across the board.

The matter of application for further increases up to a net overall increase of 2 per cent per annum will be kept under review. Rates applied on loans to any drought affected rural borrowers will be reviewed in the light of individual circumstances; in other words, will be taken very much on their merits. Interest bearing deposit rates will be increased by 1 per cent to a maximum of 11 per cent. Interest on investment accounts will similarly rise to a rate of 10 per cent per annum.

The Leader asked what precise relief measures will be taken to overcome this problem. I point out to him that inflation is probably the biggest eroder of savings and capital value of any economic factor in the world. I remind the Leader, since he has chosen to bring the Federal Government into this decision to increase the interest rates, that under a Federal Labor Government the inflation rate hit an all-time high in this country of 18·5 per cent.

Members interjecting:

The SPEAKER: Order!

The Hon. D. O. TONKIN: Inflation is the target at which the Federal Government has been aiming ever since it came to office, and it has aimed at keeping it down to a level of approximately 10 per cent, or slightly under 10 per cent, which is the level being predicated at present. I believe this a very worthwhile exercise, particularly when one considers the performance in the United States and the United Kingdom. We should keep the inflation rate down and I think it is more important that this be done than to artificially keep interest rates at a lower level than the market will bear; this latter course would quite significantly add to inflation in the long term.

I believe that the measures which have been taken by the State Government and which will continue to be taken with the utmost vigour whereby we proceed to attract investment and development in this State are the very best hedge that we can possibly have against rising interest rates or, indeed, any other economic pressure, because it is the people who are not prosperous, the people who do not have access to a buoyant healthy economy in the State, who suffer most from these moves. Regarding the specific measures we are taking, we are ensuring that, as soon as it is feasible and possible, we will return this State's economy to a buoyant and healthy state in which everyone will have an opportunity of prosperity and of sharing in the State's wealth with future development, and where they will have real security.

HEALTH COMMISSION COMPUTERS

Dr. BILLARD: Can the Minister of Health say what steps have been taken by the Health Commission since the bringing down of the Molloy Report on the Flinders Medical Centre computer fiasco that would improve the effectiveness of A.D.P. applications within the health sphere and, in particular, at the Modbury Hospital? The Molloy Report, released earlier this year, was highly critical of A.D.P. policies and practices within the Health Department and the Health Commission during the life of the former A.L.P. Government. The Modbury Hospital had been induced to participate in that programme since 1974, and I note that the March 1980 issue of the *Modbury Hospital Tracker* reported that the last remaining element of its involvement with the Flinders Medical Centre system, which was an A.T.S. system, ceased operation on 31 March this year. Since recognition of the problem is but the first step needed in recovery, I ask what has been done to ensure that such waste of public moneys does not occur again.

The Hon. JENNIFER ADAMSON: I am pleased to inform the House that, as a result of the debacle with the Flinders-Modbury computer, the Health Commission, in 1979, set up a joint team of senior Health Commission and hospital staff to examine the problem. As a result of the efforts of that team, a recommendation was provided to the commission that a common hospitals information system be established and that hospital staff, as well as commission staff, be involved in the discussions as to what the patient information system could comprise. I was pleased to see that, in the *Australasian Computer World*, the editorial praises the commission and its computer staff for the work that has been done. Tenders have been called for a common patient information system. Some of the requirements for that system are that it should be working already, and proved to be working, in other hospitals, because one of the reasons for the debacle of the Flinders-Modbury system was that it was a pioneering system that had not been tried; that it should be capable of installation in South Australia in a short time and at a low cost; and that it could be acquired on lease or rental for two or three years so that it could be tested. The total cost of the system, for which tenders have been called, is estimated to be between $180 000 and $260 000 per annum. The system will serve 2 000 beds. The Flinders system cost $230 000, and was designed to serve 200 beds. That is an indication of the vast waste of funds that was undertaken at a time when there were simply not proper controls.

The benefits of this common patient information system will include improved management information, improved management of outpatient resources, and increased bed utilisation. There will be absolutely no risk under the new system that the Flinders-Modbury debacle will be

repeated. The cost estimates are realistic, and the hospitals are involved in the project and committed to its success. The procurement process will be fair, which was not the case with the Flinders-Modbury computer. The financial commitment will be limited and, after that has been evaluated, a long-term management information system for hospitals will be examined.

I should also add that I was invited to visit a computer firm to examine how such systems work. I was very impressed with the potential and capabilities of such systems, and, as a result of that visit, I have arranged that, when the contract is let, the Health Commission will arrange a seminar for all members of Parliament so that they can become acquainted with the use of a patient and management information system computerised for hospitals. They will have the opportunity to ask questions, become informed and see for themselves the benefit of such a system when it is properly prepared and when there are sound guidelines for its purchase.

EDUCATION DEPARTMENT

The Hon. D. J. HOPGOOD: Is the Premier able to assure the House that the financial and manpower budgeting policies of his Government have in no way hindered the Education Department in making the fullest possible use of the moneys available from the Schools Commission for migrant and multi-cultural education, and can he further assure the House that he and his Minister have in no way misled this House in the statements that have been made in the past few weeks on this matter? Honourable members will be aware that there is a good deal of concern and unrest amongst teachers and parents in this area, which appears not to have died down, judging by a letter which was sent to the Premier as recently as 26 November and which made certain requests. It would appear that one of the sources of this unrest is that people in the education system are party to information that is not available to members of this House, except, I guess, to members of the Government, and in further explanation—

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

The Hon. D. J. HOPGOOD: I am sorry, Sir; I was trying to establish the reason for this unrest in the community, which is my justification for taking up the time of the House with this question. However, if I can proceed by not going in that direction, I will simply say, by way of explanation, that I would like to share with honourable members some information which may be of interest to them and which may partly explain why many of these people are concerned.

It would appear that the Director-General of Education, Mr. Steinle, on 17 December, sent a minute to the Under Treasurer headed "Schools Commission programme—migrant education" in which he talked about the impact of the then recent Budget on secondary schools, in particular, and stated (in part):

> The proposed migrant education initiatives, however, were not in the 1979-80 Budget allocation, and therefore an appropriation of additional funds is required to enable the Schools Commission funds to be utilised.

He concluded:

> It is therefore recommended that, since existing resources are not available, and an appropriation of additional funds is essential, you seek approval from the honourable the Treasurer for funds for this purpose.

That minute appears to have been answered by a minute that the Premier, as Treasurer, sent to the Chief Secretary, as Acting Minister of Education, on 9 January this year, in which the Treasurer states:

> In discussions on my recent minute to Ministers concerning the need to look for reductions in expenditure, the question of migrant education was raised as an illustration of the possible difficulties which might be encountered in achieving reductions of as much as 3 per cent in real terms next financial year.

That is the famous 3 per cent. The minute continues:

> The question of the State's finances and the need to reduce expenditure by a critical re-examination of priorities and functions was discussed at length in Cabinet earlier this week. I believe that the concensus—

it is amazing how often the word "consensus" is misspelt—

The SPEAKER: Order!

The Hon. D. J. HOPGOOD:

> —view was that any new initiative should be funded by a reallocation of existing resources, wherever practicable. The proposal for expansion of the migrant education programme is one in which I consider the Education Department should be asked to reconsider its priorities with a view to accommodating the Commonwealth initiative within the scope of the department's existing resource levels. If you believe it justifies a high priority, then such a course of action would result in a net gain to State resources (through additional Commonwealth funding) while satisfying an identified and high priority need.

The Treasurer signed that minute and, in what appears to be his own handwriting, he then added:

> It must be done within existing staff and funding levels.

Without taking up further time of the House, I simply report that, under what looks like Mr. Trevor Barr's signature as Acting Director-General of Education Resources, a minute on 1 February to the Director of Curriculum states:

> The final outcome is likely to be that the proposed initiatives will only be met in part i.e. the total of provision for primary level support of students' home language is likely to be the same but the priorities will not be in accordance with those set out by the Curriculum Directorate;

The House is aware of what happened in the more recent Budget and, also, of course of the additional 22 positions, I think, which were made available after the Budget had been presented by the Minister. But the agitation continues, partly in the light of what appears to be this ongoing policy by the Government.

The Hon. D. O. TONKIN: Yes, Mr. Speaker, I can give the first assurance, that there has been no problem—I cannot remember the honourable member's exact word but I think it was "disadvantage"?

The Hon. D. J. Hopgood: Yes.

The Hon. D. O. TONKIN: There has been no disadvantage to the multi-cultural programme, or indeed to anything by the Government's manpower and funding policies. Indeed, quite apart from anything else, in the multi-cultural programme, which is the matter to which I believe the honourable member was specifically referring, the number of people involved was 110 in the 1978 year, 140 in the next year, and it is likely to be close to 200 in this coming year. Of course, that is a very significant increase in the number of staff in multi-cultural programmes.

The Hon. D. J. Hopgood: Is that as many as you could justify under the Schools Commission's programme?

The SPEAKER: Order!

The Hon. D. O. TONKIN: If I can just continue to answer the question as I intend to answer it, Mr. Speaker.

The Hon. D. J. Hopgood interjecting:

The SPEAKER: Order! The honourable member for Baudin has asked his question. I ask him to listen to the answer in silence.

The Hon. D. O. TONKIN: There has been a great deal

of disquiet spread throughout the community by a number of people who have said that the State Government in some way is attempting to duck its responsibilities by using the Federal Schools Commission's funds to employ South Australian teachers who were already employed and that in some way it is cutting back on the amount of funds that are going to be spent for that programme. The best thing I can do is give the honourable member an assurance that the funds from the Schools Commission will be fully acquitted during the forthcoming year. There is no question at all of there being any holding back on those funds.

I want to deal with something which I believe is a little more significant, and that is the quoting at length from a copy of a minute sent by me, as Treasurer, to the Minister of Education. I have had this minute in my file here for well over a week now, waiting for this question. It may be of interest to the honourable member to know that there are some people with whom he deals who do not like the tactics which the Opposition is using of using documents which are not properly its to use. I was warned more than a week ago that this course of action would be followed. I was warned by somebody who is disgusted by the tactics which are currently being employed in South Australian schools to discredit the Government and the Minister of Education, and to do so purely and simply for political reasons. We cannot get away from the facts. I note that the media still, on occasions, quotes these "savage cuts" in education but the Government knows, and honourable members in this House know full well because they have been through the Budget and they have supported the Estimates, that in the field of education we are spending more in real terms this year than we spent last year.

The Hon. D. J. Hopgood: Employing fewer teachers.

The Hon. D. O. TONKIN: Honourable members also know the Schools Commission's figures show quite clearly that the amount of money spent per student head of population in South Australia is greater than that spent in any other State. They also know that the student/teacher ratio is better in South Australia than it is in any other State, and I give the lie to the rumours, the scandalous and scurrilous rumours, which have been promoted in this community, that anything else is the case.

The Hon. E. R. Goldsworthy: Did you read what Mr. Duncan said in the P.A.C. report?

Members interjecting:

The Hon. D. O. TONKIN: I was about to refer to a report that was brought down—

The SPEAKER: Order!

Mr. O'NEILL: On a point of order, Mr. Speaker. Did I hear the Premier use an unparliamentary word when he said, "I give the lie"?

The SPEAKER: Order! I do not uphold the point of order. I acknowledge that the word used is one which in another context is unparliamentary, but the manner of use in this case is considered acceptable.

The Hon. D. O. TONKIN: I was about to turn to a report that was tabled in this House earlier this week of the Public Accounts Committee—

The Hon. E. R. Goldsworthy: The members for Stuart and Playford—

The SPEAKER: Order! The honourable Deputy Premier is not helping things.

The Hon. D. O. TONKIN: —to which the members for Stuart and Elizabeth were signatories, which bore out quite conclusively that this is in fact the case.

Mr. Keneally: The previous Government—

The SPEAKER: Order!

The Hon. D. O. TONKIN: What is more, the previous Government, in its last term of office, barely made up for half the rate of inflation when increasing its education spending; in real terms, it allocated less than in the preceding year.

Mr. Bannon: Which Budget?

The Hon. D. O. TONKIN: In the 1978 Budget. I think the Leader and his colleagues would do well to look at the facts and to acknowledge them, instead of giving substance to the peddling of irresponsible rumours. What concerns me more than anything else is that there are parents, teachers, and students who are desperately concerned, and unnecessarily so, because of the irresponsible activities of just a few people. It is surprising how similar in wording as well as in meaning are the letters I receive. I have received letters from teachers and from individual parents, and in every instance they have been told—

Mr. Bannon: Tell that to the teachers.

The Hon. D. O. TONKIN: It is not a mischievous few; it is the members of a left-wing group who are highly organised and stimulated by the member for Baudin, among other people. It is about time we faced reality; it is about time someone came out and said what is happening in this State. I may say that it is not happening just in South Australia; it is happening in almost every other State. I am told that it is not happening to the same extent in New South Wales, because they are fronting up to an election.

Members interjecting:

The Hon. D. O. TONKIN: The Leader may not take it very seriously, but I believe that, when parents and teachers are unnecessarily worried and made to feel insecure, that is a bad thing indeed. I think that honourable members opposite have a responsibility, if they really believe in the education system in this State, at least to be honest. They may not agree with the policies of this Government; they may be committed to opposition and denigration, come what may. Those are the tactics they have to decide on. They may, if they wish, use documents that have been leaked to them or given to them, but I must say that some of their own supporters are becoming alienated at the practice; they are getting sick of it. That is a decision they must make. However, when it comes to the facts, the amount of money actually budgeted and approved in this House for all to see, then I believe it ill behoves them to continue going around publicly saying that this Government is making cuts of any kind in education spending when, in fact, the reverse is the case. I would like to get a bit of sanity back into this entire argument, and the only way to do that is by expecting honourable members opposite to be honest.

FISH SALES

Mr. OSWALD: Can the Minister of Health inform the House of the medical and legal position regarding the retail sale of fresh fish which has been prefrozen and thawed out prior to sale and sold in shops as fresh fish. Is there a health risk in the possible incorrect storage of frozen fish prior to its being sold as fresh fish in stores? It has been brought to my attention that some fish shops purchase fish in a prefrozen state, store if for some time at varying temperatures, and then thaw it out and sell it as fresh fish. I also understand that others buy fresh fish from merchants and fishermen, freeze the fish and thaw it out just prior to sale. On each occasion the fish is sold as fresh fish. As the health regulations are strict with regard to the temperature for storage of red meat in the frozen state prior to sale, can the Minister say whether the same regulations apply to fish, and whether some allegedly fresh fish is being sold illegally in Adelaide?

The Hon. JENNIFER ADAMSON: The legal situation is that it is an offence against the provisions of the Food and Drugs Act to misrepresent any food by advertising it as being available in a state which is inaccurate. For example, if thawed fish is being sold as fresh fish, that is misrepresentation and it is an offence against the Act. I have to say that it is occurring frequently in Adelaide. A recent report from a health surveyor of the Health Commission indicated that during a recent survey in November, of 13 retail outlets within the greater metropolitan area, 10 outlets displayed frozen or part-thawed schnapper cutlets labelled as fresh, part thawed portions of whole garfish fillets were labelled as fresh, and Grenadier deep sea fish partly thawed were labelled as fresh. In each instance where that occurred it was an offence against the Food and Drugs Act. If the fish was eaten reasonably quickly after thawing there should be no danger of food poisoning. Nevertheless, the misrepresentation is an offence and any consumer who observes that kind of misrepresentation should lodge a complaint with the Local Board of Health. The health surveyors of the Health Commission have been alerted to this practice and are conducting a blitz. So, I warn any retailer of fish that any description of fish should be accurate in terms of the Statute. If it is fresh it should be labelled as such; if it has been frozen, it should be labelled as frozen fish, whether it is in frozen state or whether it has been thawed.

AIR SERVICE

Mr. SLATER: Will the Premier say whether the State Government will support a submission to the London licensing hearings early next year that Laker Airways be allowed to operate a United Kingdom to Australia service incorporating an Adelaide stopover? I understand the State Government is supporting a submission by British Caledonian Airways to operate a London connection incorporating an Adelaide component. The Leader and myself, as the Premier is aware, are prepared to support that submission providing certain conditions are complied with, especially in relation to the curfews at West Beach. We have been informed by Mr. Guy, the Australian Director of Laker Airways, that Sir Freddy Laker intends to make a submission to the London hearings early next year.

The Hon. M. M. Wilson: The Civil Aviation Authority.

Mr. SLATER: It is the Civil Aviation Authority in London. We are referring to the London hearings and I am sure the Minister of Transport knows what I mean. Laker is intending to make an approach to operate a similar service linking Adelaide with one of the stop-overs. Will the Premier support also Sir Freddie Laker's application as well as British Caledonian's submission?

The Hon. D. O. TONKIN: As the honourable member has intimated, together with the Minister of Transport and his Leader, we have had discussions about this matter only recently. I was very pleased indeed to put the situation as it applied to British Caledonian Airways, and I was delighted indeed to receive from the Leader and from the honourable member their indications of support for the submissions which are to be put before the Civil Aviation Authority in London, probably in February. We found that we had a great deal of common ground on this matter.

Mr. Bannon interjecting:

The Hon. D. O. TONKIN: Yes, indeed, and we found we had a great deal of common ground.

Members interjecting:

The Hon. D. O. TONKIN: I think members opposite are being rather too sensitive. I am being quite genuine in this. The question of the use of the West Beach airport for international flights of this sort was briefly discussed, and we both agreed that the curfew times had to observed at all times and that there should be no disruption of Tapleys Hill Road by the lengthening of the runway. This was very reassuring indeed, and I am very pleased that we will have the Opposition's support and that there will be support from both sides of this House when we make our submissions to the Civil Aviation Authority in London.

As to the application which I am now told by the Leader may be made by Sir Freddy Laker, I can only say that I have received no communication whatever from Sir Freddy Laker. When and if I do receive such communication I shall be delighted to receive it and consider it.

Mr. Bannon: We had not received any from British Caledonia, but it didn't stop us supporting it.

The Hon. D. O. TONKIN: I cannot quite see that. The Government's approach was an official approach to the Civil Aviation Authority. I know the Leader would like to be involved in the matter, and by inference and by association he will be, but it is basically a matter that will have to be one of discussion between Sir Freddy Laker and the Government, and it will have to be considered in that way. If Sir Freddy Laker is keen to fly on that sort of basis to Adelaide, then the Government would be very happy to consider what proposals he has put forward and to support them if they fall into the same sort of category.

ST. JOHN AMBULANCE

Mr. OLSEN: Will the Minister of Health investigate claims that amalgamation procedures undertaken by the St. John Ambulance Service have in part ignored the will and points of view of some volunteer services which may place those services in jeopardy? Several ambulance services have expressed concern at the steamroller approach undertaken in the amalgamation procedures, and thus composition of management structure would see the rise of militancy in the paid staff unions; and that volunteer services risk being overruled by paid ambulance staff acting as representatives of various Zones. They believe that it is conceivable that volunteer personnel would be obliged to join a union, which would lead to a loss of volunteers and possibly the insistence by the unions that only paid personnel man ambulances. Their real concern is that, if country ambulance services could not support paid personnel, that service would be lost, or at best regionalised, and inevitably be coupled with an increase in subscriptions and transport fees.

The Hon. JENNIFER ADAMSON: Following a representation from the member for Rocky River, I made investigations about claims that amalgamation procedures undertaken by the St. John Ambulance Service have not take due account of the views of people living in the country. I should say that, when referring to amalgamation procedures, I am referring to the desire of St. John to have a better structure.

At the moment, individual services are separately incorporated. They are legal entities, and it should be clear to all concerned that a co-ordinated body would have a far better chance of improving the service overall. I also emphasise that the Government has no capacity whatsoever to influence the decisions taken by a body such as St. John, which is incorporated under the Associations Incorporation Act, has its own council of management, and each of its separate services can make their own separate decisions.

I point out to the member for Rocky River and those who have been making representations to him that the

request to find a better structure for St. John came originally from the country. As for being steamrolled, I have been assured by the management of St. John that the most careful and intensive consultative procedures have been undertaken at every step of the way by the St. John management, which visited the country services during the end of 1978-79 in order to ascertain the most appropriate structure of administration. They have designed draft plans, which have been submitted for approval to those country services. They have formed a working party that has consisted of members of the country services. That working party has submitted proposals, which have been resubmitted back to the country for approval. All 46 services are, I understand, meeting in the new year to consider amalgamation with the St. John Council, which will be effective from the middle of 1981.

In relation to fears that the volunteer personnel would be obliged to join a union, I can certainly give an assurance from the Government's point of view that the Government's policy of upholding volunteerism at every possible opportunity will be adhered to, and that the Government's policy that no-one should be required to join a union against his or her will will be adhered to. The industrial effects of the pressure being exerted by the Ambulance Employees Association should be seen as a separate issue from the reasonable and sensible desire of St. John and its services generally to work towards a consensus decision that will enable St. John to operate as a single co-ordinated body, rather than as 46 separate services.

Mr. LANE

Mr. MILLHOUSE: So as to save the Premier's voice, I ask the Minister of Industrial Affairs whether he will exercise his discretion so that Mr. David Lane, of Naracoorte, be not prosecuted for any offences arising out of his refusal to sign shearers' agreements and to answer questions on the matter by an inspector of the Minister's department? I am emboldened to ask the question as a result of the reply just given by the honourable lady, the Minister of Health, as regards volunteerism, matters of compulsory unionism, and so on. I am glad to know that that is the Government's policy.

The SPEAKER: Order!

Mr. MILLHOUSE: I have had a letter from Mr. Lane asking for my help in this matter and enclosing the copy of a letter that he wrote to the Minister on 1 December. I am confident from something that the Minister said in another debate last night that he would by now have seen the letter that has been given to him. Incidentally, he gave way on my amendment—

The SPEAKER: Order! The honourable member must come back to the explanation.

Mr. MILLHOUSE: I will quote some sentences from the letter, as follows:

> I write with reference to an industrial matter regarding allegations that I did not sign shearers' agreements on two recent occasions, and that I failed to answer questions put to me by an inspector. Mr. Brian Shillabeer, of your department, should be able to give you more details. I was notified by Mr. Lokyer that approval was given on 1 October 1980 for prosecution and I have been informed that this was done without your knowledge . . . I have crutched nearly 1 000 000 sheep in this area in the last 17 years and have never broken an agreement by walking off the job.

