HOUSE OF ASSEMBLY

Wednesday 3 March 1982

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

QUESTIONS

The SPEAKER: I direct that the written answers to questions as detailed in the schedule that I now table be distributed and printed in *Hansard:*

VICTOR HARBOR RESORT

In reply to **Mr HEMMINGS** (11 February).

The Hon. D. C. WOTTON: The Administrator appointed in place of the suspended Victor Harbor council made a public announcement in the Victor Harbor *Times* on Wednesday 17 February 1982, indicating his attitude to planning applications of significance. The $12 000 000 development referred to by the honourable member is one of four applications of significance, although the others are not necessarily of the same magnitude. The statement in the Victor Harbor *Times* outlined the procedures required of developers. This will include placing on public display a model of the development and/or photo montages which will indicate to the public generally the likely impact on the environment. The Administrator will then call for public comment, which will be taken into consideration before a decision is made. The Administrator has no intention of deferring matters until the council is reinstated and welcomes public repsonses on any matter.

ABORIGINAL HEALTH

In reply to **Mr HAMILTON** (14 October).

The Hon. H. ALLISON: $1 000 has been granted to an Alberton Parents and Children's Group by the State's International Year of the Disabled Committee for research into children's hearing loss. The Aboriginal Health Unit knows of no other money allocated in 1981 specifically for research into hearing and speech difficulties in Aborigines. Specialist services for remote reserve communities are provided on a voluntary basis. Children with such problems are seen by appropriate specialists in Adelaide, Alice Springs or other large towns and by specialists visiting remote communities. Hearing tests are carried out in schools and referrals made to the Deafness Guidance Clinic or Commonwealth Acoustics Laboratory. The very few children with speech problems are referred for special treatment.

Four research-surveys have been carried out since 1970. Dr N. Reilly (specialist) in 1971, at Yalata, estimated that 33 per cent of children he examined had some hearing loss. In 10 per cent of these cases, wax or some other obstruction was noted as causing the hearing loss. Dr R. L. Guerin (specialist) has undertaken research in 1974 (and each year since then) in communities in the north-west of the State. In 1974, 42 per cent of people showed perforation of eardrum. In 1980 following specialist supervised treatment programmes, the incidence of perforation was found to have been reduced by about 50 per cent in the group surveyed. This research-survey-treatment programme is continuing. Dr D. Moran (generalist) in 1976 and Dr. G. S. Vercoe, *et al*, (specialist) in 1977 reported a lower incidence of middle ear disease than indicated by Dr. Guerin's 1974 survey in the Aborigines they examined in the north-west and in Yalata respectively, who are in the same treatment programme. These research surveys have revealed problems induced by recurrences of upper respiratory tract and consequent infections of the middle ear.

OMBUDSMAN'S REPORT

The SPEAKER laid on the table the report of the Ombudsman recommending the repeal of section 18 (1) of the Ombudsman Act, 1972-1974.

MINISTERIAL STATEMENT

The Hon. D. C. BROWN (Minister of Industrial Affairs): I seek leave to make a statement.

The SPEAKER: Is leave granted?

Mr Millhouse: No.

The SPEAKER: Leave is not granted.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That Standing Orders be so far suspended as to enable Ministers to make statements without leave.

In so doing I should point out to honourable members that, as a result of the activities of the member for Mitcham in this regard, I have been approached by a very keen student of politics who, as a result of what has happened, has taken the trouble to investigate the *Hansard* records.

He tells me of the admittedly brief time that the member for Mitcham was Attorney-General and a Minister in this House. He does make the point to me, and I am very grateful for him for having done this, that indeed the member for Mitcham, when Attorney-General, in this House made quite a large number of Ministerial statements, most of which were far in excess of the three minutes—or is it five minutes?

An honourable member: Three minutes.

The Hon. D. O. TONKIN:—the three minutes that he is now demanding that Ministerial statements should take, and indeed many went on for a good deal longer than that. The point is also made, and I am looking forward with great interest to confirming this, that the subject matter of the member for Mitcham's Ministerial statements at that time could in no way be regarded as being non-political. He therefore makes the point that when things are different they are not the same as far as the member for Mitcham is concerned.

Mr MILLHOUSE (Mitcham): I am flattered by the research which one of the members of the Premier's staff, obviously, has done on my record as Attorney-General. Of course it is all irrelevant garbage.

Members interjecting:

Mr MILLHOUSE: I am sure that if honourable members opposite had been in the House at the time they would have supported me enthusiastically in what I said.

An honourable member: You have got senile since then.

Mr MILLHOUSE: Well, the honourable member for—where does that fellow Glazbrook come from?

Members interjecting:

Mr MILLHOUSE: I am sure the member for Brighton—

Members interjecting:

The SPEAKER: Order!

Mr BECKER: On a point of order, Mr Speaker. The Standing Orders of the House provide that a member should be addressed by his correct title, and the member for Mitcham obviously is having difficulty in remembering

the names of members on this side of the House, as he is never here.

The SPEAKER: Order! There is no point of order.

Mr MILLHOUSE: The whole problem is, Mr Speaker, that the Liberal back-benchers are so nondescript that it is impossible to tell one from another.

The SPEAKER: Order!

Mr GLAZBROOK: I rise on a point of order, Mr Speaker. The honourable member has referred to me, first, by my first name, then he referred to the wrong area, and now he has described me as being nondescript.

Members interjecting:

The SPEAKER: Order! I believe that the time has come for members on both sides of the House to listen to the member for Mitcham, who will be dealing with the subject matter now before the Chair, and that only.

Mr MILLHOUSE: Sir, I hope you will allow me to reply to the Premier, because I point out to him and to whichever of the Liberal Party back-benchers it was who interjected—and I cannot identify him by name or electorate—that it is impossible for the Premier, his research assistant, or anyone else to know how long my statements took, because that is not recorded in *Hansard*, nor so far as I know is it recorded in the journals of the House. So, it is a pure guess, and my recollection is that if I ever did give a Ministerial statement (and, of course, I made Ministerial statements when it was appropriate to do so), they were crisp and to the point—

Mr Lewis: The Speaker of the day didn't think so.

The SPEAKER: Order!

Mr MILLHOUSE: —and without any rancour or any suspicion of Party politics creeping into them.

The SPEAKER: Order! The honourable member for Mitcham, with so much expertise in this matter, will now be able to come to the point before the Chair.

Mr MILLHOUSE: Right. I must say that before the—

The SPEAKER: Order! The honourable member for Mitcham will come to the motion before the Chair.

Mr MILLHOUSE: Before the Premier spoke I was intending in this debate to say only that I had nothing to add to what I have said on previous occasions, but I must say that the Premier provoked me, and thus wasted the time of the House.

The SPEAKER: The question before the Chair is the motion for the suspension of Standing Orders. Those of that opinion say 'Aye', against 'No'.

Mr Millhouse: No.

The SPEAKER: I hear a dissentient voice. A division is necessary. Ring the bells.

While the division was being held:

The SPEAKER: Order! There being only one member on the side of the Noes, I declare that the Ayes have it.

Motion carried.

MINISTERIAL STATEMENT: PUBLIC SERVICE PAY INCREASES

The Hon. D. C. BROWN (Minister of Industrial Affairs): I wish to inform the House that, regardless of the continuation of much-publicised action by the Public Service Association, the majority of State public servants are to be given immediate pay rises. The Public Service Board has today gazetted the rises which range from 7.9 per cent to 13.2 per cent for adult public servants, in accordance with its previous offers. For junior clerical officers, the range will be from 4 per cent to 7 per cent. The rises will be back-dated from 1 January for clerical and related groups and from 1 February for professional officers, as detailed in the *Government Gazette*.

This unilateral action has been taken by the Public Service Board because the industrial dispute with the P.S.A. has not been resolved. The initiative recognises that those public servants affected are entitled to reasonable pay rises under present wage principles and that they should not be disadvantaged by prolonged industrial disputation. I must stress that this action does not stop the Public Service Association and other unions from having these salaries finally arbitrated in the Industrial Commission.

The Public Service Board has applied to the Industrial Commission to vary the awards affected, which will allow arbitration to proceed, if the unions wish. Any variations to the board's decision as a result of arbitration would also flow on to any groups which have a nexus with the classifications covered by the awards.

The increases gazetted by the board will cover more than 70 per cent of public servants employed directly by the Government who have not yet received salary increases. I understand that, subject to approval by statutory authorities, these increases will flow on to employees who have a direct nexus with the Public Service.

For those groups not covered by this initiative the board is prepared to explore with the P.S.A. whether they are entitled to salary increases under the present wage fixing principles as determined by the State Industrial Commission. These talks should begin immediately.

The board has always been prepared, and still is, to negotiate with the P.S.A. on this basis. Arrangements have already been made for the rises to be paid as soon as possible.

MINISTERIAL STATEMENT: S.A. METROPOLITAN FIRE SERVICE

The Hon. W. A. RODDA (Chief Secretary): The Tonkin Government has been committed to the construction of the new headquarters building complex for the South Australian Metropolitan Fire Service. Planning for this headquarters has commenced with the preparation of schematic designs and consideration of option studies which are expected to be completed by the end of this month. Consultants will be appointed to develop the schematic design to contract document stage and on-site work is expected to begin in August this year.

The complex will comprise the central fire station with sleeping quarters, recreational and training facilities and educational accommodation. It will be located on a site which combines the existing fire station site and the adjoining car park. We currently estimate the cost for the fully commissioned complex to be between $12 000 000 and $12 500 000.

QUESTION TIME

OMBUDSMAN ACT

Mr BANNON: Does the Premier intend to introduce legislation to remove section 18 (1) of the Ombudsman Act from the Act and, if not, why not, in the light of the report tabled in Parliament today? You, Sir, announced at the beginning of today's proceedings that the Ombudsman had presented a report to Parliament in accordance with his Act, and my colleague the member for Stuart went over to obtain a copy of it in order to see what the report could possibly relate to—whether it was the Ombudsman's annual report, or whatever. It is a report to the Parliament on section 18 (1) of the Ombudsman Act. In the time allowed to myself and my colleague to examine this report, I am

afraid that I have not been able to absorb it in detail. However, standing out in the report, if one looks at its eight pages (and I add that I have not had a chance to examine the appendices, which consist of letters from correctional services, the Crown Solicitor, the Premier, and the Attorney-General, as well as correspondence between him and the Ombudsman), I find the following reference on page 7. The Ombudsman had been corresponding with the Premier and the Attorney-General concerning section 18 (1), under which the Ombudsman is required to give notice in writing of his intention to investigate a complaint. This matter had been raised in the Ombudsman's report earlier and discussed in this place. At the bottom of page 6, the Ombudsman says:

The Attorney-General, in his letter to me of 23 September 1981, suggested (after I had spoken to him informing him of the difficulties I had) that in respect of the complaints that are registered there be requirement that notice of the administrative act be given to the appropriate department or agency. There is no reason at all why those initial informal contacts on the telephone should have to be reduced to writing, until they present a difficulty, or personal attendance at the department or agency is believed to be necessary. At that point, it seems appropriate to reduce the notice to writing.

The Ombudsman continues:

The Attorney is suggesting that it is in order for me to breach my Act, and he is further inferring or suggesting that departments will not take technical points if I or my officers make phone calls on matters that do not appear to have much substance. However, what if something of substance becomes apparent during the informal contact? This, of course, is the major problem. One does not know what will be discovered until an 'investigation' has been commenced.

Members interjecting:

Mr BANNON: Yes, indeed. The Ombudsman continues as follows:

If I were to make a phone call, on a matter not registered as a complaint, and later uncovered something such as occurred in the 'vegetables pilfering' matter—

which I think is referred to earlier—

the department could take the technical point that notice had never been given in compliance with section 18 (1), and the whole exercise would then be nugatory.

The Ombudsman goes on to ask whether indeed a waiver could be given by the Attorney-General as to that requirement. He continues:

To me, it is obvious that such a 'waiver' cannot be given, as it is not permitted by the Act. It can be seen, therefore, that if Parliament wants an Ombudsman who is effective, and who can honestly say to complainants that he has free and ready access to all Government departmental and statutory authority records, without the chance of those records being 'doctored' and evidence fabricated and/or collaborated upon, then it is imperative that section 18 (1) be removed.

I think it should be made clear that cases where records are 'doctored' are limited. Administrators are generally keen to administer effectively, and few would tolerate such activities, but the problem nevertheless exists, and has occurred in this State both before my time and since.

I have suggested previously that section 18 (1) is analagous to the police having to give notice of a gambling raid to the owner of the house where it is suspected that gambling is taking place, and then, later, turning up at the house and expecting the gamblers still to be in action!

In conclusion, I consider that section 18 (1) hinders the effective investigation of complaints, and should be repealed. Alternatively, provision could be made for the Ombudsman to legally conduct informal inquiries before commencing an investigation under the procedures of section 18 (1).

The Hon. D. O. TONKIN: Before answering the question asked by the Leader of the Opposition, and with your indulgence, Sir, and that of the House, I should like to put on record the fact that today is a most significant day for three members of this Parliament. I refer, of course, to the member for Hartley and the member for Unley in this place, and the Hon. Boyd Dawkins in another place, all of whom today complete 20 years of service in this Parliament. I think we would all wish to extend to them our heartiest congratulations and very best wishes for the future. I think all three of them have now indicated, in one way or another, that this will be their last term in the Parliament. While not in any way detracting from the undoubted contributions they will make over the next 12 months or so, I would like to say that we do admire what they have achieved so far and their stamina in lasting in this place in such a way as they have. They have our best wishes.

In response to the question asked by the Leader of the Opposition about the Ombudsman's Report as to whether I intend to introduce amending legislation, I advise that I have no such intention at the moment. It is probably worth putting on record in the House the letter that I wrote to the Ombudsman on 8 February 1982 referring to his letter to me on 8 December 1981, in which I stated:

I have no wish to continue the debate in relation to the alleged pilfering of vegetables from the Adelaide Gaol.

There was a slightly unfortunate situation where it seemed, I am sure owing to a misunderstanding, that the investigation by the Ombudsman or his officers in some way prejudiced the possible criminal proceedings which might otherwise have been undertaken in respect of pilfering of vegetables from the gaol. I further stated:

I am, however, unable to agree with your interpretation of the Crown Solicitor's letter. With regard to your proposal that the Ombudsman Act should be amended to delete the requirement of notice being given to the principal officer of an organisation in respect of which an investigation is proposed, I concede that there are arguments for and against. I am, however, of the view that those matters which you have raised do not provide sufficient reason for amending the scheme originally proposed by Parliament in the Statute. In my view, the arguments in favour of the retention of the requirement for notice are considerably stronger than those militating against the giving of such notice. In the event that it comes to your attention that records have been falsified, or that attempts have been made to mislead you or your officers, I would be obliged if the matter was reported to the responsible Minister in order that appropriate steps might be taken. You may be assured of the co-operation of the members of my Government should such incidents occur.

The Ombudsman has a statutory authority to investigate administrative acts. It is part of defining that administrative act that the notice is required. It is a formal notice, certainly. As I understand it, Ombudsmen in other States, in other jurisdictions and in other countries all act and are appointed on that understanding: that they are there to investigate administrative acts. It is necessary therefore that they should define those administrative acts which they are investigating before they undertake their investigation; otherwise an inquiry could be so wide-reaching that it could well move totally outside the terms of reference as set down under the statutory authority of the Act.

The other States have found no reason to change this situation. The former Ombudsman was able to discharge his duties perfectly well, and I can see no basic reason at this stage for any change to be made to the situation. Nevertheless, the Government will examine it in the light of the Ombudsman's Report. The Leader has an advantage inasmuch as that he has had a chance to examine the Ombudsman's Report for a longer period than I have. I am quite happy to look at it to see whether there is any new material there.

MARRYATVILLE PRIMARY SCHOOL

Mr SCHMIDT: Can the Minister of Education provide an answer to the House to claims made in this Chamber last week, and reinforced in the Burnside-Norwood *News Review* today, by the member for Norwood, who accused the Minister of denial of information and political interference?

In this House last week, the member for Norwood asked the Minister of Education why he had not provided the honourable member with a reply to a question asked in this

place, as well as to correspondence and to a deputation, concerning the future of the Marryatville Primary School and staffing issues at that school. This question has been followed up by an attack on the Minister and his staff as a means of obtaining cheap political publicity, I might add, in the interests—

The SPEAKER: Order! The honourable member for Mawson will cease to comment.

Mr SCHMIDT: I am quoting a fact from the Burnside-Norwood *News Review* published today.

The Hon. H. ALLISON: It is unfortunate that the matter of closure or possible closure of Marryatville Primary School continues to be pursued through the press. The facts are simply that in November last year a letter was written to my office by the member for Norwood. In his question addressed to me a few days ago, the honourable member asked:

> Will the Minister say why he has not provided an answer to a question I asked in the House last year and in earlier correspondence?

The earlier correspondence referred to did not refer in any way to the closure of the Marryatville Primary School. In his question to me in the House last week, the honourable member asked whether I would provide an answer to a question he had asked in the House last year and in earlier correspondence, as well as by way of a deputation to the Director-General. Three separate issues are involved. The issues that were canvassed in the letter addressed to me in November were answered, and the honourable member implied that they had not yet been answered. The letter was sent in January: I believe it was prepared by my staff for the Acting Minister of Education while I was on holiday. I certainly signed the letter personally on the Monday when I returned. Those issues were canvassed quite independently of the closure of the primary school. The question of closure, or possible closure, of the school was raised in the House in December last year, and subsequently a deputation was received by the Director-General of Education.

Let me draw the attention of the House to another matter. The honourable member seemed a little aggrieved that the Director-General had declined to receive him in the deputation. The Director-General had two matters before him on that day. First, he had a letter that was circulating around the Marryatville area advising all parents and people in the district literally to hound a single member of the Education Department staff, one who was quite critically involved in the staffing procedures at the time. The Director-General believed that it was most unfair to single out an officer when it might have been more appropriate to instruct people to contact either him or the Minister. The Director-General was a little sceptical when asked to receive a deputation that was not presided over by the Chairman of the school council. The address for correspondence was, 'Mrs Brooks, c/o the South Australian Institute of Teachers'.

Rightly or wrongly, the Director-General made his quite spontaneous decision to receive the deputation but to reserve his position concerning the member for Norwood. This was not intended as an insult to the honourable member. During the deputation, the Director-General advised that he had no intention of closing the school. He subsequently corresponded with and advised the leader of the deputation, Mrs Brooks, with copies to Mr Dennis Errey (Principal) and Mr Peter Young (Chairman of the school council) that during the deputation the Director-General had stated that there would be no closure.

Members should bear in mind that this was on 16 December, well before Christmas and the holidays. In that letter, the Director-General also advised the lady who led the deputation that she should feel quite free to advise others of the fact that he had no intention to close down the school. I conclude by drawing the attention of the House to one very simple and obvious point. The honourable member said that at no stage was he made aware that the school would not close. He accompanied the deputation to the Director-General, and the Director-General said, 'No, it will not close,' and so, one can only conclude that the honourable member was not in direct communication with the deputation when it left the Director-General's office and went downstairs in the lift, nor has he been in communication since then with the school council.

In view of the fact that not only he but also the department has been in receipt of complaints about the closure, because someone has been fermenting rumour about the closure, I do not think he should be surprised that, first, the school will not close, because that was stated clearly on 16 December when he was present in the Education Department building; and that, secondly, it has been the subject of press releases from my office in response to other inquiries since that date.

WINDY POINT RESTAURANT

The Hon. J. D. WRIGHT: Can the Premier say whether the Government is satisfied with the *bona fides* of Mr William Sparr and the numerous companies with which he is associated and, if not, will the Premier ask the Attorney-General to order a corporate affairs inquiry into the *bona fides* and source of finance of Mr William Sparr, proprietor of Dillingers, Braestead, Benjamin's and Pavilion on the Park restaurants, and of the proposed Windy Point restaurant development recently announced by the Minister of Planning?

A search of company records has shown that Roxburgh Investments is a company with a paid-up capital of $2 only, the directors of which are Mr William Sparr and Sparr Holdings Pty Ltd, and Sparr Holdings Pty Ltd, in turn, is a company which has listed as its directors William Sparr and Nicola Spagnoletti. Sparr Holdings Pty Ltd has a paid-up capital of $110, and in the last financial year made a profit of $72 and in the previous year a loss of $173.

The Hon. D. O. TONKIN: The matter of the financial standing and otherwise which I understand the Deputy Leader is questioning is being investigated as a general matter of course in relation to the negotiations currently going on with regard to the Windy Point restaurant development.

WARRADALE WATER SUPPLY

Mr GLAZBROOK: Can the Minister of Water Resources offer an explanation for the poor water pressure experienced by residents in the district of Warradale and say what action can be taken to alleviate the problem? I have received complaints from residents of Warradale drawing attention to the poor pressure of water supplied to the area. In one letter the situation is described as follows:

> The supply is not good at any time and falls to a dangerously low level during hot weather. It is impossible to shower if an outside hose is in use, and the residents fear that in the event of fire little protection would be possible.

They ask that measures be taken to improve the service and seek an explanation for the present situation.

The Hon. P. B. ARNOLD: This matter is in the process of being investigated by the E. & W.S. Department and considerable work has been done in Ulva Avenue. The department is looking at the complaint from the point of view of whether the main has the capacity to supply the designed volume of water to meet E. & W.S. acceptable standards, and it is also looking at the flow rate between

the meters and particularly the backyards of the houses concerned.

The investigation even at this stage has indicated that there is a strong likelihood that many of the internal pipes within those properties could be extensively corroded. They are galvanised iron water pipes, and the flow rates being obtained in the backyards of many of these houses indicate that extensive corrosion has occurred. As soon as that study has been completed the E. & W.S. Department will be able to indicate to the householders and also to the member for Brighton just what course of action is necessary: whether it means ultimately the replacement of the main, if it is as a result of lack of volume, or whether it means that many of the residents will need to upgrade their internal piping because of the corrosion that has occurred over many years.

WINDY POINT RESTAURANT

The Hon. D. J. HOPGOOD: Will the Premier table in this House tomorrow all Government documents and communications relating to the proposed Windy Point restaurant development, and will he also table written communications between the proposed operator of this restaurant and the Minister of Environment and Planning?

The Hon. D. O. TONKIN: I could be very brief and say 'No, it would be quite improper to do so', but it seems to me that there is something more behind this rather peculiar attitude that has been shown: the glum and stern look of the Deputy Leader of the Opposition, who says that it is not good enough. What I would say is that instead of making innuendos of this kind it would be far more productive if, in fact, members of the Opposition believe that there is something sinister, illegal, criminal, or anything else, simply said so. Let them say so where it matters, either to officers of the Police Department or officers of the Corporate Affairs Department. If they do so, then we can do something about investigating what they say: if they have no evidence, if they have nothing positive and nothing concrete, then let them shut up.

ADELAIDE FESTIVAL

Mr RANDALL: Will the Minister of Environment and Planning ask the Minister of Arts in another place for a report concerning Festival of Arts publicity material concerning *La Nuova Compagnia di Canto Popolare?* A pamphlet has been widely circulated throughout the community advertising, in Italian, 'The New Company of Popular Singing'. The company is performing in the Festival Centre on 14 March and at the Adelaide Town Hall on 15 March. The publicity in this pamphlet contains 13 mistakes. We need an explanation of how this could happen in this day and age of the multi-cultural society, one in which we are supposed to know how to communicate with the Italian community.

The Hon. D. C. WOTTON: I will have the matter referred to the responsible Minister, the Minister Assisting the Premier in Ethnic Affairs.

RAILWAY SIGNALS

Mr HAMILTON: Will the Minister of Transport say whether the Government has deferred or intends to defer the programme for the upgrading and introduction of new signalling methods for S.T.A. rail operations in metropolitan Adelaide, and state the reasons for these deferrals or intended deferrals? I have received information from various sources within the railway industry stating that the Government intends to defer the allocation of $29 000 000 for the upgrading and introduction of new signalling, signalling methods and electrical equipment for S.T.A. rail operations. It has been further stated to me that a recent report, commissioned by the Government and in the Minister's possession, recommends the urgent upgrading of this outdated and obsolete signalling, signalling methods and electrical equipment. Finally, a number of S.T.A. employees have again informed me that unless this equipment is urgently upgraded 'a very serious rail accident could quite easily occur within the confines of the Adelaide Railway Station yards'.

The Hon. M. M. WILSON: I am not familiar with the details that the honourable member mentioned. I certainly know of no proposal to defer the project. I have not yet had a report from the authorities on the programme for the installation of the signalling equipment.

PUBLIC SERVICE STRIKE

Mr BECKER: Will the Minister of Industrial Affairs inform the House how much was lost in salaries and wages by public servants who withdrew their labour last Friday?

The Hon. D. C. BROWN: It would be hard to put an exact figure on it at this stage but certainly the calculations of the Public Service Board, which were made available to me on a broad figure basis, indicate that about one in four public servants went on strike last Friday. Of course, that figure has been disputed by Mr Mayes, who claimed, I think, that 90 per cent of the Public Service went out on strike. I think that figure is grossly inaccurate, no doubt deliberately inaccurate to bolster the status of their strike, and what they claim was the success of their strike. It would appear from the numbers telephoned by each Government department to the Public Service Board that about one in four public servants went on strike.

An honourable member: You mean you don't know.

The Hon. D. C. BROWN: Can I give an undertaking that I will release the figures publicly when they are known exactly, because, under the Public Service Act, we will know exactly who was paid and who was not paid that day if they were on strike. I will release the figures, and we will find out then which is closer: whether it is the figure I have given, the one provided by the Public Service Board, or whether it is Mr Mayes' claim that 90 per cent of the public servants went out on strike. It was claimed that 90 per cent of my own departments were out on strike, but I know for a fact that in one of my departments only four people were on strike. So, I think that reflects that Mr Mayes again is grossly inaccurate with the claims he has made on the so-called success of his strike. My calculation is that it was a senseless strike and that it cost at least $250 000 last Friday in the Public Service salaries alone; it would have cost more for those members of the P.S.A. who went on strike, but who are not members of the Public Service.

Let me highlight again, Mr Speaker, that today the Government has taken action. It has recognised throughout that pay increases were justified in a number of cases. It has granted increases that were originally offered. I believe that the action taken by the Government today will show how senseless the entire strike was last Friday and, more importantly, how in fact if the P.S.A. had been willing to sit down and negotiate with the Government then some success in settling the matter could have been achieved.

ROXBY DOWNS

The Hon. R. G. PAYNE: Will the Premier confirm a statement he made on A.B.C. radio today about the Roxby Downs indenture, and can he explain where the Parliamentary process stands in relation to the indenture Bill proposed to be introduced tomorrow by the Minister of Mines and Energy? I have been informed that on A.B.C. radio this morning the Premier said that the Roxby Downs indenture cannot be altered. Therefore, I would like him to explain where the Parliament stands in relation to that statement.

The SPEAKER: Order! Before calling on the Premier to answer, I would indicate to members on both sides of the House that no Minister is called upon or can be called upon to confirm an announcement made in the newspaper or on a radio station unless it is made specifically by themselves.

The Hon. D. O. TONKIN: I would have thought that the honourable member had been here long enough, although I must admit that over the time of the previous Government, nearly 10 years, I do not think there was an indenture Bill that came into this House for any developments in this State, so possibly—

The Hon. E. R. Goldsworthy interjecting:

The Hon. D. O. TONKIN: Yes, so there was. So, possibly they do not understand what it is all about. They will have plenty more opportunity to understand how indenture Bills work if they stay here a little longer as this Government continues to bring in more such legislation.

In that instance it is quite clear that the Bill which comes in is a Bill to ratify the indenture which was put forward. If there are any major changes at all in the terms of the agreement which might be recommended by the Select Committee, this would involve the complete renegotiation of the whole matter. I think the honourable member would recognise that; therefore, what we are looking at is a ratification of the indenture as it stands.

SCALE FISHING LICENCES

Mr GUNN: Can the Minister of Fisheries give a firm undertaking that the Liberal Party policy announced at the last State election to allow for the general transferability of scale fishing licences will be implemented as soon as possible? I understand that negotiations have been taking place to implement this policy and, in view of the urgent need to bring justice to a number of people who have been affected by delays in implementing the policy, can the Minister reassure the House that the policy will be brought into effect as soon as possible?

The Hon. W. A. RODDA: The honourable member is quite correct when he talks about the Government's policy being full transferability of licences in the fishery. I am somewhat chastened by your earlier comment, Sir, that there is notification of certain legislation on the Notice Paper. So, if I venture too far, I could transgress Standing Orders. Without transgressing, I can assure the honourable member that, as soon as we are able to do so, we will give full effect to the matter that I know has been worrying the honourable member and his constituents for a very long time.

MINORITY EDUCATION REPORT

Mr LYNN ARNOLD: What response has the Minister of Education made to the renewed request of Mr J. Gregory, former President of the South Australian Institute of Teachers, to be permitted to issue a minority report to the Keeves Committee of Inquiry into Education final report, and does he accept that that person is not at all in sympathy with some of the findings of that committee referred to in its final report?

The Hon. H. ALLISON: I am not at all sure what the renewed requests are. In fact, I have had one request. The letter was addressed to the Minister when Mr Gregory returned from South Africa, where he had been on some sort of study tour. Let me say from the outset that Mr Gregory also left with the Keeves committee of inquiry his address at various places. If the honourable member is still interested in the response (which apparently he is not), I can state that Mr Gregory left his address at various places in South Africa, and I am informed by the Keeves committee of inquiry Secretary that various chapters were sent to him at those addresses, where Mr Gregory had undertaken to receive them and send back to the committee his responses thereon. So far, to the best of my knowledge (that was a week ago), no formal responses had been sent.

Let me compare Mr Gregory's approach to this issue with that of a member of the Keeves committee of inquiry who was placed in a similar dilemma when the first report was released much earlier last year. One of the members of that committee was away and unable to sign the first report, just as Mr Gregory was away and unable to sign the second report. That person simply advised me of his problem and the fact that he was in disagreement with some of the recommendations. All he did was write in quite formally and express in writing the areas where he differed from the report itself.

Mr Gregory, in his letter to me, advised that there were certain areas (certainly not the whole report) where he was at variance with the final report. He has also said on radio and I believe on television, in talk-back programmes, in which we were both involved, that to a large extent he was in agreement with the report. So, as I have said before, I suggest that more is being made of this issue than need be the case.

Mr Gregory's letter to me has been responded to. I said that I would consider the various matters that he raised (I am still doing so) and that I would then advise him whether it was appropriate for him to come in and discuss the issues with me, or whether I might consider it more appropriate that he submit a written report, which we could then take into consideration as we did with the other written report, along with the recommendations of the first and second reports.

Those options are still under consideration. Meanwhile, Mr Gregory's sole written invitation to the Minister to respond has been responded to. We are still considering our final options and, from the point of view of the Keeves committee of inquiry, two issues continue to be aired. One is that there were insufficient educationists on the committee of inquiry.

The second point is that we should make funds available for a minority report to be printed by Mr Gregory. These have been suggestions put to me. We have no intention of making funds available for yet another report in education. The other committee signatories were unanimous and strongly supportive of the final report. Mr Gregory has his options of either speaking or writing to me, expressing where he is at variance with the final report.

The other point is that of the people who were involved. Dr Keeves himself is a man of letters, not only Australian, but also internationally, in America and Sweden. He is a world wide acknowledged expert in education. Apart from that he was a teacher in South Australia in his own right, from the classroom right through to the research and development field. He is acknowledged as a world-wide authority. Mr John Menz has been responsible for developments in industry and commerce, and has also represented the tech-

nical and further education field at State and national level on Commonwealth Committees. He has been directly involved with further education for a long time. Mr Ian Wilson, who is President of the South Australian Association of State School Organisations, is obviously quite critically interested in education in his own right. Mr Peter Agar, of Touche Ross, is the one not directly involved in education but is an accountant and, of course, a parent.

Of the others, Mr Gregory is a former President of the South Australian Institute of Teachers and a senior master in the South Australian education system and on the teaching force. Mrs Di Medlin is a senior educator in South Australia and has been a teacher for many years. She is widely respected for her educational input. I suggest that the critics who say that there are few educationists on the Keeves committee have taken little opportunity to examine who was on that committee of inquiry. Not the least of all is Dr Keeves, himself who would be amongst South Australia's three or four leading educators in his own right.

S.T.A. BUSES

Mr LEWIS: Will the Minister of Transport give details of the increase in expenditure on fuel used by the S.T.A. for buses to which air-conditioners have been fitted? Does he consider that the extra cost to the public purse is warranted in view of the practice of passengers of opening bus windows and letting in hot air on hot days?

