HOUSE OF ASSEMBLY

Thursday 16 September 1982

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

PETITION: INTEREST RATES

A petition signed by 510 residents of South Australia praying that the House urge all politicians to unite nationally to do all within their power to reduce interest rates across the board was presented by Mr Lynn Arnold.

Petition received.

QUESTION TIME

The SPEAKER: Any questions directed to the Minister of Water Resources will be taken by the Deputy Premier.

PULP MILL

Mr BANNON: Can the Premier say whether the Government has been given any assurances by Australian Paper Manufacturers Limited, the owners of the Cellulose company, that the pulp mill at their Millicent plant will not be closed once their current logging contracts expire and that they will also proceed with plans to build a new thermo mechanical plant? If so, what are the nature of those assurances and, if not, will such assurances by sought?

Today's news reports have confirmed the loss of nearly 150 jobs at the Cellulose plant near Millicent. However, while the company's 40-year-old plant is being closed, the equally old pulp mill plant is being kept operating. It has been put to me, though, that once the company's contracts with the Woods and Forests Department for the supplies of logs expires the pulp mill will also be closed. Members will recall that in April last year the Minister of Agriculture announced that Cellulose would construct a new thermo-mechanical mill at a cost of $52 000 000. Since then the project has been deferred indefinitely by A.P.M., even though the Minister of Industrial Affairs and the Premier included it in their claims of new investment projects released last week.

The Cellulose project was put up by the Minister of Agriculture as an alternative to the agreement already negotiated with the Punalur Company for wood chips by the former Government which in fact was aborted by the present Government.

The Hon. D. O. TONKIN: The situation at Snuggery is far from satisfactory but it is in effect a long-term result of a lack of upgrading of the plant in that place during the last few years and the general down-turn in the international situation. The long and the short of it is that the mill itself is producing a product which is no longer able to be sold. It is producing a product, a card, which is just not attractive to either local or international markets and the fault is in the plant itself.

It would cost many millions of dollars to upgrade that plant. A.P.M. is now in the process of restructuring, which means they have to decide where that upgrading will take place and where the rationalisation will take place. Because South Australia was so unattractive to business investment and expansion during the 1970s, money that could have been spent in upgrading that plant in South Australia at that time was not spent, but was spent in other mills in other States. Unfortunately, now, as a result of that, the company is looking to close down its inefficient operations and is not prepared, in light of a general downturn, to spend money on upgrading, in fact totally replacing an operation which is no longer efficient or indeed practical.

It is a very sad state of affairs but it is directly related to those two causes—the lack of upgrading during the 1970s when other States were upgrading, and the general downturn in the international markets. There have been no assurances given at all by the company other than that the pulp mill will continue to operate. There are markets which can be found for the pulp; at the present there is no indication that those markets will suffer. However, obviously the company is not able to give a long-term guarantee in the light of the uncertainty of international markets. These markets have become very competitive indeed and there are many other countries supplying pulp at very competitive rates. There is an excess of the product; the situation has changed very considerably over the past two or three years. But, yes, that pulp mill will be continued. There are some 80-odd jobs which will be affected. The remainder will be achieved by early retirement and whatever arrangements, including transfer into interstate operations, that they can find.

The Minister of Education, the member for Victoria, and the Minister of Industrial Affairs will be calling at Millicent at the plant to have further discussions with both trade union leaders and management in this coming week. Whether we can do anything to help or not will be ascertained then. Certainly, the Government is most anxious to help in every way it possibly can. Unfortunately, as I said, it goes back to the fact that Maryborough in Victoria was upgraded; the plant there is producing a product which is wanted and saleable on the Australian market. This upgrading was done at the expense of South Australia largely because South Australia was not attracting investment of that sort of money in the late 1970s because of the policies of the former Government.

ROXBY DOWNS

Mr RANDALL: Is the Minister of Mines and Energy aware that in a statement yesterday the Leader of the Opposition said that the Roxby Downs project would not generate any jobs during the next 10 years?