The Hon. Peter Duncan: They're scabs, every one of them.

Mr. MILLHOUSE: It is obvious why he did not go to the Labor Party for help. The letter continues:

> It will bring more discredit than it did to the South Australian Labor Party when they prosecuted and jailed me last time . . . The thought of gaol and court action doesn't worry me but what does is that your Government may lack the stomach to refuse to prosecute.

He also enclosed an extract from the *Naracoorte Herald* of September, which sets out the facts of the matter briefly, as follows:

> Mr. Bannon—

Mr. Steve Bannon, from the department at Mount Gambier, I think—

> and another inspector from Mount Gambier visited the Naracoorte property where Mr. Lane is crutching.
>
> The SE organiser of the Australian Workers Union, Mr. N. W. Thompson, of Naracoorte, had contacted the department's regional office after he spoke to Mr. Lane and the property owner . . .
>
> Mr. Lane, a non-unionist, refused to tell Mr. Thompson or Mr. Bannon whether he had signed a shearers agreement . . .

There was also a mention of subpoenaing the member for Adelaide, Mr. Wright, if there are proceedings. I ask the Minister to exercise discretion in favour of Mr Lane and that Mr. Lane not be prosecuted for any possible offences.

The Hon. D. C. BROWN: I thank the member for Mitcham for his question. We all know that Mr. Lane, of Naracoorte, is an active member of the Workers Party, and it is interesting to see that the Australian Democrats, perhaps through lack of support elsewhere, have now got into bed with the Workers Party. They wander wherever they can find a lone supporter.

Members interjecting:

The SPEAKER: Order!

The Hon. D. C. BROWN: I am aware of the case to which the honourable member has referred. The very reason why Mr. Lane spoke to Mr. Schillabeer is that I asked Mr. Shillabeer, through the Director, to have a lengthy discussion with Mr. Lane as to the implications of not just one prosecution but to a potential two or three prosecutions. I have also asked the Director for a full and detailed report not only on this case but also on two or three other cases that have been referred to me recently from the South-East. The problem is whether or not the shearers award and agreement (there is a consent agreement between the parties involved, as the Deputy Leader of the Opposition would know) can stand up and whether it is legally eligible to have powers in it under the State Industrial Conciliation and Arbitration Act. I can assure the honourable member that, before any prosecution proceeds—

Mr. Millhouse: I want an assurance that there will not be a prosecution.

The Hon. D. C. BROWN: —we will carefully assess the situation.

Mr. Millhouse: Come on!

The SPEAKER: Order!

Mr. Millhouse: Give a straight-out answer.

The SPEAKER: Order! I warn the honourable member for Mitcham.

The Hon. D. C. BROWN: We will carefully assess the powers of the State Conciliation and Arbitration Act and whether or not that consent agreement is in breach of that Act. I can assure the honourable member, having had lengthy discussions on the subject that he raises, that I have a fair idea of what action will be taken.

BARKUMA INCORPORATED

Mr. BECKER: Will the Minister of Health say what immediate action the Health Commission can take to

assist the activity centre and seven hostels operated by Barkuma Incorporated for intellectually retarded people in the northern regions and based at Smithfield Plains? I refer to an excellent assessment of the 10-year history of Barkuma Incorporated in an article written by Alan Atkinson and printed in the *Advertiser* of Thursday 27 November, even though I understand that part of the article contains extracts from a confidential Government document. I believe that the word "Barkuma" is an Aboriginal word meaning "to aid or assist". The organisation is involved in care of the handicapped, and operates a kindergarten, a school activities therapy centre, sheltered workshops and hostels.

The Hon. JENNIFER ADAMSON: The Health Commission, at my request, has already undertaken moves to assist Barkuma. When I became aware in April of this year that the Barkuma overdraft was in the region of $80 000 and that Barkuma could not meet its operating costs on a monthly basis, I established a working party to report to me. The working party consisted of staff of the Department of Social Security (because the Commonwealth Government has the primary responsibility for handicapped people) and staff of the Health Commission.

That working party produced the report to which the member for Hanson referred. That report made several recommendations, which are being considered by a restructured board. The board was appointed last year to replace what was a management committee basically composed of members of staff and parents. I give that background because it is important to be aware that the manner in which Barkuma had been operating was one which simply did not provide the proper basis for sound management and financial responsibility. I undertook to underwrite the operating costs of Barkuma to the tune of $40 000, and that sum was made available in 1979-80. I am continuing those underwriting arrangements until 31 December this year to enable the board to have time properly to consider restructuring the administration and attempting, by reorganisation, to enable Barkuma's revenue to match its expenditure.

I should add that there has been a great deal of public interest in this matter. Because of that, and because of past (and I hope continued) public support for Barkuma, I am bound to say that the board has, I understand, received a report from an auditor who was appointed which indicates that there had been severe deficiencies in the financial management of Barkuma. The auditor's report, which I have not officially received through the South Australian Health Commission, is very critical indeed of the lack of accountability and of the sloppy arrangements made for the management of funds of Barkuma.

It is quite clear that, if Barkuma is to continue to provide the excellent service it provides (and there is no doubting whatever the excellence of the care provided), it will have to develop systems which enable its financial accounting to be appropriate for a body which receives any kind of Government funds whatsoever. In brief, I hope that when 31 December comes the commission and the new board of Barkuma will be able to come to an arrangement which enables proper accountability and, if that can be achieved, I hope with Commonwealth assistance, Barkuma should be able to continue to provide its services.

CASSIDY REPORT

The Hon. J. D. WRIGHT: Can the Chief Secretary explain why he refused to supply the Cassidy Report to the Public Accounts Committee, and can he also explain why, according to the Public Accounts Committee, the Director of the Department of Correctional Services failed to provide adequate resources to ensure that information requested by the P.A.C. was provided within a reasonable time?

The Chief Secretary should be aware, from even a cursory examination of the P.A.C. report just tabled in this House, that both he and the Director, Mr. Stuart, are criticised by the P.A.C. for their lack of co-operation. According to the P.A.C. report, the Minister refused a request made on 10 July this year to provide the committee with a copy of the Cassidy Report. The committee noted that an abridged copy of the Cassidy Report was tabled in Parliament but that many significant statements in the original report had been deleted.

The P.A.C. report also says that the lack of co-operation from the Director of the Department of Correctional Services delayed the finalisation of its report and listed a series of questions to which answers were not provided, and where delaying tactics appeared to have been used. The P.A.C. report concluded that it was surprised that fairly elementary questions could not be answered, and the committee did not accept the reasons given by the Director.

The Hon. W. A. RODDA: I will consult with the Director and bring down a report.

The Hon. J. D. Wright: That's not good enough; I asked you.

The SPEAKER: Order!

TEACHER INTERVIEWS

Mr. RANDALL: Can the Minister of Education—

The Hon. J. D. Wright: If that's the state of your Government—

The Hon. E. R. Goldsworthy: Come off your high horse!

The SPEAKER: Order! That applies to both sides of the House; the front bench as well.

Mr. RANDALL: —say when interviews will be held for next year's—

The Hon. J. D. Wright: You—

The SPEAKER: Order! I warn the honourable Deputy Leader of the Opposition.

Mr. RANDALL: When will applicants be notified of any interview date? Recently, an exit student of this year complained to me that he had been waiting around in Adelaide for about two weeks before he could return to his country home, waiting to be notified of an interview and of whether he would be successful in having an interview. I therefore ask the Minister whether he can advise me accordingly.

The Hon. H. ALLISON: In fact, interviews for teachers to go to the country began this week, physical education teachers are being interviewed today and tomorrow, and metropolitan teachers are being interviewed next week. It is possible that a few more interviews will be conducted on 15 December, with further interviews early in January should there be any deferments or rejections of offers. Currently, teachers are being progressively notified of the dates on which they will be required to be interviewed. I can assure the honourable member that by 17 December all teachers applying for jobs will know whether they will be required for interview.

ECONOMY

Mr. TRAINER: Can the Premier say how he reconciles his statement made in April this year to the London Chamber of Commerce that the "manufacturing and

constructing industries are beginning to chart ascending curves" and his additional statements last week that "we are at the bottom of the downturn" and "we are beginning to climb out of the trough", with the results of the latest survey by the Master Builders Federation on building and construction activity?

The Master Builders Federation of Australia produces an authoritative quarterly survey of building and construction activity in all Australian States. In its report for the September quarter, the South Australian section is headed "No bright prospects". The report states:

> The majority of commercial industrial builders responding to the survey in South Australia expect a decline in the value of commencements in the December quarter compared with the survey quarter.

On the prospects for South Australian house builders, the survey says that that outlook is gloomy, and reports that respondents to the survey indicated a decline in the level of dwelling commencements in the September quarter. Can the Premier explain the discrepancy between this survey and his earlier statements on this subject, statements which are worthy of a Pollyanna or a Doctor Pangloss?

The SPEAKER: Order! Comments made at the end of a question are out of order.

The Hon. D. O. TONKIN: Sticks and stones, Mr. Speaker, and so on. I would have thought that someone as intelligent as I have no doubt the honourable member is would not confuse and make great play on remarks on the manufacturing industries in South Australia, in which there are very encouraging signs of an upturn, with what is happening in the building industry. I would have thought I should be asking the honourable member how he reconciles those two statements, because they are totally incapable of being compared.

Be that as it may: I refer the honourable member to a number of answers I have given to questions in this House over the last two weeks, the last of them only about a week ago, when I answered a question from the Deputy Leader of the Opposition, and just over a week ago (I think a week ago yesterday) in answer to the Leader. I am sure the honourable member knows what they are. I am very pleased that he apparently seems to have read at least some of the answers to those questions, albeit superficially.

There is no doubt at all that we are around the corner and that things are on the up and up. As I pointed out to the Deputy Leader the other day (I am not suggesting that it was an identical question, but it was very close), the building industry is not as healthy as we would like, and everyone regrets that fact. Nevertheless, we are taking steps to make sure that the situation can improve as rapidly as possible, and one of those steps is to make sure that the upturn in manufacturing industry and development, and in mineral development, which is essential (it must precede any upturn in the building industry), is brought to fruition as soon as possible. I believe that is a very worthy aim. I am sure the honourable member, and indeed every other member on that side of the House, would join with the Government in hoping that the implementation of the various promises and commitments of funds and development in South Australia can come about as speedily as possible, because it is only when that happens that we will see an upturn in the building industry.

The continual denigration of South Australia which goes on from some quarters and the continual espousing of anti-development policies, particularly in respect of mining development, can do nothing but hinder the upturn, not only in those industries but also in the building and other related industries.

FRUIT FLY

Mr. GUNN: Can the Acting Minister of Agriculture say what action the Government intends to take to help eradicate the outbreak of fruit fly at Whyalla and what action has been taken to assist those people who unfortunately have this problem on their properties?

The Hon. D. C. BROWN: As Acting Minister of Agriculture, I can state that the outbreak of fruit fly at Whyalla is serious. Fruit fly has been found on at least 16 properties in an extensive area of the town and within at least a one kilometre radius. The Department of Agriculture has taken immediate action. A senior officer has been sent from Adelaide to supervise the programme of eradication, and 25 casual workers have been employed in the town to start the necessary programme, which no longer involves the complete stripping of all trees in the vicinity of the outbreak; only the trees that are specifically affected are now stripped. I understand that traps have been set throughout the area which use a special hormone to attract fruit fly from a wide area. I can assure the honourable member that the department is treating this as a serious outbreak.

I urge the support of local residents, and particularly people from Adelaide, not to take fruit from the Whyalla district and bring it into metropolitan Adelaide or to any other area in which fruit is growing. In fact, I urge them not to take any fruit out of Whyalla itself. The last thing we can afford is for that outbreak to be spread to other country areas or to the Adelaide metropolitan area.

I understand that it is not the biggest outbreak we have had in South Australia, but it is one of the larger and more serious outbreaks in recent years. It is the Mediterranean fruit fly and it is obviously extremely well established. It has obviously developed from last season, and we are concerned because it has obviously been in the area for several generations.

It will cost the Government about $100 000 this year to eradicate that outbreak. I am sure the Treasurer is rather concerned about the cost of such eradication, but that cost is small when we compare it with the overall economic consequences if fruit fly spreads throughout the State on a ubiquitous basis.

URANIUM

Mr. ABBOTT: Does the Deputy Premier agree with the limited confidence of Mr. Justice Fox in Australia's bilateral safeguards agreement, and does he agree with Mr. Justice Fox's view that world forecasts of uranium requirements in the short term are progressively downwards and that, although some predict an upturn in the 1980's, the market may not justify the opening of fresh uranium mines in Australia for some time?

In an interview with the *Sydney Morning Herald* on Tuesday 28 October, Mr. Justice Fox, until recently Australia's ambassador-at-large on nuclear matters, expressed a limited confidence in present international non-proliferation safeguards. Mr. Justice Fox said that, although bilateral safeguards agreements between countries in many respects are the best that can be expected, for the time being they are not the answer.

Mr. Justice Fox said that no-one should believe that because the term "safeguards" was used, a fully "safe" situation existed. The article quoted Mr. Justice Fox as saying that international safeguards do not involve

international custody or control and that the International Atomic Energy Agency needed to be built up and supported. It was important to get in place, as soon as possible, a scheme in which stocks of plutonium were under the control of an international body and not able to be diverted for military purposes. The article quoted Mr. Justice Fox as saying that the I.A.E.A. should have "lock and key control" over stocks of plutonium and highly enriched uranium.

However, the Deputy Premier will be aware that Mr. Fox was pessimistic about the future demand for uranium sales and said that authoritative statements suggested that some manufacturers of nuclear reactors overseas may go out of business because of a lack of business. Indeed, he said more orders have been cancelled than fresh orders made. Does the Deputy Premier agree with Mr. Justice Fox's reservations?

The Hon. E. R. GOLDSWORTHY: This is the second question generated from the alleged intense interest of the Opposition in this matter since I have been back. While I was overseas I had an appointment with Mr. Justice Fox and, with the Deputy Director-General and Mr. Yeeles, I spent well over the time given for that appointment, in fact most of the morning, discussing matters with him. Mr. Justice Fox gave no indication, nor could anybody assume, that he had changed his stance in any way from that which he adopted in his Ranger findings, that is, that we should go ahead and exploit and develop our uranium resources. Nothing the honourable member has recited can, in itself, be taken to mean that Mr. Justice Fox is suggesting that we should not go ahead as he found in his Ranger report.

If I can deal with one or two matters raised by the honourable member, the uranium market is acknowledged to be slack at present. Mr. Justice Fox also indicated what he considered to be an authoritative and useful report published regularly in the United States of America which confirmed the advice we received everywhere else we inquired into this matter, which was that the uranium demand is likely to increase markedly from about 1988 onwards, and certainly into the 1990's. That would be when we would expect to be getting into uranium production and, we hope, enrichment in this State. There is nothing in relation to that point in Justice Fox's statement which was not known to us and to all authorities throughout the world.

We discussed with Mr. Justice Fox the question of safeguards, because that is an area in which he has been quite intimately involved on the world scene. He discussed with us progress which was being made in relation to the control of plutonium stocks. Nobody is suggesting for a moment, nor did he, that the whole thing is foolproof. Of course, one cannot get that sort of absolute assurance. He believes that progress has been made and he has been quite influential himself in discussions in the United States of America particularly, and with Euratom, the atomic agency of the E.E.C., in relation to the control of plutonium stocks.

Nothing the honourable member has said and nothing Mr. Justice Fox said to us during that interview indicated that he had modified or changed his view that we should develop our uranium resources. He was simply giving an indication of the state of play, if one could use that term, of the current status of safeguards. If anything, one gained the impression that the situation was improving and that he was being influential on the world scene in relation to these matters. As I say, I arranged, in my itinerary, to see Mr. Justice Fox and we had a most useful and lengthy discussion, which occupied the best part of a morning. There was no other indication from that discussion, and I think one could conclude that Mr. Justice Fox still believes, as he did in his report, that we should, with some strictures, get on with the job of developing our uranium resources.

Mr. Millhouse: What are those strictures?

The SPEAKER: Order!

PRISONS ACT REGULATIONS

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

> That Standing Orders be so far suspended as to enable Notice of Motion, Other Business No. 1, to be taken into consideration forthwith.

I realise that this is a fairly unprecedented action and certainly one that would not be undertaken lightly. I think there are circumstances involved in this issue which require the House to deal with it as a matter of urgency today. I do not think the actual debate need take an over-long time, but I think it is most important that that debate does take place.

In order to support my motion for the suspension of Standing Orders, Mr. Speaker, I would point out that the regulations concerned were tabled yesterday. They were, in fact, made last Thursday and, in the normal course of events, one would have expected them to be tabled on Tuesday, that is, on the first available Parliamentry sitting day. In view of their extreme importance and the controversy surrounding them, I would have thought there were even more compelling reasons for that to be done. If that action had been taken, notice for disallowance could have been given, both here and in another place, as my colleague there has indicated, and the matter would have been listed for private members' business on Wednesday. I am sure that agreement could have been reached, with those members who had new matters coming on yesterday, for debate to be initiated, or at least some of the time set aside. I would imagine the honourable member for Mitcham, whose matter took up most if not all of that period yesterday, would have been able to ensure that.

Members interjecting:

Mr. BANNON: I think that the debate was extremely useful and revealed a number of matters that still have not been responded to. Be that as it may, that issue will haunt the Government for a long time and I do not think the Minister should look so smug about it. Time would have been allowed, and I am sure the honourable member for Mitcham, who is equally concerned about this issue, would have made it so. That did not happen. Delaying the tabling of the regulations until Wednesday meant there was no private members' business opportunity opened to us until 10 February next year, the first private members' day, I think, being 11 February.

That typifies the way in which the Government has approached this matter. There has been an avoidance of the issue before the courts and in this Parliament. We all know, Mr. Speaker, and I need hardly remind the House, how this Parliament was prevented in the Estimates Committees from canvassing some of these issues by the appointment of a Royal Commission. We also know that there has been considerable controversy as a matter of public importance in the community over the terms of reference of that Royal Commission: it has been raised in this Parliament and in the press. All the parties who have to appear before that Royal Commission want the terms of

reference expanded, and the Government has constantly denied them that opportunity.

The SPEAKER: Order! I would ask the honourable Leader to recognise that he is speaking for the reasons why Standing Orders should be suspended. He is required to contain his remarks to the pertinent reasons why that should be so.

Mr. BANNON: I will ensure that I do. I am talking on the issue peripherally in the sense that it indicated the degree of community concern, because my basic point is that, unless we are given the opportunity to debate this matter today, there will be no further opportunity to do so until next February. For a number of reasons it is vital that it comes before the Parliament on this occasion.

The problem is that the parties have been frustrated in their desire to get the matter contested before the courts. Court action was initiated on the regulations, requiring the Chief Secretary to do his duty and ensure that they were enforced, and so on. One of the regulations (No. 7) was brought into operation, purportedly to allow the Chief Secretary to get off the hook.

The SPEAKER: Order! I take the point that the Leader suggested that he was dealing only with matters peripherally; I would say that he is well below the skin at the present moment. I ask him to speak to the reasons why he is asking that Standing Orders be suspended.

Mr. BANNON: I will climb to the surface again and attempt to stay there. I shall deal no more with regulation 7. These regulations, which were tabled yesterday, were made on Thursday, because further court action had taken place on the invocation of regulation 7, and the parties were obviously concerned about that. So, regulations were made on Thursday which completely rewrote the situation, and once again let the Chief Secretary off the hook. They were tabled on Wednesday, and I believe that they must be debated as a matter of urgency. As I say, unless they are it will make it very difficult for the parties involved in this matter. In support of that, I point to a statement made on 30 November by the Secretary of the Public Service Association, who was talking jointly with the Secretary of the Australian Government Workers Association on this occasion. The remarks are as follows:

> The associations would wait to see whether Parliament disallowed the regulations before continuing legal proceedings.

Clearly, those parties in the community actively involved in this issue want to know what Parliament's views are. When the views of Parliament are known, the parties will then decide what legal action they should or should not pursue. I think that in that situation it is a prime obligation of Parliament to express its views, and this is the only opportunity that we will have to do so. I would have thought that it would be quite unreasonable to expect these associations presently engaged before the Royal Commission, with its terribly circumscribed terms of reference—

The SPEAKER: Order! The Leader is now getting beyond the pale. I ask him to state the reasons why Standing Orders should be suspended.

Mr. BANNON: Thank you, Mr. Speaker. The reasons are that we must consider it today, because not to do so would mean that we would have to wait until February. I think it is relevant that the parties are appearing before a Royal Commission; that a number of internal inquiries are being conducted (what has been aptly described by my colleague as soft inquiries) which involve these parties. Yet here is this basic issue, the question of whether these regulations will be sustained or not, unable to be decided by Parliament. We know the Government's view. We know that the Government has taken action to circumvent court and legal proceedings, but that action must be sanctioned by Parliament or, alternatively, rejected at the earliest possible opportunity, or we deny to those parties the right to pursue their legal remedies.

I think it is an unreasonable position for the Government to take—to wait and see what Parliament does—but I think it would be totally unreasonable for Parliament to force these parties to wait right through until the new year. The issue is of far too great a prominence and far too great a controversy for the Parliament simply to sit on it, to allow the regulations to stay in operation as they will, without any decision having been made one way or other. We owe it to the parties to take Parliamentary action.

I would have thought the Government would welcome the opportunity to make the time available, in the terms of this motion, to get this matter considered and disposed of. The Opposition gives an undertaking that the debate will not occupy a great deal of time of the House: the matter can be dealt with expeditiously. I am sure that we could all agree on a time table. There would be one or two speakers from this side and one or two from the Government side, a vote could then be taken, and then the opinion of Parliament would be signalled to those parties and they could get on with that action that they wish to take. The report that was tabled today indicates that the prisons area is in total chaos, and unless Parliament takes—

The SPEAKER: Order! Once again, I draw the Leader's attention to the fact that he is canvassing material which he will have an opportunity to canvass if he obtains the suspension, but not otherwise.