The Hon. M. M. WILSON: I cannot give the honourable member the details for which he asks of increased expenditure on fuel but I will obtain that information for him. I believe very strongly that the placing of air-conditioners in buses is a popular measure with the public and has been well received. I know that the member for Todd has made representations to me in the past in regard to all buses, especially those serving his area, being air-conditioned. In any case they are evaporative air-conditioners, and the member for Mallee would realise that the opening of windows is not as serious as far as the cooling effect of those air-conditioners is concerned; indeed, it is required in some cases, as compared with the installation of refrigerated air-conditioners. I will obtain the information for the honourable member.

O'BAHN BUSWAY

Mr CRAFTER: Will the Minister of Transport say when the scale model of the O'Bahn busway will be put on public display in St Peters and other council offices and whether the details of bridge design will be put on public display at the same time? There has been no public participation in the decisions taken by this Government in deciding to spend some $76 000 000 on this novel diesel-based busway scheme.

I was invited by the Minister some months ago to view a scale model of the O'Bahn busway. At that time I asked officers in the Minister's department whether it could be arranged for the model to be put on display at the St Peters council offices so that the public, particularly those detrimentally affected by the scheme, could view and comment on the building of the concrete busway. Residents of the St Peter's council area are harmed by this busway more than are those in any other council district along its route.

The previous Government conducted an exhaustive Government participation programme with respect to north-east public transport proposals, none of which included the O'Bahn busway. Further, several Government Ministers told residents in my district personally before the last election that the busway would not be constructed between Lower Portrush Road and Park Terrace, along the Torrens Valley, and now those residents find that it will be constructed along the Torrens route, and indeed nine bridges will be constructed along that section. I understand that the bridge designs have been with some local government authorities for almost a year.

The Hon. M. M. WILSON: I believe that the public would like to know what members opposite would do if ever this State was in the unfortunate position of having them in Government again. We do not know what the Opposition was going to do about providing a rapid transit system for the residents of the north-eastern suburbs. The member for Norwood makes these carping statements, but no project has had more public participation than the north-east busway. Dating back to the days of NEAPTR, the honourable member would realise that a busway was one of the very real alternatives of the recommendations of the NEAPTR scheme and, in fact, that alternative, *vis-a-vis* l.r.t., was recommended by many officers who were advising the Government at that time.

The Hon. Peter Duncan: Was that O'Bahn?

The Hon. M. M. WILSON: It is a busway, and it would have the same effect on the amount of land required. In fact, the O'Bahn requires considerably less land than would the project recommended at that time. This Government has taken great pains to consult with all of the organisations along the route of the north-east busway. I explained to the representatives of the St Peters council a few weeks ago that we have not consulted them about the detailed design in their area because we are not yet ready to do that, as the detailed design is presently taking place in the outer suburbs. As the member for Newland and the member for Todd will know only too well, the most intensive discussions about detailed design have taken place between the north-east busway project team and the local government authorities in those areas, because that is where the construction is taking place.

I also explained to Mayor Fitzgerald and other representatives of the St Peters council that, when it was time to undertake detailed design in the inner area, they would be the first to be consulted, because we want the input from the local government authorities when we reach the detailed design stage. Local government authorities have many suggestions to make, and we are prepared to consider every one of them and to see whether they can be incorporated in the detailed design. To answer directly the honourable member's question, I can say that the scale model will be put on display at St Peters when we are in a position to discuss the detailed design parameters with the St Peters council and the residents of that area.

SCHOOL CANTEENS

Dr BILLARD: Will the Minister of Industrial Affairs investigate the situation that is currently facing school councils that run school canteens with a view to providing a service to students and raising funds for the benefit of the school? I have been contacted by schools in my area that are concerned that the changes, particularly in salary levels of canteen manageresses, over recent years have made it increasingly difficult for them to run school canteens. My most recent contact indicated that it was assumed that operations for this year would continue to be based on the rate of $5.88 an hour, as applied at the end of last year, but that there has been an initial increase to $6.18 an hour and, subsequently, from 15 March, to $6.48 an hour.

They tell me that the increases over the last year have been more than $1 an hour. They have told me that that

will have on their canteen an impact of more than $1 000 a year which they have to find out of canteen profits, and that that will transform their canteen operation from one which returns a small profit to the school into one which is simply not viable.

I know that at that school and others alternatives have been considered when this problem has been faced, and some of the suggestions which have been pursued and shown to be non-workable include agreements reached with canteen manageresses, who are apparently happy to receive a lower rate of pay, but obviously that is not workable under the award system that we have. Alternatively, it has been suggested that some manageresses would be quite happy to do some voluntary work, but apparently that is not workable, either, so school councils are at present in a bind, trying to find a way in which they can continue to conduct their canteens.

The Hon. D. C. BROWN: The matter the honourable member raises is a complex one. I will have a detailed examination made of the problems involving school canteens. I will certainly seek the co-operation of the Minister of Education in that examination.

The Hon. D. J. Hopgood: He can dig out the files.

The Hon. D. C. BROWN: We will certainly get out the files. It is appropriate that the examination be looked at by someone from the Small Business Advisory Bureau and also, on the wages side, by someone from the Department of Industrial Affairs. I think it brings home a sharp lesson to the entire community. It is a point that the Government has been making for some time, and that is that if there are substantial wage increases—if you like, a wages explosion—they will simply have the effect ultimately of reducing employment within the community.

This is a classic case of where, because of large wage increases granted through the Industrial Commission, apparently school canteens would no longer be economic and, as a consequence, people would need to be laid off because the canteens simply cannot afford to pay people and run at a loss. It brings home clearer than anything else exactly what I, the Premier, the Deputy Premier and other Ministers of this Government have been saying for so long. Perhaps Opposition members themselves should look at this matter, because it was they who frustrated as much as they could any attempt by this Government to stop such a wages explosion.

I am sure members will recall that in both August and November last year the Government trying to get through appropriate legislation to stop the sort of wages explosion that we have now witnessed in the community. The Opposition in this State took the typically irresponsible stand that it invariably takes by opposing and frustrating those attempts at every possible opportunity. I said on the second occasion that the relevant Bill was defeated that the blame for any increase in unemployment that occurred in South Australia as a result of the wages explosion must lie fairly and squarely on the shoulders of the Labor Party of this State and on trade union movement, which has been responsible, I think, for some rather extravagant claims.

Mr Keneally: Grant Nihill may believe you, but the rest of us don't.

The Hon. D. C. BROWN: Well, I am sure that the people in the community who are going to lose their jobs will understand the effect of the wages explosion on employment in this State. I appreciate the fact that the member for Stuart would not want to bear such a responsibility, even though he was one of the members who strongly opposed the legislation in question. Now the truth is starting to come through, and I know that it is going to hurt. I will look at the problems involving canteens to see whether there is any action that the Government can take within the law which will enable these canteens to remain viable and to continue to employ the people they are now employing. I can understand the dilemma which they are facing when they are running at a loss and need to do something about it.

PORT ADELAIDE ADULT MATRICULATION SCHOOL

Mr PETERSON: Will the Minister of Education say who will now provide adult student counselling along the seaboard from Port Adelaide southwards and which section of the Education Department will pay that counsellor's salary? In previous debates in this House I have explained that the part-time student counsellor at Port Adelaide Adult Matriculation School has been removed by a decision of the Minister. In this House on 11 February (which was after the removal of the counsellor) the Minister stated:

> The counsellor at the Port Adelaide Adult Education Centre is responsible for counselling people along the seaboard from Port Adelaide southwards.

As the counsellor is no longer employed, who will now carry out this function for all those students? Also in the House on the same day (11 February) in the same statement the Minister said that because the adult matriculation school would not compromise and cut funds for courses, which could in turn be used for the payment of the counsellor, those services would now be discontinued. This, in effect, means that, despite Commonwealth funding for counselling services of about $244 000, the adult matriculation school paid for a counsellor who, in the Minister's own words, serviced a much broader section of students. If all these students are not to be disadvantaged by the lack of services of a counsellor, who will now pay for this?

The Hon. H. ALLISON: The honourable member appears to have missed the point of my previous statement, which was that colleges generally are allocated a certian amount of funds in accordance with priorities established by the Director-General of Further Education, his senior administrative staff and the college staff, the principal and others.

The first priority at Port Adelaide was to retain the matriculation course at all costs, and that was one of the concessions to which we agreed. The remainder of the priorities established within the college and by the Director-General of Further Education placed student counselling at a much lower level; that has been established not by the Minister but by officers of the Department of Further Education. The offer made through the Director-General of Further Education, as it was to all colleges in South Australia which were reassessing their priorities and putting other things in first place and others lower down on the list, was simply that, the priority having been established for adult Matriculation courses, they therefore would be maintained but, if the college was prepared to go back to the department with some reassessment and a suggestion where money could be saved which could be reallocated towards a student counsellor, the department would listen to that suggestion.

Members interjecting:

The SPEAKER: Order! The level of audible conversation is far too high.

The Hon. H. ALLISON: The dilemma which faces the Department of Further Education, as with all other Government departments, is that priorities having been reassessed, if one college cannot redeploy funds from within its own resources another college must suffer. Other colleges are not prepared to reallocate funds for Port Adelaide Adult Matriculation School; therefore, the reallocation has to come from within that staff allocation.

STUART HIGHWAY

Mr GUNN: Can the Minister of Transport say what will be the likely funding for the Stuart Highway in the forthcoming financial year and indicate when the sections of the road on which work has been completed will be open to the public? I seek from the Minister a detailed statement, bearing in mind the high priority that this Government has given to this project compared to what little was done on it in the last 12 months of the previous Administration.

The Hon. M. M. WILSON: It is hoped that within the next few weeks we will be able to open that large section of the Stuart Highway between Glendambo and Gosses, which as the honourable member knows is the section of road that was let to private contract. I hope that the member for Eyre will be present at that opening. Indeed, the opening of that section, as the member for Eyre will also know, will also bring into effect the section being done by the Highways Deparment immediately south of that area. This will mean that a long section of this highway will have been sealed during the time of this Government.

As far as the exact details of expenditure are concerned, the Government has not yet been told by the Commonwealth Government what its allocation for national highways will be in the next financial year. However, I can assure the member for Eyre that it will be more that we spent during this current financial year. Only during the last couple of weeks both the Premier and I have made strong representations to both the Prime Minister and the Federal Minister for Transport on the question of additional funding for the Stuart Highway. The member for Eyre will recall that yesterday I told the member for Goyder that the Government looks forward to the completion of the Virginia-Two Wells deviation, because that will enable us to swing, or skew, which I believe is the modern expression, large sums of money from that project to the one involving the Stuart Highway so that we can maintain the programme of having it sealed by 1986.

With regard to the other point that the member for Eyre mentioned, if I remember rightly, the sums expended by the former Government before the present Government took office amounted to about $1 000 000 over approximately two years, whereas this Government, together with the Commonwealth Government, will have spent some $25 000 000 in just over two years.

HOTEL ASSAULTS

Mr MAX BROWN: I refer my question to the Minister representing the Attorney-General in another place. Will the Minister have discussions with his colleague in another place and ascertain, through the Police Department, whether there has been an increase in the number of assault cases in hotels? If the figures show an increase, will the Minister ascertain the causes and take remedial steps to curtail or prevent such incidents?

The Hon. W. A. Rodda interjecting:

Mr MAX BROWN: I am quite serious about this matter, whether the Chief Secretary is aware of it or not. I draw to the Minister's attention the fact that as late as last weekend the manager of one of Whyalla's hotels was assaulted by a customer with an empty large cool drink bottle causing an injury requiring 11 stitches, and a similar case in another hotel in Whyalla occurred about two weeks ago. I am of the opinion that these sorts of incidents in hotels are becoming more prevalent. I believe that two areas of concern are causing the incidents, namely, unemployment and an increase in the trading hours of hotels. I put to the Minister that, if the figures do show an increase, his colleagues should certainly show some restraint—

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

Mr MAX BROWN: I do not wish to comment, but I want to draw the Minister's attention to my concern about the fact that, if these figures show a considerable increase, perhaps the question of extending hotel trading hours ought to be considered.

The Hon. H. ALLISON: I will undertake to bring down a considered reply for the honourable member from the Attorney-General.

POTATO BOARD

Mr EVANS: Will the Minister of Agriculture give a full and detailed explanation of the future of the South Australian Potato Board? I have been involved with the land all my life and am still involved in some activities in that area, and I ask the Minister whether he can give the reply.

Members interjecting:

The SPEAKER: Order!

The Hon. W. E. CHAPMAN: I can indeed, but not on this occasion. However, what I will say in the time left available to me in Question Time is that the future of the Potato Board is intact, despite a vicious attack recently to have its effectiveness removed from our Statutes. A very strong lobby in the South-East of South Australia set out to undo the board's structure of potato marketing in South Australia. A poll has been held in recent times, and I am pleased to report that the poll was positive: the board is intact, the Statute is together, and the marketing process through our fair and appropriate marketing system in South Australia is to remain.

At 3.15 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

WORKERS COMPENSATION ACT AMENDMENT BILL (1982)

The Hon. D. C. BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Workers Compensation Act, 1971-1979; and to repeal the Workers Compensation (Insurance) Act, 1980-1981, and the Workers Compensation (Special Provisions) Act, 1977-1980. Read a first time.

The Hon. D. C. BROWN: 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

Historically, one of the most difficult and complex areas of State industrial jurisdiction has proven to be legislation to provide for the compensating of employees injured in the course of their employment. From the passage of the first Workmen's Compensation Act in South Australia in 1900, successive Governments have found it necessary to progressively amend and update the legislation to reflect changes in social values and to correct administrative anomalies as they became apparent.

The current Act which came into force on 1 July 1971 and was subsequently substantially amended in 1973, completely restructured the workers compensation legislation in South Australia. That legislation vastly increased the amount of compensation payable, broadened the grounds upon which an injured worker could gain compensation and gave the Industrial Court the jurisdiction to hear and determine the claims under the Act. It introduced benefits far in excess of those payable elsewhere in Australia at that time and although all States have subsequently raised the levels of compensation payable under their respective legislation, only Tasmania has chosen to adopt the equivalent basis for payment of weekly compensation benefits.

The effect of the legislative changes made in the early 1970s was reflected in rapid increases in the number of workers compensation claims made and the amount paid out annually in compensation. The number of claims peaked in 1974 but has progressively fallen since that time due, I believe, to greater awareness by employers of the costs of compensation and the introduction of measures to reduce the number of accidents. Compensation costs, however, have continued to escalate.

During the mid-1970s several quite serious anomalies in the new legislation became apparent. Not the least of these was the opportunity for an injured worker to receive far more whilst on compensation than would be paid where the worker was still on the job. It is of more than passing interest that a former Labor Premier said on 18 June 1976 that 'the Government is seeking to ensure that a person on workmen's compensation will not receive more while he is away from work than he would if back on the job.' We are very conscious of the cost to employers of workmen's compensation. This notion closely conforms to provisions of the Bill now before the House.

As a private member I made efforts to amend the Act in 1976 when, together with the Hon. D. Laidlaw, M.L.C., attempts were made to provide not only for the reasonable compensation of injured workers, but also to ensure their speedy re-entry into the workforce.

In fact it is interesting to recall extracts from my own second reading speech for an Amendment Bill delivered on 8 September 1976. I said in part 'There is an urgent need to amend the Act because of the major rehabilitation problems it has caused, the increase in premiums that has occurred, the ridicule directed at the Act by many workers, and the abuse of the Act by a small minority.'

The amendments which were introduced at that time highlighted the need for an emphasis on rehabilitation rather than just compensation under the terms of the Act. It became something of a personal campaign on my part to achieve this redirection of emphasis through which legislation could take account of the large number of people who felt that they had been thrown into the human scrapheap, simply because they had had a previous injury at work.

During the formulation of proposals for inclusion in a further amending Bill in 1978, the then Premier's Industrial Development Advisory Council recommended a comprehensive study of the whole approach to workers compensation in this State be instituted. Accordingly a tripartite committee was appointed in July 1978 to examine and report on the most effective means of rehabilitating and compensating any person injured at work.

At the time the present Government took office that Committee was well advanced in its investigations, having just released a comprehensive discussion paper and arranged an overseas study tour to examine the workers compensation systems in operation in Canadian Provinces and in New Zealand. These arrangements were quickly confirmed by the incoming Government.

The tripartite committee subsequently presented its report to the Government in September 1980. I wish to place on public record the Government's appreciation for the considerable work done by that committee and the individual contribution made by each of the members on it. It is obvious from the committee's report that a thorough review of all aspects of the workers compensation system was carried out and that considerable thought went into the formulation of the recommendations.

However, the terms of reference of the committee had been framed in such a manner that it was required to put forward 'a proposed scheme' rather than also give consideration to the alternative of modifying the existing legislation to meet today's social and economic environment. As a result the committee recommended that the existing Workers Compensation Act be replaced by a new Act with the emphasis on rehabilitation.

The basis of the new scheme proposed by the committee was the establishment of a Workers Rehabilitation and Compensation Board as an independent statutory body with power to: oversee the rehabilitation of injured workers; determine all claims; appoint medical panels to determine disputes on medical matters; settle all appeals, except questions of law; administer a central workers compensation fund. Other major features of the system were: the abolition of the right to take Common Law action in any workers compensation matter; the replacement of lump sum settlements by weekly pensions; and the establishment of a single workers compensation fund replacing the existing private insurance arrangements. The committee stressed that the report was a consensus document and that 'The resulting scheme must be viewed as a total package.'

Because of the fundamental changes to the present system that would result from the adoption of the committee's recommendations, Cabinet decided that public comment should be sought before making a final decision on the matter. As a result of this invitation a total of 44 organisations and individuals chose to comment upon the report.

Only four submissions expressed unqualified acceptance of the committee's recommendations and these generally represented rehabilitation interests. Eleven organisations rejected the report outright. The majority of submissions indicated support for various facets of the proposed scheme.

In view of the lack of general support for the package recommended by the committee, the Government decided that it should not accept the new workers compensation arrangements. Nevertheless, it firmly supports the general principle outlined in the report that much greater emphasis needs to be given to early and effective rehabilitation in the workers compensation system.

In order to explore ways in which this emphasis might be written into the existing Workers Compensation Act, and to determine other measures to improve the operation of the legislation, the Government last year discussed a number of proposals with those organisations most concerned in workers compensation matters. Following those discussions a draft Bill was prepared and was quite widely circulated on 11 February 1982, for comment to employer, union, insurance, legal, rehabilitation and occupational health interests.

I am aware that the time given for comment on the Bill was limited. However, an extensive period had been given to all organisations to comment on the proposals of the tripartite committee and the views expressed were taken into account in formulating the provisions of the draft Bill. Unfortunately, although there were discussions with the United Trades and Labor Council before Christmas on the Government's proposals, I was unable to obtain specific comments from that body on the draft Bill, despite requests. I did, however, manage to get in touch with the Secretary

yesterday and he has promised some preliminary comments today. These will form the basis of discussions I will have with him over the next two weeks. Nevertheless, I was not prepared to delay introduction of the Bill as the Government considers that many of the proposed amendments are long overdue and that every opportunity should be given for the Bill to pass in this Session.

However, I can assure members that the Bill I now put before them has taken into account the comments of those who have responded. For example, it became apparent that certain proposals regarding medical referees were considered yesterday and he has promised some preliminary comments today. These will form the basis of discussions I will have with him over the next two weeks. Nevertheless, I was not prepared to delay introduction of the Bill as the Government considers that many of the proposed amendments are long overdue and that every opportunity should be given for the Bill to pass in this Session.

Turning now to the consideration of the more important features of the Bill, first, I wish to explain the proposed rehabilitation arrangements set out in clause 21, the main aim of which is to ensure that all seriously injured workers receive appropriate rehabilitation without delay. The Bill provides for the appointment of a Workers Rehabilitation Advisory Board to advise the Minister on effective measures to promote and facilitate the early rehabilitation of injured workers and to monitor and advise upon the activities of and policies to be pursued by the proposed Workers Rehabilitation Advisory Unit. I stress that the board is to advise only on rehabilitation matters, not workers compensation generally, and for that reason representation has been restricted to interests which will have direct involvement with the rehabilitation system.

The Workers Rehabilitation Advisory Unit has been designed to fill a gap in the existing workers compensation system. Its specific role will be to monitor the rehabilitative arrangements made for seriously injured workers and facilitate, through consultation, the early return to work of such workers. The unit will not undertake any rehabilitation programmes of its own and is specifically barred from undertaking medical examinations or medical treatment of any kind. It will, however, have the responsibility for arranging and carrying out promotional and educational programmes regarding the importance of early rehabilitation in the workers compensation system. Where a worker fails to attend counselling arranged for him by the unit or fails to make satisfactory attempts to rehabilitate himself for employment, the Executive Officer may certify accordingly. Such a certificate may form the basis of an application by the employer for an order to suspend the worker's right to receive weekly payments in respect of the period of default.

One particularly important aspect regarding the work of the unit relates to the deleterious effects long delays may have in the settlement of workers compensation claims on the rehabilitation prospects of an injured worker in certain cases. The Bill provides that where this occurs the Executive Officer may certify accordingly. This certificate is to be filed in the Industrial Court, and the court shall, when determining the order of cases, give that particular case such priority as is reasonably practicable.

There are two additional provisions contained in the Bill which it is believed will assist in facilitating earlier settlement of claims and rehabilitation of the injured worker back to work. The minimum period for furnishing to all parties medical evidence to be adduced as evidence in proceedings under the Act has been increased to 28 days. Secondly, a regulation-making power has been inserted to enable the prescription of the form and information to be shown on medical certificates or reports relating to workers compensation injuries.

The lack of increase since 1974 in the maximum benefits payable under the Act has been of concern to the Government ever since it took office. However, it was considered desirable to defer making any adjustment until the more comprehensive amendments now before you were finalised. In most cases the benefits have been doubled in the Bill now before Parliament. The Government recognises that such increases are not in line with the total change in the Consumer Price Index since 1974, but believes that full adjustment would place an intolerable burden on industry. In the circumstances we believe the increase to be a fair compromise.

Although consideration has been given to automatically indexing the maximums to provide for future adjustments, the experience in Western Australia showed that the increase in sums under such a system was so rapid and of such magnitude that some limitation was required. The Government was therefore not prepared to incorporate such a measure in the Bill.

In respect to weekly benefits payable under the Act, two changes are proposed. First, the Bill excludes from the calculation of average weekly earnings, overtime and special site allowances. The exclusion of overtime will correct the long-standing anomaly whereby a worker on compensation may receive more than he would were he at work.

The second major change to weekly benefits is the reduction in weekly payments to 95 per cent of average weekly earnings after the first 12 weeks of incapacity. This is designed first to introduce some incentive for a worker not to delay his return to work and secondly to provide funding for the proposed rehabilitation advisory service. The sum represented by the 5 per cent reduction in average weekly earnings will therefore be put to good use rather than lost entirely to the worker, as occurs in most other States where a substantial reduction in weekly benefits occurs after the first 26 weeks. For example, the maximum weekly compensation payable after the first six months is currently $115.60 in New South Wales, $130 in Victoria, $103.40 in Queensland, $101.70 in the Northern Territory and $114 for Commonwealth Government employees. All of these would represent much less than half the normal weekly earnings.

Several amendments in the Bill relate to limiting the liability of employers to pay compensation in certain instances. First, the scope of journey accidents has been limited by restricting the journey to those commencing from, or ending at the principal place of abode. Liability has also been excluded where the accident involved certain breaches of the Road Traffic Act.

The Bill further provides that compensation entitlement will cease on retirement or upon reaching the age of 65 years, which is the age accepted by the Federal Department of Social Security for payment of an age pension. The only exception to this rule is that a person working beyond the age of 64 years is entitled to compensation by way of weekly payments for injury for a period of one year from the commencement of the incapacity. This amendment has been included to restrict the scope of the Act to the true intention of workers compensation, that is, to assist financially a worker who, through a work-caused disability, is unable to continue his job and thereby receive his normal income. It is not a pension and weekly entitlements should therefore cease on retirement. However, the employer's liability to pay all medical and similar expenses will continue.

Due to the large financial and administrative burden the almost (trendy) spate of noise-induced hearing loss claims has had on the compensation system, proposals have been developed to exclude certain cases. Where a worker retires, any claim for hearing loss must be commenced within a year and any resulting payment will be based on the benefits applying at the date of retirement. In addition the first 20

per cent of noise-induced hearing loss will not be compensatable on the basis that hearing loss below that level would rarely affect the ability to perform the job. Further, it is believed that this amendment will make it easier for those persons suffering from a hearing loss disability to obtain employment.

Before moving away from the benefit-related aspects of the Bill, I wish to highlight the recognition of the services of a registered chiropractor in the list of those services for which the employer is liable for payment. This is line with the growing recognition of chiropractic services throughout Australia, both in workers compensation legislation and more generally through acceptance as a claimable service under the health benefit funds.

Turning now to those amendments bearing on the financial aspects of the compensation system, the Bill contains two significant measures. The first of these concerns the apportionment of liability between two or more employers where death or incapacity results from an injury arising out of, or in the course of, employment with two or more employers. The Bill provides that where death or incapacity results in such a situation, the last employer liable for the death or incapacity may recover contribution from any other employer so liable. The liability of any former employer is limited to a period of 10 years immediately preceding the time when the employment last contributed to the injury. This provision will apply only to injuries which occur after the date of proclamation of the amending Act.

From time to time the Department of Industrial Affairs and Employment has been approached by employers who have been unable to find an insurer willing to issue a workers compensation policy as required by the Act or to obtain a policy at a premium commensurate with the risk involved. The Bill provides for the establishment of a small Insurance Assistance Committee to assist employers in such cases. Where the committee is unable to place the risk the State Government Insurance Commission is required to issue a policy at a premium determined by the committee. The commission is entitled to recoup any losses made on such policies from the existing Statutory Fund established to cover unmet liabilities in the event of insurer and/or employer failure. In effect, this means that the insurance industry will ultimately share claims payout on high risk policies if that exceeds the premium income received on such policies. However, it is expected that the number of cases where this will apply should be less than 10 a year. As a measure to discourage the initiation of frivolous, unnecessary or fraudulent applications or claims under the Act, certain penalties for such practices have been included in the Bill.

Finally, the opportunity has been taken to incorporate into the principal Act the provisions of the Workers Compensation (Special Provisions) Act, 1977-1980, and the Workers Compensation (Insurance) Act, 1980-1981. This is yet another example of the way in which this Government is continuing to reduce the number of individual statutes, where appropriate, to assist the private sector in interpreting its obligations under State legislation.

I commend the Bill to the House as a well balanced and much needed update of the workers compensation legislation in this State. In doing so, I point out that the Bill is the result of considerable consultation with all interests in the workers compensation system and certainly has the support of the majority of those interests.

Clauses 1, 2 and 3 are formal. Clause 4 amends the definition section, section 8 of the principal Act. Three new definitions are incorporated into the Act. The most important of these is the new definition of 'place of abode', which is limited to the worker's principal place of abode. Clause 5 amends section 9 of the principal Act in relation to 'journey injury'. At present the Act covers any worker who is injured 'in the course of a daily or any other period journey between his place of abode and his place of employment'. This phrase has been interpreted by the courts to mean that a journey has not been completed until the worker enters into the premises which constitute his 'place of abode'. This interpretation would seem to have taken the scope of the 'journey injury' far further than originally intended by Parliament. The new amendment restricts the scope of journey injuries by providing that a worker does not commence his journey until he has passed from the private property on which his principal place of abode is situated to the abutting or adjacent public property. A journey is completed when the worker passes onto the private property from the adjacent public property.

Section 9 of the principal Act is further amended by enacting that where a worker is involved in a 'journey accident' and he is convicted, in relation to that journey, of an offence against certain sections of the Road Traffic Act then he is to be denied workers compensation. The relevant sections of the Road Traffic Act encompass driving under the influence of alcohol or drugs, driving whilst having .08 level of alcohol in the blood, failure by a person to submit to an alco-test or breath analysis and failure by a person to submit to a compulsory blood test. Clause 6 amends section 27 of the principal Act by enacting that where a worker retires on the grounds of age or ill health a claim for noise induced hearing loss must be commenced by the worker within one year of his date of retirement. Clause 7 amends section 32 of the principal Act. Subclause *(a)* is a drafting amendment. Subclause *(b)* strengthens the current provisions relating to the production of medical reports. At present evidence as to the condition of a worker cannot be adduced from a medical practitioner in legal proceedings unless, at least seven days before the evidence is to be adduced, a copy of the medical practitioner's report and his statement of facts, conclusions and opinions of the worker's condition have been furnished to the other party. The seven day requirement has been increased to 28 days. Clause 8 repeals section 32a of the principal Act.

Clause 9 amends section 49 of the principal Act by doubling those amounts of compensation to be paid to dependants of a deceased worker. Transitional clauses are included. Clause 10 amends section 50 of the principal Act. The amendment doubles the amount of compensation payable, including funeral expenses, where a worker dies without dependants. Transitional clauses are included. Clause 11 amends sections 51 of the principal Act. Amounts of compensation to be paid on incapacity are doubled. Thus the maximum amount payable where a worker is totally and permanently incapacitated for work is increased from $25 000 to $50 000, whilst the maximum sum for partial incapacity is increased from $18 000 to $36 000. The discretion at present vested in the Industrial Court to increase beyond the maximum, the amount payable on total, permanent incapacity is removed. In effect the maximum payable is, in this situation, fixed at $50 000. Two new concepts are inserted in subclause *(e)*. First, the amount of weekly payments paid to a worker after 12 weeks on workers compensation is to be reduced by 5 per cent. This 5 per cent is to be paid into the Workers Rehabilitation Assistance Fund and all moneys from this fund are to be used towards defraying costs of the new rehabilitation administration. The other new concept is the ending of the liability of the employer to make weekly payments to a worker where a worker has either retired from employment or reached the age of 65 years. The only exception is a person working beyond the age of 64 years who is entitled to weekly payments of compensation for any injury occurring after

that age for a period of one year from the commencement of the incapacity. Transitional clauses are also included.

Clause 12 amends section 53 of the principal Act. It empowers the Industrial Court to impose a penalty of $500 on any employer, or any person who on behalf of the employer, issues a section 53 application without reasonable grounds for doing so and knowing that he had no reasonable grounds for doing so. The penalty is payable to and recoverable summarily by the Crown. Clause 13 amends section 54 of the principal Act. This amendment clarifies an ambiguity in the Act regarding annual leave taken whilst on workers compensation. Pursuant to the amendment where an employee has been on compensation for a continuous period of 52 weeks or more the liability of the employer to grant annual leave to the worker for that year is deemed to have been satisfied. This does not remove the obligation on the employer to pay the annual leave loading.

Clause 14 amends section 56 of the principal Act. The weekly payments of compensation to a worker are suspended if he goes on holidays, whilst in receipt of such payments, without the approval of either his employer or the Executive Office of the Workers Rehabilitation Advisory Unit. Clause 15 amends section 59 of the principal Act. The first amendment complements the clause 11 amendment. It provides that an employer who is no longer liable to make weekly payments to a worker who has retired or reached the age of 65 years, nonetheless remains liable for the worker's medical and similar payments pursuant to this section. Following the registration of chiropractors and the recognition of their services by the health funds, their services are included in the list of those services for which the employer is liable for payment.

Clause 16 amends section 63 of the principal Act. Overtime and site allowances are to be excluded from the computation of a worker's average weekly earnings. Clause 17 amends section 69 of the principal Act. A new concept is introduced in compensation for noise induced hearing loss. A minimum level is set below which no claim can be made for noise induced hearing loss. This is fixed at 20 per cent. Further, where claim for noise induced hearing loss is made after the worker's retirement due to age of ill health, the injury is to be deemed to have occurred on the date of retirement, not the date of the claim as is the situation now. Other provisions in the clause double the lump sums payable for section 69 table injuries. At present the maximum sum payable for these injuries is $20 000. This sum is to be raised to $30 000 for those injuries occurring from 1 July 1982 to 30 June 1983 and then raised to $40 000 for all injuries occurring after 1 July 1983.

Clause 18 amends section 70 of the principal Act by doubling the maximum amount payable for specified injuries not mentioned in the section 69 table from $14 000 to $28 000. Clause 19 amends section 72 of the principal Act by doubling the maximum lump sum payable on redemption of weekly payments from $25 000 to $50 000. Clause 20 amends section 75 of the principal Act by removing the discretion vested in the Industrial Court to order, where moneys are paid into court on behalf of a spouse and her children, either that the sum be paid out to the widow or that it be invested and weekly payments made to the spouse from the resulting trust. Moneys paid into court are henceforth to be paid out directly to the spouse. However, where there is an amount paid in, specifically on behalf of a dependent child of a deceased worker, that amount is not to be paid out to the widow unless the court is satisfied that the widow is maintaining the dependant child.