Mr. BANNON: Thank you, Sir, but I think I cannot make a case for urgency unless I indicate that the matter is one of great controversy. I am not commenting one way or the other on the issue; I am simply putting before the House the arguments that have been placed by parties over the Royal Commission, the inquiries, and so on, in order to illustrate that we need to deal with the matter urgently today. Let us get it disposed of to clear the way for proper consideration and inquiry into our prison system.

The Hon. D. O. TONKIN (Premier and Treasurer): I oppose the suspension of Standing Orders, for two reasons. The first is that, as a matter of practice and courtesy, it is, as all honourable members know, the practice in this place that, when the Opposition wishes to suspend Standing Orders to raise a matter it seeks the co-operation of the Government, or at least notifies the Government.

The Hon. J. D. Wright: That is not a reason; that's an excuse.

The Hon. D. O. TONKIN: The Deputy Leader might consider it an excuse—I think it is a matter of common courtesy and Parliamentary practice. If the Deputy Leader does not choose to do that, that is his affair. However, no such approach was made to the Government, and I can only conclude from that that the Leader of the Opposition is not really very serious about what he intends to do.

The second reason why I oppose the motion for suspension is related to the regulations themselves. If the Leader looks at the Act which governs these matters, he will find that the Government is required to table regulations in this House within 14 days of their having been made and passed through Executive Council. Regulation 7, which was invoked to formalise practices which had been going on in prisons for many many years (30-odd years), was considered to be in need of formalising still further, to place the matter beyond doubt. This regulation, which basically formalises practices that

have been going on for about 30 years, was brought before Executive Council last Thursday. The matter was dealt with in the usual way by Executive Council. Copies of the regulations were delivered to the Subordinate Legislation Committee yesterday, and the regulations were tabled in the proper way, well within the 14 days which is the normal limit.

There has been no breach of practice; there has been no breach of the Act; and there has been no breach of faith. The regulations have been brought in. As with many other regulations, they can perfectly well wait until the next sitting day when private members' business is to be dealt with. I have already made it quite clear through the notice of motion which has been given by the Deputy Premier, as Leader of the House, that private members' business will be considered in February. There will be no cutting off. If the matter comes up for debate in the normal course of business, it will be dealt with in the normal course of business. For the Leader to believe—

The Hon. E. R. Goldsworthy: They've had a very good go with private members' business.

The Hon. D. O. TONKIN: Yes, I think the Opposition has done and will do extremely well with private members' business. There is no reason why we cannot wait until the next day of sitting in conformity with the usual practices of this House. The Royal Commission proceedings will continue. The same practices which have been occurring in prisons for the last 30 years will continue under the aegis both of regulation 7 and the regulation as it has been introduced. There is no urgency whatsoever. Nothing at all is depending on the practices which are going on in our prisons that renders the matter urgent for this to come through. The Deputy Leader says that the prison system is in total chaos.

The Hon. J. D. Wright: I didn't say that.

The Hon. D. O. TONKIN: Well, the Leader says that the prison system is in total chaos, but I remind him that it was his Government which left it so. Finally, as far as I am concerned, we all know that the Leader is trying very desperately to make it possible for a group of union leaders—

Members interjecting:

The SPEAKER: Order! The honourable Premier has the call.

The Hon. D. O. TONKIN: —to attempt to put pressure on the Royal Commissioner and on the Government to change the terms of reference.

The SPEAKER: Order! The honourable Premier is constrained in the same manner as was the honourable Leader of the Opposition to speak only to the reason why Standing Orders should or should not be suspended.

The Hon. D. O. TONKIN: Yes, Mr. Speaker. The Leader has put forward an argument that the terms of reference ought to be widened. I do not believe that, having been considered by the Royal Commissioner and by the Government, there is any indication that that is so.

Mr. MILLHOUSE: On a point of order, Mr. Speaker. A moment ago you rightly warned the Premier in a very charitable way that he should not transgress. He is now transgressing by canvassing matters that have nothing whatever to do with the suspension of Standing Orders. He is going into the merits of something which is not even implicit in the suspension, and I ask that you pull him up.

The SPEAKER: Order! I do not uphold the point of order. I was listening carefully to the remarks being made and, if I believed that it was necessary to draw the Premier's attention again to the manner in which he was canvassing the matter, I would and will do so.

The Hon. D. O. TONKIN: Thank you, Sir, I was saying that, if the Leader's only reason for wishing to suspend Standing Orders is to take a measure that would allow the terms of reference to be widened or allow pressure to be placed on any individual to widen the terms, that is no reason for a suspension of Standing Orders.

The SPEAKER: The question before the Chair is "That the motion be agreed to". For the question say "Aye", against "No". There being a dissentient voice, a division must be held.

The House divided on the motion:

Ayes (20)—Messrs. Abbott, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Millhouse, O'Neill, Payne, Peterson, Plunkett, Slater, Trainer, and Wright.

Noes (22)—Mrs. Adamson, Messrs. Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pairs—Ayes—Messrs. L. M. F. Arnold and Whitten. Noes—Messrs. Chapman and Evans.

Majority of 2 for the Noes.

Motion thus negatived.

PUBLIC FINANCE ACT AMENDMENT BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Public Finance Act, 1936-1975. Read a first time.

The Hon. D. O. TONKIN: 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 Bill seeks to make a number of important amendments to the Public Finance Act to bring the requirements and procedures prescribed by the Act up to date with the needs of present day Government.

The amendments proposed are intended to:

(1) reflect more clearly the procedures agreed with the Auditor-General in 1978 when he withdrew from the process of determining depreciation.
(2) introduce the concept of the Consolidated Account which combines the present Revenue and Loan Accounts.
(3) amend the procedures for presentation of Warrants.
(4) extend the provisions related to the Treasurer's Advance Account.
(5) replace the provision related to Deposit and Suspense Accounts with a section which authorises the use of these accounts in clearer terms.

The most significant of these proposals is the provision for consolidation of the Loan and Revenue Accounts into a single account. For several years now, the Appropriation and Public Purposes Loan Bills have been introduced into Parliament together to give members the opportunity to understand more clearly and consider more effectively the Government's overall financial plans. The proposal in this Bill is a further step in formal recognition of that practice. Because it will do away with the differences between the Appropriation rules for Revenue and Loan expenditures, it will provide the opportunity for changes in the presentation of the Budget Papers and the Treasurer's

Statements and Accounts, thereby giving further impetus to the Government's determination to make the financial affairs of the State more readily understandable to members of the Parliament and the public.

Members will be aware from earlier comments I have made that two major thrusts on financial reporting are in train at present. They are the development of Programme and Performance Budgeting and a new Treasury Accounting System. The provisions of this Bill will provide part of the framework within which those initiatives will be developed.

With the combination of the two Accounts, appropriation authority will be sought by means of Appropriation Acts. Public Purposes Loan Bills will no longer be presented. Recognising, however, that members will want to know the details of capital expenditure the Government intends to make, a Works and Services Account will be established. This account will form part of the Consolidated Account and expenditure from it will be detailed in a Second Schedule to the Appropriation Acts of each year.

The amalgamation of Revenue and Loan Accounts necessitates a revision of the excess expenditure provisions. At present, there are two separate arrangements by which the Government may be authorised to expend funds which are not specifically authorised by Appropriation Acts, Special Acts or Public Purposes Loan Acts.

Under the Revenue Account procedures, there is a Governor's Appropriation Fund upon which may be drawn expenditure not exceeding 1 per cent of the amounts appropriated by Parliament by the Appropriation Acts of the year. Of this 1 per cent, not more than one-third may be used for purposes which are not previously authorised purposes.

On Loan Account, there are no such limits. Provided an Act of Parliament exists which authorises the work to be carried out or the service to be provided, section 32b of the Public Finance Act authorises unlimited excesses.

Some authority for excess expenditure is necessary to enable the Government to provide additional money for an unexpected contingency such as an increase in the cost of erecting a building, the provision of assistance in the case of a natural disaster and so on. The Government is mindful, however, that an appropriate balance should be struck between the needs for flexibility and the control by Parliament of the public purse.

The Bill seeks to achieve this balance by combining elements of both current sets of arrangements. Section 32b of the principal Act is repealed and section 32a is re-enacted to give an increase in the limit of the Governor's Appropriation Fund to cater for the larger fluctuations which occur in relation to capital expenditure but, at the same time, to bring capital expenditures within the limit. Thus, there are, in the proposals, an easing of some restrictions and an imposition of other restrictions. The Governor's Appropriation Fund limit is increased to 3 per cent but it will now be 3 per cent of the previous year's votes and it will cover excess expenditures on capital works which were not previously subject to a legal limit.

Section 32a of the principal Act distinguishes between excess expenditure on previously authorised purposes and excesses for purposes other than previously authorised purposes. It limits the latter to one-third of the Fund. The Government can see no reason why an excess on a previously authorised purpose should be regarded as more inherently justifiable than expenditure on a new purpose and the Bill provides for the elimination of this distinction. In practical terms, this has enabled the limit on the Governor's Appropriation Fund to be set at a lower level than would have been possible otherwise, thereby enhancing Parliamentary control.

The transfer provisions of the annual Public Purposes Loan Acts are imported into this Bill but, whereas it was the Treasurer's prerogative under these Acts to approve these transfers, it will now be a matter for the Governor in Executive Council.

The opportunity is taken to tidy up some other aspects of appropriation law. I will deal with these in my explanation of the individual clauses.

The other issues this Bill seeks to address are of about equal significance. Therefore, I will explain them in the order they appear in the Bill.

Some two years ago, the Auditor-General raised the point that the depreciation certificates which had been produced by successive Auditors-General were no longer appropriate. Following discussions with him, the Under Treasurer recommended that allocations of cancelled securities to cover depreciation, as such, no longer be provided but that annual write-downs of accounts representing past capital expenditures should be made on the basis of a sharing of the debt repayment commitments of the State amongst the relevant departments. Since that new procedure was introduced, the Auditor-General has not specified appropriate provisions in a certificate addressed to the Treasurer and, as a consequence, section 27a of the Act has become redundant.

The opportunity is taken also to address the question of Governor's Warrants. The Constitution Act requires these Warrants to be produced but does not specify the period for which they will be issued. However, section 32g of the principal Act specifies that they shall be issued monthly. This requirement is in addition to the requirement that the money must first be appropriated by an Act or in accordance with sections 32a or 32b of the principal Act. There is no benefit in undertaking this procedure so often. It involves unnecessary time in the preparation of each Warrant and signing by the Governor and a Minister of the Crown. A more realistic period is three months and it is proposed that the section be amended accordingly.

As is the case with excess expenditures, there are different Warrant procedures at present for Revenue and Loan. Under the consolidated account, only one Warrant will be necessary. It is intended that this will follow generally the form of the current Revenue Warrant, containing estimates of amounts to be expended during the ensuing quarter on payments authorised by special Acts, together with recurrent and capital expenditure authorised by the Appropriation Acts.

The Bill seeks to extend the provisions related to the Treasurer's Advance Account. This account is a means by which distortions which would otherwise occur from time to time in the reported results on the main Budgetary Accounts (Revenue and Loan) can be smoothed out. Expenditure on externally funded programmes (mainly Commonwealth funded programmes) can be recouped to Revenue and Loan by charging this account, notwithstanding that, for some reason, the cash is late in arriving from the Commonwealth.

The existing section 35 refers only to grants made pursuant to an Act of the Commonwealth Parliament. The new section makes it clear that any payment made pursuant to an agreement or arrangement with the Commonwealth is included.

At present, section 35 of the Act restricts the use of the Treasurer's Advance Account to circumstances where the State expenditure has been made from Revenue or Loan. New subsection (3) provides for the reimbursement of any account from which expenditure contemplated by a Commonwealth Act, agreement or arrangement has been

made.

The Bill replaces sections 36 and 37 of the principal Act with a new section 36 which enables the Treasurer to open Special Deposit Accounts for any of the purposes of a Government Department or instrumentality of the Crown. Moneys may be paid into and out of the account, with the approval or authority of the Treasurer, for any purpose for which the account was opened. The Crown Solicitor has advised the Government that special deposit accounts opened under the existing section 36 of the principal Act can be used in this way but has suggested that the section should be amended so that the power is clearly stated. The Government proposes to amend the Audit Act, 1921-1975, to ensure that Parliament and the Auditor-General are properly informed as to Special Deposit Accounts. Section 36 (1) *(f)* of that Act will be replaced by a new provision which will require the Treasurer to provide the Auditor-General with a statement each year of any new Special Deposit Accounts which have been opened and the balance in each account at the end of the preceding financial year. In his annual report to Parliament, the Auditor-General is required by section 37 of the Audit Act, 1921-1975, to explain all statements made under section 36. In addition, the Auditor-General may, under existing provisions in the Audit Act, 1921-1975, require production of all records relating to Special Deposit Accounts. Section 37 of the principal Act deals with the purchase of stores and supplies for use by Government Departments. With the enactment of the new section 36, the existing section 37 will be unnecessary.

Clauses 1 and 2 are formal. Clause 3 repeals section 4 of the principal Act. Both section 4 and section 39 of the Act provide a regulation-making power. Apparently, when section 39 was enacted in 1949, section 4 was overlooked.

Clause 4 repeals sections 27 and 27a of the principal Act and enacts a new section 27. The new section has the same effect as the existing section except for the addition of paragraphs *(d)* and *(e)*. The section allows the Treasurer to authorise credits to Treasury accounts in amounts which do not exceed reserves arising in the manner specified in subsection (1). Paragraph *(d)* includes in subsection (1) reserves arising by reason of grants made by the Commonwealth for capital works and paragraph *(e)* allows credits to be made in anticipation of reserves arising in the future under the Financial Agreement. This agreement is an agreement between the Commonwealth and the States and under it the State pays money to the National Debt Commission which then repays State borrowings. Sometimes there is a delay between payment to the commission by the State and repayment of borrowed moneys by the commission. Although a reserve does not arise until borrowed moneys are repaid, paragraph *(e)* will allow credits to be made in anticipation of such repayment. Subsection (2) ensures that, when credits are made under section 27, allowance must be made for previous credits made in anticipation of reserves whch have not arisen because the National Debt Commission has not, at that time, made the expected repayment of borrowed moneys.

Clause 5 replaces section 32a of the principal Act. Subsection (1) of the new section does not include the definition of "previously authorised purpose" which appears in the existing section. The reason for this, as I have already explained, is that, under the new section 32a, there will be no limitation on the amount of excess money appropriated under the section which may be used for new purposes as distinct from previously authorised purposes. The term "Appropriation Act" is defined as an Act for the appropriation of moneys from Consolidated Account. The definition includes a reference to General Revenue and Loan Fund Account because subsection (3) limits the amount of excess appropriation by reference to amounts appropriated by Appropriation Acts passed in the previous financial year. In the first year that the Revenue and Loan Accounts are combined, there will have been no Consolidated Account in the previous financial year and it will therefore be necessary to refer to appropriations from Revenue and Loan Fund Account, respectively.

Subsections (2) and (3) allow the Governor to appropriate, for the purpose of excess expenditure in the current year, up to 3 per cent of the money appropriated in a previous financial year. Subsection (4) requires that any money appropriated in this way may be recouped to the Governor's Appropriation Fund and is similar to the existing section 32a (3). The items representing Loan moneys will be shown in detail in a second schedule to the Appropriation Acts and the total of these moneys will be included in the first schedule. The purpose of subsection (5) is to avoid the possibility that these items are taken into account more than once in calculating the money which can be appropriated under section 32a.

Subsection (6) allows the Governor to appropriate money from one purpose to another and back again, if necessary. Section 6 (3) of the annual Public Purposes Loan Acts empowers the Treasurer to adjust the amount of moneys appropriated from Loan Fund Account by Parliament so that excess money for one purpose can be transferred to another purpose where there is a deficiency. With the combining of the two accounts and the fact that, in the future, Public Purposes Loan Acts will not be required, it is necessary to include this provision in the principal Act. It will allow the adjustment of the amounts of money appropriated from revenue as well as from borrowed funds. It is impossible, when making estimates, to foresee or cater for all possibilities.

The reorganisation of a department, or the transfer of a section from one department to another, for instance, will require adjustment in the amount of money appropriated to each department. The power given by this section will allow the administration of Government to proceed smoothly without the necessity of recalling Parliament to vote extra funds which would be offset by savings elsewhere and therefore have no net effect on the State's finances. Subsection (7) enables the Governor to reduce the moneys appropriated to a particular purpose, if necessary. The Government proposes to amend section 36 of the Audit Act, 1921-1975, to require the Treasurer to provide the Auditor-General with a statement of appropriations made under section 32a and a statement of moneys transferred from one purpose to another under that section. Details of these statements will appear in the Auditor-General's report to Parliament.

Clause 6 repeals section 32b of the principal Act. This section provides for excess expenditure from Loan Fund Account. In the future,.however, the Loan Fund will form part of the Consolidated Account with provision for excess payments being made by the new section 32a of the principal Act. Clause 7 amends section 32c of the principal Act to bring it into line with an amendment to section 71 of the Constitution Act, 1934-1978.

Clause 8 re-enacts section 32g of the principal Act with a provision which is substantially the same as existing section 32g except that, in future, warrants will be required every three months instead of every month. Amendments consequential on the introduction of the Consolidated Account and minor drafting changes are also made. Clause 9 makes a consequential amendment to section 32j of the principal Act.

Clause 10 replaces section 35 of the principal Act with a section of similar effect. The section empowers the

Treasurer to authorise the application of money granted by the Commonwealth for the purpose for which it was granted. Provision is also made for the application of money from the Treasurer's Advance Account in anticipation of the receipt of money which the Commonwealth has promised to provide but which has not been received. The new subsection (3) combines the effect of the existing subsections (3) and (4) and is a more concise provision. It also extends the operation of these subsections which, at the moment, provide only for payment from the Treasuer's Advance Account for the purpose of reimbursing General Revenue or Loan Account.

Clause 11 replaces sections 36 and 37 of the principal Act with a new section 36 which makes it clear that departments and Government instrumentalities may pay moneys received by them into an account and then draw on the money without first obtaining the authority of Parliament in each case. The new Section allows this only with the approval of the Treasurer. Subsection (1) requires that the Treasurer authorise the opening of each Special Deposit Account. By subsection (2), moneys payable to the Government department or instrumentality can only be paid into a Special Deposit Account with the approval of the Treasurer and by Subsection (4) only the Treasurer can appropriate, issue and apply moneys in a Special Deposit Account and then only for the purpose for which that account was opened. Subsection (3) enables the Treasurer to pay money already appropriated by Parliament for the purposes of a department or instrumentality into a Special Deposit Account opened for that department or instrumentality. Subsection (5) is a transitional provision. Section 37 of the principal Act gives the Treasurer authority to provide money for the purchase of stores and supplies for the use of Government departments. With the enactment of the new section 36, the existing Section 37 will not be required.

Clause 12 replaces section 38 of the principal Act. The new section provides for the establishment and maintenance of the Consolidated Account. Subsection (2) provides that the Consolidated Account shall be constituted of the General Revenue and those moneys which presently constitute the Loan Fund Account.

Mr. BANNON secured the adjournment of the debate.

AUDIT ACT AMENDMENT BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Audit Act, 1921-1975. Read a first time.

The Hon. D. O. TONKIN: 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 purposes of this Bill are, first, to update the procedures required for the audit of public accounts, and, secondly, to amend the principal Act in consequence of amendments proposed to the Public Finance Act, 1936-1975.

The principal Act was enacted in 1921. Since then many changes have occurred in relation to the auditing of Government accounts. The volume of Government transactions has multiplied many times and the methods of keeping records have changed dramatically. In the old days each department kept a cash book but now many departments record cash book entries and other information on computers. The increased use of computes and book-keeping machines has increased the accuracy of department records. These improvements together with improved methods of auditing have enabled auditors to cope with the increased volume of Government business. The principal Act, however, has not yet caught up with these changes. Section 26 prescribes detailed auditing requirements which are out of date to such an extent that they can no longer be implemented. Although section 32 of the principal Act allows the Auditor-General to dispense with the audit of the details of any accounts he cannot avoid the requirements of section 26. It is proposed therefore that section 26 be repealed and that the reference to section 26 be removed from section 32. The removal of section 26 will not reduce the powers that the Auditor-General presently enjoys nor will it prevent him from adopting the procedures prescribed by section 26 if he thinks they are appropriate.

The other provisions of the Bill are intended to update the operation of the principal Act or are consequential on admendments proposed to the Public Finance Act, 1936-1975. I will discuss their operation and effect and as I deal with each clause of the Bill.

Clause 1 is formal. Clause 2 provides for differential commencement of the provisions of the Bill. This will enable provisions consequential on the amendments to the Public Finance Act, 1936-1975, to be brought into operation after the other provisions of the Bill if necessary.

Clause 3 repeals sections 25 and 26 of the principal Act and replaces section 25 with a new provision. At the moment section 25 requires the Treasurer to produce his cash book and other records to the Auditor-General every day or as often as is prescribed by regulation. It is more appropriate and convenient that the Treasurer's records be produced whenever the Auditor-General requires and the new section has this effect. Section 26 is repealed because it is impossible and inappropriate to comply with the detailed auditing requirements that it prescribes.

Clause 4 removes from section 27 of the principal Act a reference to "cash book" and other documents. Many departments no longer use cash books or documents that were used in the past. Instead, they record transactions by means of computers. The amendment refers generally to records and other documents and will be wide enough to cover all types of documentation used.

Clause 5 replaces section 30 of the principal Act. Section 30 requires the Auditor-General to inspect the balance of moneys held by the Treasurer each month and to examine securites held by the Treasurer every three months. Once again these requirements are outdated and unrealistic and accordingly the section has been redrafted so that the Auditor-General may inspect moneys and securities held by the Treasurer whenever he thinks fit. Clause 6 makes a consequential amendment to section 32 of the principal Act.

Clause 7 amends section 36 of the principal Act. These amendments are made in consequence of the amendments proposed to the Public Finance Act, 1936-1975. Paragraphs *(a)*, *(b)* and *(c)* make amendments that are consequential on the combining of Revenue and Loan Fund Accounts into the Consolidated Account.

Two new paragraphs are inserted into subsection (1) of section 36. Subsection (1) requires the Treasurer each year to provide the Auditor-General with statements relating to the matters set out in the paragraphs of that subsection. New paragraph *(da)* will require from the Treasurer a statement of appropriations made from the Governor's

Appropriation Fund under section 32a of the Public Finance Act, 1936-1975. The proposed new section 32a of that Act will enable the Governor to appropriate excess moneys already appropriated for a particular purpose to be transferred from that purpose to a purpose in respect of which insufficient funds have been provided. New paragraph *(db)* inserted by this clause into section 36(1) of the principal Act will require the Treasurer to make a statement to the Auditor-General of moneys transferred in this way. The amendment to paragraph *(e)* of section 36(1) of the principal Act is consequential on the proposal to combine Revenue and Loan Fund Accounts. Paragraph *(f)* of section 36(1) is replaced with a paragraph that requires the Treasurer to provide the Auditor-General with a statement of Special Deposit Accounts opened in the preceding financial year in addition to the present requirement that the Auditor-General be notified of the balance standing to the credit of each Special Deposit Account at the end of the preceding financial year.

Clause 8 replaces section 38 of the principal Act with a provision that is more concisely drafted. The new provision requires the Auditor-General to append to the report that he makes to Parliament a copy of any opinion of the Crown Solicitor obtained by him in relation to moneys that have been spent without lawful authority. The existing provision requires that all opinions, no matter what their subject, obtained from the Crown Solicitor be appended to the report. No purpose is served by production to Parliament of opinions that are unrelated to questions involving the misapplication of public moneys.

Mr. BANNON secured the adjournment of the debate.

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to constitute a trust to be known as the "Roman Catholic Archdiocese of Adelaide Charitable trust"; to bring certain existing trusts and charitable undertakings under the administration of the trust; to define the powers, authorities, functions and duties of the Trust; and for other purposes. Read a first time.

The Hon. D. O. TONKIN: 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 object of this Bill is to create the necessary Statutory body to administer certain trusts administered within the Roman Catholic Archdiocese of Adelaide and to enable the adaptation to present and changing needs of past, existing and future trusts and bequests within the Archdiocese.

The charitable activities of the Catholic Church especially with regard to family and child care in the Archdiocese of Adelaide have a long history on a variety of levels. Two of the better known have been St. Vincent de Paul's Orphanage, conducted by the Sisters of Mercy at Goodwood, and St. Joseph's Orphanage, conducted by the Sisters of St. Joseph at Largs Bay. Changes in needs have required departure from these traditional operations.

The orphanages have ceased to exist as such, and orphans are being cared for by the sisters in conditions which approximate more closely to those in normal family homes. There are, no doubt, wills and other documents in existence which give property specifically to, for example, "the Goodwood Orphanage". It is desirable that such a gift should not fail just because the Sisters no longer carry on an orphanage at Goodwood. Under the proposed Act gifts made to the orphanages or any of the bodies mentioned in clause 5 *(a)* of the Bill will be construed as gifts to the Trust.

The Catholic Church Charitable Trust Incorporated was created to hold, as trustee, the cottage properties used by the sisters in the care of orphans. At present, the Catholic Church Endowment Society Incorporated holds, as trustee, other property used by the various charitable undertakings of the Catholic Church, as well as general church property. Neither of these bodies could receive a gift made specifically to one of the defunct orphanages.

It is desirable that one body should exist for the purpose of acting as trustee solely for the charitable undertakings of the church, including undertakings not yet in existence.

The Bill establishes a property and general trust which will hold charitable trusts in the Roman Catholic Archdiocese of Adelaide as regards family and child care and such other trusts as may be necessary to meet future needs. The Endowment Society will continue to hold general Church property.

The trust will be entirely under the control of the trustees appointed in the manner contained in the Bill. The trustees are to be the Archbishop and his nominee, the Provincials of the Sisters of Mercy, Adelaide, the Sisters of St. Joseph, and the Salesians of St. John Bosco or their nominees, and also such other members as shall be appointed by the Trustees with the prior approval in writing of the Archbishop.

The Bill contains the necessary provisions for vesting property owned by and used for charitable purposes of the bodies named therein and other bodies in the Roman Catholic Archdiocese of Adelaide Charitable Trust.

Provision is made for the adaptation of future bequests and donations to such other uses or trusts as may be required if the original purpose or intention cannot reasonably be given effect to, but constrains the trust to use such bequests and donations as nearly as may be possible for the purposes designated by the donor or testator.

Clause 1. is formal. Clause 2 provides for the commencement of the Act. Clause 3 sets out the arrangement of the Act. Clause 4 provides the definitions necessary for the operation of the measure.

Clause 5 sets out the objects of the trust and also provides that a certificate by the Chairman or Secretary of the trust that the trust has taken over a specified undertaking is to be conclusive evidence of that fact. Clause 6 constitutes the trust. Clause 7 provides for membership and related matters. Clause 8 provides for a quorum at meetings and for the vacation of offices.

Clause 9 provides for the filling of casual vacancies. Clause 10 provides for use and custody of the common seal. Clause 11 deals with the formalities required for the execution of deeds and contractual documents on behalf of the trust. Clause 12 provides for the execution of documents on behalf of the trust by agents and attorneys.

Clause 13 vests in the trust the property of the undertakings as contemplated and also provides that property so vested shall be discharged from any trust which requires property to be used for a specific purpose such as use for a church or a church hall. Where the donor or another person has a beneficial interest under any trust, that interest will be preserved. The interests of mortgagees, lessees and others are preserved by subsection (3) *(d)*.

Clause 14 provides that no attornment by a lessee is

necessary. At common law a lessee cannot accept a new lessor without the consent of the original lessor. This will not be necessary in cases where the trust becomes lessor under the provisions of the Act. This provision is necessary because in some cases the original lessor will be an incorporated association which has ceased to exist.

Clause 15 provides that instruments giving property, either directly or on trust, to the undertakings are to be construed as giving property to the trust. Clause 16 empowers the trust (with the approval of the Archbishop) to resolve ambiguities in any document referring to any of the undertakings. Clause 17 provides that an incorporated association may transfer all or part of its undertaking to the trust.

Clause 18 provides that where an association has transferred its undertaking or property to the trust, the trust may, where necessary alter the rules of that association. Clause 19 is an evidentiary provision. A certificate under the common seal of the trust is to be *prima facie* evidence that property described therein is held by it on trust. Clause 20 provides for enforcement by and against the trust of rights and liabilities in respect of property vested in the trust

Clause 21 provides for the registration without fee by the Registrar-General of the proprietary interest of the trust in any land vested in it in pursuance of the Act. No stamp duty is to be payable on any application to be registered under the provision. Clause 22 provides that the trust may make claims for compensation in respect of any of its property which is compulsorily acquired.

Clause 23 provides for the effectiveness of a receipt given on behalf of the trust. Clause 24 provides that a person who deals with the trust is not required to inquire into the propriety of the manner in which the trust exercises its powers. Clause 25 makes provision for service of process on the trust. Clause 26 provides that the trust may act as executor or administrator of an estate, or as trustee of a trust that arises otherwise than under this Act.

Clause 27 permits the trust to hold property jointly or in common with other persons. Clause 28 provides for the making of regulations by the trust. Clause 29 provides for use of trust property in co-operation with a church of another denomination. Clause 30 preserves, in relation to clause 29, any restriction that has been placed on property by the donor of that property. Clause 31 makes provision for alteration by the trust of the terms of any trust when it has become impossible or inexpedient to carry them out.

Clause 32 provides an indemnity to the trustees in respect of liabilities incurred by them in carrying out their duties. Clause 33 provides for the blending of trust money into one fund and the ratable distribution of the interest from that fund. There is also power to make loans for the purposes of the Roman Catholic Church. Clause 34 confers a wide power of investment on the trust.

Mr. McRAE (Playford): This Bill is important, and is related to difficulties that have been encountered by the Roman Catholic Archdiocese in relation to certain charitable trusts. *Prima facie,* the Opposition believes that the Bill is good. It is a hybrid Bill and must go to a Select Committee. On that basis, the Opposition supports the second reading and will await the deliberations of the Select Committee.

The Hon. D. O. TONKIN (Premier and Treasurer): I thank honourable members for their courtesy in dealing with this Bill so efficiently. It is a matter of some concern to the Archdiocese, and I am sure the sooner we get into the Select Committee the better everyone will be pleased.

Bill read a second time and referred to a Select Committee consisting of Messrs. Crafter, Glazbrook, Hopgood, Schmidt, and Tonkin; the committee to have power to send for persons, papers and records, and to adjourn from place to place; the committee to report on Tuesday 10 February 1981.

PRISONS ACT AMENDMENT BILL

The Hon. W. A. RODDA (Chief Secretary) obtained leave and introduced a Bill for an Act to amend the Prisons Act, 1936-1976. Read a first time.

The Hon. W. A. RODDA: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill implements certain policy initiatives that the Government strongly believes are vital to the better functioning of the correctional system. I should point out at the outset that the proposals of this measure do not impinge upon the terms of reference of the Royal Commission. It is my intention to introduce a new Correctional Services Bill when the Royal Commission has completed its findings, which will completely replace the Prisons Act and deal with all aspects of correctional services. The Bill now before you deals with only those matters that the Government regards to be of immediate importance.

The principal objects of the Bill are three-fold. First, it provides for the establishment of a Correctional Services Advisory Council that will be answerable to the Minister. The council will consist of six persons, the Chairman being a person experienced in criminology, penology or a related science, and the Deputy Chairman being a person with experience in business management, medicine, social welfare or education. One member will be a nominee of the Attorney-General and the remaining three will be nominees of the Minister. The main function of the advisory council will be to monitor and evaluate the operation and administration of the Act and advise the Minister on all matters pertaining thereto. Annual reports submitted to the Minister will be laid before Parliament. The recommendation for such an advisory body originally came from the Criminal Law and Penal Methods Reform Committee chaired by Justice Mitchell, and the Government strongly endorses the recommendations of that committee that the correctional system as a whole ought to be kept under regular review by a permanent body.

Secondly, the Bill provides for a Parole Board of a slightly different composition than that presently existing, and also effects several changes in the parole system. The membership of the Parole Board is to be increased from five to six, and the Chamber of Industry and Commerce and the Trades and Labor Council will no longer nominate any members of the board. Three members will be nominated by the Minister, thus giving the opportunity to have a wider range of community representation on the board. It is to be provided that both the Director of Correctional Services and the Commissioner of Police will have the right to make submissions to the Parole Board in any proceedings before the board, thus helping to ensure that all aspects of and differing viewpoints on any particular case will be well canvassed before the board. The Bill makes it mandatory for a non-parole period to be

fixed in respect of every sentence of imprisonment (other than those of three months or less), whereas at the moment the fixing of such periods is left to the discretion of the courts.

This proposal is an integral part of the Government's policy in the area of law and order, as is the further proposal that prisoners serving sentences of life imprisonment will only be released on parole if the Parole Board so recommends and Executive Council confirms that recommendation. This procedure obtains in all other States and has proved to be more acceptable to the general public in that the Government itself is accountable for the release of such prisoners back into the community. It is also provided that a life prisoner released on parole will be on parole for a period fixed by Executive Council, being a period of not more than 10 years. This will achieve a more workable situation for such a prisoner and the Department.

Thirdly, the Bill provides for the substitution of the present system of remission by a system of conditional release. There are two major differences between the two systems. First, conditional release will have to be earned on a monthly basis, whereas under the present system remission of a third of a prisoner's sentence is automatically credited to him when he is first admitted to prison. Secondly, a prisoner released from prison on conditional release will still be liable to serve the unexpired balance of his sentence if he re-offends while on conditional release, whereas a prisoner released from prison upon remission is completely free of his sentence by reason of the fact that remission is in effect an actual reduction of sentence. The Government believes that the conditional release system will mean that a prisoner will virtually be subject to the whole of his sentence of imprisonment, and that, therefore, the sentences imposed by courts will, in the words of the Mitchell Committee, "mean what they say" to a greater degree than at present.

While the emphasis of the Bill is on measures that will ensure a greater degree of law and order in certain areas, at least two of the changes effected by the Bill may be said to achieve a fairer situation for prisoners. First, it is proposed that a prisoner returned to prison upon cancellation of parole for breach of a condition of his parole, or upon conviction of a further offence for which he is sentenced to imprisonment, will only be liable to serve the balance of his sentence unexpired as at the day upon which he committed the breach or the offence. The Act as it now stands provides that such a person must serve the whole unexpired balance of his sentence, thus not taking into account the period of time that he is of good behaviour while on parole. Secondly, it is proposed that a prisoner so returned to prison will again be entitled to earn conditional release in respect of serving the unexpired balance of his sentence; a benefit not available to prisoners at the moment.

Finally, the Bill provides for promotion of the use of volunteers in the correctional services system. Earlier this year, the Government approved the expansion of the volunteer programme within the Department of Correctional Services and funds have been accordingly provided in this current financial year. It is anticipated that volunteers will be involved in manning the court information centre, and the drop-in centre run for parolees and probationers, in acting as visitors to prisoners and befrienders of parolees and probationers, and in assisting in the day-to-day operation of the proposed new community service scheme. I must make it quite clear that volunteers will not in any way be used to displace or replace paid officers.

Clause 1 is formal. Clause 2 provides for the commencement of the Bill, with power to suspend the operation of any provision should it be necessary to do so. Clause 3 amends the arrangement of the Act. Clause 4 inserts two new definitions that are self-explanatory. Clause 5 provides a transitional provision preserving parole orders existing at the commencement of the Bill.

Clause 6 inserts a new Part establishing the Correctional Services Advisory Council. The advisory council will consist of six members, the chairman being an expert in criminology or penology. The functions of the advisory council set out in new section 6f are basically to monitor and evaluate on a continuing basis the operation of the Prisons Act, and to report on any matters referred to the council by the Minister, or on such other matters as the council thinks fit. The members of the advisory council are empowered to enter and inspect prisons and ask questions of any person within the prison. The advisory council must report annually to the Minister on its work during the previous financial year, and this report will be tabled in Parliament.

Clause 7 directs the Minister to promote the use of volunteers where practicable. Clause 8 effects consequential amendments. Clause 9 increases the membership of the Parole Board from five to six, and provides for the nomination of three members by the Minister in lieu of the current nomination of two members by the Chamber of Commerce and Industry and the Trades and Labor Council. Clause 10 increases the quorum of the Parole Board from three to four.

Clause 11 re-enacts two provisions relating to the fixing of non-parole periods by the courts. It is now made mandatory that a non-parole period be fixed for every sentence of imprisonment that exceeds three months, and for cumulative or concurrent sentences that in total exceed three months. It is also mandatory for a court to extend any existing non-parole period where the court sentences a person already serving the non-parole period of an existing sentence to a further term of imprisonment, the non-parole period then to be fixed is based on the total of all the sentences to which he is liable, but the non-parole period so fixed must not exceed the term of the subsequent sentence. Similarly, an existing non-parole period cannot be extended for a longer period than the term of the subsequent sentence.

Clause 12 substitutes new provisions dealing with release on parole. New section 42k provides that prisoners serving sentences of more than three months, or a number of sentences, exceeding three months in the aggregate, may apply to the board for parole. Such an application may be made for release after the expiration of any non-parole period, or if there is no parole period (e.g. where the sentence was imposed before the commencement of the Bill), after three months has been served in prison. A prisoner may apply to be released before the expiration of a non-parole period only if the court that fixed, or last extended, the non-parole period gives him leave to do so. The parole provisions do not apply to certain prisoners serving indeterminate sentences (i.e. prisoners detained, or liable at the end of their fixed sentence to be detained, at the Governor's pleasure). New section 421 sets out the matters to be taken into consideration by the board when determining an application for parole. New section 42m provides that prisoners serving fixed terms may be released by order of the board, and that life prisoners may be released by the Governor, upon the recommendation of the board. A life prisoner is to be released on parole for a fixed period, being not less than three nor more than ten years. The two basic conditions of parole are that the prisoner will not commit any offence while on parole, and will be subject to the supervision of a parole officer. The

board may specify additional conditions.

The parole release of a prisoner may be revoked at the discretion of the board (or the Governor in the case of a life prisoner) at any time before he is actually released on parole. New section 42n provides that a prisoner other than a life prisoner remains on parole until his sentence expires. A life prisoner remains on parole for the period fixed by the Governor, and at the end of that period his sentence is deemed to have been fully satisfied. New section 42nb provides for the variation or revocation of parole conditions. New section 42nc provides that a prisoner other than a life prisoner may apply to have his parole discharged. Where the board discharges a persons from parole, the balance of the sentence is deemed to be a period of conditional release. New section 42nd provides for cancellation of the parole release of a person where the board is satisfied that the release was obtained unlawfully or that there is other good reason why the parole order should not have been made in the first place. A person whose parole release is cancelled under this section is liable to serve in prison the balance of his sentence unexpired as at the day on which he was released, unless the board directs that he is only required to serve the balance unexpired as at the day the release is cancelled.

New section 42ne provides for cancellation of parole release by the board where the person breaches a condition of his parole. The person is then liable to serve the balance of his sentence unexpired as at the day on which he committed the breach. New section 42nf provides for the automatic cancellation of parole release where the person is sentenced to imprisonment for an offence committed while on parole. The liability to serve the unexpired portion of his sentence exists notwithstanding that, at the time of conviction for the subsequent offence, the earlier sentence may have already expired. New section 42ng gives the Board the necessary powers in relation to issuing a summons or warrant for the purpose of bringing a parolee before the board. New section 42nh provides that both the Director of Correctional Services and the Commissioner of Police may make submissions to the Board in any proceedings before the board. New section 42ni makes it clear that more than one application for parole can be determined in respect of the same sentence of imprisonment.

Clause 13 strikes out regulation-making powers in relation to the Parole Board determining whether a prisoner should be released on parole notwithstanding that he has not applied for parole, and the board reducing non-parole periods. Neither of these powers are appropriate in view of the new parole provisions.

Clause 14 inserts a new part dealing with conditional release. New section 42ra provides that this new part applies in relation to prisoners serving sentences that are imposed after the commencement of the Bill. Life prisoners and other prisoners serving sentences of an indeterminate nature are excluded from the conditional release provisions. It is made clear that conditional release can be earned by prisoners back in prison after having had their parole or conditional release cancelled. New section 42rb provides that a prisoner is to be credited with ten days of conditional release at the end of each month he serves in prison. If the prison superintendent believes that a prisoner has not been of good behaviour at any time during a month, he may credit him with a lesser number of days of conditional release, or no days of conditional release. In such a case, the prisoner may appeal to a visiting justice.

A prisoner is entitled to be released from prison at the point at which his entitlement to conditional release falls due. New section 42rc provides that a prisoner released under this Part is released subject to the condition that he will not commit certain offences during the remainder of his sentence. Similarly to parole, the conditional release of a person is automatically cancelled if he commits a prescribed offence for which he is sentenced to imprisonment for a month or more, notwithstanding that his sentence may have already expired at the time of conviction. The person is thereupon liable to serve in prison the balance of his sentence unexpired as at the day the offence was committed. Where a person on conditional release is convicted during that period of a prescribed offence committed during that period and is sentenced to less than one month's imprisonment, is fined or put on a bond, the court sentencing him for that offence may, upon the application of the prosecution, cancel his conditional release.

The offences that may lead to cancellation of conditional release are set out in subsection (5). All indictable offences are included, all summary offences punishable by imprisonment, and any other summary offence that may be prescribed. New section 42rd provides that a person on conditional release may apply to the court that sentenced him to imprisonment for an order discharging him from the balance of the sentence. Clause 15 is a consequential amendment.

Mr. McRAE secured the adjournment of the debate.

STATE BANK (RIVERLAND FRUIT PRODUCTS CO-OPERATIVE ASSISTANCE) BILL

Adjourned debate on second reading.
(Continued from 3 December. Page 2561.)

Mr. SLATER (Gilles): The Opposition supports the Bill. We believe that it is necessary for Riverland Co-operative Limited to meet its commitments in this season. Currently, the co-operative is under receivers and managers of the State Bank. It was placed into the receivership of the State Bank on 12 September this year. It is necessary for this Bill to be enacted at this time so that the cannery can meet its commitments, and not only to growers, I understand from the second reading explanation. The most active period is in the growing season up until April 1981, and fruit will be supplied to the cannery to the value of $4 200 000; therefore, it is necessary for the growers to have some opportunity to receive payment during that period.

I also understand from the Premier's second reading explanation that all of the proceeds to be obtained from the sale of the products to the Australian Canned Fruit Board and other parties will assist the co-operative to meet interest costs during that time on the borrowings. The purpose of the Bill is to guarantee the State Bank against operating losses in respect to the current season. As I have said, it is anticipated that the current loss may be of the order of $1 000 000, even though the Bill makes provision for a maximum of $2 000 000.

When the Premier opened the extensions of the cannery, in, I believe, October last year, he spoke very strongly and waxed eloquent about the prospects of the cannery but, unfortunately, those prospects have not been fulfilled. It has been a rather sad and sorry saga of the Riverland cannery, and in a Ministerial statement in July this year the Premier indicated that the cannery was in extreme financial difficulties. I will not rehash the long story associated with the cannery and the arrangements that were made for the transfer of machinery and plant from Victoria (which was formerly owned by I.X.L., the

Henry Jones company, which unfortunately did not assist the cannery in its situation as was expected), but it has been a long, sad and sorry saga, and it is unfortunate that the cannery should come to this situation and that we should be considering this kind of legislation to see the cannery through until 1981. With those remarks, I indicate that the Opposition realises that the Bill is necessary, and supports it.

The Hon. D. O. TONKIN (Premier and Treasurer): I thank members opposite, and particularly the member for Gilles, for their support. It is vital that the coming season's fruit be processed and that growers be recompensed so that they can continue to supply fruit to the cannery. I would like to reiterate that the Government is absolutely committed to doing everything possible to maintain the cannery as a viable operation in the Riverland area. The cannery is important; in fact, it is one of the most important single industries in the area, and it is vital for the future well being of the Riverland. I thank honourable members for their consideration.