Clause 21 inserts a new Part VIA (into the principal Act) covering rehabilitation of injured workers. The new section 86a establishes a Workers Rehabilitation Advisory Unit which is to oversee rehabilitation of appropriate cases. The unit is to be headed by an Executive Officer and comprise of such other staff as the Minister determines. The functions of the unit include creating broad educational programmes on rehabilitation, encouraging the establishment of rehabilitation programmes by employers, the maintenance and publication of statistics and advising injured workers on the most appropriate methods of rehabilitating themselves for employment. The unit is not empowered to carry out medical examinations or medical treatments. To facilitate maximum co-operation between all interested parties it is provided that any statement made by any person to an officer of the unit, concerning a worker who is in receipt of weekly payments of compensation, shall not be admissable as evidence in legal proceedings without the consent of the Executive Officer, the person making the statement and the person to whom the statement was made.

New section 85b establishes the Workers Rehabilitation Advisory Board. The board is to be chaired by a person with experience in the rehabilitation field. Its members are to include a medical practitioner with experience in rehabilitation and a representative from employers (including self-insurers), workers and the insurance industry. The powers of the board include investigating and reporting to the Minister upon policy for rehabilitation promotion and the monitoring of the activities of the unit.

New clause 86c provides that whilst the employer may at any time notify the unit of the details of incapacitated workers in his employment, in the cases where an injured worker is incapacitated from work for a period of 12 weeks, he must notify the unit of this fact within 21 days. Where it is appropriate the Executive Officer of the unit will make arrangements for the worker to be counselled by relevant officers. Where a worker fails to submit himself for counselling by the unit or where a worker fails, in the opinion of the Executive Officer, to make satisfactory attempts to rehabilitate himself for employment, the Executive Officer may issue a certificate as to this fact. Such a certificate may form the basis of an application by the employer for an order from the Industrial Court suspending the worker's right to weekly payments in respect of any period during which the worker is in default.

New clause 86d concerns delays in court hearings. To overcome this problem the Executive Officer of the unit has been empowered to certify where a delay in the settlement or determination of the claim is having an adverse effect on the rehabilitation of a worker. Such a certificate is to be filed in the Industrial Court and the court shall, when determining the order of the court's trial list give the case such priority as is reasonably practicable. The court is also empowered to make, of its own motion, any directions it considers necessary to expedite the hearing of the matters. New section 86e empowers the Minister to pay all administration expenses relating to the board and unit from the Rehabilitation Fund.

Clause 22 incorporates into the principal Act the Workers Compensation (Special Provisions) Act, 1977-1980. This Act covers sporting injuries. It has been incorporated into the principal Act as a rationalisation measure. Clause 23 repeals section 90 of the Act and inserts a new Part VIII—Contribution. Where death or incapacity results from an injury arising out of or in the course of employment with two or more employers the last employer is liable for compensation for the injury. However, the last employer may seek contribution to the sum paid out in compensation from the former employers. The liability of the former employers is limited to a period of ten years immediately preceding the time when the employment last contributed to the injury. Where the worker elects to proceed against a former employer instead of his present employer, any aggravation or exacerbation occurring in the latter employment is to be

disregarded in determining the extent of the former employer's liability. Clauses 24, 25 and 26 are amendments consequential upon clause 23.

Clause 27 repeals section 103 of the principal Act. The new provision empowers the Minister to extend, vary or revoke the provisions of any silicosis scheme. Clause 28 inserts a new Part XA-INSURANCE—in the principal Act. It incorporates into the principal Act the Workers Compensation (Insurance) Act 1980-1981 relating to the provisions of workers compensation payments to workers in the event of the insolvency of the employer and/or insurer. As with the Workers Compensation (Special Provisions) Act 1977-1980 (supra) this has been included as a rationalisation measure. Two new sections are inserted relating to the establishment of an Insurance Assistance Committee which will assist employers who are either unable to obtain workers compensation insurance as required by the Act, or to obtain insurance at rates commensurate with the risk.

New section 118f establishes the Insurance Assistance Committee whose membership will consist of a representative of the State Government Insurance Commission and two persons representing the interests of the other insurers. New section 118g provides that where the committee is approached by an employer for assistance the committee is to attempt to find an insurer who is prepared to accept the risk, at what, in the committee's opinion, is a reasonable premium. When the committee is unable to obtain such insurance the State Government Insurance Commission shall offer the applicant a policy of insurance at a premium recommended by the committee. Any losses made in respect of such policies are to be recouped from the Statutory Reserve Fund.

Clause 29 repeals section 123 and 124 of the principal Act. These sections are relocated in more appropriate areas within the Act. Clause 30 amends section 126 of the principal Act. It widens the regulatory-making power of the Act by enabling the prescription of the form of medical certificate and of the information to be contained therein where the medical certificate is issued in respect of workers compensation claim. Clause 31 complements clause 12 of the Bill. It empowers the court to impose a penalty of $500 on any worker who wilfully makes a false claim for compensation under the Act. Clause 32 repeals the Workers Compensation (Special Provisions) Act 1977-1980 and the Workers Compensation (Insurance) Act 1980-1981. Both Acts are now contained within the body of the Bill.

The Hon. J. D. WRIGHT secured the adjournment of the debate.

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

Adjourned debate on second reading.

(Continued from 25 February. Page 3151.)

Mr McRAE (Playford): This is a very delicate matter. It obviously involves the three arms of government, namely, the Executive, the Legislature and the Judiciary. It must be treated in a very objective and realistic fashion, and the Opposition proposes to do just that. However, I must say that the Opposition is less than satisfied with the treatment it has received thus far. I draw the attention of members of the House to the state of the second reading explanation that the Minister of Education gave in introducing this Bill. He referred to a committee appointed by the Government to make recommendations on the subject of judicial salaries, and he indicated that that committee recommended that judges should in future receive an allowance in addition to a salary. The Minister went on to point out that that recommendation, if accepted, required statutory amendment. If that was all that was involved I suppose the Opposition would merely say 'Let it be so.' However, there are a number of very delicate questions that must be asked: first (and I hope the Minister will carefully take notes of what are very serious questions, seriously put on behalf of the whole community), who comprised the committee? It seems that it is really not good enough to say that the committee comprised a solicitor, an accountant and a business man. Nor is it good enough for the second reading explanation to appear in the *Sunday Mail* on the Sunday following the introduction of this Bill. The Opposition knows that what happened was that this information in the *Sunday Mail* of 28 February 1982 was leaked to that newspaper by the Attorney-General. The Opposition is amazed that the Attorney would leak information that would then receive a headline such as this: 'Judges to get those office perks.' Furthermore, the Opposition is incredulous (I think that is the proper word to use) that this Government, which came to office promising open government, should have this secret committee, because that is what it is.

I asked the Attorney-General, outside of this Chamber, of course, and I asked the Minister of Education for a report of the committee; I was refused that report. I also asked for the names of the persons who comprised the committee; I was refused those names. I must now ask the Minister of Education whether he will provide the report which led to the recommendations. That is question No. 1: will he provide the report? Secondly, will he provide the names of those persons who made up the committee?

Obviously, if we do not have the names of those persons who made up the committee, we are back to the days of the Tudors and Stuarts, with secret courts, secret inquiries, leading on to recommendations which then affect the public purse. That sort of situation is intolerable. I trust that the Minister will supply that information. If he does not, the Opposition is really left in an intolerable situation.

The Opposition was not prepared, in a matter as delicate as this, to begin a research campaign seeking information from a whole variety of judges and a whole variety of jurisdictions as to their views of this Bill, or their views on any of the recommendations made. I simply refer to what was the circumstance when my Government left office—that is, when the A.L.P. last left office. The situation was that the judges' salaries were fixed on the basis of 90 per cent of the combined Victorian and New South Wales judicial salaries. That, as a principle, falls short of what I, as a member of the A.L.P., particularly as a long-time member of its Industrial Matters Committee, consider a desirable thing. The A.L.P. policy nationally and in this State is very well known, but I shall very briefly restate it. It is that for all classes of workers, regardless of sex, occupation or anything else, the most desirable industrial situation is universal wage indexation. Falling short of universal indexation (of course, we did fall short of that, for reasons which I will not go into at this point because they are not relevant here), the next desirable option is comparative wage justice. Quite simply, that is achieved by granting to the judges (by some independent authority) a rate which comparatively reflects the value of the work that they do.

Let us take the case of a bricklayer, and see how his wages are calculated in this State at the moment. Falling short of agreement between employer and employee, the duty of the State Industrial Commission is to inquire into the wages and allowances of bricklayers in the various parts of the Commonwealth, and, having made those inquiries and acting in equity, good faith and good conscience, to then set a rate. That principle has been followed in this State now for 55 or 60 years, uniformly. We say that that

ought to apply to the judges as well; in other words, we are saying to the Government what ought to occur to achieve justice in this delicate area and also to avoid the suggestion of funny money and of deals going on between the Legislature and the Judiciary, there ought to be an independent tribunal. Obviously, that tribunal could not be comprised of any of the persons falling within the classes of judge mentioned in this Bill. That is impossible. Obviously, the authority that would normally make such a decision would be the Industrial Court, but since the judges of the Industrial Court also form part of the commission, that would be quite improper.

I would draw the attention of the Minister to the statutory authority set up within the Commonwealth sphere, the Campbell Committee, and also the statutory authorities set up in New South Wales, Queensland and Western Australia. I ask the Minister whether he has given consideration to in future dealing with this matter on that basis, that is, that there no longer be these strange and nebulous dealings in the dark, with half a speech to Parliament, half a speech leaked to the *Sunday Mail*, and various suggestions floating around the Parliament, all leading to a most unsavoury feeling about this whole matter. This has become known very quickly as the funny money Bill. I ask the Minister whether he would consider setting up such an authority, and setting it up very quickly. He need not doubt, I can assure him, that the Campbell Committee over the years has very consistently and very strongly carried out its duties in relation to judicial salaries in the same way as it has to top-ranking public servants and to members of Parliament.

So, to begin, I say that the whole way in which this legislation has been handled is a disgrace to the Parliament. It is an affront to the Opposition, and to anybody reading *Hansard*, to anybody listening to me now (I accept there are not very many). I want those reading *Hansard* to accept that honestly all I have before me is the pathetic second reading explanation of the Minister and the recommendations of this unnamed committee, without the report.

I would like those persons to understand that all I have before me are those things, plus the article from the *Sunday Mail*. The article from the *Sunday Mail* is significant because we know, as an Opposition, that to add to this saga of recommendations made by this unknown committee (now held in secret by this Government), this article was deliberately leaked: it was prepared in the Attorney-General's Department and it was delivered to the *Sunday Mail* well knowing that it would be used by 'Onlooker', and as a backhanded way of preparing and soft-soaping the Opposition for what might be happening this week. Those combinations of factors make the whole thing a very sorry saga indeed.

I point out that under the formula that the Labor Government had (which, as I have admitted, was by no means perfect or fully in accordance with the Labor Party's industrial policy) the judges were at least receiving a rate that was approximately equivalent to that received by those in New South Wales and Victoria.

Placing my industrial hat on my head, let me say that I do not have the slightest hesitation or doubt in saying that, as a member of the A.L.P., I stand by comparative wage justice in default of universal wage indexation. I stand by that principle in relation to the highest paid worker to the lowest paid worker. So, I care not a fig if, as a result of applying comparative wage justice, the judges were to get even more than the 90 per cent formula. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

RADIATION PROTECTION AND CONTROL BILL

The Hon. JENNIFER ADAMSON (Minister of Health) obtained leave and introduced a Bill for an Act to provide for the control of activities related to radioactive substances and radiation apparatus, and for protection against the harmful effects of radiation; to amend the Health Act, 1935-1980; and for other purposes. Read a first time.

The Hon. JENNIFER ADAMSON: I move:

That this Bill be now read a second time.

In the body of the second reading explanation, I refer to the report of the working party on human diagnostic radiography. The Bill provides the mechanism for a major revision of the controls applying to human diagnostic radiography. I now table a copy of the report for the information of honourable members. I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

The purpose of this Bill is to provide for the public of South Australia to be protected from the potentially harmful effects of ionising and non-ionising radiation-related activities, while allowing those activities which provide positive net benefits to the community to continue. The Bill is designed to ensure that high standards of radiation protection are adopted in all radiation-related activities, and that these activities are carried out in such a manner that exposure of persons to ionising radiation is kept as low as reasonably achievable.

Ionising radiation is a fact of life—it emanates from natural sources, and can be produced artificially. Radiation from natural sources pervades the environment—it reaches the earth from outer space, and is present in many natural substances, e.g., rocks, soil, food, water and air. Everybody is exposed to natural radiation to a greater or lesser extent, and for the majority of people radiation of natural origin is the major source of exposure.

Ionising radiation of artificial origin has been used since the beginning of the century. It is important in the development of medicine, other sciences and industry. Probably, the X-ray units used in hospitals and clinics are the most widely known artificial sources of radiation. They are employed for a wide variety of diagnostic procedures, from simple chest radiography to complicated, dynamic studies of the heart. Radionuclides are also administered to patients for investigative purposes, such as brain and bone scans. In addition, radiation is used therapeutically, for example, by irradiation of malignant tissue in treatment of cancer. Radiation in medicine can, thus, offer enormous direct benefit to patients.

In the industrial area, radiation of artificial origin is widely used, primarily for process and quality control. For example, in the manufacture of automotive components, such as brake calipers, where driver and other roaduser safety is dependent upon the integrity of the casting, the use of X-rays is the best means of detecting flaws to ensure product safety. Another example of industrial application is the use of radiation to measure moisture and density in road foundations during road construction and in sealed road surfaces.

This procedure which was introduced into South Australia in the early 1960s by the Highways Department, enables measurements which previously took two days and involved destruction of road surfaces, to be carried out in a matter of minutes using this non-invasive technique. The economic, operational and safety benefits flowing from the use of radiation are, thus, particularly evident in this area.

In the scientific area, radiation of artificial origin is often an essential research or analytical tool, and, again, the community stands to benefit from the results of such research. In summary, then, the use of radiation contributes to human well-being. Ionising radiation is, however, inher-

ently harmful to humans, and persons must be protected from unnecessary or excessive exposure. The controls imposed, and their stringency is a matter for judgment by society. As the National Radiological Protection Board of the United Kingdom puts it, in its publication *Living with Radiation*, as follows:

> The radiation effects of greatest concern are malignant diseases in exposed persons and inherited defects in their descendants. The risk of such effects is related to the dose of radiation that persons receive. Risk factors can be estimated: these measure the probability of human costs, which should be balanced against the benefits of practices that cause exposure.
>
> Where the balance lies is a matter for representative institutions, since society must bear the costs. Radiological organisations may make recommendations, but it is for Governments to decide on the acceptability of a practice and the degree of protection to be enforced.

Approaches to radiation protection are, in fact, remarkably consistent throughout the world. This is largely due to the International Commission on Radiological Protection (I.C.R.P.), an autonomous scientific organisation which has published recommendations for protection against ionising radiation for over half a century. The present scheme of radiological protection is based on the system of dose limitation recommended by the I.C.R.P., the three central requirements of which are as follows:

1. No practice shall be adopted unless its introduction produces a positive net benefit.
2. All exposures shall be kept as low as reasonably achievable, economic and social factors being taken into account.
3. The dose to individuals shall not exceed the limits recommended for the appropriate circumstances.

In Australia, the I.C.R.P. recommendations have been adopted by the National Health and Medical Research Council. The Government endorses the I.C.R.P. recommended system of dose limitation. It proposes through the legislation before you today to introduce a comprehensive set of controls which embody the I.C.R.P. principles.

The Bill has been framed taking account of the foundations of the past, recognising the requirements of the present and providing the flexibility to adapt to the needs of the future. As honourable members would be aware, the State's present radiation controls are embodied in Part IXB of the Health Act, 1935-1981, and the Radioactive Substances and Irradiating Apparatus Regulations made pursuant to the Act. That legislation was introduced in 1956, following agreement by all States to pass similar legislation, which was aimed at protecting users, workers and others from the potentially harmful effects of ionising radiation.

The legislation was appropriate at the time and served well in the circumstances. However, it could not have been expected to deal with advances in technology and other developments which have occurred in almost three decades since its introduction. A number of the other States have also recognised the need for review of the legislation of the 1950s and have moved to update their Statutes. The approaches taken vary across the States—there are Statutes dealing with standards and procedures in relation to medical, industrial and scientific uses of radiation; separate Statutes in some instances dealing specifically with the practice of radiography; and separate Statutes again dealing with radiation standards and procedures in relation to uranium mining and milling.

The Government recognised the need for this State's legislation to be updated. It considered that the matter of protection of the public from the potentially harmful effects of radiation-related activities was so important as to warrant its being covered by a specific piece of legislation, rather than being dealt with through general public health laws. Furthermore, the Government considered that the legislation should reflect the fact that, when it comes to radiation protection and control, the same standards have to be applied and observed across all areas involved with radiation, whether they be medical, research, scientific, industrial, mining or milling.

The Bill before the House today thus provides a comprehensive approach to radiation protection and control. It will replace the existing Health Act controls. It will enable updated controls on human diagnostic radiography to be implemented. Controls on other medical uses, on scientific, industrial and research uses will come within its ambit. Controls on non-ionising radiation may be implemented through this Bill. It will be the vehicle for adoption of Commonwealth Codes of Practice on Radiation Protection in relation to uranium mining and related activities. I shall elaborate further on these aspects in due course, when explaining the provisions of the Bill.

I should stress at the outset that this Bill is essentially enabling legislation. Radiation protection is a highly complex and specialised field. Any legislation which seeks to ensure that a high standard of protection is adopted in all uses of radiation will not only reflect that complexity, but will need to provide flexibility so that it is capable of embodying the most up-to-date standards and principles. This need was, in fact, recognised recently in the Report of the Select Committee of the Legislative Council on Uranium Resources.

The legislation therefore provides for the detailed controls to be implemented by regulation. In other words, the Bill provides the framework, the foundation upon which a detailed system of controls can be constructed. Turning to the main features of the legislation, honourable members will note that the South Australian Health Commission is to have general administration of the measure. (The Commission, of course, has the administration of the existing radiation controls under the Health Act).

The Government believes that the Commission should be in a position to draw on outside expertise to assist in the formulation of regulations, the granting of licences and the imposition of conditions on various activities under the legislation. The legislation therefore provides for the establishment of an expert, technical committee called the Radiation Protection Committee. The committee will be a nine-member body, whose Chairman will be a member, officer or employee of the Commission. The other eight members are to possess expertise in the various sciences and fields relevant to radiation protection. It is intended that members will possess not only technical expertise, but also practical experience in their particular fields. The Government intends that the controls imposed by the legislation be strict, but realistic, and believes that the practical experience of committee members will assist in achieving this aim.

The Commission is required, before granting a licence, to refer the application to the committee for its advice and to give due consideration to that advice. The same procedure is to apply in relation to determination of the conditions that should be included in a prescribed mining tenement. I shall elaborate on licences and prescribed mining tenements in due course. Taking into account, on the one hand, the diversity and volume of matters which will come before the committee, and, on the other hand, the need for the committee to remain a workable size, the legislation provides for the establishment of expert sub-committees to which the principal committee may refer various matters. The legislation requires that sub-committees be established in four defined areas; others may be established if the need arises. The four mandatory committees will be established in the following areas—diagnostic and therapeutic uses of radiation; industrial and scientific uses of radiation; management and disposal of radioactive waste; mining and

milling of radioactive ores. These committees will include 'core' membership of relevant members of the principal committee, and may include other persons with appropriate expertise.

Turning to other major provisions in the Bill, honourable members will note clause 23 in relation to prescribed mining tenements, that is, licences or leases under the Mining Act where the operations carried on are for the purpose of mining for radioactive ores, being ores or minerals containing prescribed concentrations of uranium or thorium. Under this clause, the Minister responsible for the administration of the Mining Act is required to ensure that the Minister under this measure, i.e., the Minister of Health, is advised of every prescribed mining tenement and every application for such a tenement. The Minister of Health, after obtaining and considering a report from the Health Commission, may determine, in consultation with the Minister of Mines, what conditions should be included in the prescribed mining tenement, in order to ensure that the levels of exposure of persons to ionising radiation resulting from operations carried on in pursuance of the tenement are as low as reasonably achievable in the circumstances of the operations. Breaches of, or non-compliance with, conditions of a tenement will attract a penalty of up to $50 000 or imprisonment for five years, or both. In addition, continuing offences will attract an additional penalty. There is provision for the Minister of Mines, at the request of the Minister of Health, to suspend or cancel a prescribed mining tenement upon being satisfied that the holder of the tenement has contravened a condition of the tenement or has been convicted of an offence against the Act. There is a right of appeal to the Supreme Court against such suspension or cancellation.

The Government has consistently maintained that it will insist on maximum protection for the health and safety of workers and others in relation to uranium mining activities. This Bill demonstrates the Government's commitment. This Bill will be the mechanism by which the Government will implement the Codes laid down under the Commonwealth's Environment Protection (Nuclear Codes) Act, 1978. As honourable members would be aware, the Commonwealth law was introduced following the Ranger Uranium Environmental Inquiry, and is designed to enable the formulation, in conjunction with the States, of Codes of practice aimed at protecting the health and safety of the people of Australia and the environment from possible harmful effects associated with nuclear activities.

To date, a Code of Practice on Radiation Protection in the Mining and Milling of Radioactive Ores has been developed and approved by the Governor-General. A Transport Code to cover the transport of radioactive materials is awaiting approval. A Waste Management Code to cover the management of radioactive wastes from mining and milling operations has been developed and has been available for public comment. Following the passage of this legislation, the Mining and Milling Code will be adopted. The legislation will enable adoption of other Codes as they are finalised.

The Health Commission will be the body responsible for ultimately ensuring that all standards for radiation protection are met. Mines inspectors will be authorised officers for the purposes of the Act, and will be involved in routine, day-to-day surveillance. However, the Health Commission will set the standards, advise on their implementation and monitor and assess their effectiveness. In other words, it will maintain an independent, auditing role, which the Government believes to be essential in operations of this nature.

Turning to other initiatives in the Bill, honourable members will note the requirement for operations for the milling of radioactive ores, other than those carried on in pursuance of a prescribed mining tenement, to be licensed. Again, penalties for non-compliance of up to $50 000 or imprisonment for five years, or both will apply. Pilot plant operations will come within the ambit of this provision. There is power to exempt operations of a prescribed class—this is likely to apply to small, laboratory scale operations, which will be covered by the requirements of clauses 25 and 26. Milling operations carried on in pursuance of a prescribed mining tenement will be subject to controls imposed under clause 23.

A licence to use or handle radioactive substances is maintained in this legislation. Emphasis is placed on the applicant having knowledge of the principles and practices of radiation protection in relation to activities proposed to be carried out. There is provision for classes of persons or substances to be excluded by regulation from the licensing requirement. The exact definition of these classes will be complex. It will generally apply to substances of very low radioactivity and situations of the low potential hazard (for example, smoke detectors).

A new requirement is the registration of premises in which unsealed radioactive substances are handled or kept. Examples of such substances are radionuclides used in scientific investigations and in nuclear medicine procedures. The safe handling of unsealed radioactive substances is dependent upon the design, construction and maintenance of adequate facilities, and the registration provision will allow the Commission to ensure that unsealed substances will only be handled in an environment which provides appropriate safety. This provision will apply mainly to hospitals, universities, and research institutions.

Another new initiative is the registration of sealed radioactive sources. Before registering such sources the Health Commission will need to be satisfied that the source is appropriately constructed, contained, shielded and installed. This provision will also enable the Commission to maintain a register of such sources and to schedule periodic inspections.The sources likely to be excluded are those of very low activity or short half-life, and possibly stock held for sale.

Examples of sealed radioactive sources are those used in bore hole logging, a process used in mineral exploration whereby a probe containing a radioactive source is lowered and raised in a drill hole and information is gained about the properties of the surrounding formation. Other examples of such sources are those used in bin level indicators, that is, devices placed on closed containers to indicate whether the contents have reached preset levels.

Division II of the Bill provides the mechanism for a major revision of the controls applying to human diagnostic radiography. The controls applying in this area have been recognised as being inadequate for some time. My predecessor, Hon. Peter Duncan, M.P., recognised the need for review and established a small working party to conduct the review. The working party reported to me and I pay tribute to them for their work. I also table a copy of the report for honourable members' information. The general tenor of the report has been accepted. It was decided that its implementation should be seen in the context of comprehensive radiation protection measures, and the Bill enables this to be done.

While the legislation does not establish the formal board recommended by the working party for licensing of those practising human diagnostic radiography, it achieves the objective of providing input through the committee and sub-committee structure, into the regulatory and licensing processes by those expert in and concerned with X-ray use and control. At the same time, it maintains consistency with the Health Commission's overall responsibility for the administration of the Act.

As honourable members will note, the working party' recommendations are aimed at tightening the area consic

erably. Upgraded controls are envisaged, including abolition of the exempt category of user and introduction of requirements for applicants for licences to demonstrate sufficient skills. A scheme for limiting the area of operation of licensed operators, according to their training and competence, is contemplated. Another of the working party's recommendations is that irradiating apparatus should be registered only if it conforms with standards of acceptability, in order to protect both the operator and the patient.

It was noted that the working party cast a wide net in seeking submissions. Appendix A of the report indicates that professional associations and colleges in radiography, chiropractic, dentistry, medicine, veterinary science and radiology made submissions, together with individuals having an interest in the subject. The working party commented specifically on the lack of conflict in the submissions it received, and that the consensus in fact accorded in most respects with the working party's own views.

Notwithstanding the apparent agreement on the proposals, the Government recognises that it will be the first major revision in this area for some considerable time. Careful consideration will need to be given to the timing of introduction of the various new controls, to ensure that they are phased in in a practical and reasonable manner. The Government therefore proposes that there will be extensive consultation with interested parties before new regulations are enacted.

Following the passage of the legislation, it is intended that the Radiation Protection Committee and sub-committees will be appointed. A working draft of regulations based on the working party's report will be made available to the committee and its diagnostic and therapeutic sub-committee for their consideration and as a basis for consultation with interested parties.

It should be noted that this Division of the Bill also provides for controls on non-ionising radiation apparatus of a prescribed class. This is a new initiative, as there are at present no controls over non-ionising radiation available to the Health Commission. In general, the risks posed by sources of non-ionising radiation are much less than those posed by ionising radiation. The Health Commission's first priority will therefore be to develop adequate controls over ionising radiation. However, taking into account advances in technology, it was considered desirable for the commission to have the legislative base upon which to develop appropriate controls over non-ionising radiation. Specific high risk situations, e.g., use of high powered lasers, are areas to which the legislation is likely to apply in time.

Another important provision in the Bill is that dealing with dangerous or potentially dangerous situations. Extensive powers are provided to deal with such situations, in order to avoid, remove or alleviate the danger or potential danger. Clause 40 provides wide-ranging regulation-making powers. Implementation of the various controls by way of regulation provides the flexibility which the Government regards as being essential to ensure that the most up-to-date standards for radiation protection can be applied.

The Government presents this Bill to you as the framework, the foundation upon which a detailed system of controls can be constructed. It is not the end-point, but the beginning of a process which will result in the establishment of comprehensive legislation. The Government believes that this Bill is evidence of its commitment to ensuring that the public of this State is protected from the potentially harmful effect of the ionising and non-ionising radiation-related activities, while allowing those activities which provide positive net benefits to the community to occur.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under subclause (2) specified provisions of the measure may be brought into operation on subsequent days. Clause 3 provides for the repeal of Part IXB of the Health Act which presently provides for the making of regulations with respect to radioactive substances and irradiating apparatus. Clause 4 sets out the arrangement of the measure.

Clause 5 sets out definitions of terms used in the measure. These will be explained as they appear in subsequent clauses. Clause 6 provides that the measure is to bind the Crown. Subclause (2) is designed to make it clear that the obligations imposed by this Act are in addition to and do not limit obligations imposed under any other Act. Subclause (3) is designed to make it clear that the provisions of the measure do not limit or derogate from any civil remedy at law or in equity. Clause 7 provides that the South Australian Health Commission is to have the administration of the measure but shall be subject to direction by the Minister.

Clause 8 enables the Health Commission to delegate powers under the measure to a member of the commission or an officer or employee of the commission or any public servant. Clause 9 provides for the establishment of a committee to be known as the 'Radiation Protection Committee'. This committee is to consist of nine members. The Chairman of the committee is to be a member or officer or employee of the Health Commission. The remaining eight members are to possess expertise in the various sciences and fields relevant to radiation protection. They are to comprise a radiologist, a radiographer who is an expert in human diagnostic radiography, an expert in the industrial uses of radiation, an expert in the scientific uses of radiation, an expert in the field of health physics, a medical practitioner who is an expert in the field of nuclear medicine, an expert in the mining and milling of radioactive ores and, finally, an expert in the field of environmental sciences.

Clause 10 provides for the terms and conditions of office as a member of the Radiation Protection Committee. Members are to be appointed for a term of office not exceeding three years and to be eligible for re-appointment. Provision is made for deputies for members. The usual provision is made for termination of, or removal from, office. Clause 11 provides that the committee is to have a quorum of five and to be presided over by the Chairman, or, in his absence, his deputy, or, in the absence of both, a person selected by the committee from amongst the members present. Decisions are to be made by a majority vote with the Chairman or other person presiding having a casting vote. Proper minutes are to be kept. Subject to the provisions of the measure, the committee is to determine its own procedures.

Clause 12 sets out the functions of the committee. They are to advise the Minister in relation to the formulation of regulations, to advise the Health Commission in relation to the conditions that should attach to prescribed mining tenements, to advise the commission in relation to the granting of licences, including the conditions of licences, and to investigate and report upon any other relevant matter at the request of the Minister or the commission or of its own motion. Clause 13 provides that the Health Commission may appoint a secretary to the committee and provide it with administrative assistance and facilities.

Clause 14 provides for the establishment of expert sub-committees of the committee. The clause requires sub-committees to be established in relation to four areas, namely, the diagnostic and therapeutic uses of radiation, the industrial and scientific uses of radiation, the management and disposal of radioactive waste and the mining and milling of radioactive ores. The clause also provides for the establishment of further sub-committees if the need arises. Under the clause, a sub-committee may include, in addition to appropriate members of the principal committee, persons who are not members of that committee but who have any needed expertise.

Clause 15 requires any member of the commission, the committee or a subcommittee to disclose any interest that the person has in any matter arising for decision by that body and to refrain from taking part in any such decision. Clause 16 provides that the commission may appoint any officer or employee of the commission or a public servant to be an authorised officer. Persons who are mines inspectors under the Mines and Works Inspection Act, 1920-1978, are to be authorised officers *ex officio*. Authorised officers are to be issued with certificates of identification and, if requested to do so, to produce them when exercising their inspectorial powers.

Clause 17 confers upon authorised officers appropriate powers of entry, inspection, questioning and seizure. The power of entry it to be exercised only upon the authority of a warrant unless it is being exercised in relation to the business, operation or activity of a person who holds a licence or certificate of registration or a prescribed mining tenement or unless urgent action is required in the circumstances. Clause 18 makes it an offence for an authorised officer to have, without the consent of the Minister, any proprietary or pecuniary interest in a business, or a corporation or trust that has an interest in a business, that engages in an activity regulated by the measure.

Clause 19 makes it an offence for a person, otherwise than in the course of the administration of the measure, to divulge or communicate information obtained in the administration of the measure. Clause 20 makes it an offence for a person to falsely represent that he is engaged in or associated with the administration of the measure.

Clause 21 protects members of the commission, the committee or a sub-committee and authorised officers from personal liability for an act done or omission made in good faith in the exercise or purported exercise of a power or duty under the measure. Any such liability is, under subclause (2), to lie against the Crown. Clause 22 requires the commission to furnish the Minister with an annual report upon the administration of the measure and provides for the report to be tabled in Parliament.

Clause 23 requires the Minister responsible for the administration of the Mining Act, 1971-1978, to ensure that the Minister under this measure is advised of every prescribed mining tenement and every application for a prescribed mining tenement. 'Prescribed mining tenement' is defined under clause 5 as an exploration licence, mining lease, retention lease or miscellaneous purposes licence under the Mining Act where the operations pursuant to the tenement are carried on, or proposed to be carried on, in relation to radioactive ores. 'Radioactive ore' is defined by clause 5 as being ore or mineral containing more than the prescribed concentrations of uranium or thorium. These concentration levels are to be set by regulation. Under subclause (2) of clause 23, the Minister under this measure may, after obtaining and considering a report of the commission, determine in consultation with the Minister of Mines what conditions should attach to a prescribed mining tenement in order to ensure that the levels of exposure of persons to ionising radiation resulting from operations carried on in pursuance of the tenement are as low as reasonably achievable in the circumstances of the operations. Any such conditions determined by the Minister in consultation with the Minister of Mines are to attach to the mining tenement upon the Minister giving the holder of the tenement notice in writing of the conditions. The Minister is authorised under the clause to vary or revoke such conditions or to impose further conditions in consultation with the Minister of Mines. Under the clause, any holder of a prescribed mining tenement who breaches or fails to comply with a condition included in the tenement pursuant to this clause is to be guilty of a minor indictable offence.