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

LICENSING ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 December. Page 2588.)

Mr. McRAE (Playford): After my brief remarks of last night, I can indicate that the Opposition supports this measure.

The Hon. D. O. Tonkin: You'll go down in history for those, you know.

Mr. McRAE: I might, too. The unhappy thing is that, if I had been given leave to continue my remarks on the first occasion, I could have gone down the passage, spoken to the Hon. Mr. Bruce (who had the conduct of this matter in another place), and simply come back here and said "I support the measure."

There are six principal provisions here. First, it is provided that the Electricity Trust of South Australia may receive a full publican's licence at its property at Leigh Creek. The Opposition does not oppose that and can see the merit in it. Also, it is provided that ETSA may be able to contract out certain catering arrangements at one or both of its operations at various stages. In the case of ETSA, the Opposition does not raise any objection in relation to that matter.

Secondly (and I just note this point now and will come back to it later), the Bill provides a contracting-out provision or a sharing of fees or profits provision, which I referred to last night fairly vigorously. The Opposition is not opposing that in its amended form, but is certainly not happy with it, or with the devious way in which this Bill was introduced into the Parliament, with the way in which we believe the Parliament was misled, or the way in which we believe the Government attempted to mislead not only the Parliament but the people. The third provision deals with historic inns, and we do not oppose that. The fourth matter deals with certain changes as to limited publicans' licences, and we do not object to that, either. The next provision relates to permit clubs and provides that, in lieu of $25 000 being the cut-off point, which has been the case for some years now, $50 000 be the cut-off point without a change of status under the Act. We do not object to that provision either. Finally, there is the repeal of a redundant provision. I do not think I need to go into that in any detail.

Let me go immediately to the point that concerns us. We agree to what I will loosely term the "contracting out arrangement". By that, I mean a scheme by which a licensee may, by arrangement with another person or group of persons, so order his affairs that that person will be involved in the business of the licensed premises and will in some fashion share the profits of a licensed premises. As I said last night, in general terms the Opposition is very suspicious of such provisions; members will be pleased to hear that I do not propose to go over last night's ground again. I simply refer to the suspicion.

The DEPUTY SPEAKER: Order! I remind the honourable member that repetition is out of order.

Mr. McRAE: But I did say, Mr. Deputy Speaker, that I was not going to repeat what I said last night, that I was going to refrain from it. However, I must stress again that we do not like the contracting-out arrangement at all, for the reasons I gave last night. However, I agree that as a result of representations made by the Hon. Mr. Bruce and other Opposition members in another place it was provided that the court would have a power of scrutiny, and so a new subclause (3) was provided to the amended 141, as follows:

> An agreement or arrangement shall not be approved under subsection (2) unless the court is satisfied that the agreement or arrangement will not adversely affect the rights and reasonable expectations of persons presently in employment.

We are not completely happy with that, but it is certainly a great improvement on what was there before. In those circumstances we are going to support the Bill.

However, there is one very worrying feature that I will now turn to. When the Bill was introduced in the Council, the whole thrust of the Minister of Community Welfare's speech was to indicate that this was a Bill which dealt with certain technical measures. He may have his own views as to what technical measures are and what substantive measures are, but I disagree quite strongly that these are simply technical measures; certainly the contracting-out or fee-sharing arrangement is far from being technical.

What most angers the Opposition is that the Minister clearly refrained in the Council, and the Minister of Health also refrained in this House, from giving the real reason behind the Government's actions in this matter. It was not until the Opposition members in the Upper House pushed the point that it finally became clear that the main beneficiary (at least to begin with) of this new structure will be the Adelaide Hilton, or that group of persons which goes to make up the proposed licensed persons who run the Adelaide Hilton Hotel. That became most clear when my colleague, the Leader of the Opposition in another place, referred to a Cabinet submission forwarded by the Premier which he quoted as follows:

> An amendment to the Licensing Act will be required to give the Licensing Court power to dispense with certain conditions in the leasing documents of applicants for licences. The Government has agreed to introduce amendments to cover this situation.

That situation related to an agreement reached by the Government with the Victoria Square hotel consortium to introduce amendments to the Licensing Act so that their obtaining a licence could be facilitated. The honourable Minister in the other place denied that that was a precipitating factor. I stand to be corrected, but from the way I read *Hansard* for the other place, it seems that he denied that he even know about such a submission.

I find it difficult to accept that the Minister in charge of a Bill such as this would not be aware that such arrangements were being carried on and that there were certain prime motivating factors behind it. It may be right or it may be wrong that the Victoria Square hotel consortium is helped out in this way; I do not know. What

I am saying is that if the Government had been frank with the Parliament, with the Opposition and with the people, the suspicions that were raised might never have been raised in the first place. There would still have been the conflict with the Opposition about the general principle, but it does nobody any good if that Minister is completely frank with the Parliament. One can only assume this was an attempt to hoodwink the Parliament, to slip something through as quickly as possible, to gain some form of advantage. As it has turned out, it has not resounded to the Minister's or to the Government's credit. With those short submissions, I support the Bill.

Mr. SLATER (Gilles): I want to refer only to the clause that refers to a permit for the supply of liquor for consumption at a club. That clause increases from $25 000 to $50 000 the gross turnover from the sale of liquor. I have been advocating this for some time, so I support the amendment. This section of the Act was last amended in 1974 and, because of the effects of inflation, I believe this amendment is necessary. This clause is beneficial for the number of small clubs which work under the provisions of the section 67 permit. I think the system has worked satisfactorily, as has the discretion which allows small clubs to operate without having to apply for a full licence.

I would like to compliment the officers of the Licensing Court for the way in which they have administered this Act so efficiently and for the assistance they have given wherever possible to small clubs when they have applied for permits, and so on. I support the Bill, and hope that it passes this House with no problems.

The Hon. JENNIFER ADAMSON (Minister of Health): I am pleased to have the support of the Opposition for the various disparate amendments which make up this Bill. Certainly, it is necessary for me to comment on the debacle which occurred last evening. It should go on the record that the reason that this debate proceeded last night was a direct result of the Opposition's having broken an agreement which had been made with the Government, between the member for Playford and the Deputy Premier, that debate on the Bills before the House would cease at 12.30 a.m. That did not occur. Various other members of the Opposition, not the member for Playford, but other members of his Party, continued to filibuster to 1.30 a.m. I ask the House how the Deputy Premier can be expected to conduct the affairs of this House in an orderly fashion, as is his responsibility, if agreements which are made between the Government and the Opposition are broken?

The DEPUTY SPEAKER: Order! I am afraid I have to remind the Minister that, even though she may wish to give this information to the House, it is in no way connected with the Bill and therefore I have to ask her to confine her remarks to answering the questions raised by members who took part in the debate.

The Hon. JENNIFER ADAMSON: Mr. Deputy Speaker, I take your point and accept your ruling. However, I was responding to points made during the debate last night, allegations against the Government made by the member for Playford.

I am pleased that the Opposition supports the Bill, but I refute the suggestion made by the member for Playford that the Minister in any way misled the House when he introduced the Bill. It is true that, in accordance with the provisions of the Bill, the clause which allows any person to apply to the court in advance for a ruling on whether an arrangement or prospective arrangement for contracting out is or would be prohibited by section 141 is necessary to or an essential part of an undertaking likely to assist the tourist industry. The International Hotel in Victoria Square is such an undertaking. There is no reason why that particular instance should have been detailed in the second reading explanation. The International Hotel is not mentioned because it is generally inappropriate to cite specific examples of why amendments are made. Most amendments to Bills arise out of specific problems that occur in practice, and that was the case with ETSA. However, ETSA was mentioned as it was proper to do because ETSA is mentioned in the principal Act; the International Hotel is not mentioned in the principal Act, and there is no reason why that situation should have been highlighted in the second reading explanation.

I reject the allegation that the Minister misled the House by omission of information. It was quite appropriate that reference to the international hotel should have been made during the second reading debate but there is no reason why it should have been specified in the second reading explanation. Last night, the member for Playford spent much time and made much play of the fact that workers in the industry would be adversely affected by the Bill. As he is now aware, and as he should have been aware last night, because the Bill had been on the file for some time, the workers in the industry are catered for by amendments which were accepted by the Government in the Legislative Council and which will protect workers in the industry, so that acrimony and the ridiculous allegations made in the debate last night need not have occurred if the Opposition had done its homework and read the Bill.

I am pleased that the member for Gilles agrees with the provisions of clause 5, which increase the amount of the value of liquor which can be sold by licensed clubs. I emphasise the importance of these various amendments to the tourist industry. I refer particularly to the recognition that the Bill gives to undertakings which are likely to assist the tourist industry and to the flexibility that the court will now have in recognition of that fact, also to the provision for historic inns, and the various other corrections of anomalies which presently exist which should in one way or another, facilitate the tourist industry in South Australia.

Bill read a second time.

Mr. McRAE (Playford): I seek leave to make a personal explanation.

Leave granted.

The DEPUTY SPEAKER: I point out to the honourable member that he must, in making a personal explanation, not enter into general debate.

Mr. McRAE: In making her reply on this matter, the honourable Minister of Health referred to the breaking of an agreement between the member for Playford and the Deputy Premier last night. I want to make it crystal clear that I was not party to a breach of any agreement that I made with the Deputy Premier. In fact, at the time that there was some alleged breach (but I am not aware of the details), I was not present in the Chamber. It was the only sustained absence of about half an hour during the course of the day. I was not party to any breach. Secondly, as far as the Minister's derogatory references to last night's fiasco, as she puts it—I want to say that it was a fiasco, but it was a fiasco which I was not able to control. As I have already explained, if I had had the co-operation of the Government for 10 minutes, or even five minutes, I could have spoken to the Hon. Mr. Bruce.

The Hon. Jennifer Adamson: We are not supposed to be mind readers, you know.

Mr. McRAE: I begged the Government, over and over again, to give me time and, if that had occurred, the

second reading of the Bill would have gone through in the same time it has taken today and I think that has been no more than half an hour.

In Committee.

Clauses 1 to 7 passed.

Clause 8—"Exclusion of unlicensed persons from interest in profits, etc., of licensed premises".

The Hon. PETER DUNCAN: I listened with interest to the second reading debate on this matter, particularly the points made by the member for Playford, and I then listened to the reply of the Minister. I was particularly interested in the way in which she replied to the allegations made about the way in which the Minister in another place omitted to tell the Parliament why it was necessary to amend section 141. It is not as though this matter was merely one which came to light late in the day, or one which did not take a great deal of the Government's time and attention. In fact, there was a very great deal of correspondence between Finlayson and Co. (the solicitors acting in this matter for one of the parties), the Crown Solicitor and the Attorney-General. That correspondence went on over a period of time. For a Minister of the Crown, a member of this Parliament, not to have set out forthrightly in the second reading explanation the real reason why it was necessary to amend section 141 is an absolute disgrace. He is sitting in the Gallery now.

The CHAIRMAN: Order! The honourable member will not refer to the Gallery.

The Hon. PETER DUNCAN: Very well, Sir. Let me refer to the Minister from another place, who is able to hear what is being said at the present time. I believe it is an absolute disgrace that he did not come to the Parliament and lay the matters on the table properly.

So that people will not think that this matter was merely one which came up late in the day, almost as an afterthought, and so that people will not think that this decision to amend section 141, and its relevance to the International Hotel, was mere coincidence, I want to quote from a letter that Finlayson's forwarded to the Crown Solicitor dated 19 June 1980. It is addressed to the Crown Solicitor (Attention Mr. Hocking), and is headed "Victoria Square International Hotel". It states:

> Dear Sir,
>
> We refer to our discussion of 12 June 1980—

I point that out for the benefit of the Committee. This is not a matter which has arisen recently, it is not a matter which the Government has had brought to its attention late in the day; it is a matter of longstanding negotiation between the Government and the promoters. The letter continues:

> —with your Mr. Hocking wherein we spoke of our concern over the licensing aspects of the hotel. In that conversation Mr. Hocking indicated that the Crown Solicitor doubted there was a possibility of Section 141 of the Licensing Act having application.
>
> With respect, we are of the opinion, as are the solicitors for the Commonwealth Superannuation Fund Investment Trust and the solicitors for Hilton Hotels of Australia Pty. Ltd., that section 141 would have application in view of the basis of calculation of the rental payable by Hilton to the trust. The rental calculation will have regard to Hilton's gross operating profit which is the usual manner of calculating rentals in respect of such hotels. If that section has application, there is a positive obligation on the Licensing Court to declare the licence void. In this transaction, that circumstance cannot be allowed to exist, potentially or otherwise.
>
> We believe that it will be necessary for the Government to ensure that Hilton Hotels of Australia Pty. Ltd.'s rental arrangements with the trust in respect of the hotel are exempted from the effect of section 141 of the Licensing Act. Alternatively, Hilton Hotels of Australia Pty. Ltd. could be expressly granted a licence by either amending the Licensing Act or the Victoria Square International Hotel Act.
>
> We need hardly dwell on the need for this hotel to have the benefit of a full publican's licence and the possibility that this might be threatened by way of objection being taken to the application for the licence, cannot be discounted. In this regard, therefore, it appears necessary for the hotel to be declared a "prescribed tourist hotel" pursuant to Part VIIA of the Licensing Act. Can you foresee any difficulties in having such a declaration made?
>
> We look forward to receiving your comments in respect of the above two matters as soon as possible.
>
> Yours faithfully,
> Finlayson

A further letter dated 27 June 1980 also referred to this matter, again from Finlayson and Company, this time to the Attorney-General. It is marked "Attention Mr. Bowering" and is headed "Proposed International Hotel". The letter states:

> We refer to a letter written yesterday by our client, Victoria Square International Hotel Pty. Ltd., to the honourable the Premier and delivered to Mr. Graham Inns.
>
> We have been instructed to advise you that the commencement date for construction of the hotel is still scheduled for August 1980. Necessary documentation, which is extensive, has been drafted and is in the hands of the various parties for consideration. Because there are so many different parties involved, all of necessity with their separate advisers, there will undoubtedly still be a number of amendments to be discussed and agreed. As you will be aware, the Trustees of the Superannuation Fund Investment Trust have formally agreed to the proposal, as has Hilton.
>
> Our client is very well advanced with interim funding arrangements but these, naturally, are subject to approval of the final documents by the financiers.
>
> A date of 23 July has now been set for signing all of the documents and everybody is working towards this objective. The writer's own belief, subject to any unexpected circumstances, is that this project will definitely go ahead. Nevertheless, there is a considerable logistics problem involved in getting all the documents prepared and approved, not only by the parties, but also by their independent advisers.
>
> In all the circumstances we have been asked to place before you a formal request that the time for execution of the documents be extended from 30 June to 23 July, which we now do.
>
> We refer to the letter of 26 June 1980 from the Crown Solicitor, signed by Mr. Michael Bowering. As discussed with Mr. Bowering on the telephone this afternoon, we are obtaining some additional information from Hilton which we had hoped to have today. As soon as the writer has it, probably now on Monday, he will telephone you to seek an appointment.

The Crown Solicitor wrote to Finlayson and Co. on 26 June in a letter headed "Proposed International Hotel, Victoria Square". The letter states:

> Thank you for your letter of 19 instant in which you raised the question of the granting of a licence to the proposed Victoria Square international hotel pursuant to the provisions of the Licencing Act.
>
> I have discussed the matter with the honourable the Attorney-General and we are of the view that, if possible at all, the problem should be resolved by ensuring that the lease between Hilton and the trust does not offend against the provisions of section 141 of the Act. In this regard we note that the provisions of clause 7.2 of the heads of agreement contemplate two alternative modes of rental assessment, the first of which (namely 8 per cent of the total fixed price of the

hotel) does not appear to offend against the requirements of section 141, whilst the other (namely 75 per cent of the gross operating profit) may well do so. In view of the fact that the heads of agreement do not specify which rental provision is to prevail, the Attorney-General is of the opinion that every endeavour should be made to ensure that the lease does not offend against the provisions of the Act.

If this can be achieved, a declaration pursuant to section 192a may not be necessary.

The final letter I wish to quote was from Finlayson and Co. to Messrs. Hedderwick, Fookes and Alston, Solicitors, Melbourne, headed "Victoria Square International Hotel". It states:

We refer to our discussions in your office and, in particular, to the proposed amendment to section 141 of the Licensing Act.

We spoke to the Honourable the Attorney-General again on 7 October and the position is as follows:

1. The Government proposes to introduce an amendment to section 141 which will have the effect of giving the Licensing Court a discretion to approve arrangements which would otherwise be a breach of section 141. In this regard we refer you to the letter of 22 July 1980 from the Crown Law Office to our firm, a copy of which is in your possession.
2. The proposed amendment to section 141 has been considered and approved by Cabinet and is presently with the Parliamentary Counsel for drafting. It will be introduced along with other amendments to the Licensing Act.
3. It is the intention of the Government to introduce the amendments as soon as possible after Parliament resumes on 21 October 1980.

That last letter tells the real tale about this whole matter. The fact of the matter is that the only urgency about this piece of legislation, the only reason why it must be passed by the Parliament before Christmas, is because of arrangements that have been made between the Attorney-General and solicitors acting for the various parties in the arrangements for the international hotel in Victoria Square. That is the only reason for the urgency.

Secondly, I doubt whether section 141 would have been amended at all if it had not been for the needs of the Victoria Square international hotel consortium. There is little doubt that other arrangements could have been made in relation to various excuses that have been given in the second reading explanation concerning this provision; that is, the amendment of section 141. I do not doubt for a moment that that is why this section is in the Bill, and that that is why the Bill was put before the Parliament in this rushed fashion. But, where was it mentioned in the second reading explanation? It did not get a squeak in. I think that is an outrage on this Parliament and the rights of this Parliament. If the Government seeks to deceive the Parliament in this fashion (and it is no more or no less than deception not to have raised this matter), then it is a sorry day for Parliamentary democracy in Australia.

Mr. McRae: The second time this week.

The Hon. PETER DUNCAN: Sir, it is the second time this week. Goodness only knows what the reason is for the secrecy. It is hardly as though this matter would not have received the support of the Opposition. The Minister has not told us what the problem is. We have not been given any indication at all of why it was necessary to have secrecy or why it was necessary to have operated in this covert fashion. There has been no indication of why the Government could not have come to the Parliament with clean hands and presented its measure in its proper context, in its proper perspective, giving the proper reasons for its being brought before the Parliament. Instead of that, the Government has sought to carry on in this covert fashion. I do not understand it. I do not understand why the Government has operated in this way. We can only assume that the Government's silence about this proposed new law is related to some as yet undisclosed facts. No doubt there will be some light thrown on the matter in due course.

There was no mention of the matter in the second reading explanation, and for that the Government stands condemned. It may be that some sort of deal has been done between the Government and the international hotel consortia which we, as mere members of Parliament, have not been privy to, which as yet we have not heard about. I do not doubt that information on the matter will eventually seep out. However, I am quite sure that the Government would not have acted in this underhand fashion unless there was some very good reason for it, that has not as yet been disclosed to this Parliament. I can only conclude that there is some very shady underhand work in the pipeline, and, when that comes out, I have no doubt that the Government will stand rightly condemned, not only by this Parliament, but by the people of South Australia.

Let the Minister tell us the reason for this silence and secrecy. I believe, that, given the documentation that I have put before the House this afternoon, there has been a long line of negotation between the Government and the consortia parties. There is no doubt in my mind that this legislation was specifically introduced at this time for the purpose of making the necessary arrangements for the Victoria Square hotel. I hope that the Minister can shed some greater light on the matter. I will be interested to hear what she has to say about the reason why it was not mentioned in the second reading explanation. I do not want the pap that she gave us before. I want to know the real reason why it was not introduced as material in the second reading explanation.

The Hon. JENNIFER ADAMSON: The first thing I want to say is that the member for Elizabeth appears to have in his possession documents that he certainly could not be in possession of with any authority whatsoever. If people are to be condemned for underhand actions, I think the first person who stands condemned is the member for Elizabeth, who obviously has in his possession correspondence which does not belong to him, correspondence that belongs to either the Crown Law Office or to Finlayson & Company, which it is quite improper for him to possess and use in the way he has. So, if we are talking about condemnation, I think it should be heaped on the head of the member for Elizabeth. He appears to be trying to dig out bogies and impute improper motives to the Government. Let me assure the member for Elizabeth that there is no reason whatsoever why information about the international hotel should have been included in the second reading explanation.

The Hon. Peter Duncan: Why was it not included?

The CHAIRMAN: Order!

The Hon. JENNIFER ADAMSON: Equally, there is no reason why it should not have been. As I have already said, the International Hotel situation merely highlighted a general situation that needed to be redressed. That is the purpose of this Bill: it is not only the International Hotel which might benefit from this. There will doubtless be a series of other hotels or licensed premises that will benefit. There was no reason why it should have been mentioned and no reason why it should not have been mentioned. As events have transpired, the International Hotel situation has been thoroughly canvassed during the second reading debate. I doubt whether it has added to the value or otherwise of the Bill. The provision in the Bill refers to

"where it is necessary to satisfy the court that its discretion needs to be used, where it is necessary, or is an essential part of an undertaking that is likely to assist the tourist industry in this State". It is the Government's recognition of the fact that wider issues need to be taken into account by the court, that where an undertaking is likely to assist the tourist industry in this State, special discretion may need to be used. That is why that clause is in the Bill. There has been nothing underhand. There is no reason whatsoever why the member for Elizabeth should be indulging in such rhetoric and condemnation. He has read correspondence which simply indicates that the Government has been negotiating with the International Hotel. There is nothing wrong with that. There is nothing improper about that, and his imputations that there has been something underhand occurring are rejected categorically by the Government.

The Hon. PETER DUNCAN: Does the Minister deny that the reason for the urgency for this Bill is that the Government needs to pass the legislation so that the application for a licence for the International Hotel can go ahead at a very early date?