Clause 24 requires a person who carries on an operation for the milling of radioactive ores to hold a licence under the clause. Subclause (2) excludes from that requirement any operation carried on in pursuance of a prescribed mining tenement, or any employees of a person who holds a licence under the clause or any operation prescribed by regulation. The commission is to grant a licence under the clause only if it is satisfied that the operation proposed would comply with the regulations and result in levels of exposure of persons to ionising radiation that are as low as reasonably achievable in the circumstances of the operation. A licence under the clause may be made subject to conditions determined by the commission. Any contravention of the clause is to be a minor indictable offence.

Clause 25 requires every natural person who uses or handles a radioactive substance to hold a licence under the clause. A 'radioactive substance' is defined by clause 5 as being, in effect, any substance or article that contains a radioactive element. Subclause (2) provides that this licensing requirement is not to apply to persons who use or handle radioactive substances only in the course of an operation authorised by a prescribed mining tenement or a licence under clause 24 where the substances used or handled are those recovered or milled in the operation. The subclause also provides for classes of persons or substances to be excluded from the licensing requirement by regulation. The commission is required to grant a licence under the clause only if it is satisfied that the person is fit and proper and has appropriate knowledge of radiation protection principles and practices. Licences under the clause may be made subject to conditions determined by the commission. The clause makes provision for the granting of temporary licences which may operate for a period not exceeding three months.

Clause 26 requires that any premises in which an unsealed radioactive substance is kept or handled must be registered. An 'unsealed radioactive substance' is defined by clause 5 as being a radioactive substance that is not a sealed radioactive source. A 'sealed radioactive source' is defined as a radioactive substance that is bonded within metals or sealed in a capsule in such a way as to minimise the possibility of escape or dispersion of the substance and to allow the emission of ionising radiation as required. This clause provides for the same exceptions as are provided for by clause 25. The commission must before registering any premises under this section be satisfied that the premises comply with the regulations. Registration may be granted subject to conditions determined by the commission.

Clause 27 provides for the registration of sealed radioactive sources. A sealed radioactive source is to be registered by its owner. Such registration is not to be granted by the commission unless the commission is satisfied that the source has been constructed, contained, shielded and installed in accordance with the regulations. Where the commission refuses to register a source, the source may be forfeited to the Crown by notice in writing issued by the commission. Registration may be granted subject to conditions determined by the commission.

Clause 28 provides for the licensing of persons who operate certain radiation apparatus. This licensing requirement is to apply to all ionizing radiation apparatus unless an exception is prescribed by regulation. The requirement is to apply to non-ionizing radiation apparatus of a class prescribed by regulation. 'Ionizing radiation apparatus' is defined by clause 5 as being apparatus capable of producing ionizing radiation by the acceleration of atomic particles, the most common example of such apparatus being an X-ray machine. 'Non-ionizing radiation apparatus' is defined as apparatus capable of producing non-ionizing radiation but not ionizing radiation. An example of such apparatus to which this licensing requirement may be applied is laser apparatus. The com-

mission is, under this clause, to grant a licence to operate such apparatus only if the commission is satisfied that the applicant is fit and proper and has, either appropriate qualifications prescribed by regulation, or appropriate knowledge of the principles and practices of radiation protection. A licence under this clause may be made subject to conditions determined by the commission. The commission is empowered by this clause to grant a temporary licence for a period not exceeding three months.

Clause 29 provides for the registration of certian radiation apparatus. This requirement is to apply to any ionizing radiation apparatus unless it is excepted by regulation and to non-ionizing radiation apparatus of a class prescribed by regulation. The commission is not to grant registration unless the apparatus in question is constructed, shielded and installed in accordance with the regulations. Where the commission refuses to register apparatus, the apparatus may be forfeited to the Crown by notice in writing issued by the commission. Registration under this section may be granted subject to conditions determined by the commission.

Clause 30 provides that it shall be an offence if the registered owner of any radiation apparatus causes, suffers or permits the apparatus to be operated by a person who is required to be but is not licensed under clause 28. Clause 31 empowers the commission, before determining an application for a licence or registration, to require the applicant to furnish further information. Clause 32 requires the commission, before granting a licence (not being a temporary licence), to refer the application to the committee for its advice and give due consideration to the advice of the committee. The same procedure is to apply in the case of the determination of the conditions that should attach to a prescribed mining tenement other than an exploration licence.

Clause 33 provides that conditions of licences or registration may be imposed by notice in writing to the holder of the licence or registration. The conditions may be varied or revoked, or further conditions may be imposed, in the same manner. Clause 34 provides for the term of licences and registration and for their renewal. Clause 35 requires the commission to keep a register of licences and registrations and to make the register available for public inspection.

Clause 36 empowers the Minister of Mines, at the request of the Minister of Health, to suspend or cancel a prescribed mining tenement if the Minister of Mines is satisfied that the holder of the tenement has contravened a condition attaching to the tenement pursuant to the measure or has been convicted of an offence against the measure. Clause 37 provides that a licence or registration may be surrendered. The clause empowers the commission to suspend or cancel a licence or registration if the commission is satisfied that the grant of the licence or registration was obtained improperly, that the holder has contravened a condition of the licence or registration or been convicted of an offence against this measure, or that the holder of a licence has ceased to hold a qualification upon the basis of which the commission granted the licence.

Clause 38 provides that the Supreme Court may review a decision of the Minister by virtue of which a condition is attached to a prescribed mining tenement, a decision of the Minister of Mines suspending or cancelling a prescribed mining tenement, or any decision of the commission in relation to a licence or registration. Clause 39 authorises directions to be given and action to be taken to avoid, remove or alleviate any danger or potential danger involving exposure of persons to excessive radiation or contamination of any person or place by radioactive substances. The directions may be given, or action taken, by the commission, or with the prior approval of the commission, by an authorised officer, member of the police force or other person appointed for the purpose by the commission with the approval of the Minister. An authorised officer may exercise this power without prior approval in the circumstances of any imminent danger. Hindering a person in the exercise of such power or contravening a direction is to be a minor indictable offence. The clause also authorises the commission to recover costs and expenses incurred by it in taking action under the clause.

Clause 40 provides for the making of regulations. The regulations may, under subclause (4), incorporate standards and codes prescribed by other bodies, in particular, codes prescribed under the Commonwealth Environment Protection (Nuclear Codes) Act, 1978. Clause 41 empowers the commission to grant exemptions if it is satisfied that the activity authorised by the exemption would not endanger the health or safety of any person. Clause 42 provides that it shall be an offence to furnish information for the purposes of this measure which is false or misleading in a material particular.

Clause 43 provides that contravention of, or failure to comply with, a provision of the measure or the regulations is to constitute an offence. Offences are to be summary offences unless declared to be minor indictable offences. The penalty for a minor indictable offence is, under subclause (3), to be a fine not exceeding $50 000, or imprisonment for five years, or both. The penalty for a summary offence is, under subclause (4), to be a fine not exceeding $10 000. Clause 44 provides that, where a body corporate is guilty of an offence against the measure, every member of the governing body of the body corporate shall be guilty of an offence unless he proves that he could not by reasonable diligence have prevented the commission of the offence. Clause 45 provides for an additional penalty for continuing offences. Clause 46 is an evidentiary provision. Clause 47 provides for the service of documents.

Mr McRAE secured the adjournment of the debate.

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3277.)

Mr McRAE (Playford): I think I had reached the stage of indicating that the Labor Party has a stance of industrial wage justice and that I do not give a fig whether that stance is applied to the highest-paid or lowest-paid worker. If it means large increases for the judges, provided that the increases are made on principle, then so be it.

To my own mind, I can see no difference at all between the functions and work of a Supreme Court judge in South Australia and those of judges in New South Wales or Victoria. If as a matter of convenience the judges want to adopt some kind of formula, it is up to them, because equally the Australian Labor Party policy stresses the right of employers, and in this case nominal employees (because the judges are, of course, the third state of government), to negotiate their own arrangements. However, the Opposition would far prefer what I have put forward, namely, an independent authority rather than the very strange circumstances that have prevailed here. The next disturbing thing about this whole matter arises from this article that has been leaked to the *Sunday Mail*, as follows:

> On Thursday South Australia's Education Minister, Harold Allison, rose in the House of Assembly and introduced the Statutes Amendment (Judicial Remuneration) Bill.
>
> Being a money Bill, it had to be introduced in the Lower House, and Mr Allison did it for the Attorney-General, Trevor Griffin, a member of the Legislative Council.

The occasion marked a significant event for the State's Judiciary. For the first time, our judges will be paid an expense allowance and a car allowance, prerequisites of office widely enjoyed by others.

Here I ask the Minister another question. Precisely what are these allowances? Let me give the Minister an example. If a judge requires, for instance, to proceed from Adelaide to Port Augusta, Mount Gambier, or wherever else to hear a case, I understand that that is a direct expense on the public purse and that, whatever the amount involved, that money should be paid. There should be no question of that sort of money becoming involved in wages and salaries. To me, that seems quite absurd. So, what are we talking about? Also, what are we talking about in relation to this car allowance?

I understand that, if a judge requires a car because a jury must travel to, say, Semaphore to view a murder scene or something of that sort, that is, and always has been up to date, directly payable from the public purse. So, what are we talking about? Frankly, I do not understand what we are talking about. The report continues:

The judges have been given more money but in the package there is no increase in salary.

That is quite right. In fact, the judges now receive 83 per cent of the combined Victorian and New South Wales rate. As I have made quite clear throughout, we are not here to curry favour with the judges. I am not here to please them: I am here to put forward the Labor Party's industrial policy. This is nonsense. If our judges are good judges (as I believe they are), why are they not receiving the correct salary? Why should they receive 83 per cent or 90 per cent of the Victorian and New South Wales rate? Why should it not be a proper amount, to be determined by an appropriate authority? What is this nonsense that we are going on about? The report continues:

There is a third significant factor—again for the first time, the Government has established a three-man committee to recommend pay rises for the Judiciary.

Before it was a relatively informal arrangement under which the Chief Justice, Mr Justice King, on behalf of his learned friends, would make a direct approach to Mr Griffin.

Mr Griffin would take the matter to Cabinet, which would decide on a recommendation to Executive Council. The Governor, Sir Keith Seaman, on the advice of his Ministers, would then approve pay rises.

The last time he did this was around August last year. The new committee, actually established in June last year, consists of a senior solicitor, a leading accountant and a prominent businessman.

The Opposition wants to know about this matter and, perhaps when he is off the telephone, the Minister will note these questions, because they are important.

Who is the senior solicitor? That is very significant because, if the senior solicitor is a person in private practice, it could be said that a person had been picked on the basis that he may be currying favour with the judge. We know that that cannot be true, because he has reduced their salaries. So, it did not happen that way. However, is the senior solicitor someone in the Government service? If that is the case, then assuredly we want to know who he is. If that is the case, surely he is in a double bind. How can he act in a judicial or *quasi* judicial manner and, at the same time, be responsible to his Government? Evidence presented to me (and I am here relying on strong evidence, and not giving any rumour-mongering) suggests that the senior solicitor referred to is in fact the Crown Solicitor, and he must therefore have been placed in a very invidious position. He must have known what the Government policy was and, at the same time, he was being asked to act in a *quasi* judical fashion. How could he combine those two functions?

Next, we turn to the leading accountant. We would like to know who the leading accountant is. Is it for instance the same accountant who went to see the member for Mitcham and made the offer to him of a position in the Judiciary, or is it somebody else? Is it an accountant in the Government service, because again that would play a role? That is the trouble the Minister will see with the Tudor and Stuart committees: you get yourself in such a bind after a while that you are in terrible trouble. We then come to a prominent business man, which could mean anything. Are we dealing with a distinguished business man without a political axe to grind, without any economic theories, or are we dealing with one of the Government's favourites? Indeed, is the whole committee stacked with the Government's favourites and people who had a commitment to the Government before they began, or is the committee truly independent? We do not know, we have not got the foggiest clue.

It is not only on behalf of Her Majesty's Opposition that we are affronted; we are affronted on behalf of the whole Parliamentary system that we have stepped back 300 years with a secret committee, meeting in the dark, and handing out an ultimatum without giving public reasons. That is stepping back 300 years. I thought that that was impossible, even for this Government. The leaked article to the *Sunday Mail* further states:

They reported to the Government in December and Cabinet accepted their recommendations last month.

It had to be leaked, because how on earth would the *Sunday Mail* know when they reported and when Cabinet dealt with the matter? The article continues:

Because of the recommendation for an expense and car allowance legislation was needed to change the law to allow judges to be paid more than just a salary. But the Governor will still determine what judges are paid.

The new pay rates proposed to be backdated to July 1 last year, provide a total package of $68 279 for the Chief Justice. The new Parliamentary pay rises, to be retrospective to January 1 this year, if determined on the basis of a 10 per cent increase, would give the Premier, David Tonkin, a package of $76 647.

What that has got to do with the matter I do not know, except that, again, the public could be left with the unsavoury feeling that the two are related. The Opposition makes quite clear that its stance on this Bill is totally removed from anything to do with Parliamentary salaries. We say that Parliamentary salaries should be determined on the principles we espouse. If the tribunal does not accept our principles, so be it—too bad! We have made our position clear on the judges' salaries. It is most unfortunate that the two should be linked together. The report further states:

Supreme Court puisne judges are due to receive a package of $59 622, Industrial Court President $60 372, Senior judge $60 372 and District and Industrial Court judges $50 729. There are 12 Supreme Court judges and 23 District and Industrial Court judges.

Interestingly, the new salaries are actually lower for most of the Judiciary than the amount they now receive. This is due to last year's pay rise resulting from direct negotiation with Mr Griffin and the present higher rates will remain in force until they are exceeded some time in the future.

That is rather self-evident, I would have thought. The article continues:

The new expense allowance included in the packages ranges from $1 250 to $2 500 for the Chief Justice and the car allowance from $500 to $1 000 annually.

I think that I have said enough. We demand an answer from the Minister on this question. This is a disgraceful affront to Parliament. We want to know what is going on. How can we in all honesty vote for the second reading of a Bill placed before us in these unsavoury circumstances? If that report is produced and we can see that it is soundly based, it is a different matter. We are then dealing with something in the light of day, but things hidden in the darkness, we know, from too much experience, have unpleasant connotations. We want to know what these allowances are all about.

We have already made it quite clear that if, on comparative wage justice, judges are to get another $10 000 or $20 000 a year, so be it. However, we are not going to be part of some deal being cooked up under which expenses are still paid but where there is a notional expense which then becomes a non-taxable part of a judge's salary. We are not going to become part of that. We want proper explanations of all these things. The community rightly demands proper explanations of these things.

We have seen only today the incredible constitutional innovation in which the Minister of Industrial Affairs or, presumably, Cabinet, advised His Excellency the Governor to usurp the functions of the Industrial Court and unilaterally proclaim pay rises in the Public Service. We have seen the way in which certain percentages are being used. I am going to say only that one of the percentages is well know by people in industrial circles to have a particular significance. I refer to the 13.2 per cent that the fat cats will get: it is known by people in the industrial circles to have a particular significance. I will leave it at that, because I hope the Minister will be stopping this debate very shortly, considering his position, being wise about this, and going to his colleague straight away to get this out into the open.

We want to know whether it is a fact that currently the judges receive 5 per cent of their salary tax free. I hope the Minister is making a note of it. The Opposition takes it seriously, as does the public. Is that a fact and will it continue to be so? Is it a fact that all expenses are met, and will that continue to be so? We want to know that, and so does the public. Is it a fact that these allowances are notional only and are being introduced as a softening device because the formula was not good enough?

Finally, is it a fact that these allowances are tax free? The Opposition wants all of that information, and if we do not get it, the Minister should not expect us to support him. I said that this is a very delicate matter, and one which affronts the Opposition very much. I have manfully strived to keep the whole thing in perspective and under control, but I believe that every member in this House should understand that this Bill raises matters of grave constitutional propriety and concern. The relationship between the Judiciary, the Executive and the Parliament can never be anything more than of paramount importance.

It must be seen that the Judiciary is totally independent of the Parliament, and we on this side believe that, if giving the Judiciary pay justice means providing an extra $10 000 or $20 000 a year, it should be done, but let us not get involved in unsavoury funny money deals. We have seen what has happened in other States, such as Queensland, and we are most unhappy about the whole situation. I urge the Minister not to follow in the unfortunate footsteps of the Minister of Industrial Affairs and walk into a minefield: I assure the Minister that that is what he is doing. Let us get this matter cleared up in the cold light of day. Finally, I am assured on good authority that none of the judges accepts this package.

The Hon. PETER DUNCAN (Elizabeth): To say the least, this Bill has come to this House, I assume, with the Government's thinking that it was only a minor piece of legislation that would take little or no time to debate. I am absolutely amazed at the Government's introducing this measure with so little fanfare and apparently so little concern about the matter.

I believe the way in which it has been done, the way in which the whole question of judicial salaries has been handled, the way in which this matter has been introduced in this House, and even the way in which the legislation has been handled, carries the hallmark of the current Attorney-General and of administrative incompetence, because there is no doubt that, by interfering in the question of judicial salaries, as this Attorney-General has now done, he is treading in very dangerous waters and is on very dangerous ground. I believe that the whole relationship between the Judiciary, the Executive Government, and the Parliament is being brought into question, not only by this Bill but also by the actions that the Attorney has taken in this case.

The history of the matter is something that the Parliament and the people of this State should look at. It is a very dangerous situation for the Attorney-General of this State specifically, and also for the Government, for that matter, to be in a position that in any way compromises him in relation to the courts, particularly the Supreme Court. If the Attorney is in a situation in which he is involved in determining judicial salaries, the possibility arises that his position as Attorney-General will be compromised, as will the position of the Crown Law officers who have to appear before judges in this State.

When I was Attorney-General I was very aware of this problem and I made the necessary arrangements to have judges' salaries determined according to a formula. Under the formula, the judges would receive 91 per cent of the average of the equivalent judges' salaries applying in New South Wales and Victoria. By adopting such a formula, I ensured there was no argument here in South Australia. The judges accepted that formula, and that was the rate that they received. That formula left the Attorney-General and the Government at arm's length. There were no negotiations or discussions. Each time the judges' salaries increased, it was as a result of movements in Victoria or New South Wales. Accordingly, that very clean arrangement meant that the Attorney-General of the day, and even more so the Crown Solicitor, did not have to determine what the judges should be paid. I believe that that was a very desirable arrangement.

As I said, the hallmark of this Attorney-General is administrative incompetence. We had a very satisfactory arrangement that provided some benefits for South Australia. There is a very good argument why judges in this State should receive the same salaries as judges in other States, regardless of whether those States are larger or smaller. Supreme Court judges in the judicial hierarchy in this country have the same level of standing, whether they are in Victoria, New South Wales, or South Australia, so there is a very good argument why judges throughout the nation should receive the same level of salary.

However, in the mid 1970s, our judges were prepared to accept the formula under which they receive 91 per cent of the average salaries of judges in Victoria and New South Wales. That was a very desirable standard as far as this State was concerned. However, according to Mr Griffin, the current Attorney-General, that was not so. When he assumed office, he decided to try to do a bit of fiddling in the matter of judges' salaries. Much to their dismay, the judges found that, notwithstanding that everyone else in the community had received an annual increase in salary last year, and that, according to their previous arrangements, they should have received an increase in line with the increase that occurred in Victoria and New South Wales, they received no increase at all.

Eventually, in December, the Attorney-General came up with the proposition to set up a committee. As the member for Playford has already pointed out, we understand that one of the members of this committee which sets the judges' salaries is the Crown Solicitor (and when I say 'sets' I mean that the committee makes recommendations to the Attorney-General, who apparently adopts or accepts those recommendations). It is most undesirable that the Crown Solicitor of this State sits in judgment over judges' salaries. It puts him in a hopelessly compromising position, because if he

decides that he should, in effect, be part of a committee decision to peg back the judges' salaries, what sort of position is he in when he has to go back to the court and argue a case on behalf of the Government and the people of this State? The Crown Solicitor is put into a most compromising and undesirable position, and the Attorney should be ashamed of himself for bringing about that situation.

Many people in the community to whom I have spoken, particulary members of the legal profession, see this as interference by the Executive and the Parliament with the independence of the Judiciary. I believe that most members of this House will see such charges as particularly grave.

That is the way many members of the legal profession see the matter at the moment. The Supreme Court judges and the local District Court judges are up in arms about the matter. There is great anger in the courts of this State at the moment over this particular measure. I have received several approaches from members of the legal profession expressing concern about this matter telling me of the grave concern that exists among Supreme Court judges and other judges of our courts. That anger is not simply related to the fact that these salaries that have been handed out by this secret committee appear to be reductions in salaries.

As my friend the member for Playford has already pointed out, apparently again (although we do not know that this on the record) the Attorney-General has said to the judges, 'The result of this formula the committee has recommended is that there will be a slight decrease in salary for most of you, but don't worry about that; we will not impose the formula until such time as it would actually mean an increase some time in the future.' That is all very well. What the judges are particularly concerned about is the fact that they see this committee as compromising their standing and as compromising the Government in its relationship particularly with the Supreme Court. It is a most shoddy piece of administrative work that has now been brought before this Parliament, and the secretive way in which it has been done is a matter which I think should be of concern to every member of this Parliament and to the community at large.

There has been put forward absolutely no reason at all as to why it was necessary to carry on in this secretive fashion. Why could not the report have been published, as other judicial salaries throughout this country are published in the Commonwealth and State *Gazettes*? The report could easily have been tabled in this Parliament so that the community would have had the opportunity of seeing what was being recommended. Why have we not been advised of the names of the members of the secret committee that advised the Attorney-General? Why does that committee have to be a secret committee?

The Hon. H. Allison: I'll give you the names.

The Hon. PETER DUNCAN: Good, we will finally get the names. At least the Parliament apparently has been able to influence this Government to the slightest extent; at least, apparently, we are going to hear the names of the committee members. I will be interested that see whether we also receive a copy of the committee's report, because there is no reason, if the Minister here is about to make this information public, why it could not have been made available earlier except, of course, to create a little bit of concern in the community—to create a few rumours, innuendo and the like. Why not have all the information made available public by as soon as it is available? Let the Minister answer that.

The Supreme Court is extremely angry about this matter—angry, I understand, for many reasons. Some judges believe that this piece of legislation may in fact turn out to be the thin end of the wedge. They believe that by changing the judicial remuneration legislation in this State it may in fact come to pass that, although the amounts of expenses that it is intended to grant to the judges at present are quite small, in two or three years time they might well be up from amounts of $200, $300 or $500 to $7 000 or $8 000—nice healthy tax-free grants from the Government to the judges. All the judges who have contacted me about this matter or who have expressed concern about it have made the point that they would prefer to receive salaries that are fully taxable so that they are not then subject to allegations that they are involved in tax fiddling. Why should they not be entitled to that? I think that is a matter which ought to be cleared up once and for all.

I also understand that this committee is proposing that the Senior Judge of the Local and District Criminal Court should in fact receive a substantial salary increase. That would take him to the stage where he would be receiving higher remuneration than puisne judges of the Supreme Court and, again, that is a fiarly undesirable situation. That should not happen at least without some full and thorough justification by the Government. Certainly, plenty of questions are being asked within the legal profession about that matter. Finally, I have seen in this Bill in the provision relating to the Licensing Court a clause which provides:

> The Governor may appoint, on an acting or temporary basis, and at a rate of remuneration determined by him, a person holding, or qualified to hold, judicial office under the Local and District Criminal Courts Act, 1926-1982, to exercise powers and functions conferred on the Judge under this Act.

That has simply been brought before the Parliament as part of a judicial remuneration Bill but I suspect that that provision goes a lot further than judicial remuneration. Under all legislation in this State, to my knowledge where a position is created for an acting or temporary person to fulfil the tasks of a permanent position for a limited period the person fulfilling that position receives the same salary as the person occupying the substantive position. Why then do we need a provision that allows the Governor to especially determine a rate for a person in the position as acting judge in the Licensing Court? That is a question which completely mystifies me, and I would like to hear the Minister's answer on that point. I rather suspect that this is part of this Government's grand plans for downgrading the Licensing Court. Judge Grubb has been forced to retire, and no appointment has been announced of his successor. He is not retiring, as I pointed out earlier, from the bench overall: he has a period of another five years until he is 70 before he has to retire from the Local and District Criminal Court, and it is only the Licensing Court from which he is being retired. Why is this so?

I suspect that this Government intends to downgrade the Licensing Court, and I think that that will be a sad occasion for the people of this State, because in my view the Licensing Court has served South Australia and South Australians very well indeed, particularly in recent years under Judge Grubb and Magistrate Claessen. There is no doubt in my mind that this Government is intending to downgrade that court, and this provision is part of that downgrading. I note with interest that the Judge of the Licensing Court will now be permitted to receive the same rate as persons holding judicial office under the Local and District Criminal Courts Act, and that will include an amount to be paid for allowances as well as salaries.

I frankly do not know of any tasks that judges are required to undertake that would require an allowance. If a judge has to undertake a view or any special tasks, then to my direct knowledge the Government has always provided the facilities necessary for that judge to undertake such work. When the judges have had to attend official functions, Government cars have been provided for them. Where

judges have to go on circuit or on view, Government cars are provided for them. If they have to fly around the State as part of their work, the air fares and accommodation are provided. I see no reason at all for these provisions.

I believe that the Attorney-General, the Hon. Mr Griffin, having decided that he was going to interfere with the original arrangements that had been set up governing judicial salaries, has got himself into deeper and deeper hot water, and I do not see for a moment that this Bill will get him out of those difficulties. If anything, this legislation has simply served to underline the administrative mess that the Attorney-General is getting into concerning this question of judicial salaries. It was interesting that the *Sunday Mail* chose to headline on the inside column the following: 'Judges to get those office perks'. I am quite certain (I know from my own knowledge) that the judges were appalled when they read that headline. They do not want to be in that situation; they are unhappy to be in that situation and they would be quite happy to have been left in a situation where they receive salary increases as has been the case in the past. For some reason, the Government and the Attorney have decided to fiddle with this matter in this most unsavoury way.

There is another aspect which I find quite unsavoury about this matter that my friend the member for Playford referred to in passing. I support the right of judges to be paid very large salaries, salaries which most people in the community would see as being completely out of proportion with community standards. I support that right, because I believe that judges should be paid rates of salary that will enable them to live in society at a level that will hopefully place them out of the reach of people who would seek to influence them with bribes, or offers of bribes, etc. I think that most members would agree that that principle has been applied over a long period, and that it is a very worthwhile principle and that we should stick with it.

I support the right of judges to receive high salaries, and I have always done so for the reasons that I have given. The undesirable element of this Bill is that it comes into this Parliament at a time when Parliamentary salaries are also under review. I think it is a most undesirable occurrence that the question of Parliamentary salaries should be under review at the same time as this piece of legislation comes before Parliament. That is an unfortunate piece of timing, and I do not think it does the Government any credit that this legislation was brought in here at such a sensitive time.

I do not expect that the Minister responsible here has any authority to be able to accept any of the arguments that have been put up by Opposition members. Quite obviously, as I have said, this piece of shoddy administration smacks of the hallmark of the Attorney-General. I have no doubt that the Minister of Education does not have enough weight in the Cabinet to go back and say, 'Why the hell are we throwing over this system which was there before? Why are we interfering in a system which seemed to be providing reasonable results and was not getting the Government, the Attorney, or the Parliament, for that matter, and most of all the Crown Solicitor involved in a compromising situation? Lets us go back to the situation that we had before, or something like it.'

I have no doubt that that power is not within the hands of the Minister in charge of this Bill today. I know that he will get up and say that the committee only recommended a method of future determination for Government salaries, but the fact is that it was a Government committee that determined this. Inevitably, this has led to the allegation that the Government itself has fixed judicial salaries, and I have no doubt that it has to some extent poisoned relations (I put it as high as that) between the Government, the Attorney and the Supreme Court of this State. It is a very sad day for South Australia that that has happened. It is a very grave state of affairs which should never have occurred and which would never have occurred had it not been for the shoddy administration of the Attorney-General.

Mr CRAFTER (Norwood): I support the remarks made by the member for Playford and the member for Elizabeth on this most important measure. They referred to what appears to be the headlong rush by this Government into waters that can only be muddied by this course of action. We have seen a most shabby and unfortunate situation arise in the State of Queensland where the Government has interfered with the Judiciary in a most blatant political way, which in that case involved the matter of appointments to the Judiciary. In the main this measure (although there is some reference in the Bill to appointments to the Judiciary) deals with judicial salaries, and here we have a direct political interference. I can only reiterate the warnings given by my colleagues on this side of the House that the Government is indeed treading on dangerous ground.

The Opposition seeks full and frank explanations from the Minister responsible in this House for this measure before it can offer its support to the continuation of this measure in another place. The member for Playford has told the House what information he seeks from the Minister so that we can judge what it is that the Government is trying to achieve with this measure and give it full and proper assessment.

I want briefly to record in *Hansard* the salary structure as I understand it to be. The current salary of the Chief Justice, as I understand it, is $65 855. This proposal will reduce the base salary of the Chief Justice by $1 076 to $64 779. For puisne judges of the Supreme Court, whose current salary is $59 763, this measure will reduce their salary by $2 141 to $57 622. For the President of the Industrial Court the same salary as that of puisne judges of the Supreme Court applies. For the Senior Judge of the Local and District Criminal Courts jurisdiction, whose current salary is $54 999, there is an increase of $2 623 to take his salary to $57 622. For District Court judges whose current salary is $49 036 there will be a reduced salary of $57 to take their salary to $48 979.

As has been stated in the second reading explanation which appeared in the *Sunday Mail* of last Sunday, judges are to be given these expense allowances, or so-called perks. For the Chief Justice, it will be an allowance of $3 500, which will give him an overall additional salary package of some $244 on his existing salary. For puisne judges, there will be a $2 000 allowance, which will reduce their actual salaries by $141 overall.

For the President of the Industrial Court there will be an allowance of $2 750 which will, in effect, increase his overall salary by $609. For the Senior Judge of the District Court there is a similar allowance of $2 750, which will increase his overall salary by the sum of $5 373. I point out that his total salary package will exceed that of a puisne judge of the Supreme Court. The allowances of judges of the District Court will amount to $1 750, an overall increase in their salary of $1 693.

We can see that there is in the base salary of almost all judicial officers in this State an actual decrease. In real terms, it is a very substantial decrease indeed for many judicial officers. As I have suggested, there needs to be a full and frank explanation from the Minister on the reasons why the Government is embarking on this most dangerous course and, of course, we need some assurances that there is a stable relationship between the estates of government in this State and that we do not embark on those most unfortunate exercises that we have seen in Queensland.

I also am concerned about the amendments to the Licensing Act contained in this Bill. We have recently amended the Licensing Act and, despite the opposition from this side of the house, the Government proceeded in effect to legislatively dismiss the judge, Judge Grubb, from that jurisdiction and have him returned to the general jurisdiction of the Local and District Criminal Courts. I am now most concerned to see the Government providing that any person who is qualified to hold judicial office under the Local and District Criminal Courts Act may be appointed on a temporary or acting basis to carry on the work formerly done by the judicial officer, Judge Grubb, in this very important jurisdiction.

We have seen much posturing and the statements by the Government about foreshadowed amendments to the Licensing Act—very important amendments in the view of many people in the community. I point out to the House that this is an industry that involves some $250 000 000 in retail sales in this State, and here we are having the laws surrounding that industry being administered by a person other than a duly appointed judge of the Local and District Criminal Court for a specialist jurisdiction. This jurisdiction will be administered at its most senior level by persons on an *ad hoc* basis. I understand that when Judge Grubb leaves this jurisdiction in a few days time a junior magistrate will take over his duties. So much can be seen, then, for the Government's concern for tourism involving this vital aspect of the economy of this State!

Further, this is an area of law that is in great conflict in the community. We have seen judicial pronouncements, very critical indeed, of the administration of this Act and indeed of the state of the law at present. There is need for law reform in this area; there is need for proper and sensitive judicial expressions of how that law should be applied. I have spoken on many occasions in this House about one aspect of the Licensing Act, that is, the ability of hotels to trade after hours, associated with entertainment, and the problems that this causes in the community. I understand that the Government proposes to bring down some amendments to provide for disco-type licences and indeed, to allow for a substantial increase in the ability of hotels to trade after hours, or out of the traditional trading hours.

The SPEAKER: Order! The honourable member will be able to link these remarks, I trust, to the clauses of the Bill.

Mr CRAFTER: Thank you, Mr Speaker. If that situation arises, it means that the responsibility of the Licensing Court to the community will be even greater than it is now. I would have thought that a very experienced judge dealing in this most difficult jurisdiction would be secured in that appointment, but we have the direct opposite occurring, where the Government is now providing for acting and temporary appointments to this jurisdiction involving persons who may not already even be holding judicial office at all. These persons, under this legislation, are free to come and go in this jurisdiction and, to go back into practice, no doubt, and then come back into the jurisdiction again or, as I have suggested, it is possible for magistrates even on a roster basis to be put into this jurisdiction.

This to me is a most unsatisfactory set of circumstances, and I do not believe that it can be tolerated. As I have said, this is a very important element in the economy of this State. I will be very interested to hear from the Minister what is the real reason behind this amendment to the legislation. However, the salary considerations are paramount, because for the reasons that have been expressed by the speakers on this side they raise very grave constitutional issues. I believe that we are due for a full and thorough explanation from the Minister on this matter.

Mr MILLHOUSE (Mitcham): I have not had the advantage of hearing all the speeches that have been made in this debate so far but I imagine—

Mr Schmidt: Have you been in chamber?

Mr MILLHOUSE: In chamber? I do not know what the honourable member means by that: perhaps I can have a word with him afterwards and find out. I have not had the opportunity of hearing all the speeches that have been made, but I imagine that the general tenor of them will have been similar to my own. In my view, from what I have been told, the judges—Supreme Court judges, Local and District Criminal Court judges and the Industrial Court people—are being treated very shabbily indeed by this Government. It was amusing to notice that day after day the Minister of Education representing the Attorney-General here put off the notice of motion to introduce this Bill. We all know by the protests made by some of Their Honours that there was some reason for delay. Anyway, we have the Bill now.

The Bill as it stands is entirely bland. There is nothing much one can say about the Bill except that it does seem to me to be undesirable that the salaries of the judges are not publicly known. I do not know precisely what they are now, and that was because of previous legislation, but quite obviously we are not to know in the future what the judges receive. I can see no reason why that should not be as public as the salaries of members of Parliament and other people in the community. On a quick look at the Bill, the judges do take the risk, theoretical, I hope, though it may be, of their salaries being fixed at, say, $20 000 at the beginning and only being added on to after that. New section 12 of the principal Act merely says:

> A rate of salary determined under this section shall not be reduced by subsequent determination.

The original determination is not set out, so there may be a problem there, but that is, I hope, a theoretical thing. I am going to say again what other speakers may have said, and that is that, as I understand it, in the time that the member for Elizabeth was the Attorney, an arrangement was reached between the then Government and the Supreme Court judges that their salary should be fixed at 91 per cent of the salaries for New South Wales and Victoria.

When the present Government came to office, it simply abrogated that by giving notice to the judges that it would no longer apply it. That was soon after the Government came to office and, except for a 3.8 per cent cost of living increase last year, there has been no increase in judicial salaries since this Government came to office. That is pretty unfair on the judges, in any case.

Then, the Government set up a committee consisting of Cedric Thomson, some public servants and Mr George Inkster from Kelvinators. Those persons made their own submissions to the committee. The judges did not see them; nor were they invited, as far as I know, to make submissions to the committee or to discuss the matter with it. That is not the way in which Supreme Court judges, or indeed any senior judicial officers, should be treated.

We know that the committee has made a recommendation and, in effect, as I think I heard the member for Norwood say, it means that the judges will get a net reduction rather than an increase in their salary. Perhaps honourable members in this place would be happy to follow suit with the Parliamentary Salaries Tribunal. I will give evidence to that tribunal early next week, and perhaps other honourable members would like to do the same and say that they would like to be treated in the same way that the judges are being treated. One of those judges is on the tribunal, so that will be rather interesting.

That is one of the problems that we have got: there is no way in which we can separate entirely judicial salaries

from those of members of Parliament, public servants, and so on. We will see how His Honour Judge Stanley is feeling next week when the Parliamentary Salaries Tribunal sits.

What they are complaining about, above all, is that some judges will be greatly disadvantaged under this system through their pensions. Some of Their Honours are getting near the retirement age. Indeed, Mr Justice Williams, who has been a judge of the Local and District Criminal Court since 1970 and, in the past couple of years, a Supreme Court judge, will retire within a few weeks. Other judges will within the next couple of years be getting towards the time for retirement.

Pursuant to section 6 of the Judges Pensions Act, the pensions of Their Honours are fixed on their salary, and that salary is to be reduced because, in future, their remuneration is to be made up of salary and expenses. The combined packet may be more, but the salary of part of it will be less, and therefore the pension will be fixed on a lesser sum. This will be very greatly to the prejudice of Mr Justice Williams and perhaps of some other judges as well. Mr Justice Sangster has only two years or so to go, and so on.

That is not fair and, if this Bill is to go through (and, in my view, it should not, after the way in which the judges have been treated—and I propose to vote against it), section 6 of the Judges Pensions Act should be amended to provide that their pensions should in future be based on total remuneration and not merely on salary. Otherwise, it will be entirely unfair.

What else should I say? I understand that the Commissioner of Taxation in any case gives a notional allowance of 5 per cent of their salary, so there is no point in dividing it up into salary and allowances, unless this Government, in some cheeseparing way, of which it seems to be fond, has some way of cutting down the call on the Judges Pensions Act. Now, the judges get some tax-free allowance, but they will not be any better off because Parliament or this committee divides it up into salaries and allowances.

Because of what is proposed in this legislation, the salaries of our judges will always be behind those of judges in the other mainland States. I understand that the idea is that the salary should be 95 per cent of an average as at 1 March. It is to apply from 1 July but, in fact, in the other States the salaries are fixed in July. This means that our judges will always be nine months or 10 months behind.

All these things are, in my view, bad. The abrogation of an agreement made between a former Government and the judges shows how dangerous it is for anyone in the community ever to trust the word of Government. It can be changed overnight if necessary. There has also been a withholding of increases for two successive years, and the Government has adopted the work of the committee without the judges being consulted on it.

I understand that a number of letters have passed between some of Their Honours and the Government and that there have been no meaningful replies at all. When I heard that I said, 'Join the club, because I get letters like that from Ministers, not only Labor but also Liberal Ministers, every day.' So, that is one of the things that we must put up with. However, it seems wrong that one of the three arms of Government, namely, the Judiciary, should be put in this position, where, except for some of us here in the House who can say something, nothing can probably be said publicly. All these things being so, I oppose the Bill. The whole thing ought to be rethought and a fairer system worked out.

Mr EVANS secured the adjournment of the debate.

REAL PROPERTY ACT AMENDMENT BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 3 (clause 6)—After line 20 insert definition as follows:

'('Metropolitan Adelaide') means Metropolitan Adelaide as defined in the Development Plan:'.

No. 2. Page 9, lines 33 to 37 (clause 6)—Leave out subsection (3) and insert new subsection as follows:

'(3) Subject to subsection (4), the prescribed contribution in respect of open space is—

(a) where the land to which the plan of division applies is within Metropolitan Adelaide—five hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area; and

(b) where the land to which the plan of division applies is outside Metropolitan Adelaide—two hundred dollars for each new allotment delineated on the plan that does not exceed one hectare in area.'

No. 3. Page 13, lines 19 to 33 (clause 7)—Leave out paragraphs *(a), (b)* and *(c)* and insert:

'by striking out subsection (6) and substituting the following subsection:

(6) The Commission shall not grant an application under subsection (2) unless the applicant has paid to it for the credit of the Planning and Development Fund a contribution calculated on the basis set forth in sections 223 li (3) and (4) as if the strata plan were a plan of division and the units delineated on the plan were new allotments.'

No. 4. Page 14—The Schedule—Leave out the amendments relating to section 223 md (6).

The Hon. D. C. WOTTON: I move:

That the Legislative Council's amendments be agreed to.

I am extremely disappointed by the action that the Opposition in another place has taken, and I should like to say a little about that. The amendments which were moved by the Labor Party in the Legislative Council and which have now come to this place will, I suggest, ultimately lead to higher prices for new housing. The Opposition has successfully forced an amendment to the Bill which will add $100 to the cost of a block of land.

The Hon. D. J. Hopgood: Why?

The Hon. D. C. WOTTON: I will tell the honourable member why. The Government proposes to increase from $300 to $400 the open-space contribution for city land. However, the Opposition in another place has forced an amendment that will increase that contribution from $300 to $500. The city contribution has been set at $300 since 1972.

The Labor Party's move also increases the cost of blocks in country areas. The Government proposed that country contributions be increased from $40 (which was set back in 1967) to $100. However, the Opposition in another place has seen fit to increase the country contribution by another $100, bringing it to a total of $200 for every new allotment created.

These additional increases in charges have been forced on the Government, and there is virtually nothing it can do about them. I certainly cannot understand the logic or the theory behind the move. The Opposition has the numbers in the other place and, other than accepting the amendment that is now before the House, the Government can only allow the Bill to lapse. The Government is not prepared to do that with this legislation. The amendments are excessive and will, as I said earlier, unnecessarily increase land costs, and eventually housing costs, at a time when there is widespread concern, and when concern has been expressed by this Government over the increasing inability of young people to obtain access to housing.

The additional increases are likely to act as a deterrent to small developers wishing to undertake subdivision of land and subsequent development. That has been made quite clear already by many developers. It was the Government's

with inflation. The city contributions have not been increased since 1972, and country contributions have not been increased since 1967. We saw that there was a need to stand in line as far as inflation was concerned and to increase the open space contribution in line with inflation.

The aim of the contributions, I would again point out to members opposite, is to provide funds to carry out future development of open space. Now, the Opposition has increased all city and country charges beyond any reasonable amount to the detriment, I believe, of young home buyers and smaller developers. I repeat that the Government is not prepared to allow this Bill to lapse and we have no alternative but to go along with these amendments. I again make the point that I regret that the Opposition, in another place and in this place, has found it necessary to insist on this amendment.

The Hon. D. J. HOPGOOD: I guess one should quit while one is ahead but, in view of the rather unusual way in which the Minister has proposed this motion, in supporting it I should make one or two comments. First, it does not follow that when a charge is imposed it will automatically be passed on, or indeed be passed on in its total form. The Minister, on the one hand, accuses my colleagues in another place of having imposed a charge which he says will be completely passed on to the consumer. Yet, of course, the Minister admits that the Government amendment had the effect of imposing a charge anyway. Somehow or other, by some alchemy, the Government's increased charge was going to be absorbed, as it well may, and yet the Opposition's increased charge was going to be automatically passed on to the consumer.

The Hon. D. C. Wotton: I said we were looking at the increase in line with inflation.

The Hon. D. J. HOPGOOD: The Minister is now changing his position. On the one hand, we are talking about what will automatically be passed on to the community. On the other hand, we are talking about whether charges should be increased in line with inflation. They are two separate arguments. I am happy to come to grips with both, if the Minister wants me to do that. I make the point that it does not necessarily follow that this charge will be passed on. It depends on the size of the charge in relation to the total cost to the subdivider. It also depends entirely on the competitiveness of the market and whether, at a particular time, we are dealing with a seller's or a buyer's market.

I would suggest that the Government has indulged in a good deal of shilly-shallying in this matter. It was only when this Bill got into the Upper House that we finally had the Government's position made clear. Let me detail to the House the various changes of stance that have occurred in relation to this matter. First, we have the Planning and Development Act which is, until the matter before us is proclaimed, the legislation with which the subdivider and consumer are confronted. The Planning and Development Act, as the Minister has indicated, in relation to a subdivision of less than 20 allotments in size makes a charge inside the metropolitan area of $300 per allotment and outside the metropolitan of $40 per allotment.

We then have the June 1981 draft of the measure that finally came before us. It provided that, in respect of subdivisions of five allotments or less, there would be a charge of $500 per allotment if the plan is less than 2 000 square metres in area, on $250 per allotment if the plan is more than 2 000 square metres but less than one hectare. There is no distinction as between city and country. That was the Government's first attempt to amend what is in the Planning and Development Act at this stage.

We then had the Bill which the Minister introduced in November and which kept the charges at what they were. After all that consultation of which the Minister brags, along with all the feedback from the community, the charges were kept to what they had been. However, instead of being in respect of subdivisions of less than or equal to five allotments it became less than or equal to 20 allotments. The Bill passed this Chamber, having been regarded as quite unremarkable by members of the Government (no Government member spoke to it), and went to the Upper House where the Government changed its mind again. We now have a charge of $500 per allotment inside the metropolitan area if the plan is less than one hectare and a charge of $100 per allotment outside the metropolitan area if the plan is less than one hectare. There have been these changes all along the line.

We have had the draft Bill in June, the present Bill, and then the Government amendment to that Bill. My colleagues in another place sought to turn the matter back to what it had been in the Bill itself, rather than in the Government's amendment. That seems a perfectly proper course of action. I do not know that the Minister is all that upset by this procedure. Recently I put on notice a question in relation to the Planning and Development Fund. I have had a detailed answer, for which I thank the Minister although I guess he had to give it because it was a detailed question. The Minister answered precisely what I asked, and I thank him for that, although he did not go any further.

The analyst has suggested to me that it amounts to the cupboard being very bare in regard to the Planning and Development Fund. I do not think the Minister will be too upset if, as a result of the defeat of the Government amendment in another place, a little more revenue is available for the Planning and Development Fund. It is a worthwhile fund and one which enables the purchase and improvement of open space to occur within the greater metropolitan area. There are enough of these open spaces which the Minister is trying to improve at present with precious little funds. One close to my heart, being in my electorate, is the Onkaparinga Estuary, but I will go no further on that.

I support the amendment. I believe that the additional charge it provides returns the Government to the thoughts it had when this Bill was first introduced to this place. At that stage it had certainly not repented of the logic which had gone into the construction of the Bill and, in any event, for the reasons I have outlined, I cannot see that it will result in significantly greater charges to the general community.

Mr EVANS: I support the measure before the Committee, although I believe it is important that we consider exactly which group in society will be forced to pay a contribution to this fund. It is only a matter of time before Parliament will rethink this matter, and that may not be too far in the future. All we are doing now is putting several Bills through Parliament so that the new planning legislation can become operative, and there is some need to do that as speedily as possible so that councils and other people will know how they will operate in future. Perhaps we will end up having more control over and more speedy processing of applications for and the final result of subdivision.

Over the years, I have been amazed that we have clung to the 2.47 acre (or one hectare) standard. Some time in the future, we will realise that a massive number of smaller allotments are available within the metropolitan area, and in some cases within country towns, which have already been created and which are readily available for sale, quite often in a lower price bracket. We will also realise that little subdivision will take place, even with the boom that will inevitably occur soon because of mining and other industries coming to this State. There is a massive surplus of that type of allotment. People cannot afford to hang on to these allotments, not because of the initial charge against

the subdivider but because of such on-going charges as council rates, water rates, sewerage rates, and interest charges.

One must ask why, when three-acre or four-acre properties, or properties as big as 25 acres, are most popular at present and are being developed, we as a Parliament have not taken up the challenge in this area.

In supporting this amendment, I hope that not too far in the future we will realise that in the main the richer people buy those allotments so that, if the charges are passed on, this group of people could well afford them. I say that knowing that a substantial number of my constituents fall into this category, and some would not like me to say what I have said. However, I believe that what I have said is fair and just and, in the end, it is something that we as a Parliament will have to consider.

I am happy to support the legislation so that the new Planning Act can become operative, the Minister can make the necessary amendments to other Acts, and the Real Property Act can become operative at the same time as the Planning and Development Act. Will the Minister say whether the Government intends to bring the Real Property Act into operation before the Planning and Development Act, or will those Acts become operative at the same time?

The Hon. D. C. WOTTON: In answer to the member for Fisher, I can say that the Government intends that the Real Property Act should come into force at the same time as the planning legislation. I want to make the point that it does not matter how much the Opposition tries to retreat, and how much the Opposition spokesman tries to make excuses on behalf of his colleagues here or in another place, the action that the Opposition has taken will mean increased land costs and in turn increased housing costs. The Opposition cannot get away from that fact, as much as it would talk about it.

It is interesting that, when the Bill was first introduced in this House, the Opposition did not discuss or debate it. Now, members opposite are backing off as fast as they can in regard to the decision they have made. The honourable member said that there will be no significant charges to be passed on. How naive can anyone be? There is an increased charge, which will be detrimental to those who buy land or build a house. The Opposition, because it has the numbers in the Upper House, has put through this amendment. It is not the Government's intention that the Bill should lapse, and for that reason it has no option but to support the amendments that are before the Committee.

Motion carried.

STATUTORY AUTHORITIES REVIEW BILL

Adjourned debate on second reading.

(Continued from 19 November. Page 2092.)

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

That all words after the word 'That' be left out and the words 'the Bill be withdrawn and the Public Accounts Committee Act, 1972-1978, be amended to include the objects contained therein' be inserted in lieu thereof.

That motion represents in a nutshell the views of the Opposition on this Bill. We find it very strange that a Government that claims to be cutting through red tape and cutting down bureaucratic excesses should believe that the best way to deal with statutory authorities is not to refer such a power to the machinery that already exists but to create yet another authority. That is quite extraordinary. Unfortunately, this method of doing things recurs again and again, and it is really very peculiar.

I do not believe there would be any argument among members that statutory authorities should not be subject to some form of Parliamentary scrutiny. Therefore, there is absolutely no argument about the basic principle embodied in this Bill. Individual members may have qualifications or problems in this regard, but those matters can be raised in the course of the debate. But I see nothing wrong with that principle. If departments are to be examined in this way, bearing in mind the relationship between departments and statutory authorities and functions of Government, it is quite appropriate that this should be done, but, for heaven's sake, machinery already exists that would allow that to occur.

Very simple amendments would be required to the Public Accounts Committee Act to provide that committee with those powers. If this matter is to be tackled properly the committee may need more resources and other changes may have to be made to the Act. I am giving notice now that if this motion is carried we will move amendments to the Public Accounts Committee legislation if this Bill is withdrawn, and the Public Accounts Committee Act Amendment Bill is introduced in lieu thereof.

The Premier claims that, in introducing this Bill, he is giving effect to his pre-election promise of introducing cost-benefit procedures in Government departments and most particularly 'introducing sunset legislation, which means that Government corporations, commissions, trusts must be reassessed by a Parliamentary committee and required to justify their continued existence.' That was in the policy speech. Later in the Treasury policy reference was made to sunset legislation in more detail, referring to legislation first introduced in Colorado, U.S.A., a form of legislation which has the effect of limiting the life of certain Government statutory bodies.

The Premier waxed eloquent about this promise and the implementation of it and the value of sunset legislation. In the second half of his second reading explanation he spent a considerable time explaining why it is not really practicable and it does not work. We could have told him that. The previous Government had investigated a wide range of methods of review of statutory authorities. The previous Premier, the member for Hartley, had instituted a major review of statutory organisations, their relevance, their meaning, and whether in fact they should be continued. In the course of that we were also looking at machinery to do it and this rather trendy idea of sunset legislation was raised.

The thing about sunset legislation is that it provides the automatic expiry, the automatic dissolution, of a statutory authority unless the Legislature intervenes within the set time allowed—five years, or whatever it may be. That means that the onus is on that body to justify its continued existence and, equally, I guess, the onus is on the Parliament or the Legislature to ensure that it is continued if it has proved to be of value before that expiry date has been reached. It is a cumbersome procedure; it is actually unreal, when one looks at the range of statutory authorities and the various different functions they have. Some of them are there to carry out a specific function and others are there for administrative convenience; others are there for financial reasons, such as strictures of the Loan Council.

Most notably, in South Australia I would say we have far fewer statutory authorities than just about any other Government in Australia. The Victorian Government has a plethora of these bodies and in many areas where we use departments, such as the Engineering and Water Service, in Victoria and New South Wales there is a statutory corporation. This has been resorted to far more in the Eastern States than it has ever been in South Australia.

Whether that is a good or bad thing I do not know. Whether there is measurably greater efficiency in a department—

Dr Billard interjecting:

Mr BANNON: I am talking about comparing performance, as between let us say the Melbourne Metropolitan Board of Works and our Engineering and Water Supply Department.

Dr Billard: I realise that, but it is more difficult to get accountability.

Mr BANNON: What I am saying is that in trying to make the comparison between those bodies and their efficiency, the fact that one is a statutory body and one is a department is not really relevant to the situation. Does the member follow that point? That is the only point I am making. I am not taking it further than that. I return to the principal point: we agree that in many respects a statutory authority is no different from a Government department. It should not be different in terms of accountability. It should be subject to Parliamentary scrutiny. We concede that.

We ask whether sunset legislation is the most effective way to do it. The Premier answers that in his second reading explanation when he points out that the Government promised it would bring in sunset legislation, but he went on to say that it has proved to be impractical. He said:

> A sunset clause for all statutory authorities would overload Parliament with Bills to permit authorities to continue to exist after the sunset date. A five-year review period for example would average 50 Bills per year.

The whole machinery would be so cumbersome and so inefficient that it is just not practicable. We could have told him that before he launched this airy promise about sunset legislation. This committee proposal is a step back from that promise. I suggest that in its procedure, it its concept, it equally provides great clumsiness. I would say in fact that the Public Accounts Committee provides the machinery—

The Hon. D. O. Tonkin interjecting:

Mr BANNON: No, I am saying that the first position of the Premier was to say—

The Hon. D. O. Tonkin: Don't let me put you off. I wouldn't want to put you off. You are in good stride.

Mr BANNON: I think this is a reasonably serious point. That is the first position. It can then be seen that sunset legislation is just not practicable. I suggest that the Premier then stepped back from it and said that we cannot have sunset legisltion but we will have a committee to review statutory authorities on a continuing basis.

I suggest that he should take one step further back from that. Instead of saying that we will create a brand new committee, he should say that, instead of setting up a new committee, let us look at the existing machinery we have and ask if it can be adapted to enable it to do this job. I believe that is a proper principle of public administration. If it is found that a new function has to be carried out by the Government, instead of saying that something new will have to be set up for it, as a starting point it should be asked whether there is any existing machinery which can be used to do the job.

We believe that the purpose of this Bill, what the Premier intends and the principles I have talked about, can best be satisfied by expanding the membership and powers of the Public Account Committee and I would suggest immediately, in a number of ways. I will not go into detailed amendments, because I think that is more (properly) tackled when this motion passes, if this motion passes and I suggest it should. We would envisage that the Public Account Committee, first of all, obviously should be given a clear authority to investigate statutory bodies. Secondly, because that will obviously increase the work load of the committee, the range of its operations, the membership of the committee could be expanded. It may be that an extra two members are needed, maybe an extra four members are needed. We would favour two, but obviously, in pairs, because it will mean one member from each side of the House; if it is done in that way it will still leave the Government with a majority on the committee. We believe further that there should be a position of Deputy Chairman and also the increased numbers would allow the committee to split itself so that it could undertake more than one investigation at any one time. I am glad to see the new Minister has taken his place very close to the Premier.

The Acting DEPUTY SPEAKER (Mr Mathwin): Order! There is nothing in this Bill that relates to a new Minister on the front bench.

Mr BANNON: It does refer to fact that on this fairly important measure the Minister responsible, the Premier, chooses not to stay there and has, in fact, installed one of his back-benchers in his place. There is not a single Minister in the House, which I would suggest is worthy of comment.

The Public Accounts Committee would then have a Deputy Chairman and the committee would have the ability, because of its increased size, to split itself into two so that it could undertake more than one investigation at a time. I would suggest, too, that some of the objectives of this Bill, some of the powers continued in clause 11, could in fact be worked into the Public Accounts Committee Act because this Statutory Authorities Review Bill allows the investigation on a number of criteria other than purely or strictly financial grounds, whereas the Public Accounts Committee does relate specifically to accounts. In practice, of course, the Public Accounts Committee can go beyond that and has done so, but it may be better to spell that out in the Act. That could be another amendment that could be suggested to the Public Accounts Committee Act.

In the context of membership and investigation, it may be that we could look at making the Public Accounts Committee a joint House committee. At this stage I would certainly need convincing that that would be appropriate. This House should guard its rights to be the originator of financial measures and financial surveillance in the Government, and, therefore, it is most appropriate that the Public Accounts Committee with its new statutory authority investigation powers be located in this House. However, I am not closing that option, which is something that is worth exploring, but at this stage the Opposition would not favour that.

That is the spectrum of matters that I would suggest should be included under a new Public Accounts Committee Act. Why do we have this Bill before us? I have already mentioned the Government's election promise; it is an attempt to give substance to the Government's propaganda about its financial competence and the way in which it requires accountability. Unfortunately, though, I believe this is largely a window-dressing exercise. Its implications have certainly not been thought through, and the very point that I have just been making, namely, that there is appropriate machinery which could be used but which was disregarded reinforces that comment. It really has not been thought through in its practical effects. It has been seen as a political exercise; the thinking has been 'We are going to review statutory authorities; we cannot introduce sunset legislation; let's establish a brand spanking new committee; that will look good; we can launch that with a few trumpets, and everyone will think we are really getting on with the job.' It is fine for propaganda purposes, and it solves some of the embarrassing problems that the Government may have in the Upper House concerning what to do with some honourable members there who are perhaps not getting enough work in Government.

When this matter was announced I suggested that this might be a move to benefit the Hon. Mr DeGaris in terms of giving him a committee to chair and a motor car to go with it, but that is probably being unfair to Mr DeGaris. In fact, his subsequent comments on this legislation indicated that it was quite unfair, because he is not satisfied with this committee at all in the form that this Bill sets out. So, perhaps the Hon. Mr Cameron was the member that the Government had in mind. However, that does not matter. Certainly, one of the side effects would be to provide a committee for Legislative Councillors. If that is a political problem to the Government, fine, this might be a way of overcoming it, but I suggest that that is not the way in which this important area should be tackled. Apart from the question of whether the Bill is the most appropriate way to proceed—and I am suggesting very strongly that it is not—it should be said that the committee provided for in this Bill suffers quite considerably by comparison with the Public Accounts Committee. One might even call it a poor man's P.A.C. That is very odd, in view of the Premier's propaganda statements about it.

I refer to some points of comparison. The Public Accounts Committee has the general powers of a Royal Commission. The Statutory Authorities Review Bill, on the other hand, sets out specified powers for the proposed committee, which, admittedly, are broadly similar, but they are inferior in important respects, especially as regards the role of the Minister. The Public Accounts Committee Act imports the powers by making direct reference to the Royal Commissions Act; this Bill does not. This one enumerates, I suggest, some powers which do not go anywhere near the same extent.

As to the Minister, he is given very large powers indeed. As a preliminary, of course, the statutory authorities that will be subject to the Bill are in the hands of the Government. The Government defines what they will be by putting them into regulations. Therefore, it is not a blanket provision; the Government is going to pick and choose, presumably, which authorities are subject to the Bill. That does not necessarily mean that those authorities will be investigated (that occurs a stage beyond that), but the initial question of which authorities can be subject to investigation is determined by the Government.

This is not an all-embracing Bill, and it is not in the hands of the committee. The committee might believe that the Fruit Fly Compensation Committee (which was abolished as one of the major de-bureaucratisation steps that have been taken by the Government), if it was still in existence, was subject to investigation. If such a committee was not contained in these regulations, it could not be investigated. So, here is the first control that the Government has over it. I am not aware that the Government has a similar control over what the P.A.C. can investigate.

Secondly, we come to the role of the Minister—very powerful indeed in this committee. Written notice must be given of any review and, in that context, points raised by the Ombudsman concerning the operation of section 18 (1) of his Act become very relevant indeed. Written notice of review and all the appropriate preparations must be given. The Minister responsible can determine the priorities of the committee; he has the absolute right to do so. The Minister cannot be compelled to appear before the committee, but he has the right to do so. He can also have access to the evidence, and questions are raised in that respect, namely, that it could be intimidating to witnesses who may be called if the Minister is to have such surveillance. Admittedly, the Act provides that the names of witnesses can be expunged but one would not have to be too bright to work out who a witness was, simply by the nature of the evidence given. That provision gives no protection whatsoever.

The Minister responsible for the Act (and I think this is probably the gravest control of all) may prevent the production of books, papers or documents if he believes that it is against the public interest. In other words, the test is the Minister's own belief about what is or is not in the public interest. They are pretty large constraints on the committee. The Opposition will be very interested to hear the Premier's response to that, that is, why he believes those constraints are necessary. There may indeed be a case for them, but that case has not been fully developed, and I suggest that it ought to be. That provision certainly highlights the point that I am making; in comparison with the Public Accounts Committee this committee appears to be somewhat inferior.

It does have one broader advantage to the Public Accounts Committee, to which I alluded earlier, namely, that it is not restricted to accounts. The Bill mentions matters such as '. . . whether the purposes for which the statutory authority was established are relevant or desirable in contemporary society'. That is a pretty heavy responsibility to put on such a committee. In fact, I would say that that strictly ought to be a matter of Government decision; it is a matter of Government policy. That is why we elect a Government and that is what a Cabinet's primary role is, namely, to determine the relevance or desirability of something in contemporary society. Regarding some of the other objectives, such as whether the authority is functioning efficiently, and so on, that is fine; that is a proper scrutiny made by the committee. However, I suggest that the first clause really is a sort of buck passing exercise by the Government, which, unfortunately, all too often tries to take the easy way out of decision making. I suggest that that ought to be looked at. However, I would suggest that some of the other powers contained there concerning the purpose of reviews and matters to be considered could well be imported into the Public Accounts Committee Act to provide it with the appropriate powers.

A lot of window dressing is involved in this Bill. It is a bit of a political stunt on the Premier's part. So, too, I would suggest, is this whole question of deregulation. Since the Government announced that it was abolishing statutory authorities, it has in fact created more than it has done away with. I found the answer to a Question on Notice asked earlier this session very interesting indeed. The answer contains a list naming 12 authorities (actually the list is defective because the Parks Community Centre, which is also a new statutory authority, is not included, which would make the total number 13) that have been created since the Government came to office; that is set off against a list of 10 authorities that have been abolished. There has been a net increase of three statutory authorities since this Government came to office, according to the Government's own statistics. That is quite extraordinary for a Government that is talking about de-bureaucratisation.

More interesting, though, if one checks through that list, the achievement of the Government becomes even more startling. If one looks at the list of those authorities that have been abolished, one finds that the Apprenticeship Commission has been abolished, but that has been replaced by the Industrial and Commercial Training Commission; the South Australian Land Commission has been replaced by the South Australian Urban Land Trust; the Constitutional Museum Trust has been replaced by the History Trust of South Australia; and the Central Dog Committee has been replaced by the Dog Advisory Committee. Thus, so far quite a few have been abolished, but the net number has not changed by one single authority. This is a great exercise in deregulation.

The Statutory Committee of the Law Society has been done away with but in its place two more have been created:

The Legal Practitioners Complaints Committee and the Legal Practitioners Disciplinary Tribunal. So where there was one there is two. I have just pointed out all those where there is a one-for-one ratio. On top of that, some have been abolished: the Monarto Development Commission—there has been no substitution for that. Then there are four committees which I suggest are not significant and which should be grouped together as one: the Red Scale Committee, the San Jose Scale Control Committee, the Oriental Fruit Moth Committee and the Fruit Fly Compensation Committee. So there is a great achievement of the abolition of them.

The South Australian Council for Educational Planning and Research, after being on the Notice Paper for a long time, was also abolished. In fact, that was abolished by the previous Government; it was a moribund Act, but this has cleaned up the book. Put all those together—and I would suggest that all those committees could be bumped into one—and in net terms there have been two abolitions (in the list I have got to so far) and one extra one created. What do we have in addition? We have the Meat Hygiene Authority, the Ethnic Affairs Commission, the State Disaster Committee, the Non-Government Schools Registration Board, the Correctional Services Advisory Council, the Handicapped Persons Discrimination Tribunal and the Parks Community Centre.

I would suggest that if we look through the list probably most of those could be justified as being quite proper authorities to create, but the facts are that that means that there are more statutory authorities since this Government came to office, pledging to abolish, them than there were at the time of the previous Government. They have had to grapple with the realities of Government; I put it no further than that. It is an extraordinary record, and it just shows the window-dressing nature of this exercise.