The Hon. JENNIFER ADAMSON: There is no reason whatsoever why I should deny that. The Minister in the Upper House—

The Hon. Peter Duncan: That is the reason.

The Hon. JENNIFER ADAMSON: The Minister in the Upper House conceded that the International Hotel would be affected by this Bill, but I think the honourable member is making far too much of the issue when he says that this is the reason for haste and the introduction of the Bill. The Bill deals with a wide range of matters, all of which are important, and very many people will benefit from it. It does not concern only the International Hotel. The member for Elizabeth seems to be imputing motives which simply do not exist, and much of his argument is irrelevant.

The Hon. PETER DUNCAN: There is no doubt in my mind that this legislation is before Parliament today because of the International Hotel consortia's concern over their licence.

The Government is placing the legislation before the Parliament to facilitate that. I am not permitted to wager in Parliament, but I have no doubt that the situation is that the very first application before the Licensing Court which will take advantage of this amendment will be the application from the international hotel. I remind the Minister that she is only the Minister with the carriage of this measure in this place for a Minister in another place, and she may not be in full possession of the facts. I counsel her to be somewhat cautious in her outspoken statements about this matter, for fear that future events that may come to light might catch her out.

Mr. McRAE: The Minister said that numerous persons would benefit other than the international hotel, the Adelaide Hilton. Can she explain what classes of person they will be, and can she give examples of how widespread this practice is likely to become? It concerns the Opposition, and always has, that we are getting involved in this area, and if this is to become a widespread practice and, as foreshadowed by the Minister, numerous others are involved, apart from the Adelaide Hilton, our concern would grow. If this benefit accrues to the Adelaide Hilton, there is no reason why a large number of others should not claim a similar benefit or at least have a justifiable case to say that they should not be disadvantaged by any opportunity given to the Adelaide Hilton to get this advantage.

The Hon. JENNIFER ADAMSON: I can give one example, and the people concerned have indicated that they are happy for their case to be made public. I would not propose to give others, although there have been others. The example I cite is the proposed tourist hotel at West Lakes, which would benefit similarly under this clause. It would be sufficient for me simply to restate the clause, namely, an undertaking that is likely to assist the tourist industry in this State. A vast variety of them would be embraced in that description. West Lakes is one, and the international hotel is another.

Mr. McRae: The Oberoi?

The Hon. JENNIFER ADAMSON: I have no knowledge of whether the Oberoi would be likely to benefit. I give the example of the West Lakes hotel, because its proponents have indicated that they are happy for their situation to be made public, whereas other entrepreneurs may not be so happy for their situation to be made public. I have been assured that there are other principals who could benefit as a result of the passage of this Bill.

Clause passed.

Clause 9—"Historic inns."

Mr. CRAFTER: This section was in need of amendment because of an anomaly in the drafting of the previous provision that deals with historic inns. This important provision has been of considerable benefit to the tourist industry, in particular. However, it has particular application to rural areas and, when it occurs in an urban area, it brings with it, I believe, certain problems. I have an instance in my district with the Old Rising Sun Inn, which is a building of historic and architectural importance; it has much history in that district, and it can be anticipated that an application will be made to have it declared a historic inn and for it to be licensed.

I have had discussions with a series of Attorneys-General about the difficulties surrounding licensing of this premise, and the current Minister responsible for licensing (Hon. Mr. Burdett) recently gave me an undertaking, which I passed on to residents in the Kensington area at a recent meeting of the Kensington Residents Association, that, prior to declaring the place to be a historic inn, the normal inquiry would be conducted by the Licensing Court, and objections heard, not just as to whether the premise should be declared a historic inn but the wider consideration of surrounding licensed premises and the effect this will have on their liability and on the delivery of services provided by the licence to the local community and from local residents. That is the normal procedure under section 48 of the Licensing Act.

I anticipate that the machinery whereby this would be achieved would be as a condition to the Governor's proclamation. I am seeking from the Minister an assurance that, with respect to the Rising Sun, there would be an inquiry by the Licensing Court and that the decision of the court would be the decision followed in this instance. This is the first opportunity that will have arisen for there to be a declaration of a historic inn in the urban areas of Adelaide. It is a highly urbanised part of the metropolitan area, and with it brings many other licensed premises and also the problems of licensed premises surrounded, as it is, closely by recently erected home units and other long-established housing in the area. The people of the district and I were most gratified to receive that undertaking from the Minister. It is a fair way of deciding the merits of and the appropriate licence for that historic building.

The Hon. JENNIFER ADAMSON: I understand that the Minister is happy that that undertaking stand and, as the member for Norwood has said, clause 9, which amends section 192, requires the Governor to refer such matters as the licensing of historic inns to the Licensing Court for report before the proclamation is made to ensure that all relevant factors are put before the Governor. In the case

of the inn, there is a conflict between the interests of those who may wish to patronise the hotel and the interests of the surrounding residents.

Previously the Governor was not obliged to seek such a report. This clause requires that such a report be sought and also requires the Governor, once the report is received, either to accept or to reject its recommendations. That makes provision for the Rising Sun to be carefully considered.

Clause passed.

Title passed.

Bill read a third time and passed.

LOTTERY AND GAMING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

SITTINGS AND BUSINESS

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

ART GALLERY ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 2 December. Page 2469.)

Mr. BANNON (Leader of the Opposition): When this measure came before another place, the Opposition supported the Bill. However, that support was qualified, and I think that in this place, particularly as I am the Opposition's principal spokesman in the arts area, that qualification should be spelt out clearly, particularly because there have been inquiries following the presentation of the Bill, regarding the way in which it was got together and the lack of consultation involved in its presentation. This gives cause for considerable concern about the way in which this Government views the role of the Art Gallery in the community.

I must say that, as a former Minister in charge of this area, I was surprised to see the proposal embodied in this Bill, because, in effect, the Bill abolishes the Art Gallery Department. Admittedly, this is a small department, but it has its place as one of the departments of Government. The Bill incorporates the Art Gallery Department into the administrative structure of the Government's Department for the Arts, which was created on 20 September 1979. In the second reading explanation, it was stated that the elimination of the small Art Gallery Department would accord with the principles within the Corbett Report and make possible the grouping of the bodies concerned with the arts into a single, administrative and Ministerial structure.

I was surprised, because I was aware in my time as Minister that, when proposals such as this were being canvassed (and of course the Corbett Report recommendations would be one reason why matters were canvassed), the reaction from the Art Gallery and the Art Gallery Board could almost be categorised as hostile. Certainly, the board was unhappy about such suggestions. In fact, rather than see the Art Gallery Department abolished and incorporated in some larger department, the board believed that the Art Gallery should become an independent statutory body, and in this context reference was made to the establishment of the Constitutional Museum Trust. The view of the board, and I think it is fair to say the inclination of the Director, was that that type of organisational structure would best serve the purposes of the Art Gallery.

In support of that proposal, a number of reasons were adduced. Obviously, the greater independence of activity that a non-departmental status would involve would mean that the Art Gallery was not linked directly to the procedures and staffing structures of the Public Service, which would give some flexibility in that area.

Another argument put to me very strongly was that a large part of the viability and development of the Art Gallery depends on the degree of support gained from the public, particularly by way of bequests and donations. This is true of all great galleries in the world, and is no less true of our own very fine gallery. The quality of the gallery's displays and collection depends, in large part, on what is contributed by the community.

It was said in this context that it was in the interests of the Art Gallery that it be seen as separate from the Government and the departments of State, and that statutory authority status be conferred on it so that it could more easily attract the financial support of institutions and benefactors in the community. That debate was continuing at the time that the Labor Party left Government, and, although we were not anywhere near a decision, those points of view were being taken into account.

On the one hand, the interests of administrative neatness and convenience, and the incorporation of the department into a larger department that had an arts component, and on the other hand the concept of the statutory status of the Art Gallery, which would give it independence of function and institution, were the two extreme sides of the argument. In the middle was the *status quo*—the gallery and the board, with its powers and responsibilities, none the less integrated as a department, but a separate department, of State in the Government structure.

We recall that the previous Government formed the Department of Community Development, which comprised a number of separate departments and functions of government, including the arts. As Minister, I was also responsible for the Art Gallery Department. That grouping of functions included the Arts Development Branch, the libraries, ultimately recreation and sport, local government, and so on.

I do not wish to pursue in this debate the case for such a department and the administrative effectiveness and efficiency that that grouping of functions gave, because I believe that the case for the Department of Community Development was very well established. One of the tragedies of the change of Government was that all of the energy and effectiveness that had been released and got under way by that grouping was dissipated. That was a great pity, because there was a great commitment by all of the various arms of that new department and a great effectiveness and power within the Public Service structure that, I believe, was very much welcomed. However, the present Government had, in a sense, an ideological commitment to dismantle that department. It did not like the idea of the department and wanted to get rid of it; therefore, one of the first administrative acts of the Government was to do so.

The embarrassing thing was that, to dismantle the Department of Community Development, a number of new departments had to be created. By separating and spreading out those various functions, it became necessary to create new departments of State, and rather than see a

net decrease in the number of departments (something that the Government campaigned about during its period in Opposition), the Government was faced with the embarrassing fact that it actually added to the number of departments.

So, for instance, while the Department of Community Development was abolished, the new departments of arts and local government were created, and the Recreation and Sport Division was given a *quasi* departmental status and attached to the Department of Transport (and I say "*quasi* departmental" because recreation and sport had absolutely no relationship to transport in any functional sense and, therefore, had to operate in a departmental situation).

This also occurred in a number of other areas. For instance, we see this in the health and tourism link. There are now two separate departments of industrial development and State development. The demarcation lines are very obscure indeed. The Premier says that State development is not a department, but he constantly refers to it as such, and that Freudian slip indicates the Government's ultimate intention in this area.

So, the number of departments has expanded under this Government. That conflicts with the Government's ideological commitment to reduce the number of departments: in fact, as is said in the second reading explanation, to implement those principles that will reduce the number of administrative and Ministerial structures. In that context, the hapless Art Gallery Department has been seized upon as a victim of the dismantling of the Department of Community Development in the creation of these extra departments.

One way in which the Government could get over the problem would be to abolish another department, in this case the Art Gallery Department. One could well ask why, when assembling that Community Development Department, the Arts Department was not abolished by the former Labor Government. The answer relates to the continuing debate about which I spoke earlier. It was not a decision which we felt could be undertaken lightly or precipitately. It had to be fully discussed with all the parties who were affected: in this case with the board, taking its views into account, with the Director and his executive staff and with the staff at large at the Art Gallery. All had an important interest in this matter and all had a right to be consulted and considered.

This move by the present Government in pursuit of its ideology, I suggest, could not have occurred at a more inappropriate time. It certainly occurred with a major lack of consultation, and the Minister got off very lightly indeed in another place over this matter, partly because at that stage we were not sufficiently in possession of the facts of just how that process of non-consultation took place. I believe that it shows a singular lack of consideration for the arguments in favour of maintaining the separate existence of the Art Gallery.

Although the Opposition is prepared to support this Bill, we do so with considerable reluctance. We support it because we accept that this is an administrative change that the Government has in mind, and I think that a Government has, broadly, the right to make its own administrative arrangements. But, it certainly must accept criticism of those arrangements when the Opposition believes that they are either inappropriate or have been badly handled.

Let me look at those three points I made. Time is inappropriate; there has been a lack of consultation; and there was a lack of consideration of the arguments. I will look at those points in reverse order. Regarding the arguments, there is no hint or reference in the Minister's second reading explanation to the question whether it would be more appropriate to have the Art Gallery organised as a statutory authority. After all, the Gallery does have statutory authority borrowing powers, which is quite appropriate. It does have an institutional separation. The general public would see the Art Gallery as being just that, an art gallery, and would not reflect on its position within the bureaucracy. But that position can become important when, for instance, a donor approaches the gallery, or a benefactor wishes to negotiate with the gallery to make some bequest. That is when that can become important.

That is the point that the Art Gallery has made strongly over the years. Has the board decided that that argument is no longer valid, that it does not apply, that the change of Government has wrought some miraculous change which means that it is no longer necessary to see the Art Gallery as a separate institution? I do not believe that for one moment. I suggest that that opinion is still strongly held by members of the Art Gallery Board and some sections of the community. That was an option that the Government should have looked at in its pursuit of neatness and administrative efficiency, yet it is not referred to by the Minister. It is as if that argument did not exist. All the Minister talks about is the Corbett report and its principles.

There seemed to be no consideration, in bringing this Bill before the House, of that argument; no weight was given to it, and no allowance was made for it. What is wrong with the *status quo?* Again, that is not pointed out. Is the Art Gallery running inefficiently? "Certainly not", says the Minister. Do we need to restructure aspects of the administration of the Art Gallery? "No, no", says the Minister, "We simply want to abolish the department and incorporate it in the larger Department of the Arts. We simply want the Director of the Art Gallery to report through the Director, Department of Arts, rather than directly to the Minister". That may get rid of the need for the Minister to talk to the Director of the Gallery. It can keep him at arm's length and filter whatever recommendations and submissions he wants to make. However, apart from that, I am not sure what will be achieved. I suggest that that effect could be seen as deleterious to the Art Gallery and not something that would be welcomed by the Director.

Are those arguments canvassed? Not at all. There is, I suggest, a quite improper silence about those matters. This leads into the second, and probably the central, point of our concern about this legislation, that is, the lack of consultation that has led up to it. The arguments were not canvassed, I suggest, because they were not really sought. The Government pushed this measure through without taking into its confidence the board, the Director or staff of the Art Gallery. No doubt there were some cursory discussions. I am not so naive as to think that the Bill would have appeared totally out of the blue. Certainly, so far as the Director is concerned, I would be shocked if that was the case.

But, in terms of the intention to go ahead with this measure, and of properly reasoned cases pro and con, there is no evidence that that sort of consultation took place. Who could be consulted? I would have thought that the primary group to be consulted would be the board of the Art Gallery, which has the responsibility for the Art Gallery collection, acquisitions to it and for a number of other matters.

The Art Gallery's views are vital in an area such as this. Were those views canvassed? They were not. All the Minister could tell us in response to questions from my colleague in another place was that he had had a special

meeting with the board of the Art Gallery at which he explained the Government's attitude. He said, "I had personal discussions with the present board. I attended a special board meeting which was held at my request so that I could explain the Government's attitude to the need for change and, in broad terms, the board is satisfied with the change. Naturally, it was a little fearful of change." It would appear from that that the board was assembled at the Minister's request for a special meeting at which its opinions were heard and the Minister could take into account their views.

The Hon. D. C. Wotton: What is wrong with that?

Mr. BANNON: I agree that that is an appropriate way of doing that, but the big problem was that it took place after the event, after the Bill had been drawn up, and after the decision had been made to go ahead with this legislation. The board was being called together not to consult with the Minister but to be advised by him of the decision he had taken. I would like the Minister to try to deny that. When did the board first hear of this? It was not from some directive from the Minister. I understand that the Bill was introduced by the Minister, and that a meeting was held the next day.

The members were asked to urgently come to a board meeting. Only when they asked why, stating that they would like to know the reason, were they told that there was this proposal to abolish the Art Gallery Department. They were told, "You might be interested in it. The Minister would like to have a chat with you about that." What sort of consultation is that, in view of the way in which the board has had to consider this question over a number of years, and after the discussions it has had with previous Ministers about it? These people were contacted not to consult but to be told; that is what happened.

Let us look at the situation in which it is occurring. The Chairman of the Board is overseas. Why does it have to be done this year? The Chairman will be back on duty, taking his place as Chairman, next year. It is true that there is an Acting Chairman of the Board, the Deputy Chairman, Judge Ligertwood, and the Minister said that he had spoken to him.

Surely, it would be appropriate to wait until the Chairman returned and the board was at its full strength before this took place. Remember what the Minister said about the board, earlier this year and last year, in relation to a Bill when he moved to try to extend the numbers on the board and the central role he saw it playing, and the new appointees he was going to make to it; this is the way he treats that board. The Chairman is overseas, but nonetheless, we go ahead willy-nilly with the Bill; the board has not been consulted, but nonetheless we go ahead with it and we let them know, and we would be interested in their views.

The Minister then says that in broad terms the board is satisfied with the change. The board will probably maintain a discreet silence because it is aware of the sensitivity of the issue; it is aware that this is not the time for there to be a controversy surrounding the Art Gallery, so it will remain discreetly silent. I would suggest, and I would like to see evidence produced to contradict the fact, that the board is opposed to this change and is strongly opposed to it. I would suggest that not one member of the board is prepared to support this change; it would acquiesce in it perhaps and I can understand its reason for so doing. However, unless there has been a sharp change in its attitude, the board would not accept the proposal because there have been no new factors produced to make it change its mind from what it felt in previous years. If he has contrary evidence, I would like the Minister to say so.

So, the board is treated as if it meant nothing. The Minister defends himself by saying that the board's powers and responsibilities remain. Perhaps they do, but the question of the departmental status is one that concerns the board and actively concerned it in previous years. I can see no reason why it should not do so now. The board has been treated in a cavalier fashion indeed.

One of the effects of this is to downgrade the status of the Director of the Art Gallery. At the moment he is a permanent head, enjoying that status. Mention has been made of monetary advantages that attend on that status, in the sense that he has had at his disposal an entertainment allowance, and the Minister has said that he will keep it going, for the moment presumably. It means that Mr. Thomas no longer reports to the Minister but reports to the permanent head of the department, and his access to the Minister is thereby much more restricted. This is at a time when the Art Gallery is in a period of important development and is in fact planning the celebration of its centenary in 1981. That is a nice way to treat the incumbent Director of the Art Gallery, and I suspect that consultation with him was not as intensive as the Minister would like to imply in what he said in the debate in another place. Again, the Director, quite properly, will remain silent about his personal views and his attitudes, but I think it would take little experience to know precisely what this view would be.

Anyone knowing how the Public Service operates, knowing the importance of that permanent head status, knowing the importance of access to a Minister, would know that Mr. Thomas would be less than human if he did not bitterly resent the down-grading of status that occurs through this move.

The staff have already been rebuffed by this Government in terms of their development of an industrial democracy concept, and that has been debated at length in another context. Important productive consultation procedures which were being developed in the Art Gallery with the staff have been cut off with the coming into office of this Government. Therefore, it is of no surprise that the first the staff would have heard about it would have been probably by means of rumours and, subsequently, by advice with absolutely no consultation, no feedback. They have been treated as if their role in this is irrelevant and of no concern.

Then I come to the important fourth group which I imagine has had absolutely no knowledge of this and no consultation. It must be so, because I happen to be a member of this group, and this is the committee that has been formed under the chairmanship of Mr. Bruce Macklin to raise funds to celebrate the Art Gallery's centenary year in an appropriate way. A foundation has been established of which the Premier is Patron and I am Vice-Patron.

Mr. Millhouse: Have you given generously yourself?

Mr. BANNON: The appeal is being launched and I will certainly be giving. I am sure the member for Mitcham will be giving generously. That exercise and that foundation is about to go into action to ensure that money is raised for the appropriate celebrations of the centenary and appropriate acquisitions in that time. If the argument of the Art Gallery board that has been pressed consistently, namely, that the Art Gallery must be seen to have separate institutional status, has any weight, it must have the greatest weight at a time when a special fund raising and a centenary is being celebrated, as is happening at the moment.

I would have thought that one of the groups that could have been consulted would be Mr. Macklin and his committee. They should have been asked for their views, and what effect they thought this would have on their fund

raising activities and whether this would in any way hamper the efforts they were making on behalf of the Art Gallery. I know certainly, as Vice-Patron, that there was absolutely no consultation whatsoever with that group, and I think that is very poor indeed. The central problem in all this is the complete failure to consult.

My third point is that this comes at an inappropriate time, and that leads of course directly from the remarks I have been making about the foundation. Next year is an important year for the Art Gallery and it is a year in which the community is going to see the Art Gallery prominent in the public eye, in which the community is going to be asked to donate to the Art Gallery, and in which benefactors are going to be asked to look seriously at making bequests to the State. The appropriate committee has been formed and the foundation is going about its work.

Just a few months before that centenary year, and just before that activity gets under way, this Government has announced that the Art Gallery Department is to be abolished. I cannot think of any more inappropriate time for such a Bill to be introduced. Perhaps in the future there could be some argument for the integrating of the Art Gallery, and I have canvassed this earlier. Perhaps this was the year in which the case of the statutory independence of the Art Gallery could be argued most strongly. Those arguments have not been allowed to be developed; but whatever else happens, surely there could have been no more inappropriate time for the abolition of the department and whatever flows from that.

I really think it is an example of the Government in pursuit of an ideology, embarrassed by the way it has created more departments, looking for some way it could reduce them, and seized on the hapless Art Gallery Department without regard to the many arguments pro and con, without regard to the need to consult, and without regard to the fact that there could not be a more inappropriate time.

In view of that it could be asked why we support the Bill. I think "support" is putting it too strongly: we will acquiesce in this Bill, because I think the Government has the right to its own administrative arrangements, but I say that we are very unhappy about it. We believe it is ill conceived, it is hasty, and it is inappropriate, and our support should not be seen as in any way endorsing what the Government is doing. We simply acquiesce and give the Government the right to make the administrative arrangements it sees fit.

The Hon. D. C. WOTTON (Minister of Environment): The Leader has painted a somewhat murky picture. He has asked why the Opposition should support the Bill when it had so much to say in opposition to it. I find that incredible.

Mr. Millhouse: I find it a bit strange myself, because he is really endorsing the Bill by supporting it.

The Hon. D. C. WOTTON: Exactly.

Mr. Bannon: No, I am acquiescing.

The Hon. D. C. WOTTON: It goes a bit further than that.

The SPEAKER: Order! The Minister of Environment has the call.

The Hon. D. C. WOTTON: I suggest that it goes a bit further than that, because I am led to believe, on fairly good authority, that the previous Government was looking to do something fairly similar to that which is being done, despite what the Leader of the Opposition has had to say today. I think it ill behoves him at this stage to be extremely critical of what the present Government is doing. The Leader has mentioned a number of things. The lack of consultation appears to have been his main bugbear in the decision which has been made. I would suggest that there has been considerable consultation.