As to inquiries—and this is the point I will conclude on—there is now a multiplicity of possible inquiries. This was debated at length in the context of another Act, and it is another extraordinary part of this Government, which I thought made an election promise that it would rationalise and co-ordinate these methods of public accountability. What in many ways it has created is not more accountability, in an efficient and practical sense, but more demands and accountability from all sorts of different bodies which in themselves can be counter-productive and quite confusing.

At the moment we have the Public Accounts Committee, to whose role I have already alluded in the case of departments, and which I would say could easily take on this extra responsibility (and in that context I might add that, apart from the legislative changes I have mentioned, it would need further resources). There is the Ombudsman and his powers of investigation and inquiry, and there is the Auditor-General, whose Act has recently been amended to include statutory authorities as well. So he could come knocking on the door, as the Ombudsman is ushered out the other side and the Public Accounts Committee comes in from the lobby. Then there is the Public Service Board, with its Act requirements on efficiency, administration and staffing levels, and so on, and, of course, there are requirements under individual Acts: the SAMCOR and ETSA Act provide specifically for special inquiries which can be conducted on a periodic basis. So, really, there is not a need for more avenues of inquiry and accountability. The need is to make them more efficient and more co-ordinated, and this Bill does not achieve that; it adds to the confusion; it does not take away from it.

I hope that my remarks are treated in the spirit in which they are made, that is, a serious attempt to bring some sense into this important area. Accepting the principle on which the Government is moving to try to do this, we suggest that this is the wrong way to do this. This Bill, whatever the motives behind it, will simply not achieve it; it will simply add to the confusion. There is an existing method of machinery which involves the creation of nothing new, simply its expansion and improvement to do so. Surely that is a sensible suggestion, and I would hope that the Government would have the sense to accept it in the spirit in which it is offered.

The Hon. D. O. TONKIN (Premier and Treasurer): I oppose the amendment. I do not intend to waste very much time on what the Leader of the Opposition had to say. I am very pleased indeed that he dismissed the major part of his support for the Bill in the last four lines; that is, that he sees every need for an examination of the affairs of statutory authorities. Indeed, he has, I think, by his statement agreed entirely that they should be examined, and their reason for existence is something which could be examined very carefully too. Having said all that and having accepted that there is a need for some form of examination, I need only deal with his suggestions that this examination should be made by an expanded Public Accounts Committee.

I believe that the Public Accounts Committee is doing a very fine job. It has done so ever since it was first set up, having been stimulated by the former member for Mallee, Mr Nankivell. I think the Public Accounts Committee must always be treated in one or two ways: it can be treated as an adversary of government (in fact, I think it can be said that the former Government did treat it in an adversary situation), or it can be treated as an aid to better government. Certainly, as far as we are concerned, we treat it in that way. Inevitably there will be investigations made by the Public Accounts Committee which will throw open areas where money has been wasted, where procedures are such that money could be better spent in other ways, and where controls and accounting techniques can be put in. Indeed, the Auditor-General's Report and the Public Accounts Committee's activities are never very far apart.

I believe that it is in the interests of better government to have a good Public Accounts Committee and, although the reports of that committee may from time to time be slightly embarrassing to Government, it nevertheless welcomes them, facing up to any embarrassment there might be so that positive steps can be taken to remedy the sitution that has been pointed out by that committee. I think I can say quite clearly (I am sure that the Chairman of that committee would totally agree with this) that the proceedings of that committee are already very heavily loaded under the burden which falls on members of that committee and on the support staff, which has been expanded since the time this Government came to office. The burden which falls there is, in fact, remarkably high. If the Leader of the Opposition does not believe so, that is all right by me.

I personally have the highest regard for the work that is done by the Public Accounts Committee and members of its staff. It is no earthly good for the Leader to become all pompous and puffed up: the fact is that the Public Accounts Committee has a very worthwhile and necessary job to do. I am not going to interfere with it in any way, shape or form, and I am certainly not going to divert it from its proper function by saddling it any further with any responsibility. Having said that, I must point out, too, that as well as being heavily loaded already it does have a duty to perform; that is, examine spending, accounts and to properly report. I think that there is no provision for a full review of the rationale for the existence of any particular statutory authority. Having said all that, I think we should get down to the fundamental reason, which is the unspoken reason why the Leader of the Opposition wishes to take this rather unusual move in expanding the Public Accounts Committee

rather than have a new statutory authories review committee. The basic reason is patently clear for anyone to see when one examines the policies and principles of the Labor Party.

The main basis for the objection that is now being put forward by the Opposition is perfectly patent, and the reaction that we are now getting from the Opposition benches bears that out. The main basis for the objection is that the proposed committee is to comprise members of the Upper House, something that to the Labor Party is anathema. We know what its policies are and that it wants to abolish the Upper House, the Senate and the Upper Houses in other Parliaments. That is the long and short of this rather interesting move that is being made.

Members interjecting:

The Hon. D. O. TONKIN: The crickets (or are they crows) are very noisy today.

An honourable member: You must have hit a sensitive spot.

The Hon. D. O. TONKIN: I always find that we get a noisy reaction when we are getting somewhere near the truth. With the amount of noise that is coming from the Opposition benches, I am positive that we have hit exactly on the truth.

Mr Bannon: Does this represent your view? Now, you're telling us that we've—

The Hon. D. O. TONKIN: If the Leader would like me to move for the suspension of Standing Orders to enable him to have another go, I would not mind. Apparently, the truth hurts. He does not want to. Basically, the proposed committee will be an Upper House committee.

Mr Bannon: Are you going to make an offer or not?

The Hon. D. O. TONKIN: I'm sorry, but you are too late. The main basis for the objection is that the committee will be an Upper House committee. However, this is a most appropriate function for an Upper House. I believe that it will give appropriate and proper power to the Upper House to review the functions of statutory authorities, and nothing at all that the Leader has said makes me change my mind that this is the proper course of action to follow.

The Liberal Party believes in the bicameral system, in the preservation of the Upper House and, indeed, in the strengthening of that House. Political doctrine as advanced by the Labor Party is no excuse to try to stand in the way of what undoubtedly will be a major reform in the administration of statutory authorities in this State. I totally oppose the amendment and reject the arguments advanced by the Leader of the Opposition. This is not window dressing but is important legislation indeed, and I look forwarded very much to its being in place.

The House divided on the amendment:

Ayes (20)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (23)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pair—Aye—Mr O'Neill. No—Mr D. C. Brown.

Majority of 3 for the Noes.

Amendment thus negatived.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'The committee.'

Mr BANNON: Will the Premier be more specific regarding why the Statutory Authorities Review Committee is being established rather than the Public Accounts Committee, with extra resources, and even on a joint House basis, being expanded and given this task, as I have suggested?

The Hon. D. O. TONKIN: There is no question at all in the Government's mind (and I again refer the Leader to the second reading explanation) that the most appropriate way of dealing with this matter is by borrowing to some extent from the experience of other Parliaments and setting up a separate body to look at statutory authorities. I have taken on board the points that the Leader has made, although I do not count them very highly.

However, there is no doubt that statutory authorities should be reviewed by a separate body whose major thrust is looking at the rationale for their continued existence, the way in which they continue to operate, and, indeed, whether they need to operate at all. In some cases it would be quite clear that more resources should be made available to those statutory authorities. In others, they should perhaps be wound down altogether and disbanded. The whole rationale for the existence of this committee is that it has a separate and quite distinct job to do from that done by the Public Accounts Committee.

Mr BANNON: In respect of subclause (2), why has the Government decided that members of the committee shall be nominated by the Leaders of the Government and Opposition respectively in another place rather than elected by the House itself?

The Hon. D. O. TONKIN: I see no conflict in that at all. That is the effect of what happens now, anyway.

The Hon. PETER DUNCAN: Does the Premier not concede that the Public Accounts Committee, in its study of the Teacher Housing Authority, did precisely what he says the Public Accounts Committee cannot do at the present time? In other words, it looked at the rationale for the existence of the authority, the way it was operating, the way it was functioning, whether we were getting value for money and whether it was operating efficiently within the rationale for its existence and continuation.

The Hon. D. O. TONKIN: I am prepared to concede that the Public Accounts Committee did look at these various functions. However, that was one example which certainly does not prove any rule.

The Hon. PETER DUNCAN: I would like to pursue the matter. That clearly indicates, on the Premier's own intimation, that the Public Accounts Committee has the power and can, in effect, undertake the duties which this committee, that this Bill seeks to set up, is to undertake. I would submit to the Premier that the only thing that the Public Accounts Committee needs to be able to handle the tasks that he seeks to have this new committee undertake is a bit of beefing up; in other words, more staff and better facilities. If that is to be provided, I have no doubt that the Public Accounts Committee could undertake all the tasks that the Premier seeks to have this new committee undertake.

The Hon. D. O. TONKIN: The member for Elizabeth was obviously not in the Chamber (and I do not blame him) while his Leader was talking and certainly while I was talking, otherwise he could not be serious. He omits to say that it will also need about twice as much time—possibly more than twice as much. There are two alternatives: first to take the Public Accounts Committee, beef it up, as the honourable gentleman suggests, and provide it with all the time in the world. Perhaps we could excuse the members from sitting in the House and have it meeting full time. Perhaps that appeals to the honourable member, but the pure fact of the matter is that it is not possible or feasible. If we take the system as the Leader put forward and split the committee into two lots of three or three lots of two so that we can cover the ground—

Mr Mathwin: You could make it six lots of one.

The Hon. D. O. TONKIN: That would be taking the suggestion to its ludicrous extreme, but it does point up the whole matter. It is not possible to undertake such a move. It would simply overload the Public Accounts Committee and water down its effectiveness. I want nothing done, although the Leader apparently does, to in any way water down the effectiveness of the Public Accounts Committee. I believe that it is a useful and valuable adjunct to Government and certainly to the Parliamentary process. I take the point that the honourable member has made, although it was made at more tedious length and less succinctly than the honourable member might have made it. It will not work when one considers the alternative of beefing up the Public Accounts Committee, giving it more staff and getting it to sit twice or even three times as long. There may even be a sessional fee payable to the Public Accounts Committee if it went on at that rate. That would not be a good idea.

Mr Keneally interjecting:

The Hon. D. O. TONKIN: I am sorry if the honourable member is upset. I am treating the question by the member for Elizabeth quite seriously, because I understand his concern about the matter. That is the choice confronting us in terms of time available and in watering down its responsibility. It is better on every count to establish a separate committee; a committee of the Upper House which can do the job properly and well for the benefit of all South Australian taxpayers.

Mr KENEALLY: The Premier chides me for being upset: of course I am upset. This is a serious discussion about a very serious matter, and the Premier wants to make fun of it. He has never indicated more clearly than he has today his ignorance of what the Public Accounts Committee is about, and his arrogant attitude towards that committee is evident. He said that the Public Accounts Committee could not carry out the functions of the statutory authorities review legislation. Of course the Public Accounts Committee could do so. What we are suggesting is that the membership of the Public Accounts Committee be increased. Does the Premier know that in Victoria under his political colleagues the Parliamentary Public Accounts Committee has 12 members who are able to constitute themselves into three subcommittees to look at a number of issues at the same time? That already is taking place in Australia, yet the Premier chides us and says that it is impractical and could not take place.

Did the Premier at any time take the opportunity to refer this proposition to the Public Accounts Committee and ask it whether it was able to undertake additional responsibilities? Of course he did not. The Premier has never been a member of the Public Accounts Committee. I am prepared to state that he never took the opportunity to discuss this matter with the Chairman of the Public Accounts Committee or Government members on that committee. If he did so, this matter was never discussed at a meeting, and it ought to have been. For him as Leader of the Government to come before this Committee and arrogantly dispense with the role of the Public Accounts Committee just shows the contempt in which he holds the Public Accounts Committee and also this Committee.

It is a simple proposition indeed. For the role of the Public Accounts Committee to be expanded is a simple matter. The Opposition has suggested that additional members be made available to the Public Accounts Committee. These additional members are smaller in number than would be the number that a new committee would constitute. These additional members would require fewer resources, and it would be at a lesser cost to the State than would be a new committee. The expanded Public Accounts Committee could, with the new resources and members, easily deal with the task that the new committee is charged to do, and it could do so at a lesser cost. Is the Premier concerned with cost to the taxpayers of South Australia? Is he or is he not? If he is he will expand the Public Accounts Committee role with fewer members than the statutory authorities review legislation would require. The Premier smiles. He knows quite well that this committee—

The CHAIRMAN: Order! I suggest that the honourable member refer his remarks to the clause. The Chair has been rather tolerant, but I suggest that the honourable member link up his remarks.

Mr KENEALLY: My final comment is that the Premier knows that this committee is to be established to satisfy the needs of some of his friends in another place. He has no consideration at all for the very important issues raised in my Leader's motion earlier this afternoon and during the Committee stage. He treats it with the buffoonery that we have become used to in this place which brings him into contempt all over South Australia, as he will soon find out.

The Hon. D. O. TONKIN: I can tell the honourable member that I am deadly serious about this legislation. I am very serious about getting it in. It will pass this House without a doubt. I do sympathise with the member for Elizabeth, who was yawning vigorously during the member for Stuart's speech, and that is all it was worth.

Mr Bannon interjecting:

The CHAIRMAN: Order! The Leader was given a reasonable opportunity to speak. I insist that the Premier is given an opportunity, otherwise I will use Standing Orders.

The Hon. D. O. TONKIN: The Leader does make a fool of himself. Regarding discussion with members of the Public Accounts Committee—

Mr Keneally: To see whether—

The CHAIRMAN: Order! I warn the honourable member for Stuart.

The Hon. D. O. TONKIN: The matter was discussed fully by the Government Party, and in case members opposite do not realise this (and apparently the member for Stuart does not), I point out that members of the Public Accounts Committee from our side were in the Party room and took full and free part in all discussions relating to this matter. The second suggestion was that the number of members of the Public Accounts Committee should be increased, as occurred in Victoria. Once again, does the honourable member seriously consider that that was not looked at as an alternative, and does he seriously believe that it is an alternative? I wonder whether he knows how many members are in the total Victorian Parliament and how that number compares with the number available in South Australia.

The system that has been put forward in this Bill is the best possible system to apply to the South Australian Parliament, and that is the long and the short of it. Regarding costs, if the honourable member intends to beef it up (as his colleague termed it), and increase the number of members and the support staff, I point out that there will be no difference in the cost of setting up a separate Statutory Authorities Review Committee.

Finally, that committee will have a clear-cut duty. It will hone in on particular aspects of the operation of statutory authorities. It will not have the wide-ranging powers of inquiry that the Public Accounts Committee has in regard to all sorts of previous spending. It will consider the operation of statutory authorities. There can be no misunderstanding whatever about its task or its ultimate effectiveness, and I can see no justification for the suggestions put forward.

The Hon. PETER DUNCAN: Before asking the Premier one further question, I want to assure the Committee that I was not yawning while the member for Stuart was speaking. How does the Premier think that this committee to be set up under the Bill and the Public Accounts Committee will mesh in? It seems to me that this Bill will establish a

committee that in some respects will have powers and tasks that overlap those of the Public Accounts Committee. A few moments ago the Premier stated that he did not wish to take away from the good work the Public Accounts Committee was doing, and so on. It seems to me that the potential very clearly exists under this Bill for two Parliamentary committees to investigate the activities of particular Government authorities, either concurrently or within a relatively short period. I believe that is quite undesirable. Will the Premier say what he envisages as the meshing arrangements between the two committees?

The Hon. D. O. TONKIN: I have every confidence in any member of this House who will serve as Chairman of either of those committees.

Mr LEWIS: I wish to relate my remarks to clause 4 and not, as honourable members might be forgiven for mistakenly believing, to clause 5 (1) *(a)*. I know that members opposite face the difficulty in this matter, that, whereas they believe that some of their people in this Chamber would have the calibre to accept the responsibilities and demonstrate the competence necessary to give reasonable service on a committee of this kind, they certainly cannot say the same for their colleagues in the Upper House. That is probably why they are opposing the establishment of the committee in that Chamber, and I believe that they should come clean and admit that.

Clause passed.

Clauses 5 to 9 passed.

Clause 10—'Statutory authorities may be referred or nominated for review.'

Mr BANNON: Will the Premier say how this clause is intended to work? This clause states, in part:

> (1) The committee shall review each statutory authority—
> *(a)* that is referred to the committee by the Governor, the House of Assembly or the Legislative Council; or
> *(b)* that is nominated by the committee.

Of course, statutory authorities, under clause 3, are authorities designated by regulations under the Act as a statutory authority subject to review. If the committee or either House of Parliament believes that a certain authority should be examined, and if that authority is not on the list, a difficult situation could be created. What is the Government's intention? Either statutory authorities are to be reviewed, based on the references provided in the Bill, or they are not. Why is there to be a check and balance situation that will exclude certain authorities?

The Hon. D. O. TONKIN: It was made quite clear in the explanation that clause 10 provides for every contingency, and as reference can be made to the Public Accounts Committee by motion of this House or the other place, so that reference can be made now. The reason for excluding some statutory authorities is quite self-evident: some statutory authorities would not be suitable for review of this kind. Their efficiency may be investigated, but the reason for their existence is certainly not in question. I might refer, for instance, to ETSA. However, I can tell the Leader that the Government would obviously give very close examination to a motion passed by either Chamber seeking the reference of a statutory authority to the Statutory Authorities Review Committee.

Mr BANNON: I understand that there is no restriction on which authorities the Auditor-General, the Public Accounts Committee, or departments, authorities or bodies of the Ombudsman can investigate. In this case, it appears that some authorities are to be excluded from the scrutiny of the committee. The Premier referred to ETSA, and said that it is quite clear that the purpose for which ETSA exists is evident. However, if one looked at the clause, one would quickly ascertain that, whether or not the purpose of the statutory authority's existence is clear, a number of criteria can be investigated by the committee. The clause is not worded to make that a prerequisite of any investigation. I would like to understand the basis on which the Premier is saying that some authorities should not be subject to scrutiny. Why should not ETSA be subject to scrutiny by this Parliament? What other authorities does the Premier believe should not be subject to scrutiny by the Parliament? That seems to be an extraordinary distinction to make. If the E. & W.S. Department was subject to scrutiny by Parliament, or the Phylloxera Board at the other end of the scale, surely ETSA should be subject to scrutiny. Why does the Government see the need to exclude these authorities?

The Hon. D. O. TONKIN: The Leader, by asking that question, demonstrates his absolute lack of understanding of this Bill.

Mr Bannon: I am asking you to answer the question.

The CHAIRMAN: Order! The Premier will answer the question as he deems appropriate.

The Hon. D. O. TONKIN: Thank you, Mr Chairman. As I said, by asking that question, the Leader demonstrates that he just does not understand—

Mr Bannon: Get on with the guts of it. Stop using abuse.

The Hon. D. O. TONKIN: I did not believe that I was being abusive. I am trying to be helpful. The Leader has shown that he just does not understand.

Mr Bannon: Patronising—

The CHAIRMAN: Order! I do not believe that it is necessary for the honourable Leader to make that sort of comment.

Mr Bannon: It is unnecessary for—

The CHAIRMAN: Order!

The Hon. D. O. TONKIN: The Leader should contain his juvenile reaction to these matters.

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

The Hon. D. O. TONKIN: Before the dinner adjournment, I had pointed out that the fundamental difference between the Public Accounts Committee and the Statutory Authorities Review Committee is that the latter is required to look into the need for the continued existence of an authority under review. Let me put it another way: if under clause 10 (and this was the gravamen of the Leader's questioning) the committee was asked to review an authority that was not already listed in the regulations in existence, then that body would be added to the regulations. There is no question of that. The only constraint on that is that it would not cut across the definitions of 'statutory authority' that are fairly carefully set out in paragraphs *(a)*, *(b)*, *(c)*, *(d)*, *(e)* and *(f)*, of clause 3.

Provided that it does not cut across those, there is no reason why a body should not be listed. Indeed, it is more likely that a body would be listed than not be. Before the dinner adjournment I mentioned the example of ETSA. It would be totally inconceivable that the committee would recommend that ETSA not continue, because there is no alternative; obviously it must provide power, and it will keep on doing so. Therefore, from that point of view there would be no need for ETSA to be listed, but from the point of view of examining efficiency there would be no reason why ETSA should not be listed. Therefore, the general intention is that bodies will be listed rather than not listed. The provision is not there simply to exempt the bodies, but is there to bring bodies into the inquiry.

The problem that arose which drew the Government's attention to the need for this requirement was quite clear when one considered the experience of Victoria, because there is some difficulty there about deciding exactly what is a statutory authority and what is a public body. Rather

than have people using some legal loophole to exempt them from review by that statutory review authority, it was decided there that it would be better not to have an open-ended body, but to have the ability to put those bodies in by regulation so that there is no confusion, no room for argument, and indeed, they are there to be investigated.

I would imagine that when it comes to the point the Government will be relying very heavily on the committee or on the Parliament, so that if Parliament or the committee decides that a body ought to be looked at, then it will move to put that body in the regulations. As I say, certainly, the emphasis is very much on bringing people into the ambit of review rather than excluding them from it. As I say, I just cannot see how there would be very many bodies that were excluded.

Mr BANNON: The Premier's response answers in part the question I asked, but I think it has been answered unsatisfactorily. I take his point concerning bodies which could claim not to be statutory authorities, although I would have thought that if the committee or the House decides that they should be investigated there would be some onus on them to establish that they are not if it is believed that it is not proper for such an investigation, and that that could be easily fixed up. However, I do not think that that really comes to grips with the basic point which is that clause 10 provides that review shall take place of each statutory authority referred to the committee by the Governor, the House of Assembly, or the Local Council, or nominated by the committee.

However, the Premier says that if the House or the committee decides that a particular body should be investigated, it can be nominated and brought under the regulations. But that is not what the Bill provides for, because in order to find out what a statutory authority is one must refer back to clause 3, which provides the definition, part of which is that a statutory authority is designated by the regulations as a statutory authority subject to review.

There is no procedure by which this House or the committee can call for a review of an authority that is not listed. The Act allows an investigation to be taken if an authority is designated; if it is not, then it is simply out of the purview of the Act and out of the purview of the committee. That is the point I make. I would have thought that if some sort of exemption or special class of authority was to be created that was not to be examined by the committee, then the onus should be the other way: such an authority should be exempted by the regulations and the reasons for that exemption given and perhaps even debated in this place. That would be preferable to the way this Bill is worded, which provides that nobody comes under the provisions unless they are so designated. Therefore, I think that there is complete distortion in that clause.

The Hon. D. O. TONKIN: I think one must get down to practicalities. If this Chamber, for instance, by resolution decided that a statutory authority should be reviewed then there would be no difficulty in having the authority included in the regulations by the Government. I think that is the practicality of the matter and is common sense.

Clause passed.

Clause 11—'Purpose of reviews and matters to be considered.'

Mr BANNON: I refer to clause 11 (2) *(a)* concerning whether the purposes for which a statutory authority was established are relevant or desirable in contemporary society. I ask the Premier whether he thinks that this is not the proper function of a Government. The desirability of an authority in contemporary society is surely one of the decisions that a Government is elected to make. The rest of the functions or the tests that a committee applies I suggest are quite proper. There may be some amendment that the Opposition would make if that function was handed to the Public Accounts Committee, but surely the purpose outlined in clause 11 (2) *(a)* is cutting across the whole concept of Government and its role.

The Hon. D. O. TONKIN: There are some matters, as the Leader would know in respect of the San Jose and Red Scale committees, for instance, that have been recently disbanded, the legislation having been wound up, where Governments do certainly act in this way. Those are obvious matters. Other matters are less obvious. A Government cannot be expected to go around all the statutory authorities. I think that is one of the prime purposes and reasons for the Bill. A Government cannot be expected to make decisions in terms of modern technology and advances that have been made, for instance, in medicine, in the control of tuberculosis and things of that nature. There is no way that it can necessarily tell until some considerable time has elapsed whether or not a certain body should be wound up. This provision will not stop the Government of the day, I am quite certain, from going through those more obvious cases and dealing with them; however, the establishment of the committee provides another Parliamentary body that is able to deal with the matter anyway. I can see no contradiction.

Mr BANNON: I want to continue with this point. Surely any Government ought to have a properly tabulated list of those authorities which should be kept under constant review. For instance, does not the Government have a deregulation bureau unit, and is not that one of its primary tasks? I have mentioned already that the previous Government in fact established such a list and was going through the relevance of those various authorities. I also pointed out that, during the time of this Government, the number of authorities has increased (not decreased), despite the splendid and very expeditious action of the Minister of Agriculture in getting rid of the Red Scale Board and the San Jose Committee, etc. That is fine; in fact, without the Minister of Agriculture, the net increase of authorities would be seven rather than three. However, let me return to the more substantive point, namely that the Government—

Members interjecting:

The CHAIRMAN: Order! I do not think we need the backchat across the Chamber. The honourable Leader may continue.

Mr BANNON: Thank you, Mr Chairman. I was more concerned that I am trying to make a reasonable point, which is that the Government itself ought to be reviewing such matters. I would suggest that as a principle of public administration, it is the Government's role to determine the relevance of a particular authority.

Obviously, members can move motions to abolish it, or whatever, and that purpose is not a proper function of a committee such as this. The other objects do line up with it. Is the Premier saying that here again we have another example of duplication, a deregulation unit, a Cabinet or governmental scrutiny of these authorities and the committee doing it? I suggest that that is unnecessary. Let one group do one function; let another group do another function.

The Hon. D. O. TONKIN: The Leader is making debating points again, but he should go back to some of the earlier points he made. He said a little earlier that there was no need for this legislation at all, because the Government ought to be doing it all.

Members interjecting:

The CHAIRMAN: Order!

The Hon. D. O. TONKIN: A little earlier he was advocating that the Public Accounts Committee should take this matter on.

Members interjecting:

The CHAIRMAN: Order! I will name the honourable Leader if he continues in that fashion.

Mr Keneally interjecting:

The CHAIRMAN: Order! And that includes the honourable member for Stuart.

Mr KENEALLY: On a point of order, Sir. Am I able to talk to my Leader from one bench to another, or is that forbidden under Standing Orders?

The CHAIRMAN: The honourable member is at liberty to talk to any of his colleagues as long as that conversation is not audible to the Committee.

The Hon. D. O. TONKIN: The Leader is not quite consistent in his points of view. It is not a question of changing the point of view to suit the argument on one clause. It is far more important to be consistent during the whole approach to this thing. I would be very much more impressed by what the Leader has had to say if some evidence of an attempt at deregulation had been found when we took office. There certainly was no evidence of any such move. As members opposite had been in office for nearly 10 years, it seems to me that this sudden zeal for Governments to get on with the job of deregulating and abolishing these bodies is quite remarkable. As I have said earlier today, when things are different they are not the same. That is obviously the line that the Leader follows.

I have already made the point, quite clearly, that there is no point in carrying on as the Leader has done, saying that the Government should be doing more. The Government has a programme of deregulation that it has been consistently following; it will continue to do so. Very soon we hope to see the implementation of the recommendations of the small business deregulation programme. That will help very greatly in the establishment and running of small businesses. There are very many other matters that will be coming before this House in due course, but that is a peripheral matter.

We are now dealing with the need for this Parliament to have the power and ability, through one of its committees, to examine the operations of statutory authorities. If the Leader is suggesting that statutory authorities are so well managed that they have no reason to show cause why they should not continue to exist, and suggests that they are perfectly efficient and can stand any scrutiny, and that therefore we are wasting our time, I cannot agree with him at all.

Mr BANNON: I just rise to correct one point. It should not be necessary, but I think it is a pity that the Premier is trying to make a joke of this. I have never at any time said that I did not think such a power was necessary. Right at the outset, I said that we agree very strongly with the principle that statutory authorities should be subjected to Parliamentary scrutiny. I have said that, and have repeated it constantly throughout this debate. I have also said that we do not believe that this is the mechanism by which this can be done. I have asked serious questions about which authorities (and why) should be excluded from the purview of this legislation. I have said that the Premier's response has been unsatisfactory. In looking at the purposes of the committee I have emphasised the role that Government has in setting its social and legislative priorities, and suggested that that is not a proper concern of the committee. That is not inconsistent. I suggest that it is supported by many analyses of public administration principles. I would have thought that it was a serious point of view and statement warranting a serious argument, and not non-sensical misrepresentation. There really does not seem much point in continuing this Committee stage if this reaction goes on.

Clause passed.

Clause 12—'Powers of the committee in carrying out review.'

Mr BANNON: I do not wish to be rushed through too rapidly. This is a fairly long clause, which deals with the powers of the committee in carrying out the review. In the course of it, I think it points up some of the aspects of the review which indicate how, in many ways, this procedure could be defective. I suggested in my second reading speech that the Premier may have a reason for the various provisions contained in this, but I point out that it puts the committee under fairly severe constraints. For instance, a Minister of the Crown is not required to appear before the committee. I would like the Premier to explain why he believes that should be so. There may be proper reasons—I can think of one or two myself—but I would like to hear the Government's view of that particular provision, because I know that many people in the community and some in the Parliament believe that Ministers should be subject to such scrutiny. They are, after all, to the Estimates Committees.

The Hon. W. E. Chapman: Do you believe that because they escaped that requirement to go before the committee that would put more pressure on the community?

Mr BANNON: Let me go further and let me say why I think it creates the problems. The Minister in charge of the committee, who presumably would be the Premier, would have considerable powers in relation to what the committee can do. It is a Parliamentary committee, as are the Estimates Committees. The Ministers appear before them and answer questions on policy. We have just passed a clause which provides that the committee shall, in carrying out its inquiry, investigate whether the purposes for which the statutory authority was established are relevant or desirable in contemporary society. I have said, in commenting on the previous clause, that I do not think that that is a proper area of study for the committee. The Government rejects that, and says it is.

I say in the context of this clause that, if that is the case, then the Minister ought to be subject to direct examination by the committee because, after all, the Minister ultimately is responsible to ascertain whether the statutory authority is carrying out the purposes which are relevant or desirable in contemporary society. It is the same analogy as with the Estimates Committees. The Ministers appear to answer questions on policy and the purposes of their departments. Their public servants are there to advise on the precise financial details. That is the logic of it.

An honourable member: Have you got an amendment to that effect?

Mr BANNON: Yes, I have. I have an amendment to the Public Accounts Committee Act to give effect to just that. Let me go on and refer to subclause (4), which states:

> Where the committee has requested or required the production of a book, paper or document, the Minister responsible for the administration of this Act may, if he thinks it would be against the public interest for the book, paper or document to be so produced, certify accordingly.

I ask the Government what it sees residing in this power, why it feels it is necessary? Surely, if the committee is moving into areas of prime investigation, where matters of some delicacy are involved, at any stage in those proceedings the Minister can intervene and say, 'It is not in the public interest for you to see that document.' There is no recourse, no challenge for that. It is a Ministerial prerogative contained in the Act. That puts an immediate and very far-reaching fetter on the committee's investigation. It is odd to find the clause in this Bill which the Government says is so vital to give the committee powers. The Minister determines what is the public interest and he determines what documents shall not be produced.

In the case of the Public Accounts Committee, as I understand it, that power does not exist with the Minister. Because it has the powers of Royal Commissions, if it wishes to have a document, it has got that document. The Minister cannot suddenly gallop on the scene and say, 'No, you shall not have it'; it must be produced for that committee. The

power in this Bill allows him to prevent it. Why is there a restriction here that there is not in other areas of inquiry? Similarly, the Auditor-General has no such restriction placed on him. So, the Minister has that very important power. Further, subclause (7) provides:

> If the committee thinks it is in the interests of a person to do so, it may, before giving to a Minister or statutory authority a copy of the evidence taken, or submissions received, from that person, expunge from the copy the name of the person and any other material tending to identify him.

This, again, is an interesting power that the committee is given. The Minister shall have access to any evidence, under subclause (6), taken by the committee, but the protection to the witness is that the committee may expunge their names. Does the Premier say that that gives a reasonable protection to witnesses and, if so, how? Does he realistically suggest that simply expunging the name of a witness provides protection? If he does not, why bother with subclause (7)? Why not say straight out 'The Minister shall have access to the evidence,' and that is that?

Alternatively, it could be argued that the Minister should not have access to the evidence, because it may intimidate witnesses who are appearing before the committee. If they are being asked to testify fully and frankly before such a committee and they know that what they say will go back in precise detail to the Minister, obviously that puts a fetter on them. I have already referred to what I would say are three curbs on the power of this committee to operate, some of which the P.A.C. does not have. I think they are serious points and warrant a serious answer, and I would like the Premier to respond.

The Hon. D. O. TONKIN: I think, if the Leader looks at the powers of the P.A.C. and looks at clause 12 (1) *(b)*, he will see that this committee has the same powers as the P.A.C. has. I do not think there are any exceptions. It has exactly the same powers, except that these are spelt out.

Mr Oswald: Clause 12 (1) *(b)*.

The Hon. D. O. TONKIN: Yes, that is right; clause 12 (1) *(b)* does provide that power quite clearly without being fettered. These are autonomous bodies, and Ministers in the legal sense have very little other than the responsibility for representing those statutory bodies. The Leader has made a great deal of fuss about this, but the long and short of it is that there is very little difference, if any, between this and the provisions of the Public Accounts Committee.

Mr BANNON: I was at a loss to understand the point being made by the Premier in response. As I understood it, he was trying to say that the Public Accounts Committee is in a position where, if it requires a documented paper, the Minister can veto the production of it. That is not true; he cannot. That committee has the powers of a Royal Commission. The member for Morphett refers me to clause 12 (1) *(b)*, which provides that the committee may—

> by summons . . . by the Chairman, or the Secretary . . . require the production of any books, papers or documents;

That is qualified, and he seems to have missed the very point I am making by clause 12 (4), which provides:

> Where the committee has requested or required the production of a book, paper or document, the Minister responsible for the administration of this Act may, if he thinks it would be against the public interest for the book, paper or document to be produced, certify accordingly—

and it will not be. I could ask the member for Morphett to explain whether I am right or he is. The Premier said, 'Yes, the member for Morphett is right; look at clause 12 (1) *(b)*.' I have looked at clause 12 (1) *(b)*, and it is qualified by clause 12 (4). Why is the P.A.C. allowed to inspect any document or book that it so summons and this committee is not? Why does this committee have lesser powers?

The Hon. D. O. TONKIN: Because this is the committee which is currently before the House, and this is currently the provision being put forward by this Government. That is the long and short of it. As far as the whole exercise is concerned, the Leader is tackling it from entirely the wrong direction. As I said before, the Government expects that the statutory authorities, by being reviewed in this way, can be made more efficient. We regard this as being very much an adjunct to Government and the ability for Government to manage it. I can see no reason at all why there will be any holding back except in matters of extreme sensitivity or secrecy, and those matters may in fact exist. At this stage, I am not in a position to—

Mr Keneally: Why don't they exist for the Public Accounts Committee?

The Hon. D. O. TONKIN: There is a simple answer to that. The Public Accounts Committee is looking at the management of the accounts for spending and the management of a particular body. What the Statutory Authorities Review Board is doing is not only considering those matters but also considering perhaps some special technologies which are being used or may be in contemplation by that body from the point of view of fulfilling its objects. That is the fundamental difference which members opposite do not seem to have grasped. It is a wider examination—it may involve technology, which is the subject of information in confidence. If that is so it would be totally wrong, for instance, if the Government had undertaken an agreement for material involving technology in confidence; it would be totally wrong for the Government to accept that that material should be put forward to any committee. That situation will not arise with the Public Accounts Committee.

Mr KENEALLY: That is a reflection on Parliament; it is a reflection on members of Parliament, and it is a reflection on any committee that this Parliament might establish. The Premier tells us that information might be available to a Statutory Authorities Review Committee which is of such delicacy that members of Parliament and the Parliament of this State ought not to be aware of that information, yet the Public Accounts Committee has powers of a Royal Commission. What the Premier has failed to tell this Committee is why he believes his Minister should have the power of veto over the Statutory Authorities Review Committee. That is exactly what clause 12 subclauses (4) and (5) provide for—the power of veto—that any Minister, for any reason that he sees fit, could determine that information, books, etc. should not be provided to the committee.

Who, in those circumstances, has the power to determine whether the Minister has a legitimate cause for doing so or whether the Minister is running scared? The Premier has not told us why this provision is in the clause. There has not been one reasonable explanation for these provisions; in fact, since this whole charade started, the Premier has treated the Committee, and the Opposition and the very reasoned and thoughtful contributions with a great deal of contempt. In almost 12 years that I have been here, I have never seen a more glaring example of contempt for the Parliamentary process that I am seeing on this occasion. The Premier chided me earlier for being upset; I continue to be upset, because the Parliament is entitled to better treatment than this.

The Premier should tell this Committee why clause 12 subclauses (4) and (5) are important to this measure. They can only be important, on any reading of the clause, to give the Ministers the power of veto over this committee. That means that any time the committee is examining anything that could be in the slightest way embarrassing to the Minister he has the power to veto the operations of the committee. I think the Premier ought to do this Committee the justice of explaining why that should happen. All this pie in the sky about Ministers being responsible and con-

cerned, the delicacy and the secrecy of the situation is all so much rubbish while this provision is in the Bill.

The Premier thinks that this is a matter for hilarity and laughter. Whenever he becomes embarrassed and defensive, we must put up with this buffoonery, but I have had enough. The Premier must explain why these provisions are in the clause. If he cannot do so, the Premier should remove them.

Ministers have the power of veto over this committee, which renders it an irrelevant rubber stamp—just a facade and a piece of window dressing. The committee should have the appropriate powers that Parliamentary committees ought to have: it should be able to require that books and information be provided to it, without the Minister's being able to veto that. I am waiting for the Premier to explain what he is on about, as he has not even attempted to do that to date.

The Hon. D. O. TONKIN: Obviously, the honourable member has not been listening; perhaps he came in late from dinner. I am grateful to the honourable member for putting on record so clearly his contempt for secrecy and for the honouring of agreements, particularly in relation to industrial matters. I am sure that that will not be forgotten.

Let me once more outline the situation for the honourable member. It is necessary to have this power of discretion applying to the Minister, because in instances where information has been given in confidence by way of agreement with overseas companies involving industrial processes it would be improper for anyone to break such an agreement. If the honourable member does not understand that, I am afraid that I cannot do much more to help him.

Mr KENEALLY: Being probably the longest serving member of the Public Accounts Committee in the Parliament, I should like to follow up this matter. On any number of occasions information is given to the Public Accounts Committee, and that information, which is given in confidence, is honoured. In addition, the Public Accounts Committee is well aware that in certain situations public servants and Ministers cannot, in the interests of good government, provide information to the committee, and that, too, is honoured. There is no doubt about this.

The Public Accounts Committee does not pressure Ministers and public servants to provide information that it is inappropriate for the committee to have. The same thing would apply to the Statutory Authorities Review Committee. So, it is not good enough for the Premier to say that, for some nebulous reason that he wants to advance, namely, that some secrecy could be involved, the committee can be veteod by any Minister. If every Minister was to act honourably, it would be fair enough. We might be able to cope with that. However, is the Premier saying that every Minister will act honourably?

If a Minister acts dishonourably and, because he is running scared, vetoes information that should be available to this committee, who will take the necessary action? What powers will the committee have to seek the information that it should rightly have if the Minister decides that he or she will veto it? Will the Premier address himself to that point, which he continues to evade?

The Hon. D. O. TONKIN: Once again, the honourable member says that he accepts that there are times when people are not able to give the Public Accounts Committee certain information.

Mr Keneally: And we honour that.

The Hon. D. O. TONKIN: I am pleased to hear it, and that position is regularised in this legislation.

Mr BANNON: I do not think that the Premier has satisfactorily dealt with this question of the committee's evidence. The Minister in charge of the Act and the Minister of the Crown who is responsible for the administration of the authority that is being investigated has access to any evidence that is taken by the committee during the review. Does the Premier not believe that this could result in some problems in relation to full and frank disclosure by witnesses? Why does he consider that this power is necessary? Does the Premier think that the supposed protection given under subclause (7), that is, of expunging the name involved if the committee considers that it should be expunged, will in fact aid the situation?

The Hon. D. O. TONKIN: I could ask why the Leader thinks that it will not. The argument can be put across both ways in that regard, and I do not really think that the point is valid.

Mr Bannon: Why do you allow full access to this evidence? Don't you think that that could create an intimidatory situation?

The Hon. D. O. TONKIN: No, I do not think so. The Leader and his friends are totally ignoring what I think is a most important factor, namely, that the responsibility is that of the Chairman of the committee, as is the case with the Chairmen and members of all Parliamentary committees. The affairs of Parliament and of Parliamentary committees are in the hands of the members themselves, and that is where the remedy lies.

Mr Bannon interjecting:

The Hon. D. O. TONKIN: I am sorry, but the affairs are in the hands of this Parliament, and they always will be.

Mr Bannon: They're in the hands of the Minister.

The Hon. D. O. TONKIN: It seems to me that, if a Minister or any other member of this Parliament wants to make misrepresentations to any committee, he can do so. However, if he does so he risks his integrity and, indeed, he can be dealt with by the House in appropriate terms, if necessary. So, I cannot see that the Opposition is doing anything more than splitting hairs.

Clause passed.

Clause 13 passed.

Clause 14—'Report and recommendations of the committee.'

The Hon. D. O. TONKIN: I move:

Page 6, line 24—Leave out all words in this line.

This amendment has the effect of removing the words 'being not less than four years from the date of the report'. After consideration, the Government believes that some inflexibility exists when a specific time is mentioned. The Government believes that that time should be removed, so that the committee is given a wider flexibility to examine matters as it thinks fit.

Amendment carried; clause as amended passed.

Clause 15—'Debate in Parliament on reports of the committee.'

The CHAIRMAN: The Premier has given notice of an amendment to this clause. The appropriate course is for the Premier to oppose the clause.

Mr BANNON: The Premier is going to oppose this clause, as he has given notice as you, Sir, have indicated, that it is to be deleted. A minute ago, when we were questioning various aspects of the committee, the Premier deliberately misunderstood my question about the Minister's having access to evidence, and talked about whether the Minister misrepresented the position before the committee, and so on. He said that this House has the final say in the matter, and that we in the Parliament can discuss it accordingly and judge whether or not he has done so.

Earlier, when we were discussing other powers that the Minister might have, the point was made (and also by way of interjection by the member for Morphett) that Parliament ultimately has the control. Clause 15 involves the debate in Parliament on the committee's reports. It states that any

member may move a motion that a report made by the committee which is laid before Parliament be noted, and a debate will then ensue. Having heard all these assurances about Parliamentary control of this procedure, we get to this crucial clause, which involves an opportunity for Parliamentary debate, yet the Premier is seeking to remove it, and he says nothing about it. Why does the Premier believe that this clause should be removed, when he has already given assurances that a lot of the problems that the Opposition raises could readily be fixed up by the Parliamentary debate on the committee's report? The Premier is removing the opportunity for this to happen.

The Hon. D. O. TONKIN: The reason I have not said anything or given any reason why it should be removed is that the Leader jumped to his feet and wanted to have his say first.

Mr Bannon: The Chairman was putting the motion.

The Hon. D. O. TONKIN: Grow up!

Mr BANNON: I rise on a point of order. Did you not, Mr Chairman, call the motion? That is why I sprang to my feet, as I thought the Premier was not going to say a word.

The CHAIRMAN: Order! There is no point of order.

The Hon. D. O. TONKIN: If the Leader can contain himself long enough to examine Standing Orders he will find that clause 15 is unnecessary because Standing Orders of both Houses provide that it is possible that reports be debated and the matters are still in the hands of Parliament.

Mr BANNON: I would suggest that the Standing Orders which provide for that do not provide the same sort of power as is embodied in this Bill. The clause was inserted originally for some purpose. It was to emphasise and make totally clear that this procedure could be inaugurated as soon as a report was tabled. The Standing Orders to which the Premier refers require all sorts of procedural commissions, use of private members' time, etc., in order to get the matter on. This gives a right to the member to move the motion, and this provision indicates that time would be allowed for such a debate. It would be very hard for the Government to avoid it. Recourse to the ordinary Standing Orders does not give the same protection. That is the simple fact of the matter. That is why the clause was inserted originally, and that is why I am staggered, in the face of these assurances of debates on the report, that it is being removed.

Mr KENEALLY: I am prepared to read Standing Orders. The Premier should refer to the Standing Order upon which he is relying. He knows full well that this Parliament does not have ready access to debate immediately the reports of the Public Accounts Committee are presented. Clause 15, which he seeks to oppose and have deleted from the Bill, I suspect is a similar clause that applies in the Federal Parliament which allows immediate debate on the introduction of committee reports. I am not absolutely certain of that but it is my strong suspicion. It was obvious that the view of the Parliamentary Counsel or whoever it was who prepared this legislation that that clause was essential. It is not good enough for the Premier to say, 'Read the Standing Orders and you will see that it is irrelevant.'

If it is irrelevant, it is his legislation and he has introduced it into the Parliament. Why did he introduce a Bill that had an irrelevant clause in it? Are we to understand that before we came in to this Chamber the Premier had not even looked at this piece of legislation? His contribution would surely say that that was the case. It is the Premier who is responsible for clause 15 being in the legislation; it is not the Opposition. In fact, we believe this clause has some values and ought to stay there. It is the Premier who brings this clause before the Committee, and it is the Premier who is seeking to have it excluded. There is no point in the Premier trying to place the blame on the Opposition. It is he who squarely must come to account with the Committee, as it is his legislation.

He obviously considered this legislation before it came into Parliament and discussed it with his colleagues. He has already told the Committee that there were lengthy discussions in his Party room. He discussed the matter with his colleagues on the Public Accounts Committee, yet, despite all these considerations, we have clause 15 introduced in this Parliament, remaining in the Bill through the second reading debate and now in Committee. It is the Premier who wishes to oppose his own clause. His lame excuse is that Standing Orders allow it. If Standing Orders allow for it why was not the Premier aware of that when he first had the Bill drafted? Why was not the Parliamentary Counsel aware of it, and why were his technical officers not aware of it? The reason they are not aware is that the Premier is trying to mislead the Committee. He has no excuse except that he as Premier does not want the report of the Statutory Authorities Review Committee debated in this House. He knows, as we all know, that Standing Orders in the South Australian Parliament, although not totally inhibiting debate on reports brought before this House, make those debates very difficult indeed.

I defy any members of Parliament here tonight to point to one such example in their experience in this Chamber. The member for Fisher has been here longer than any, and next to him I have been here as long as any. I do not know of one example in this Parliament where a committee report has been able to be debated by the Parliament. Surely that is not an unreasonable thing for the Parliament to do, particularly in this area which has such political and delicate consequences as the Premier has already pointed out. So, what we want to know is why it was considered to be essential when the Bill was drafted under the Premier's instructions. It is his Bill. Why, after consideration, does he now want to delete it? Is he afraid of the rights this clause will give the South Australian Parliament? Is the Premier afraid of Parliamentary scrutiny or Parliamentary debate? That is the only conclusion that anyone can draw from the Premier's actions tonight.

His own Bill provides for Parliamentary debate, and now he has moved, with the support of his back-benchers, who ought to be ashamed to support the Premier on this motion, to delete this clause. Government members have the opportunity to say that they are not supporting the Premier, and I challenge them to do so, although I suspect that they will not. This is the measure the Premier wants to be off-handed about and sneer at the Opposition about. He says, 'Read Parliamentary Standing Orders.' The Committee requires better treatment than that.

The Premier has not made one attempt to address himself to the debate and has not made one attempt to address himself to the valid points the Opposition is raising. He has treated the Committee and the Opposition with contempt. All we have seen is buffoonery. We would like to see a serious attempt by the Premier to address himself to the points we have made and tell the House why he believes the South Australian Parliament has no rights in this matter. Members of the Government and members of the Opposition, both front and back bench, have received no right to debate a report by this committee. It was the Premier's original intention that we would have that right. However, he has changed his intention, and he ought to tell us why. The reason he gave us a few moments ago is nothing but a lame excuse.

Mr BANNON: Standing Orders are being referred to. I assume the Premier is referring to Standing Order 251, which provides:

On any paper being laid before the House, it shall be in order to move that it be read or printed; and, if necessary, a day appointed for its consideration.

In that context it is open to any member to try to move a motion and that the motion be noted for debate. Unless Government time and Government consent is provided to do so, that motion cannot proceed. Even private members' business has enormous constraints to note or debate such reports. Let me refer to the clause which the Premier seeks to delete. It is an important point and, if the member for Fisher would be prepared to let the Premier listen, he may be able to respond. This clause contains a provison (subclause (3) *(b)*), which I draw to the attention of the member for Morphett, who is on the Public Accounts Committee and who is aware of some of these problems. This is an absolute right provided in this Bill for a member to move as such. The subclause provides:

Debate on that motion, if not completed within twenty-four sitting days of the day on which the motion was moved, shall take precedence over all other business presently before that House, unless an absolute majority of the members of that House resolves otherwise.

The Premier is saying that he wants to exchange a power that gives a right to members to debate a report, and to complete the debate within 24 sitting days. The Premier wants to take out that power, and instead he believes that Parliament should have recourse to the Standing Orders, which provide no such protection or opportunity. I suggest that Government back-benchers are forgoing a right, as are members on this side. This is not a simple clause that states what the Standing Orders provide; it goes well beyond the Standing Orders. This clause provides that these reports shall be specifically debated, and a time limit will be settled; if debate has not finished within that time limit, the Government must provide the time to finish the debate.

That is a rigorous instruction and one that has been through the process described by the Premier and referred to by my colleague. Now, at the last minute (because these amendments were circulated only today), notwithstanding that the Bill has been on the Notice Paper since 19 November, we have been told that this right and power will be withdrawn. The Standing Orders are no substitute for this clause. If the Government's intention was that these matters should be debated within a certain time, whether or not the Government wanted them to be debated, that right is now being removed by the Premier, and he is giving no reason for it. The Standing Orders are not adequate in this case. Will the Premier say why he believes that the Parliament should not have that power?

Mr KENEALLY: Frankly, I am astounded that the Premier, who gave the instructions for the Bill to be drafted and for clause 15 to be included, should allow the Bill to remain on the Notice Paper for some three months and then, on the day it is to be debated, determine that he will take away from Parliament the rights that he originally intended, and then suggest that the reason for doing so is that Standing Orders provide for what clause 15 intended.

The Premier knows full well (if he knows anything full well) that Standing Orders do not provide for the rights of Parliament as sought in clause 15, yet he refuses to explain to the committee the reasons for his actions. The Premier originated clause 15; obviously, he gave the instructions in this regard, and he originally intended that Parliament should have these powers and rights of debate in regard to a very important report from, hopefully, a very important committee. Now, because the Premier cannot find adequate excuses for this appalling backdown that we have seen this evening and contempt for the Parliamentary process for which he originally seemed to have some regard (but for which, as the months pass, he has had less regard), there can be only one reason why the Premier has taken this action, and that is that he does not want this Parliament to debate the committee reports.

The rights of the people of South Australia are expressed in this Parliament. There is nothing that the Government can do that should not be the proper subject of debate in this House, because it is the Parliament and not the Government that should be paramount. It is the Parliament that is responsible to the people of South Australia. Why are Government back-benchers permitting their Premier to deny the Parliament when they have sworn to uphold the rights of Parliament? The Premier is running scared, and Government back-benchers are totally neglecting their sworn oath.

The Premier refuses to allow Parliament its rights, and if Government members, on both the back benches and the front bench, support their Premier in denying the rights of the Parliament, the Parliamentary process in this State will never have been under threat so much as it is this evening. There can be no other interpretation of the Premier's actions. He holds the Parliamentary process in contempt, and that has never been more clearly demonstrated than this afternoon and this evening.

Mr Oswald: You're getting carried away now.

Mr KENEALLY: I know that I am embarrassing some back-benchers opposite, because some of them have a conscience. Anyone with a conscience would not join the Premier, because that is one consideration—

The CHAIRMAN: Order! I do not believe that those comments are in order.

Mr KENEALLY: No, Sir. I appreciate that, and I think you are Chairman of Committees because of that very point. If the Premier refuses to answer the questions asked of him, there can be only one reason at which the Committee can arrive, which is that he is contemptuous of Parliament, he fears Parliamentary scrutiny, and he wants the committee to be nothing more than a lame duck. If the Premier has his way, that is exactly what it will be. The committee will serve no purpose, because the constraints placed on it by the Premier will ensure that it is nothing but a whitewash.

Clause negatived.

Clause 16—'Successive reviews of a statutory authority must be at least four years apart.'

The Hon. D. O. TONKIN: I move:

Page 7—
Line 21—After 'referral' insert 'by a House of Parliament'.
Line 23—After 'review' insert
, unless the referral or nomination is made in accordance with a recommendation made by the committee in its report, or with resolutions of both Houses of Parliament, that the statutory authority be further reviewed at a specified time prior to the expiration of that four-year period.

These amendments are complementary to clause 14 but give added flexibility to the committee. If for any reason it is believed that a statutory authority should be reviewed in an interval of less than four years, it is in the hands of the committee to say so.

Amendments carried: clause as amended passed.

Remaining clauses (17 to 21) and title passed.

The Hon. D. O. TONKIN (Premier and Treasurer): I move:

That this Bill be now read a third time.

I have no doubt that the Bill as it comes from Committee will provide a very valuable adjunct to the proceedings of this Parliament by the establishment of a committee that will undoubtedly help considerably in extending proper accountability and control of statutory authorities as well as departments.

Mr BANNON (Leader of the Opposition): I wish to indicate our strong opposition to the Bill as it comes out of Com-

mittee. I hope that the statutory authorities possibly to be subjected to the procedure to be established will read the *Hansard* debate, understand some of the serious points the Opposition made, and make a judgment on the farcical way in which the Premier attempted to handle the matter. I really do not think that this House or the Opposition warranted the sort of treatment and contempt with which we were treated during the course of this debate. The points that we made were substantive; time will prove that, and I really think the Premier's performance is to be condemned.

The House divided on the third reading:

Ayes (20)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Noes (17)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, McRae, Payne, Peterson, Plunkett, Slater, Whitten, and Wright.

Pairs—Ayes—Messrs D. C. Brown, Chapman, Gunn, and Rodda. Noes—Messrs Corcoran, Langley, O'Neill, and Trainer.

Majority of 3 for the Ayes.

Third reading thus passed.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (JUDICIAL REMUNERATION) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3288.)

The Hon. H. ALLISON (Minister of Education): When the debate was adjourned some time prior to the evening recess, a number of questions had been addressed to me, answers to which I largely had, but there were some others that I sought from the Attorney-General. I was a little surprised that the member for Playford should have disclaimed any knowledge of the legislation other than the second reading explanation and some information that I gave him late yesterday evening. A member of the Opposition (or I think it was the member for Mitcham) said that judges' salaries should indeed be made public and that they should not be kept concealed as they had been in the past.

Mr McRae: That was not me; make that quite clear.

The Hon. H. ALLISON: It was the member for Mitcham who said that. I respond to that by saying that the statistics that I gave to the member for Playford yesterday evening can be made quite public, and I seek to have the table of judges' salaries, calculated as at 1 July 1981, inserted in *Hansard* as statistical evidence.

The SPEAKER: With the assurance that it is totally statistical, is leave granted?

Leave granted.

TABLE OF JUDGES SALARIES (CALCULATED AS AT 1 JULY 1981

Judge	Salary at 1.7.81	Current Salary	New Salary	Allowances	Total Package	Number of Judges
Chief Justice	63 567	65 855	64 779	3 500	68 279	1
Puisne Judges Supreme Court	57 686	59 763	57 622	2 000	59 622	12
President, Industrial Court	57 686	59 763	57 622	2 750	60 372	1
Senior Judge	53 088	54 999	57 622	2 750	60 372	1
Judges, District and Industrial Courts	47 332	49 036	48 979	1 750	50 729	23

Special Note: Although the table shows that the salaries of the Supreme Court Judges are slightly reduced under the new package, there will be no reduction in effect. The Supreme Court Judges' present salary will be maintained until future encremental adjustments raise these salaries above existing levels.

The Hon. H. ALLISON: Members of the House will be well aware that for many years there have been successive discussions between judges and successive Attorneys-General as to the best method of fixing judicial salaries. Last year it was agreed between the judges and the Attorney-General—

Mr McRae: Could the Minister speak more slowly so that I can get this down—'there was an agreement—

The SPEAKER: Order!

The Hon. H. ALLISON: If the honourable member looks at the statement I gave him last night he will find that I am simply reiterating the statements in paragraph 1. There was an agreement with the Government's proposal to establish a committee to review the basis for giving those salaries and to make recommendations to the Government on an appropriate formula. The basis for fixing the salary package was recommended to the Government by a three-member committee headed by a senior solicitor, assisted by a leading accountant and a prominent business man. The question was asked as to whether the names of those three members of that *ad hoc* committee could be released. There was also another question as to whether the report itself might be released. The answer to the latter question is, 'No', as I do not have a copy of the report. However, the information that I gave the member for Playford last night was in fact the summary that he referred to during his own address on this matter.

There is no secret about the names of the members of the committee. The member for Mitcham did advert to at least two of those names in his own address on the subject. The member for Elizabeth was extremely concerned at the possibility—

Mr McRae: Who were the people?

The Hon. H. ALLISON: I will give you the names in a moment. The member for Elizabeth was extremely concerned that the solicitor referred to might have been the Crown Solicitor. He spent some time relating what horrors might ensue as a result of that being correct. In fact, it is not the Crown Solicitor. It is a former President of the Law Council of Australia, Mr C. J. Thompson. The chartered accountant is Mr M. J. Whitbread, and the business man is Mr G. Inkster. I am quite sure that those names have been bandied around the profession, since the member for Mitcham was already in possession of them. There were several allegations that it was unfortunate to have this matter before the House when independently the matter of Parliamentary salaries was also under review. I would say that, although some mention was made of Parliamentary salaries in the release which was in the *Sunday Mail* last weekend, this was in no way connected with the material that was released by the Attorney-General. There is no nexus between the Parliamentary salaries and the salaries of judges, although I have no doubt that many Parliamentarians would be happy if there were a nexus, when one examines the differences

between the base Parliamentary salaries and those of the Judiciary. But there is literally no nexus between the two.

Mr McRae: I never suggested that there was.

The Hon. H. ALLISON: No, but other honourable members said that it was unfortunate that the two were being assessed simultaneously: this matter in the House and Parliamentary salaries independently. There is no link between the two. The question of whether this was the best means of establishing judges' salaries is a matter I will tackle, but one of the issues raised was whether we should have an independent tribunal or a statutory authority. While that matter may be the subject of further discussion at Attorney-General and Cabinet level, there is no immediate commitment to do that. I suggest that future discussions on that issue are not really relevant to the Bill before us. For the moment, the legislation in front of us is what we are considering. It does not involve a tribunal or a statutory authority.

Mr McRae: Just funny money.

The Hon. H. ALLISON: It is not really funny money. It involves an *ad hoc* committee of three. The Attorney-General probably felt that it was more appropriate that an independent committee, chaired by an eminent person such as a former President of the Law Council of Australia—

Mr McRae: That was Mr Thompson, was it?

The Hon. H. ALLISON: Yes. It was felt that that might be a more appropriate way of determining changes in salary than having the Attorney-General himself—because members will realise that previously the Chief Justice has approached the Attorney-General, and it has been by negotiation on behalf of the learned gentlemen, and ultimately decided by Cabinet. I believe that the Attorney-General is to be commended in taking this perhaps intermediate step of at least having that independent group assess the methods of determining judicial salaries. That has been done, and the committee brought forward its recommendations.

There was one problem posed: that was that some of the judges would be faced with reductions in salaries and would be adversely affected in their superannuation. I would draw to the attention of the member for Playford the fourth sheet which has now been inserted as statistical evidence in the debate.

Mr McRae: Do I have it? Did you give it to me?

The Hon. H. ALLISON: It was the one that I gave the honourable member last night. He requested it, and I released it when he came to my office during the session yesterday.

Mr McRae: There is nothing on superannuation.

The Hon. H. ALLISON: It is on the fourth page—the statistical evidence. This is the original, of which I gave the honourable member a photo. If the honourable member did not see the fourth page, let me point out that there are some ostensible reductions in the base salaries. The Chief Justice has a current salary of $65 855; the new salary is $64 779. Of course, there are allowances of $3 500 additional, giving a complete—

Mr McRae: That is funny money.

The Hon. H. ALLISON: I will explain that it is not really funny, because there are negotiations, however funny the honourable member may think it, between Their Honours and the Taxation Commission regarding their base salaries and certain deductions.

Mr McRae: Were there? Very interesting.

The Hon. H. ALLISON: The honourable member will learn of those shortly. The allowance of $3 500 in the Chief Justice's case brought his total package well above the former, current, salary to a new level of $68 279. There are other comparisons we can draw as we go down: the Chief Justice, puisne judges of the Supreme Court, and so on but the special note on that statistical sheet simply says that, although the table shows that the salaries of the Supreme Court judges are slightly reduced, under the new package there will be no reduction in effect. The Supreme court judges' present salaries will be maintained until future incremental adjustments raise these salaries above existing levels. So we do not believe that it will be necessary to have any alteration to the Act concerning judicial salaries. In other words, there will be no adverse effect on superannuation or associated benefits as a result of this legislation. The present ceiling will be protected. It is unfortunate that that information was not digested when I handed it over last night. I acted in good faith.

Mr McRae: I never got it.

The Hon. H. ALLISON: It was handed to the honourable member in my office, and the messengers were kind enough to take it off for him. That statistical evidence can be perused; it can be published; it is available for anyone to see—the past, present and future salaries of the judges, as proposed in this legislation.

A number of other issues were raised, and I propose to deal with them on an individual basis. There was an allegation by the member for Mitcham that the judges have been shabbily treated. In view of the adjustments made, their Honours will not lose on superannuation rights. As the new allowances will bring their total package salaries well above the existing salaries, it is hard to say how they were shabbily treated.

Mr McRae: This is the funny money you are talking about.

The SPEAKER: Order! I believe that the honourable member for Playford has had more than a fair go of interjecting on the Minister while he is answering the second reading debate. I would ask him to desist.

The Hon. H. ALLISON: The second point that was raised was that it is quite undesirable that the salaries are not publicly known. I believe that I have redressed that problem simply by releasing the statistical evidence to *Hansard* and therefore to the public.

Mr McRae: When you were forced to do so.

The SPEAKER: Order! I warn the honourable member for Playford for the last occasion this evening.

The Hon. H. ALLISON: I am sorry that there is some reference to being forced when the information was handed over last night, and I thought that members of the House would have had some 24 hours to study those figures. The allegations from the member for Mitcham were that it was the honourable member for Elizabeth who had reached arrangements, in fact, that he had fixed at 91 per cent of the salaries being received by the four contiguous States (Western Australia, Victoria, New South Wales and Queensland), the salaries of the Supreme Court judges. I suggest that that was done on one occasion only, and that it was in fact the member for Elizabeth himself, who omitted to mention this in his address, who had deemed it appropriate for national wage case increases to be attached to the judicial salaries. I believe that was done in probably one or two successive years.

So, that bears a closer scrutiny, and the 3.8 per cent increase which was passed on last year is simply an extension of the practice that had already been established by a former Attorney-General. The present Attorney-General has abrogated no agreements which have been arrived at. The cost of living allowance was handed on and in fact the statistical evidence released shows that there have been increases. If honourable members opposite would like to look at that statistical evidence I will pass a spare copy over. It may help with the debate. The member for Norwood may like to take the *Hansard* copy.

With reference to the *ad hoc* committee, the first allegation of the member for Mitcham was that this committee

did not consult the judges and that it was some rig between the committee, with the allegations of the Crown Solicitor's being involved, and that the Attorney-General and Cabinet had arranged this matter between them. How wrong are those allegations. In fact, that *ad hoc* committee comprises three very reputable gentlemen not directly connected with Government. They did not receive instructions or directions, nor consult with the Government. They consulted with the judges themselves. Submissions were received and submissions from the judges went into that committee to help it to arrive at its decision. The fact that there is a recommended net reduction in some of the cases does not alter the fact that for a total package for Their Honours the allowances which have been added on take their totals well above their former salaries; that is, their current salaries.

I have already addressed the fact raised by the member for Mitcham that this appears to be an inappropriate time to have this matter before the House. I would simply repeat that there is no nexus between the judicial salaries and the Parliamentary salaries. The pension disadvantages again were raised by the honourable member for Mitcham, I suggest there will be no adverse effects upon Their Honours because of the agreement which is stated on page 4, the statistical page. There is no reduction on the current salary. Therefore, there will be no need to alter the Judges Pension Act to redress that.

There has in the past been an arrangement between Their Honours and the Federal Taxation Office, an office which is not noted, Mr Speaker, for its generosity in these matters. I do not know whether it was ever a written agreement. In fact, I have no evidence that it was a written agreement, but there was a notional 5 per cent of salary allowed as a deduction. That notional 5 per cent of salary allowed as a tax deduction will not necessarily be attached to the new salary. I cannot speak on behalf of the Attorney-General or on behalf of the Government in this matter because now that Their Honours are to receive a different base salary with an additional personal and car allowance tacked on, this will be the subject of further discussions, I assume, between Their Honours and the Taxation Office.