Mr. Bannon: You can suggest it but it is not true.

The Hon. D. C. WOTTON: There has been considerable consultation. There has been lengthy discussion with the board. The Leader made the point that the Chairman of the board is overseas at the present time. That is recognised, but there is an Acting Chairman, as was pointed out by the Leader. That is His Honour Mr. Justice Ligertwood. Discussion has taken place between the Minister and the Acting Chairman and the board itself. As was stated earlier, the board was called to a special meeting to discuss this matter with the Minister. That, to me, seems to be quite appropriate. It was given an opportunity to discuss the matter and to ask the Minister any questions that it might have in regard to the legislation that we have before us at the present time.

It would be appreciated that the board's present role and responsibilities are not to be changed in any way as a result of this legislation. We would accept that the board does, in fact, have very wide powers and very heavy responsibility, and we believe that that should continue. The Minister has, on a number of occasions, made that point quite clear. The Minister has had personal contact with the board. I think he has quite adequately consulted with those people and I am informed that the board is, in fact, satisfied with the decision that has been made.

I certainly do not accept the point made by the Leader that the board is opposed to this move. That is certainly not the feeling that we have received from the board in this matter. Mr. Speaker, quite simply, the reasons for the change have been outlined on a number of occasions. The Minister made quite clear in another place the reasons why we have taken this action. There is no need for the Department for the Arts and the Art Gallery Department to be two separate departments under one Minister. I would have thought that would have been quite clear to the Leader.

The Leader suggested also that perhaps there had not been adequate consultation with the Director. That is not the case. Once again, there has been lengthy discussion with the Director, and, with the loss of the title of permanent head, there are, in fact, only one or two considerations that could adversely have affected him as the head of that department had the Government not taken special action. The Leader failed to point out that the Government has taken special action in this regard.

The most important, of course, was the allowance that was made available to him as permanent head, and the Government has already indicated that that special allowance will be made available to Mr. Thomas. I think it important that that should happen, that he should not be disadvantaged in this way, because there will be occasions when we will need to entertain and to act as a matter of public relations, as far as the Art Gallery is concerned.

The Minister has also discussed the matter with the staff and I object quite strongly to the attitude of the Leader in suggesting that the staff have already been rebuffed by this Government. The staff, on this occasion, has been reassured as have the board and Mr. Thomas. It is not my intention to say any more. The matter was debated in another place.

I do not believe there is any need at all for the Government to apologise for the action that has been taken in regard to this legislation. It is a move in the right direction. It is a move to smaller and more efficient government, and it is all very well for the Leader to be critical of the fact that we have not set up another statutory authority. We are all very much aware of the previous

Government's attitude to the setting up of statutory authorities. In fact, we are all quite aware of the dearth of statutory authorities that were introduced by the previous Government. There was no lack of communication. The Government believes that the action that is being taken as a result of this legislation is proper and responsible action and I would hope that other members of the Opposition would support the measure in a stronger fashion than has the Leader of the Opposition.

Bill read a second time.

Clause 1 passed.

Clause 2—"Repeal of section 15."

Mr. BANNON: This clause, Mr. Chairman, repeals section 15, which not only refers to the establishment of the Art Gallery Department but also, under subclause (2), points out that the Director shall be the permanent head of the department. I would like to ask the Minister what arrangements are being made in terms of the access of the Director of the Art Gallery to the Minister. While the Minister in another place, when questioned about the status of the Director, made much of monetary considerations and talked about the allowances for entertaining, and so on, I suspect that those things are not as important, or I would not imagine so, knowing the Director of the Art Gallery, as that very desirable access to the Minister that a permanent head has. It is obviously of great advantage to your department if you know you are in a direct relationship with the Minister. You do not have to go through a filter or another conduit, or report to anyone else, which is very valuable.

I would suggest that the very able Directors of the Art Gallery we have had over the years, who have all achieved interstate and, indeed, international reputations, have been men who have valued most that ability and that access to the Minister. I would say in this context that it is true (and I am sure I said so in the second reading debate) that the previous Government was contemplating, as an option, the incorporation of the Art Gallery Department into the broader Community Development Department or into an Arts Department component.

That is certainly true. That discussion was taking place and, in fact, it was because we were looking at that that these other strong arguments I mentioned in debate were put up. We had not got very far down the track on that and, indeed, I know, as I was the Minister then, that there was absolutely no decision in that respect. On the contrary, while the whole logic of the Community Development Department would have envisaged the abolition of the Art Gallery Department and its incorporation, that did not occur, because we felt there were some strong arguments that needed to be thoroughly explored before we took that action.

One of my complaints about this Bill is that those arguments have not been given sufficient attention. Apart from that, one of the questions that concerned me, as Minister, and my predecessor was this question of the access of the Director, the ability for him to be able to represent, on behalf of his department, its needs, budgetary, administrative, and whatever, in a direct face-to-face way without a filter.

The Hon. D. C. WOTTON: I am sure that I would appreciate and that the responsible Minister would appreciate the need for access, and I cannot imagine that the Minister would do anything to block that access. I might say that, informally, the Director will have complete access to the Minister. I am sure the Minister would have made that point already. Of course, formally, he will go through the Director-General of the department, but I would stress that informally he will have complete access to the Minister, and I am sure that the Committee would agree that that should happen.

Mr. BANNON: Reference was made by the Minister to the Director-General of the department, and this, of course, becomes crucial, too. Can the Minister say when it is intended that that appointment should be made? It is now over 12 months; the matter was raised at the time of the Estimates Committees, and obviously touches on this Bill in particular, because at the moment the Art Gallery, its Director, and board and administration are in the dark as to who is heading the department into which they are going. This is a crucial point.

The Hon. D. C. WOTTON: The Government appreciates the need for this decision to be made and for an appointment be made as soon as possible. I am aware that the Minister is actively working in this direction. It is not possible for me to say exactly when that will happen, but I can say that we will be looking to appoint a Director-General in the very near future.

Mr. BANNON: We have been told that the Minister is actively working towards making an appointment. With respect, there are certain procedures that must be gone through. Has the position been advertised? Have applications closed? Is there a short list? Have inverviews taken place, and, if not, what is the time table under which the Minister will initiate these necessary Public Service procedures for the appointment to proceed?

The Hon. D. C. WOTTON: I will seek that information from the Minister responsible.

Clause passed.

Title passed.

Bill read a third time and passed.

EXECUTORS COMPANY'S ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M. M. WILSON (Minister of Transport): I move:

That this Bill be now read a second time.

In 1978 an amendment was made to the Executors Company's Act limiting the number of votes that could be exercised by any individual shareholder or group of associated shareholders to a maximum of 1·67 per centum of the total number of class A and class B shares issued by the company. (The limitation did not extend to class C shares.) It will be noted that the amendment related only to voting rights and did not impose any limitation on the number of shares that might be held by any shareholder or group of shareholders. However, soon afterwards an amendment was made to the articles of association of the company imposing a corresponding limitation on the number of shares that could be held by a shareholder, or over which he could exercise control.

The inclusion of the limitation upon maximum shareholdings in the articles of the company has resulted in a number of problems of a technical nature. It would clearly be more satisfactory to include both the limitation upon the size of shareholdings and upon voting rights in the Executors Company's Act. This would obviate problems that arise by reason of the contractual nature of the articles. The present Bill is designed to accomplish this object.

The 1978 amendments also included powers to enable the Directors to ascertain whether or not the Act and the articles of association were being complied with. The Government has been informed that the powers are inadequate and that the provisions of those amendments

are being circumvented.

A device being adopted to circumvent the Act is to acquire shares and not register the transfer of those shares, and to refuse to respond to a request by the Directors either for a statutory declaration under section 21a (4) of the Act or other information. The Government is of the view that the provisions of section 21a should not be circumvented. Accordingly, this Bill gives wider powers to ensure that the principle established by the 1978 amendment is not circumvented.

The provisions imposing a limitation upon the size of shareholdings largely follow corresponding provisions recently enacted by the Parliament in the South Australian Gas Company's Act.

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

Leave granted.

Explanation of Clauses

Clauses 1, 2 and 3 are formal. Clause 4 repeals the existing provisions of the principal Act under which voting rights of shareholders are limited and enacts new provisions in their place. New section 22 contains a number of definitions required for the purposes of the new provisions. It should be noted that the definition of "share" is limited to class A and class B shares (i.e. class C shares are excluded). New section 23 defines what is meant by an "associate" for the purposes of the new provisions. This definition largely follows a corresponding provision in legislation recently enacted relating to company take-overs. New section 24 defines a "relevant interest" in a share. This concept broadly denotes a power of control over the share or rights attached to a share. The definition is also derived very largely from the company take-over legislation.

New section 25 provides that where shareholders are associates in terms of the new provisions, they shall be treated as a group of associated shareholders. New section 26 provides that no shareholder or group of associated shareholders is entitled to hold more than 1·67 per centum (or such greater percentage as may be prescribed) of the total number of the issued shares of the company. New section 27 enables the company to obtain information relevant to the enforcement of the new provision from transferees of shares and new section 28 enables similar information to be obtained from shareholders. New section 29 enables the company or the Corporate Affairs Commission to obtain a summons for examination before the Supreme Court of a person who may be able to give information relevant to the question of determining whether the limitations imposed by the new provisions are being infringed. New section 30 limits the voting rights of shareholders, or groups of associated shareholders, who hold more than the maximum permissible number of shares. New section 31 empowers the Minister to require a shareholder, or a member of a group of associated shareholders, that holds more than the maximum permissible number of shares to dispose of portion of his shareholding. Failure to comply with such a requirement will result in forfeiture of the shares, and sale by the Corporate Affairs Commission.

Mr. McRAE (Playford): The Opposition supports this measure. First, I want to contrast the attitude that the present Government is adopting today with the attitude which the present Government and its members adopted some time ago when the first Bill relating to this company was introduced. On that occasion, the then Attorney-General introduced a Bill known as the Statutes Amendment (Executors Company's) Bill as a result of a direct request from Bagots Executor Trustee Company Limited, Elders Trustee & Executor Co. Ltd., Executor Trustee & Agency Company of S.A. Ltd., and Farmers Co-operative Executors & Trustees Ltd. The then Attorney-General indicated on 14 November 1978 (*Hansard*) that the purpose of that Bill was designed to frustrate apprehended moves to take over the Executor Trustee & Agency Company of S.A. by two people, popularly described as company raiders, and it was indicated that the Government believed that intervention by Parliament was urgently necessary in the public interest because, it was said:

> If the attempted take-over should prove successful there will be a real danger of the raiders exercising their controlling interest to strip the company of its assets. This would gravely impair the stability of the company and place the administration of many trust estates in jeopardy.

So, it was with that background and for those reasons that the then Government introduced that legislation, and it sought the co-operation of the Parliament in dealing with the matter quickly.

Indeed, what occured was that the Bill, having passed through the Assembly on 14 November, went to the Council that same night, and one of those involved in the debate was the Hon. D. H. Laidlaw, who indicated a pecuniary interest in relation to Bennett and Fisher as being one of the three largest shareholders in Executor Trustee and Agency Company but, having done so, he spoke in support of the Bill. The Hon. C. M. Hill, however, had the following to say:

> I cannot help but criticise the Government about the haste with which this legislation has been brought before Parliament. I know the argument that the Government advances in reply to that charge. That is that, once the raider is made aware of the Government's intentions, one would expect the raider would make immediate efforts to secure further shareholdings. However, I have grave doubts that the raider could act in such a way as to capture a vast parcel of shares within a period of 24 or 48 hours.

The Hon. Martin Cameron said:

> This Bill, particularly clause 13, makes me feel distinctly uneasy. I do not know what the effect will be tomorrow. Tonight we are passing a Bill that tomorrow could have a dramatic effect on people's investments.

Finally, and very ironically, the present Attorney-General (Hon. K. T. Griffin) said:

> I take exception to the haste with which we are being required to consider this complex Bill and the other measure which we will consider soon.

Mr. Speaker, you have heard, occupying your distinguished position in the Chair of the House, considerable criticism of the attitude of the Opposition over the past few days. On the Opposition's behalf, I point out to you that in the past three days, sometimes without having a copy of the second reading explanation or of the Bill before us, we have dealt with a number of complex measures. May I refer to such things as Bills relating to the Licensing Act, the Stamp Duties Act, the Holidays Act, which we passed through all stages, and the Riverland fruit products rescue, which we passed through all stages today. There was never one complaint, yet I am forced to wear around my neck an insult that has not been withdrawn by the Government for my breaking agreements as to the expeditious passage of Bills.

I am now speaking on an extremely difficult measure, when the second reading explanation arrived literally just as I was about to speak. The Bill on file has just arrived in its amended form from the Council; even then, I am not

sure whether it is in the finally amended form. I can only assume it, because it was passed only in the last five or ten minutes. Notwithstanding that, we are prepared to press on. Let there be no suggestion that the Opposition is involved in a time-wasting exercise in matters that are important to the community: on the contrary.

It does the Government little credit when its senior members, particularly in the Council, have in the past associated themselves with criticism of Bills of which they have had at least some reasonable advance notice, and, having made all those complaints, then changing their position, and asking the present Opposition happily to accept the position which they criticised. I point out that we have a more balanced view on these matters, and we totally reject any such criticism as was levelled at us today.

The other very ironic thing about all this matter is what this Bill does, if it passes this place, is dramatically to widen the powers contained in the 1978 legislation. To that intent, it even goes to the extent of providing for the stripping or divesting of shares. In particular, new section 31 empowers the Minister to require a shareholder or member of a group of associated shareholders that holds more than the maximum permissible number of shares to dispose of portion of his shareholding.

We accept that, in the intervening time, lawyers, accountants and others in the commercial field have found devious ways of manipulating the legislation of the State and other ways to carry out the exercise that was attempted in 1978. Clearly, it is to the detriment of the public interest that such a thing should occur, and very much to the disadvantage of the trustees and, more important, the beneficiaries of the trustee company, those whom they are by law demanded to protect, and rightly so.

Again, ironically, I point out how many of the leading members of the now Government bitterly complained in 1978 about such legislation in relation to Santos, first, and then in relation to the Executor Trustee rescue. As I recall it, the only enthusiastic proponent of the whole matter was the Hon. D. H. Laidlaw, because he had a realistic business view in relation to both of those exercises. I can vividly recall the almost choleric expression on the face of the Hon. Mr. Hill when he found, at a conference, that, unless he was prepared to agree to the demands of this House and the Government of the day, the Bill would lapse. His choice was either to agree or to have the Bill thrown out. He was not the only one. Many others were associated with it. We now have a total reversal.

Mr. Gunn: Are you a great supporter of executor companies.

Mr. McRAE: I am no particular supporter of executor companies or of any other business group in this State, but I certainly support the stabilisation of industry in this State, as I imagine would the member for Eyre. I am sure that he supports the stabilisation of key industries in this State. What I am doing is pointing out the ironic way in which key members of this Government have handily changed their stance over the past two years. First, they made all the complaints in the world when, even though they had notice, they were asked to debate particular issues. Now, so far as we are concerned, at five minutes notice, I have to debate the matter, which is important to the State, so I am not going to criticise.

Mr. Gunn: Executor companies have left a lot to be desired in the past.

Mr. McRAE: That is not the matter under debate, so I will not enter into debate on it.

The SPEAKER: Order! Interjections are out of order.

Mr. McRAE: Thank you, Sir. It seems to me that there has been a dramatic reversal of philosophy, particularly by the Hon. Mr. Hill and the Attorney-General in another place, because during the time of the Santos debate and the first executor company debate, the Hon. Mr. Hill was choleric about the whole matter and the present Attorney-General was none too happy, to put it mildly. Now, suddenly, because it suits the interests of the Government of the day, all of that is changed.

Basically, I believe that the Bill is necessary (I am persuaded that it is necessary) and that it will achieve, hopefully, the results it seeks to achieve. For those reasons, I support the Bill.

The Hon. H. ALLISON (Minister of Education): I thank the member for Playford for his customary reasonable approach to the matters in this Bill, and for his co-operation in assisting its passage through the House in order to improve on the inadequacies that have been found in the 1978 legislation. I also thank the honourable member for his support, but I believe that he gives it in recognition that this Bill reaffirms the principle that was established in the 1978 legislation.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—"Repeal of ss.21a, 22 and 23 and substitution of new sections and heading."

Mr. McRAE: This clause is the key part of the measure and involves limitation upon shareholdings in the company. Could the Minister advise or obtain information about whether the scheme that is set out was made on the advice of a particular group of persons? Did the Government seek the opinion of silk? What consultation has there been between the Government and those with expertise to ensure that the scheme now proposed will have the beneficial result that was sought in 1978?

The Hon. H. ALLISON: I am not sure of the extent to which that sort of specialised advice was obtained but the Bill was brought forward upon general Cabinet recognition of the fact that the company might be under considerable threat. I am sure that there has been, at the Attorney-General's level, considerable deliberation on that matter.

Mr. McRAE: The key part of the clause, which relates to limitations on shareholdings in the company, has the first concept in new Division I, new section 22 of a maximum permissible number of shares. It divides shares into class A shares or class B shares. New section 23 defines in what circumstances a person will be considered as an associate of another person, and that in turn looks at agreements, arrangements, understandings and so on, whether formal or informal, that are entered into to exercise any voting power attaching to a share or the controling or influencing of the composition of a board of directors.

A scheme is provided by which a number of persons can fall into that category, with an exemption provided in new subsection (2). There is a complex new section 24, which deals with relevant interests in shares, as set out on page 4. As I said, new section 23 deals with agreements and arrangements between associated persons. The rest does not cause me any trouble. I now refer to that portion of the clause that deals with power or control that is direct or indirect, or is capable of being exercised as a result of, or by means of, or in breach of, or by revocation of trusts, agreements, understandings, practices, or anything, whether or not they are enforceable and there is a reference that a controlling interest includes a reference to such an interest as gives control. Is the intention behind new subsection (3), even though the person who is doing these things (that is, revoking trusts, agreements or practices, and presumably whether he does that lawfully or

unlawfully), to catch such a person in a web? It is stated at the bottom of page 4:

> A relevant interest in a share shall be disregarded—
>
> *(a)* if the ordinary business of the person who has the relevant interest includes the lending of money and he has authority to exercise his powers as the holder of the relevant interest only by reason of a security given for the purposes of a transaction entered into in the ordinary course of business in connection with the lending of money, not being a transaction entered into with a person associated with the firstmentioned person;

Because I am not involved in the industry, I am confused about what that means.

The Hon. H. ALLISON: In answer to the last question, the interest in the matter of a mortgagee; for instance, if a bank were a mortgagee, there is no intention to determine that banks have the wrong kind of interest simply because they are holding a mortgage. It is not the sort of interest they have by intent, whatever that intent might be; it is interest in the matter of a normal business transaction, so they would be exempt from that type of clause. It is that type of normal business relationship which we do not want to exclude. It could have an adverse effect on the company borrowing money if we did deem these people to have that sort of interest.

In answer to the first question, the relevant interest question: this was an attempt to determine the extent of the nature of the control which might be exercised, whether it be a *de facto* control or a control in fact. As long as it can be determined in any way, and a control is being exercised, some sale of shares could be enforced.

Clause passed.

Title passed.

Bill read a third time and passed.

REGIONAL CULTURAL CENTRES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 December. Page 2458.)

Mr. BANNON (Leader of the Opposition): This Bill is a short one, but it does have some fairly wide implications which I think should be canvassed. I do not think that the fact that we are threatened under stringency of time, and that all sorts of dire things will occur, if we do not deal with it in the time table the Government has allowed, should influence us too much. I think that, if a Bill is worth dealing with properly, it should be dealt with properly and not truncated in consideration because the Leader of the House says that we should get it done by a particular time. I intend to speak to this Bill and not just let it go through by default. I think it is important that I do so.

It is not often that this House has the opportunity to look at the Government's cultural or arts policies in any kind of depth. The thing we should notice about this Bill, and the Act which it amends, is that it affects each and every district in this State. If there is one area with which local M.P.'s should have a major concern, and in particular country members of Parliament, I suggest that this particular measure is one that is most important. For instance, the implications of the expansion of the boundaries that is taking place under this Bill are ones that I do not believe have been put before this House or before local communities in any comprehensive way before. We really do not have to go into the reasons for cultural centre trusts or the philosophy behind them. They were one of the arts achievements of the Dunstan Government. I remind the House of Premier Dunstan's policy speech in 1977 in which he pointed to the fact that the South Australian Government and the State of South Australia prided itself on its pre-eminence in the promotion of the arts. He said, and these are the important words:

> The main thrust of our arts policy in the next three years will be to develop more activity in the community arts area. We will widen participation in the artistic activities of the community in suburbs and country areas.

That is the basis for the regional cultural centre trusts. If you are to encourage that sort of activity, obviously there is a range of programmes and institutions one could use; programmes in association with local government through community arts officers; general assistance in the upgrading of country halls and facilities; and programmes as developed through the Arts Council of South Australia, also with Government support.

Clearly, there are ways in which the Government's role in the arts field can have a vital effect on all the community and can touch the community and assist its activities in this area. It has been decided that one of the best ways of reaching regional centres is through the establishment of regional cultural centres. The philosophy behind that is quite important. The city of Adelaide is the focus of our cultural activities. The Adelaide Festival Centre itself is a jewel in the crown of the cultural activities in this State. Quite rightly, I suspect, outlying suburbs, and more particularly country towns, could look with some envy at the sort of money that was being spent on cultural activities in the central city of Adelaide. In view of that, during the course of the previous Government claims were made by those regions for a share in that allocation to cultural funds. While it is true that a lot of people can come to the city for the cultural activities, there, it is equally true that the arts will flourish in our society only if they are taken to the people. To do that with the standards one requires, one must have the facilities for them. It was out of this concept that the regional cultural centre trusts were formed.

The primary aim (and it was probably a narrow aim when first conceived) was to provide in certain key centres in the non-metropolitan area of South Australia a facility of the highest quality where performing arts and any other aspects of the arts could take place—a cultural centre with the facilities and equipment necessary for proper arts activity. That meant, of course, that one had to choose the location for those centres, and that was an invidious or difficult situation, because every town had some sort of claim to it, yet there obviously were not enough funds for every town to participate in a major way as a centre.