This is something which the State Government cannot decide; therefore, suggestions that the 5 per cent notional deduction may or may not be carried on is not something on which I can advise the House accurately. It is quite possible that there will be some arrangement between the Taxation Office and Their Honours, but that would involve close scrutiny of this legislation as and when it passes through both Houses, and not before.

The member for Mitcham said that he would oppose the Bill. I notice that he is not here to listen to the explanation, which largely deals with the diversity of issues which he personally raised as well as those raised by the members for Playford, Norwood and Elizabeth. I would hope that, had he been here to listen to these explanations, he would have been more inclind to support the legislation. Increases have not in fact been withheld, as was alleged, for two successive years. There has been indexation and that is a matter that was arranged by the former Attorney-General, the member for Elizabeth, in line with national wage increases.

I do not think that any other matters raised in debate have not been addressed. Whether the responses satisfy the members of the Opposition I do not know, but they are the replies as we see them, Mr Speaker. I would simply say that this legislation is an attempt to base judicial salaries on a basis fixed by an independent *ad hoc* committee, and I sincerely hope that the legislation does have the support of all members of the House.

There is one other issue. I am remiss in not referring to it. There was some suggestion that something sinister was being done with regard to the Licensing Court. Well, there is nothing sinister planned by the Attorney-General, and the reason for the proposed amendment on the last page of the legislation is that, in the absence of a judge in the court, none can be appointed on a temporary or an acting basis. This amendment assures that, when His Honour Judge Crubb retires, the Governor may appoint a person to act as a judge whilst the examination of the whole Licensing Court area is carried out. Eventually another appointment may well be considered, although no definite position can be expressed in respect to this as yet.

The SPEAKER: Order! The honourable member for Elizabeth is out of order, having spoken on the Bill, and an indication having been given to all members that if the honourable Minister spoke he would close the debate.

The Hon. PETER DUNCAN: I apologise, Sir.

Bill read a second time.

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Short titles.'

Mr McRAE: I want to know whether or not the Minister is going to produce the report which the Opposition has been demanding all this afternoon and which, in fact, the whole community has been demanding all this afternoon. The Opposition has now been supplied with the names of the three people who constituted this committee. The first is Mr Cedric Thomson, who is well known to me and well liked by me. He is a very eminent practitioner of law in the commercial field and, no doubt, in other fields as well. He is far my senior. Nonetheless, Mr Tonkin is well known to be involved in various forms of legitimate tax avoidance. That would be known to the community, which would not be wrongly advised in thinking that there was some connection between the sort of recommendation that is now before the Committee and what Mr Thomson might think. Regarding the second gentleman, I will have to ask the Minister to help me a little.

The ACTING CHAIRMAN (Mr Randall): Order! Would the honourable member clarify to which clause he is speaking?

Mr McRAE: I am speaking to clause 4.

The ACTING CHAIRMAN: The Chair believes that at this stage the honourable member is out of order and that, because of the content of the honourable member's remarks, he should perhaps be speaking to clause 5. I suggest that the honourable member should wait until the Committee gets to clause 5 before he makes those comments.

Mr McRAE: I am always willing to accept a recommendation from the Chair.

Clause passed.

Clause 5—'Remuneration of judges and masters of the court.'

Mr McRAE: I know Mr Thomson. Indeed, I have worked with him, and I respect him as an honourable person. I also know that he would be happily involved in all lawful means of tax avoidance. The second committee member (I was trying to write down his name as the Minister read it out) was Mr Whitbread. I do not know him at all.

The Hon. H. Allison: He is a chartered accountant.

Mr McRAE: Well, I have never heard of him.

Mr Lewis: He's a good fellow. I can vouch for that. I know him personally, and have done so for years.

Mr McRAE: I am told by Government members that Mr Whitbread is an honourable person.

Mr Lewis: Yes.

Mr McRAE: But, no doubt, also as a chartered accountant, Mr Whitbread would be involved in honourable and lawful means of tax avoidance, because that is what the Liberal Party is there for: if one can make a million, one should do so. I am not surprised about that. I think that the third

man is a Mr Inkster. What he is there for, I am not sure. He is a business man of some sort. I was not told what sort of business man he is. Can the Minister tell me that?

The Hon. H. Allison: No, I do not know him personally. I didn't think it was relevant.

Mr McRAE: I do not know him, either. No-one seems to know Mr Inkster. So, we have a three-person committee, and we do not know whether or not those three persons all agreed in advance with the Attorney-General. We have no means of knowing what these people are doing. I am the last person to suggest conspiracies and that sort of nonsense. However, the South Australian public wants to be assured, and that is what I return to. I said in my simple second reading speech this afternoon that, if politicians in South Australia go before a certain tribunal, the public knows who constitutes that tribunal. The public is well aware of the fairness or unfairness of what is happening.

Until the demands were made by the Opposition this afternoon, we had no inkling of who constituted this committee, except that I was told by numerous people (as, apparently, was the member for Mitcham) that Mr Prior, the Crown Solicitor, was the Chairman. I now know that that is wrong. It appears that Mr Cedric Thomson was the Chairman and that the other two gentlemen were the other members of the committee.

All this was done in darkness, and that is what the Opposition is offended about. What is good enough for the politicians is surely good enough for the judges. Why must we go through this nonsense in darkness? That is what has happened. I challenge the Minister to produce the report. If the Minister will not do so, he is merely going back this time not 50 years (to which we are all well accustomed with this Government, especially with its actions today, forcing on Her Majesty's representatives dreadful proclamations that have offended half the citizens of this State) but 300 years. The Opposition demands to know why this could not be made public. What was so secret about this matter that it had to be a Star Chamber? That is what it is. Let not the Minister back away from that.

The Minister was very careful in his reply to the second reading debate to get away from the Opposition's challenge that this was a Star Chamber. The Minister was careful to say nothing about it because, of course, it is. This committee was set up in darkness. I am not suggesting that the Attorney-General, who chose the members of this committee, knew in advance what their views were.

Mr Lewis: I don't think so.

Mr McRAE: It could have been that the Minister knew nothing about the views of these people and that he took them on a punt. I do not really believe that. No Opposition or Government member really believes that, and certainly no member of the public will believe it. In this instance, a Star Chamber has been set up 400 years after the event. I want to know what were the reasons behind the recommendations that were made, and why the Minister must sit in this Chamber so shame-faced, as he is doing at the moment (I am not surprised about that), having crucified the small little clerks throughout the Government service with a crooked deal today. Why is the Minister now refusing to give members the recommendations made by this committee?

The recommendations made by the committee can be justified by logic. There must be reasons for them. Either the reasons are valid or they are not. If they are valid, why does not the Minister produce them? That is a quite simple question. Then, every member of the public can see that he or she is getting a fair go in relation to salary.

On the other hand, if the Minister of Education does not provide them and if I was a junior clerk paying the same price for bread, milk, petrol and every other commodity and was given 4 per cent against every constitutional precedent throughout history—given that wage rise unilaterally today and presented with this situation—I would say that a giant cover-up was going on. I want to know what is going on, and so does the Opposition. We demand that those recommendations be produced. We demand that the reason behind the recommendations be produced. If they are not provided, it simply shows one of two things: either the Government is frightened to produce them because it does not back up the recommendations, or some cosy deal is going on.

The Hon. H. ALLISON: I said yesterday and again today that there is simply no intention of producing the report. I believe the summary or precis which was handed to the honourable member yesterday and which has been handed again to the Opposition this evening contains adequate information. The same information was conveyed to Their Honours in correspondence from the Attorney-General. Whereas yesterday the member for Playford said that I was taking the House back 300 years because I refused to name the *ad hoc* committee, now that I have named the *ad hoc* committee he says I am still inflicting Star Chamber treatment upon Their Honours because I will not release the report. I suggest to the honourable member that the massacres which followed the Star Chamber activities several hundred years ago are far different from the increases in salary which will follow this legislation as and when it passes through the House.

Clause passed.

Clauses 6 to 10 passed.

Clause 11—'Constitution of Licensing Court.'

The Hon. PETER DUNCAN: In relation to this clause I was interested to hear the comment by the Minister, which had obviously been prepared by the Attorney-General, indicating the reason why subclause (6) was required relating to the appointment of acting or temporary judges. I noted that and was not really questioning it. It is quite obvious that power is needed under the Licensing Act to appoint acting judges but such power does not exist at present. What I do find a novelty, to say the least, is the fact that the remuneration of that person is to be determind by the Governor at the time of that person's appointment. It is the normal practice throughout the Judiciary and the Public Service that a person who is appointed in an acting capacity receives the salary of the person who is the holder of the substantive office. Why is it in this case that the Governor is being given the power to determine a salary at a level different from the substantive office? That is a valid and reasonable question and deserves a proper answer.

The Hon. H. ALLISON: A provision exists in clause (6) for the Governor to appoint a person on an acting or temporary basis at a rate of remuneration determind by him, which means that a differential salary can be determind by him. My discussions with the Attorney-General did not determine whether it was the intention to appoint anyone of a differential salary, so I assume that in the general course of events the salary would be the same as applicable to the Judge of the Licensing Court. This allows flexibility and, while the practice may be consistent, I could not say that there would not be an occasion arising when it would not be necessary to appoint someone on a different salary.

The Hon. PETER DUNCAN: The practice might be consistent, but the clause is not. I know of no other provision in the laws of this State whereby a person is appointed in an acting capacity to fulfil a substantive position and that that person does not automatically receive the higher duty allowance, as it is called in the Public Service. Certainly the same applies in the Supreme Court when acting justices are appointed. Those acting justices automatically receive salaries, conditions and allowances of a Supreme Court judge. I am mystified as to why this provision is being put

into this legislation. To my knowledge it is unique in the legislation of the State to put in such a provision. If the Minister does not know the answer, he may care to pass. It seems that the Minister may have now had some coaching and may be able to give the advice I am seeking.

The Hon. H. ALLISON: Since there is not necessarily a judge to act in this position, it is quite possible for the Governor to appoint someone on a temporary basis and make a special salary decision. It is also possible, on rare occasions, for someone from another court with superior qualifications to take on this position and not receive the lower salary, which the honourable member seems to think he may receive.

The Hon. PETER DUNCAN: That is at least some sort of answer. However, I believe the coach has failed in this case. I am not satisfied with the answer that has been given. I have the highest regard for the Judiciary of this State, particularly the higher Judiciary but I do not know one judge who would be prepared, out of altruistic or any other motives, to take on a job in the Licensing Court at a lower salary. A Supreme Court judge is appointed to the age of 70. Whether he is required to work in the Licensing Court or otherwise, he would continue to receive the judicial salary at the rate provided for the commission which he has been granted by the Government. I will not delay this matter, as it is not a matter of great consequence.

However, I do think that in another place the Attorney ought to make it much clearer than has been the case in this Chamber, because there is no doubt in my mind that there is some reason why this provision has been put in. It is unique in my understanding, and I see no reason why the Governor should need to fix the rate of remuneration unless it is planned to employ persons, such as legal practitioner, magistrate or lay person, in an acting capacity and not pay them the rate for the job.

In other words, it seems that this involves discounting the currency. I will not delay the Committee any further, because I have made my point. The Minister has been unable, even with coaching, to answer the point, and I will leave it there.

Clause passed.

Title passed.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a third time.

Mr McRAE (Playford): The Opposition is totally unconvinced and is terribly worried about the lack of explanation that has been given by the Government throughout the day. We are very worried about the whole matter, and will further consider it in another place.

Bill read a third time and passed.

PERSONAL EXPLANATION: MARRYATVILLE PRIMARY SCHOOL

Mr CRAFTER (Norwood): I seek leave to make a personal explanation.

Leave granted.

Mr CRAFTER: Today in the House during Question Time I was misrepresented when the member for Mawson accused me of achieving cheap political publicity in a local newspaper following a statement that was made by a Liberal Party candidate relating to a matter that I had raised earlier in the House. I am shocked and offended that, in reply to a question by the member for Mawson, the Minister of Education should seek to enter the attack on my veracity and the conduct of my duties as an elected member of this House and attempt to explain away the nature of my inquiries to him.

For the record, I wish to state the facts. On 4 November 1981, I wrote to the Minister about staffing problems at the Marryatville Primary School. On 8 December 1981, having received no reply to that letter and further concern having been expressed by constituents, I asked a question in this House about the future of that school, explaining the nature of my earlier correspondence in the course of asking the question. That can be understood if one reads page 2409 of *Hansard*. On that day, the Minister promised to bring down a report as soon as possible. I have received no such report, and I have still not received the unequivocal assurance that I sought about the closure of that school.

On 19 January 1982, the Minister wrote to me, but chose not to answer the specific question that I asked in the House on 8 December 1981. However, the answer to that question was given to the Liberal Party candidate for Norwood, who saw fit to make a statement to the press on this matter, which was published on 25 February 1982. I understand that that candidate is a member of the Minister's staff, and the fact that he should obtain such information in preference to an elected member who raised the matter in Parliament was the subject of my criticism of the Minister.

The Minister stated that the information would have been available to me if I had sought it from a deputation to the Director-General of Education, from which I had been excluded, as it departed the Education Building or at some other time. I reject that as a fitting, proper, or dignified role for a Parliamentarian, and accordingly I reject the accusation that was made against me.

EVIDENCE ACT AMENDMENT BILL (No. 2)

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

ADJOURNMENT

The Hon. H. ALLISON (Minister of Education): I move:

That the House do now adjourn.

Mr BECKER (Hanson): I can sympathise with the member for Norwood, and I remind him that his Party was prone to get up to all sorts of dirty tricks on occasions. Nothing is more annoying than putting questions on notice, knowing that the answers will be received on a Tuesday afternoon when the deadline for the local newspaper is the previous Friday, so that, when the local paper comes out on the Wednesday, one reads the answers to the questions that have been put on notice. This has happened to me on many occasions, and I can sypathise with the honourable member if he feels he has been aggrieved or unfairly treated. I know that that also has happened to the Minister of Education.

This is one of the problems of communication within the Parliamentary system, and certainly it is not satifactory. I believe that the local member deserves fair and reasonable treatment and it is his duty to constantly keep on the backs of the Ministers. I have found it does not hurt occasionally to have a little grieve in the House and remind the Ministers of their obligations; that soon cuts out that practice. It also helps if one telephones the Minister's office and demands to get through to the Minister. We have had some pretty good teachers in the past, so I know how the honourable member feels.

No matter how old we are, we can be educated, and I now refer to a matter that has concerned me for some time. Recently I became involved in a session of bingo, being the President of a voluntary agency. It was not until I found out how bingo sessions operate and the intense competition

that is involved to attract people to this game that I became concerned. I have picked at random advertisements that appeared in the *Advertiser* on Tuesday 23 February. One large advertisement (which would have been inserted, I estimate, at a cost of about $50), stated:

MAGPIES BINGO

Alberton Oval, Today 1 p.m. also playing Wednesday 8 p.m., Thursday 8 p.m., Sunday 7 p.m.

The next advertisement is quite ironical. It states:

JOCKEY CLUB BINGO

At magnificent Morphettville. Total air-conditioned comfort. Tonight at 7.30. Also playing Thursdays at noon.

In that same addition of the *Advertiser* was a very interesting letter by Mr J. R. D. Martin about the Oaks Carnival and the sponsorship, so there is no doubt that the big money is on at Morphettville. Another advertisement states:

PECKERS BINGO

Value for money today 7.30 p.m., Oval Avenue, Woodville. Good callers—Refreshments avail. $1.50 for 30 games.

On the same page, the following advertisement appears:

BULLDOGS BINGO

Clubrooms, Goodman Road, Elizabeth. 30 games $2.60, tonight 7.45 p.m.

A further advertisement states:

WEST TORRENS BINGO

Day time sessions every Tuesday 12.30 p.m., evening sessions Tuesdays and Sundays, 8 p.m. Trades Hall, South Terrace.

Also, in the same newspaper the following advertisement appeared:

BINGO

Redlegs, Norwood Football Club today, 1 p.m., $2.20.

The point I am trying to make is that, in that one issue of the *Advertiser*, it was stated that what would probably be known as the standard charge is $3.20 for 30 cards. The Jockey Club has not put in any price there, either, so no doubt it is the same. However, there is the Woodville Football Club with Peckers bingo at $1.50. There is Bulldog bingo at $2.60 and the Redlegs Club bingo at $2.20. A few days later, on Thursday the 25th, again Redlegs bingo was advertised as follows:

BINGO REDLEGS

Tonite—8 p.m.—$3.20

So, the Norwood Football Club charges only $2.20 on Tuesdays, but on Thursday it charges $3.20 for 30 cards. Also advertised was:

PECKERS BINGO

Oval Avenue, Woodville, Today at 1 p.m., also playing Friday at 8 p.m., Sunday at 7 p.m.

BULLDOG BINGO

Today at 1 p.m. 25 games $2, plus 5 specials.

My interpretation of that is that it is incorrect; that is a false advertisement.

Mr McRae interjecting:

Mr BECKER: I do not doubt the integrity of the club or the integrity of the team. As a matter of fact, I cannot understand why it is not one of the best teams, when one looks at the districts from which it draws its players in the Barossa and Light areas. Having played up there as a lad on some of those ovals that had no grass on them but three-cornered jacks, I realise that people are brought up tough in that area. If the honourable member would like to take issue with that football club—

Mr McRae: I'm not taking issue with it, I'm saying it is a good club.

Mr BECKER: I would make reference to that if I were you. They should not advertise 25 games for $2, because that is not on; it is 25 cards for $2 plus five specials, and I do not think that the club should continue to advertise in that way. Also advertised was:

BINGO TODAY

12.30-2.30 p.m. in complete comfort. West Adelaide Footballers Club Ballroom. Also every Saturday 8 p.m.-10p.m., Sunday 6 p.m.-8 p.m., Wednesday 8 p.m.-10 p.m. Air-Conditioned.

Then, of course, the following advertisement appeared for the Morphettville Racecourse:

JOCKEY CLUB BINGO

Today at Noon.

The way the Jockey Club is going, it needs one about every two hours and probably still would not get out of trouble. Then, in the *Advertiser* of 26 February the following advertisements appeared:

W. T. BIRKALLA SOCCER CLUB BINGO

Friday and Monday. Eyes Down 8 p.m. Cnr Morphett Road and Saratoga Drive, Camden Park.

I might say that that will not affect organisations in my area.

Mr Keneally: This is real leadership material.

Mr BECKER: I am not worried about that. Also advertised was:

BULLDOG BINGO

Clubrooms Tonight 7.45, Octogan Theatre Sun. 7.45...

Then there is Trades Hall—I am not criticising Trades Hall; good luck to them. The advertisement states:

BINGO

Trades Hall, Today and every Friday 12.30-3 p.m., 30 games $2.20... afternoon tea provided. Also every Saturday and Monday Night 7.45-10 p.m., 8.10 p.m.-10.30 p.m. and every Wednesday afternoon 12.30-3 p.m.

So, they are in the discount business as well with 30 games for $2.20. Also, the following advertisements appeared:

PECKERS BINGO

Today—8 p.m. Also Sunday 7 p.m....

UNDERDALE BOWLING CLUB BINGO

Every Friday Night at 8 p.m. Air-conditioned comfort, 26 games for $2.20 including One Special. Supper provided.

I think the Underdale Bowling Club would be running into trouble. I found the advertisements by accident and that covers the whole crux of the story. The West Adelaide Football club made an offer to the organisation with which I was involved to conduct bingo sessions on a Friday night. We did not have to provide any people to attend the bingo session. However, on the first night 167 people turned up, which I thought was a fair and reasonable attendance, but we were told it was unsatisfactory and that if there were not more people there the bingo would be cancelled. On the second Friday night 90-odd people turned up, and it was cancelled from then on.

The whole crux of this bingo business at present is that, if an organisation cannot get 400 or 500 people present at a session with each person buying at least one card per game and offer a prize of $50 (only half of the prize money in the pool can be offered), it will not conduct a bingo session. The point I am making is that it is extremely difficult for voluntary agencies or charities to be assisted in this way. I have read out sufficient advertisements which appear consistently in the press publicising the bingo sessions of sporting organisations which can attract large memberships and support. Good luck to them; I am not criticising that. However, I am criticising the undercutting going on within the various organisations.

The Norwood Football Club organises at least three State Transport Authority buses on a particular day to take people to the club to play bingo. The reason why I raised this matter in the House yesterday is that I believe that the time is right for these clubs to realise that they have done themselves a disfavour by this constant undercutting and heavy advertising programme. We have found that the weakness in the Act is that no minimum fee can be charged per card (not per game but per card). Whilst the maximum fee is set by regulation, there is no minimum fee. I believe that it is necessary to bring the issue into line.

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Salisbury.

Mr LYNN ARNOLD (Salisbury): In recent weeks the Minister of Education has released the final report of the Keeves Committee of Inquiry into Education in South Australia, and that is now circulating around the community and receiving response. I also have been circulating around the community and have been hearing some of the responses that that report has been receiving. Also, I have been closely studying that report myself. Whilst it is true that many of the recommendations made in that report justify further consideration and further attention, it is also true that certain other recommendations should be taken with the most extreme caution, if not rejected in their totality.

I suppose that it is that latter group of recommendations to which I have referred that has given rise to the subtitle that has been attached to the report in the public sphere, whereby some people are calling the second report not the 'into the 80s' document but the 'into the 40s' document. Yet again other people are suggesting that Keeves is the man who has done to education what Kerr did to the Constitution. However, I think that we need to have a close look at these recommendations. I hope that they are not being acted upon with undue haste. I hope that the opinions that are being sought from the community will be given proper and due consideration.

For example, the Minister indicated today that he had asked the former President of the Institute of Teachers to make known his opinion. I hope that he will indeed listen to those opinions and take serious account of them. Yet I understand that many of the recommendations are already being acted upon—acted upon before it is at all possible that these opinions have arrived back at the Education Ministry or the Education Department. Indeed, I am advised that a conference of principals in the southern region is being convened which is being referred to by some of those principals as a 'telling session about the Keeves Committee'. They are being told what they are going to have to do as a result of the Keeves Committee of Inquiry—not consulted, not asked to debate and discuss the matter, but told. I might say that this is a sore point, because they are to be told this at a conference for which they must pay their own costs. It is a compulsory conference for which they must pay their own way, and they feel that there is some degree of anomaly there.

There are a great many recommendations from the Keeves Committee. It is always a pity that one cannot spend as much time on the good news as one must spend on the bad news. Therefore, I cannot go through the recommendations of the committee which I endorse and support; in the short time available to me I can only highlight some of the problem areas that have come to my attention. I refer first to recommendation 7.3 *(a)* which requires that two-thirds of the school time should be spent on basics. Basics are defined as the traditional three Rs, plus social learning.

I do not know which schools the committee of inquiry visited which led it to make this assumption that some schools were not doing that. However, the schools that I have visited, to a school, can prove that they are spending two-thirds of their time on basic education. If, in fact, one takes the wider definition of basic education to include special learning, I am quite sure that they could argue the proposition that they are spending 90 per cent of their time on basic education. The real issue here, I suppose, is not so much the quantity of time that is being spent on this type of education but the quality of that education.

Certainly, I accept, as I believe all educators would, that there should be ongoing curriculum development trying to improve all the time the education in the basics and other areas that we are offering to our children. But, that point is not addressed in that recommendation. Instead, it sets a mere quantity time on how much should be done. I know that that is causing a great deal of concern in schools as they go through their time table, add up the figures, and say, 'What is the report on about? We already spend two-thirds of our time on basic education.'

Another recommendations that is causing considerable concern is that numbered 16.3 *(a)* regarding teacher numbers and the anticipated cost savings that would be available to the department over the next 10 years if the teacher numbers were to be allowed to decline commensurate with the estimated student numbers. It is rather a pity that the Keeves Committee Report published in January of this year does not take into account the 5 per cent increase in birth rate that took place last year, resulting in the highest birth rate since 1975. If one does forward projections based on those birth rate figures, one finds that the turn-around based on increasing primary enrolments does not take place in 1988-89; it should take place in the 1987 school year. That already outdates the information that is contained in that inquiry.

Also, there seems to me to be insufficient analysis of what effect on school numbers will result from changes in migration patterns from this State. One can only hope that people will not continue to flee this State in the numbers in which they are fleeing it at the moment. If that is the case, there will be more students remaining in our classrooms and, consequently, a demand for teachers to teach those students. That is not commented on in any detail at all.

Another recommendation that needs some consideration is 16.7 *(a)*, which talks of school council responsibilities. That recommendation talks of a sample of schools that will receive direct grants. They will be known as 'direct grant schools,' and will cover a wide variety of things. Even the term 'staffing' is included in that recommendation. That is causing a deal of concern among staff. It should also cause concern among parents of this State. If we are to allow individual school communities to determine their staffing requirements and the individuals who still teach there, inevitably there will be some schools that will miss out on the auction system of education. Some schools will end up not getting their fair share of the cross-section of teacher quality. That is not reasonable in relation to those schools that will not have that capacity. That should have been addressed. However, it is not addressed.

There is the question of management difficulties that will face schools as they experience increasing financial responsibilities that are handed back to them. At this juncture, I would support handing back responsibilities to schools in many of these financial areas, bar the staffing. That is a good move, but we must remember that there will be a disparity in the capacity of various schools in this State to handle those responsibilities. We must make sure that we are able to provide the extra support needed by those schools which do not have the same access to managerial expertise in their parent communities as some other schools may have. If we do not do that, some of those schools will lag behind and become decidedly second-class schools.

Another recommendation is 5.4, which attempts to suggest that the mere sum of $250 000 a year for the next three years will enable the colleges of this State to provide reasonable access to high technology education. I raise that right now as a recommendation that automatically must invite a large number of questions, given the sums of money suggested. I think that just those questions I have raised tonight, plus many others that time does not permit to deal with now, necessitate that the community at large and school communities in particular, including the parents, shall be given the opportunities to consider these recom-

mendations in much greater detail before action is taken on them. Yet, it appears that this Government, in its dying days, is intent on implementing as many of these recommendations as quickly as it can, so that it can have some legacy to its name, albeit a very poor legacy. It also raises another question. Is the broad committee inquiry the best model to inquire into education? We have had Karmel in 1970 and Keeves in 1980. I suppose we will have to have another inquiry beginning with a K in 1990.

An honourable member: The Keneally inquiry.

Mr ARNOLD: The Keneally inquiry in 1990. Is that really the best way to answer the needs of education? I indicate at this stage that the Opposition will be coming down with a policy proposal in the next fortnight suggesting an alternative way to answer the needs of education, to investigate the issues of education, and to propose a strategy solution to this community that will advance education in South Australia.

Mr GUNN (Eyre): I wish to raise two matters. The first is some criticism I have of the current sections of the Constitution Act and how they apply to redistribution. The second matter deals with the nuclear fuel cycle.

The first concern that I have is with section 83 *(c)* of the Constitution Act, which refers to the desirability of leaving undisturbed as far as practicable and consistent with the principles on which the redistribution is to be made by the boundaries of existing electoral districts. We know why that section was put into the Constitution Act by the previous Government: it was an attempt to shore up its seats in the metropolitan area. In my view, that section should be removed from the Constitution Act. I do not believe that it is an appropriate provision. I believe that the Commissioners, when making a determination on redistribution, should not be restricted in that manner.

If we are go have a fair redistribution, I believe that the community of interest should be the intention for the Commissioners to consider. We know that, by using the previous boundaries within the metropolitan area, the Labor Party is of the view, and its tacticians in this matter (the former men for Brighton and the former member for Ascot Park, who have been the Labor experts in this field) believed that it would assist them electorally. They were right. It is a shrewd—

Mr Keneally: We made sure that if we got 51 per cent of the vote we got into government.

Mr GUNN: It was a shrewd political ploy on their behalf. The member for Stuart knows that his comments are not correct. The electoral boundaries as drawn allowed the Labor Party to govern with less than 51 per cent of the votes. The other matter is the manner in which the commission can consider appeals. The Constitution Act provides, in section 86, I think, for an appeal to the Full Court. In my judgment that is not the appropriate group of people, as learned as they may be in the law. That is not the proper forum in which people should have to lodge an appeal against redistribution. It is my view that sections 20 and 21 of the Commonwealth Electoral Act ought to be placed in our Constitution Act. Those sections are as follows:

20. Before reporting on the distribution of a State into Divisions, the Distribution Commissioners shall—

(a) cause a map with a description of the boundaries of each proposed Division to be exhibited at post-offices in the proposed Division and invite public attention to that map by advetisement in the *Gazette*; and

(b) make available for perusal at the office of the Commonwealth Electoral Officer for the State copies of any comments lodged with the Commissioners in pursuance of paragraph *(b)* of subsection (1) of section eighteen A of this Act.

21. Suggestions or objections in writing may be lodged with the Distribution Commissioners not later than thirty days after the advertisement referred to in the last preceding section, and the Commissioners shall consider all suggestions and objections so lodged before making their report.

That appears to be a far more reasonable proposition. It is not an attempt by a Government or anyone else to direct or unduly influence the Commissioners, but surely if the Commissioners decide on a course of action it ought to be the right of the public to have some input into the final decision. For the life of me, I cannot understand why, when this section in the Constitution Act was amended, a section similar to that which I read out was not inserted. I sincerely hope action is taken very shortly to bring about the suggestions that I have put forward, because I believe that it would be a far fairer course of action. I do not believe that the Supreme Court is the appropriate organisation to hear appeals or objections to a proposal.

The next matter I want to raise is the nuclear fuel cycle and what has taken place overseas, and to make some comments about the predicament that the members of the Opposition now find themselves in. We have heard for a considerable time that they were opposed to the mining and milling of uranium and that they were opposed to any future development at Roxby Downs. Then we had the stage where honourable members opposite were demanding that we have the indenture Bill. Now that they have got it, it is going to be very interesting to see what attitude or stance they will take on the matter.

Mr Keneally: You know that already.

Mr GUNN: It is of great interest to me, as the member who represents the area where the Olympic Dam site is situated, and knowing full well the importance that it will have to the people of this State and how it will affect those who are currently employed directly on that project. It will be interesting to see where those honourable members opposite stand. They claim that they are concerned about the unemployment in this country, yet it would appear from what the member for Stuart has said that they are about to embark on a course of action that will deny those people continued employment.

Mr Keneally: That is not what I said at all.

Mr GUNN: It will be interesting for the member for Stuart and others when they have to really nail their colours to the mast. They will not be in a position where honourable members and the Leader of the Opposition can be diving and darting in all directions; very soon he will have to stand up and clearly indicate not only to this House but to the people of this State exactly where he stands. It will be interesting to see who is in the forefront, whether it is the Leader or the *de facto* Leader, the member for Elizabeth, and who will have the numbers and what stance each member will take.

I was pleased to receive in the mail today the Uranium Information Centre's latest newsletter. It gives interesting information on the latest trends overseas. It states:

France—During the first part of the year France was commissioning nuclear reactors at a rate of slightly more than one every two months. Following a change of government the National Assembly in October settled on a six-reactor programme for 1982-1983 instead of the nine planned by the previous Administration. In November the Government gave permission to resume construction work on five reactor sites which had been 'frozen' in July.

So, it appears that they are going full steam ahead. The newsletter continues:

United States—The New Administration's national energy plan supports the use of nuclear energy and recognises that regulatory procedures need to be improved to avoid costly delays in construction time. Subsequently the new Chairman of the Nuclear Regulatory Commission (NRC) has predicted that 33 new reactors could be eligible for licences during 1983. Although six reactors were cancelled during the year existing reactors operated creditably. The output of the 78 licensed domestic reactors was up 8.5 per cent from 1980 and provided 11.4 per cent of electricity consumption.

Mr Keneally: The world market has decreased—

Mr GUNN: We know the story that the member for Stuart and his colleagues are peddling around the country, but it cannot be substantiated. From the information I have, Mr Speaker, a large number of people in his area are looking forward to reaping the benefit from this project. My constituents at Andamooka and other parts are delighted with what has taken place at the Olympic Dam site. I invite the member for Stuart to clearly tell the people in the north of South Australia why they should not be able to enjoy the benefits which are taking place at this project.

I also refer to the member for Mitcham, who I understand was not received very well when he made a visit to the Olympic Dam site. I understand that he was told by a number of people employed in the industry there what they thought of him. Their general comments to me were that this was the best job they had ever had; there was no danger in it; and they did not want to be placed in a position where they would have their future job prospects terminated. We are aware, Mr Speaker, that the Labor Party, in Opposition, have acted quite irresponsibly—

The SPEAKER: Order! The honourable member's time has expired.

Motion carried.

At 9.56 p.m. the House adjourned until Thursday 4 March at 2 p.m.