Secondly, one had to find the finance for them. Again, this is where the device of the regional cultural centre trust becomes important, because the trust is a non-statutory body. As a non-statutory body, it is able to borrow money outside the Loan Council strictures to the extent, currently, of $1 200 000 per annum, an amount which is increased by indexation.

I do not know what is going on opposite, but if the Premier and his Deputy are not interested in the cultural activities in this State, and particularly the delivery of those services outside the city, they had better say so instead of muttering between themselves. I know it is out of order to respond to interjections, but it is difficult, Mr. Speaker, to try to make the points that have to be made; and I repeat that I do not believe that we should be under the hammer, as it were, of the Government saying, "Because we want this Bill through immediately we do not wish you to say anything about it, its importance or its relevance". I am getting to the point, but I do not think it helps if this sort of performance goes on opposite. The

device of the cultural centre trust originally was seen as establishing an institution in a major centre, facilities, and providing the finance for them. In fact, three locations were chosen by the previous Government.

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That the time for moving the adjournment of the House be extended beyond 6 p.m.

Motion carried.

Mr. BANNON: I thank the Deputy Premier. The three centres chosen were Mount Gambier, Port Pirie and Whyalla, I think appropriately enough. It was only after the projects were announced and plans were being drawn up that it was realised that, while those towns were certainly an important catchment area for cultural activities, it was still a fact of life that other towns in the vicinity were not going to have ready access to cultural facilities, or get the sort of share of cultural funds that were being made available that they wanted.

One approach to this was to extend the scope of activities of the Regional Cultural Centre Trust, to see it aimed not just at developing a facility to service a district, but to expand its activities, to act, if you like, in conjunction with the Arts Council to ensure that some of its funds, once the major project had been completed, could be committed to projects in outlying and surrounding towns. That was taking place at the time of the change of Government.

One of the problems was that the composition of the trust itself was fairly narrow. At its origin, it had been conceived narrowly to establish a particular facility and naturally it centred on the town or facility in which the facility was to be established. In order that it could have a wider role, it was felt necessary to bring on to the trust people from other towns with perhaps, different interests from those in the particular central city. Again, that process had already begun at the time of the change of Government. I say in this context that part of this Bill which expands the numbers on the Cultural Centre Trust for six to eight persons is probably desirable and the expansion is a desirable step to take.

The fact is that the wider the area that is to be covered, both functionally and geographically, the more difficult it is to have a trust that is representative widely enough. Therefore, I would point out that we certainly support that increase in membership, although one must always be aware, when looking at these bodies, that if they get too large they become unwieldy and ineffective. They do have a semi-executive policy role to play.

I come to what is the crucial part of this Bill, which deals with the boundaries covered by the Cultural Centre Trust. This is something that is done by proclamation, and clause 3 provides that the Governor may, by further proclamation, vary or revoke any proclamation made under this section. In other words, the Executive Council or Cabinet has the ability to adjust the boundaries. The present Government has moved to extend these boundaries and, in fact, has gone further and renamed some of the trusts. It is on that particular point I wish to concentrate, because that is the essence of the Bill.

I do not think there is too much argument or question about the South-East. The building of the Mount Gambier Cultural Centre is in a very advanced state. The concept of the Regional Cultural Centre Trust serving that large area is one, I think, that has been accepted and is working quite well. It may be that in time that area will need to be broken up, but I would suggest that that time has not yet arrived.

In relation to the Port Pirie Trust, that is to be renamed the Northern Regional Cultural Centre Trust and it will include all the local government areas on Yorke Peninsula and in the Lower and Mid North. I am not quite sure where the city of Port Augusta fits into that. It has that unfortunate no man's land characteristic which I think is one matter which should concern us about this Bill. It is certainly a very wide area to be covered by that particular cultural centre trust and, in the case of Yorke Peninsula, I would suggest that the members involved there would have some concern for it.

As far as the Riverland is concerned, the Government has indicated that its intention is to proceed with the establishment of the Riverland Regional Cultural Centre Trust. That is a smaller area but one that involves a number of towns that are linked together. In fact, there has been quite a lot of cultural activity and development of facilities in that area. The primary purpose of the trust, in its initial stage, will be to develop the Renmark theatre concept, a matter of some controversy under the previous Government. It seems the present Government intends to continue with that particular project and to do so by means of the Riverland Cultural Centre Trust. Again, one must see these trusts not just as dealing with facilities of a particular location but also as having a particular role to play in the cultural life of the community.

That brings me, finally, to the Whyalla trust, which is to be renamed the Eyre Peninsula Regional Cultural Centre Trust. Here I find some fairly grave difficulties, because the concept of Whyalla servicing all of that vast area across Eyre Peninsula is difficult to comprehend. How it can be done effectively is something to which I think the Government has given too little consideration. It is all very well to say that, by drawing boundaries this way, every single part of the State is covered by a cultural centre trust. If that coverage is to be effective, then one must look a little more closely at those boundaries.

I suspect there is some anomaly in the case of what is to be called the Eyre Peninsula Cultural Centre Trust, because on Eyre Peninsula there is, in particular, the city of Port Lincoln, which has a very active cultural artistic life and which I know, from my time as Minister, did have expectations that a cultural centre trust would be formed around it. I am sorry that the member for Flinders is not present at the moment, as he indicated to me that he wished to make some remarks about the situation as far as the area of his own district covers. He would be aware of the strong feeling in that district that they cannot be adequately serviced from Whyalla. In any case the Whyalla Regional Cultural Centre Trust covers a large area and a large focal city to serve, and it will probably have its hands full.

To adequately service Eyre Peninsula and to give it some funds and some priority would require a close look at either special arrangements for the Port Lincoln area or, alternatively, the creation of a regional cultural centre trust centred on Port Lincoln itself. No reference has been made to that, except that of the renaming of the cultural centre areas as contained in the Minister's speech. He said that there will not be a central venue in the Riverland in relation to the Riverland theatre project, although apparently that will go ahead.

He referred, interestingly enough, to centres which are being built in Mount Gambier and being planned at Port Augusta and Whyalla. I think he meant Port Pirie, not Port Augusta. I am sorry that the member for Flinders is apparently not intending to take part in this debate as he indicated that he would, because I think the case for his area should be put and would probably best be put by him. I will certainly say that, from my knowledge, there is some case for looking at Port Lincoln as being in a special

situation and attempting to do something around it. As I say, to a lesser extent the whole of the Yorke Peninsula, which is to come under the Northern Regional Trust, may be one that could be looked at as well. I do not think there are any other aspects of this Bill that need canvassing at this time.

I simply say that it is encouraging to see that the previous Government's programme of attempting to extend the reach of cultural activities to all people in this State is being continued—projects such as the Regional Arts Facilities Scheme, which have done enormous good in country areas and which have opened up to the country people many performing groups and others who would not have been able to get there otherwise. With the Regional Trust playing a much more central role, both through its facilities and its assistance to regional activities, I think the situation bodes well for cultural activities in this State, and the lead that was obtained and maintained throughout the period of the former Labor Government, I hope, will not be lost under the present Administration.

Mr. KENEALLY (Stuart): My comments on this Bill will be short and to the point. The amendments to the Regional Cultural Centres Act have left me somewhat unsure as to the position of Port Augusta. Initially, Port Augusta was part of the Port Pirie regional area and for a period of time a representative of Port Augusta would go to Port Pirie. However, in later years that has not been the case. I do not know whether that is because Port Augusta is no longer part of the region or whether it is because Port Augusta does not have a representative on the Cultural Trust. Now that it is the Northern Regional Cultural Centre Trust, I am very anxious that this trust incorporates the Port Augusta local government area with a representative on the trust from the Port Augusta council area, and Port Augusta itself as a participant in the region, from a cultural point of view.

I support very strongly what has been done in the Spencer Gulf areas of Whyalla and Port Pirie. I do not want to comment at all on the problems that the Local communities have had in the siting of the regional centres, but the concept has been tremendous. The Opposition is very much in support of it. I would personally like to see Port Augusta a significant centre in the Northern region, and also in the Eyre Peninsula region and to see Port Augusta participate much more than it has done. That may well be the fault of the local community or the fault of the Regional Trust itself. Perhaps the Minister will clarify this comment when he replies to the second reading debate, so that, if it is the fault of the local community, they can be encouraged, either by direct representation on the trust or by encouragement by the Government, to participate more fully in this very essential facility that has been provided to this area.

The Hon. D. C. WOTTON (Minister of Environment): I thank the Opposition for its support of this Bill. Regarding the questions that have been raised specifically relating to Port Augusta, I have a map in front of me and Port Augusta is quite definitely in the Northern area and I have been informed that Port Augusta is expected to have strong representation in that centre. The other point that the Leader referred to (and I would suggest that it is probably more the concern of the member for Flinders) related to the Port Lincoln, Ceduna and Whyalla areas, and particularly to the Port Lincoln area. Port Lincoln and Ceduna are subcentres to Whyalla, which is the major centre. In this region, representation was looked at closely and those two areas will act as subcentres, with the main centre being Whyalla.

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

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATE BANK (RIVERLAND FRUIT PRODUCTS CO-OPERATIVE ASSISTANCE) BILL

Returned from the Legislative Council without amendment.

STAMP DUTIES ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

> That the House at its rising do adjourn until Tuesday 10 February 1981 at 2 p.m.

The Hon. D. O. TONKIN (Premier and Treasurer): At this stage I believe it would be appropriate to express to all of the people who serve us so well in this House, not only you, Mr. Speaker, but the officers at the table, and everyone else, the Government's very best wishes for a happy and peaceful festive season. It is appropriate at this time for us to express our thanks to them for the excellent services which we have enjoyed during this year.

This year, I find, is clouded to some extent by two recent events. One is the tragic earthquake in Italy and the other is the most difficult situation which apparently is confronting the Polish people. I simply say that on an occasion such as this, when we are looking forward to the festive season, when honourable members have made arrangements to go away, when we are looking forward to a time of what is traditionally one of celebration and rejoicing and happiness, it is right that we should remember those people in Italy and those people in Poland, and indeed, many other people epitomised by the Christmas Bowl Appeal that the Leader and I and the member for Mitcham attended only last week.

It is not a time to be too miserable about these things. I do not intend to be miserable, but I think that it is right and proper that we should recall that there are very many people in the world who, while we are leading up to a festive season, have nothing at all to look forward to. I would like to extend my personal best wishes for a very happy Christmas and peaceful new year to all honourable members.

Mr. BANNON (Leader of the Opposition): On behalf of the Opposition, I join with the Premier in extending Christmas good wishes and new year felicitations to you, Mr. Speaker, and, naturally, to the Clerks and the officers of the House, to the messengers, to the long-suffering *Hansard* staff, to Miss Stengert and those who work in the refreshment and dining-rooms and kitchens of this place, to the cleaning and maintenance staff, and to all of those people who keep this place rolling and allow us, as

members, to get our business done more or less efficiently.

The efficiency to which I refer is our efficiency, not that of the staff, who are extremely efficient and who have served us so very well indeed over this fairly torrid year. We have not had a large number of sitting days, but we have had a number of very long days. The staff has performed magnificently under what were periods of hard slog and long hours. On behalf of the Opposition, I extend those Christmas greetings and hope that everyone has a relaxed, refreshing and enjoyable time over the Christmas and new year season so that we can return ready for battle next February.

Mr. BLACKER (Flinders): I add my support to the Premier and the Leader of the Opposition in their comments, and particularly to extend my thanks to members of the staff of the House, the domestic staff and, more importantly, to the research and library staff on whom I, for one, and other junior members heavily rely. I also extend seasons greetings to members of the press, who keep a watchful eye over us, for the good, I hope, of all people concerned. That is all I will say, otherwise someone may take the place of the member for Mitcham. In all sincerity, I wish all members and staff the compliments of the season.

Mr. PETERSON (Semaphore): As the only Independent in the House, I add my comments. I thank the staff, especially those in the House. It is difficult for me here, and they have made it much more pleasant at times, and I thank them for their assistance. I thank you, Mr. Speaker, for your help and I wish all those who have (and those who have not) helped me the very best for the season, and hope that they all enjoy the coming season. Only one member here will not speak to me, but I will wish him a merry Christmas, if I may.

The SPEAKER: Order! Demonstrations are out of order.

Mr. PETERSON: Whatever may be said about me, I have never turned a man down in my life, and I am pleased that I did that. A merry Christmas to you all.

The SPEAKER: On behalf of the staff, I appreciate the statements and comments that have been made; I know that they derive a great deal of pleasure out of their ability to serve in what is a rather unusual goldfish bowl. The Leader said he wished that we would all return refreshed and victorious.

Mr. Bannon: I said vigorous.

The SPEAKER: I am sure that he meant victorious, and that he was referring to the representatives of this Parliament who will do battle with the other States in Hobart before we return.

Motion carried.

At 6.25 p.m. the House adjourned until Tuesday 10 February 1981 at 2 p.m.

HOUSE OF ASSEMBLY

Thursday 4 December 1980

QUESTIONS ON NOTICE

SOLAR ENERGY

647. **Mr. HAMILTON** (on notice) asked the Deputy Premier: What funds have been allocated for research into—

(a) solar energy;

(b) treatment of domestic agricultural and industrial wastes; and

(c) ethanol use,

and what are the names of the organisations to which moneys are allocated?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

(a) Solar Energy

Project Title	Applicant	Grant Awarded $
Concentrating collectors—high temperature industrial applications	Flinders University (Prof. H. A. Blevin, Dr. E. L. Murray)	19 100 (1977-78) 26 346 (1978-79) 22 153 (1979-80)
High temperature industrial solar energy collectors	Beasley Industries Pty. Ltd.	14 337 (1977-78)
Research and development of an instantaneous solar/gas water heater	S.A. Gas Co.	13 000 (1977-78) 38 000 (1978-79)
Extruded plastic solar collector	Applied Research of Australia	20 960 (1977-78)
Investigation of black chroming techniques for solar absorber selective surfaces	Beasley Industries; Associated Metal Improvements	22 998 (1978-79)
Multiple purpose reversible solar panel	Pat Finch Pty. Ltd.	8 000 (1979-80)
Demonstration solar air-conditioning system	S.A. Institute of Technology (Mr. J. R. Aukland)	22 340 (1979-80)
Evaluation of performance of solar collectors	S.A. Institute of Technology (Prof. R. W. Smyth, Mr. J. R. Aukland)	7 950 (1977-78)
Insolation measuring station	S.A. Institute of Technology (Prof. R. W. Smyth, Mr. S. Pendry)	4 300 (1977-78) 5 700 (1979-80)
Development of measuring techniques for solar energy research, development and demonstration in industry	CSIRO (Highett) and AMDEL	10 000 (1977-78)
Energy Storage—Solar hydrogen	University of Adelaide Dept. of Physical and Inorganic Chemistry (Dr. G. S. Laurence)	17 750 (1977-78)
Energy Storage—Solar hydrogen	Flinders University Institute for Energy Studies (Prof. J. O'M Bockris)	17 750 (1977-78)
Passive building design for energy conservation	Stratman, Griffith and Forte	200 (1977-78)
Solar Conservatory	Mr. R. Job	4 500 (1977-78)
Solar energy for process heating in industry—a demonstration project	Southern Farmers Co-operative, Murray Bridge	35 000 (1979-81)
(Project is being jointly funded by CSIRO and SAEC) (CSIRO contribution will also be $35 000)		
	Total	$305 076

(b) Treatment of Domestic, Agricultural and Industrial Wastes

Project Title	Applicant	Grant Awarded $
Methane generation from piggery wastes	S.A. Institute of Technology	20 000 (1978-79) 6 500 (1979-80)
	Total	$26 500

(c) Ethanol Use

No funds have been allocated for research connected with the use of ethanol during the 3 year period of 30th June, 1980.

DEAF EMPLOYEES

662. **Mr. TRAINER** (on notice) asked the Minister of Industrial Affairs: Is the Minister aware of any discrimination by employers against applicants who are deaf and what is the Government's policy in this regard?

The Hon. D. C. BROWN: For several years, both as an Opposition member and now as a Minister of the present Government, I have been concerned about the fact that potential employees with hearing deficiencies have experienced difficulties in obtaining employment. To overcome some of the reluctance of employers in this respect, I introduced a Private Member's Bill in September 1978 containing certain amendments to the Workmen's Compensation Act, as it was then called, to provide *inter alia,* that an employer would be only liable to pay compensation for industry caused noise induced hearing loss based upon hearing tests made within two months of the commencement of employment.

As a result of this initiative and in light of a considerable degree of agreement between the Government and the Opposition at the time, amendments were made to the Act to assist such disadvantaged persons to obtain employment. Since that time, I have not had many such problems brought to my attention. However, enquiries that I have made of the Equal Opportunities Office reveal that a few cases have been brought to their notice, although only one of these cases constituted any form of discrimination.

The Federal National Committee on Discrimination in Employment and Occupation does not publish detailed data on the type of complaints received but the South Australian Committee has received two complaints alleging discrimination on the grounds of disability. Investigation of these complaints indicates that a decision not to employ a deaf person was taken because of difficulties in issuing instructions and in general verbal communication which would create a greater risk than normal of that deaf employee suffering an industrial accident due to his inability to hear warnings of pending danger.

COAL

724. **Mr. LYNN ARNOLD** (on notice) asked the Deputy Premier: What is the sulphur content of—

(a) coal presently being mined at Leigh Creek; and

(b) coal samples taken from the pit at Bowmans?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

(a) 0·5 per cent as mined.

(b) 2·2 per cent as mined.

COAL

725. **Mr. LYNN ARNOLD** (on notice) asked the Deputy Premier:

1. What pollution problems could be anticipated if coal from Bowmans was used for the generation of electricity using the technology that is presently available?

2. When is it anticipated that technological advances may be made which will reduce those pollution problems at reasonable cost?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

1. It is possible to achieve low concentrations of sulphur in the atmosphere and deposited on the ground by using very tall chimneys or by using flue gas "scrubbers". The cost in either case is dependent on the desired level of sulphur concentration in the atmosphere and on the ground, and will be high if low levels of concentration are desired.

2. Future improvements in scrubber technology are likely to lower the cost of removing sulphur from flue gases. Developments in combustion technology such as the fluidised bed which retains much of the sulphur as ash in the combustion chamber could be available within the next 10 or 15 years.

NORTHERN POWER STATION

726. **Mr. LYNN ARNOLD** (on notice) asked the Deputy Premier: In the matter of the structural steel works for the boiler at the Northern power station—

(a) which company was originally awarded the subcontract for fabrication;

(b) what changes, if any, have since been made; and

(c) was an undertaking given that Government employees (permanent or day-labour) would be transferred to one of the companies involved in the subcontract and if so, what undertaking was given, when, by whom and is it still current and if not, why not and how was it anticipated that such transfers would take place and under what conditions would those transfers have applied?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

(a) T. O'Connor & Sons Pty. Ltd., Gepps Cross, South Australia, was originally awarded the sub-contract for structural steelwork by the principal contractor, Vereinigte Kesselwerke Australia Pty. Ltd. (VKW).

(b) When calling tenders from sub-contractors for the supply and fabrication of structural steelwork, VKW initially under-estimated the amount of work involved. As the sub-contractor, T. O'Connor, could not handle all the additional work in the required time, VKW let a second sub-contract to Johns Perry Industries Pty. Ltd.

(c) No undertaking was given but there were some discussions with the United Trades and Labour Council and with an employer.

MINING LEASES

736. **Mr. BECKER** (on notice) asked the Deputy Premier:

1. What moneys and rentals are outstanding on mineral claims and leases held by Hamlyn Mining Pty. Ltd.?

2. How has this situation occurred and what action is being taken to recover these amounts?

3. What bonds are required from the company and why?

4. When will the Minister take action to forfeit these claims and leases and what has been the reason for the delay?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

1. $99·35.

2. Action to recover this amount is currently being undertaken by the Department of Mines and Energy.

3. Pursuant to section 62 (3) of the Mining Act, Hamlyn Mining Pty. Ltd. was required to lodge a bond of $500 on the lease.

4. On 13 June 1980 an injunction was placed on ML 4696 by the Warden's Court prohibiting the lapsing, surrender, abandonment, cancellation or transfer of this tenement. Upon the dissolution of this injunction action will be taken to cancel the lease for non compliance with the Mining Act.

COAL

750. **The Hon. J. D. WRIGHT** (on notice) asked the Deputy Premier:

1. Is coal at or near lake Phillipson "black" or "brown" coal?

2. What is its calorific status compared with coal available at Leigh Creek, Port Wakefield and at other South Australian places where coal is being considered for later use by the Electricity Trust?

3. Is the Government aware of any plans by Utah to develop the Lake Phillipson coal in the foreseeable future?

The Hon. E. R. GOLDSWORTHY: The replies are as follows:

1. The terms black and brown applied to coal types are loosely used descriptive classifications and Lake Phillipson coal has been referred to as both black and brown. This coal is better classified as a sub-bituminous non-coking coal.

2. Approximate specific energy contents of various South Australian coal deposits are as follows (Megajoules per kilogram):

	As-mined	Dry-Basis
Phillipson	18	25
Leigh Creek	14	23
Wakefield	12	27
Lock	13	18

Heat values are dependent on the ash content of the mined coal.

3. The Department of Mines and Energy has had discussions with Utah Development Company but is not aware of any plans to develop the deposit in the immediate future.

REPLY TO LETTER

852. **Mr. TRAINER** (on notice) asked the Minister of Education: When can the Member for Ascot Park expect to receive a reply to his letter of 1 April on behalf of a member of the St. Anthony's Edwardstown School Board, acknowledged by the Minister's office on 14 April?

The Hon. H. ALLISON: A reply was forwarded to the honourable member's office on 4 December 1980.

REPLY TO QUESTION

854. **Mr. TRAINER** (on notice) asked the Minister of Education: When can the Member for Ascot park expect a reply to question No. 661.?

The Hon. H. ALLISON: A reply to question 661 has been incorporated into *Hansard* of 2 December 1980.