The Hon. E. R. GOLDSWORTHY: I am aware of the statements that have been promulgated by the Leader of the Opposition. This is what he said:

> Roxby Downs in fact is not yielding any jobs in South Australia in the next 10 years or so. But, in any case, there is an indenture which secures the future of the project.

The Hon. D. O. Tonkin: He has been there: he has seen it.

The Hon. E. R. GOLDSWORTHY: He's telling 'blueys' again. He is being less than truthful, he is departing from the truth to a very marked degree, to the point where I think even the people of South Australia realise that he is telling these 'blueys'. He is saying there are no jobs! The fact is that he has been there and he knows full well there are 200 jobs on site and there are about 800 people on full-time back-up work as a result of the Roxby project. He is saying there are no jobs there for the next 10 years, so he is in error even looking at the present situation. He obviously has not taken the trouble to read the indenture and the time scale envisaged because there is a firm commitment required of the joint venturers to spend $50 000 000 a year for the next two years and to make a commitment before, at the latest, 1987.

The Leader, then, is saying (if we are to get any element of truth, and even what I have said so far negates entirely his statement) that the commitment will be not to proceed.

That is the only construction one can put on that statement if one is trying to glean an element of truth. Quite obviously, if the Labor Party were ever to be elected to Government in this State before that time, that would be the outcome. On the one hand, the Leader is saying that the project will not proceed because he knows perfectly well that, if the project does proceed, for a commitment that is envisaged in the indenture, a town that will produce 150 000 tonnes of copper per year, a town of about 9 000 people, will be required, and that is spelt out in the indenture.

It is clear to even the meanest intelligence (and I would have thought to even the Leader of the Opposition) that that will generate an enormous amount of building and construction activity in regard to supplying water and power to the town (at no cost to the taxpayer, despite other misrepresentations) and, in fact, it will be the biggest project that this State is likely to see in terms of the whole field of construction work that one could imagine could occur in a lifetime, or even in a century. There will be an enormous amount of construction work. If the Leader had taken the time to read the Monash appreciation of the Roxby Downs project, he would see that we are talking about many, many jobs, in fact, in excess of 10 000 jobs, and an enormous amount of activity.

The Leader is really saying that the project will not go ahead if the Labor Party has anything to do with it, because the jobs are there, and the number of jobs can only increase. Regarding the second point, the Leader does not quite know where to shuffle. On the one hand he is saying that nothing will happen, and on the other hand he is saying that all is well because there is an indenture. I must admit it is rather confusing to the general public: people do not know just where the Labor Party stands in relation to the indenture. However, it is perfectly clear that the Labor Party will do its best to upset the issue. It has been made perfectly clear that no final decision about Roxby Downs, even taking into account this new confusing policy, has been taken.

The Hon. J. D. Wright: Where does it say that?

The Hon. E. R. GOLDSWORTHY: I suggest that the honourable member read it: I read that in the Labor rag. I read an extract of the new policy that was highlighted on the front page of the Labor rag not all that long ago. It stated quite clearly that there would be no new uranium projects. In other words, as far as South Australia is concerned, that wipes off Honeymoon and Beverley, and any hopes that we may have of uranium enrichment. It says that, if uranium is found in conjunction with other minerals, the matter will be assessed on its merits at the time, which puts a great big question mark over the Roxby Downs project if the Labor Party ever holds sway in this State.

So once again the Leader is seeking blatantly to mislead the public with his public statements. We know that the Leader and his Party did their best to sink the indenture and the project. We also know that the advent of the new member for Florey will add weight to those efforts, because the member for Florey went off with the member for Elizabeth to Canberra to the Federal pow-wow, and voted to retain the present policy, which would have put the axe right through the Roxby Downs project immediately with no beg pardons.

One almost wearies of having to stand up in this Chamber to refute the gross misrepresentations and downright falsehoods that the Leader continues to promulgate publicly. I do not know how long the Leader thinks that he can go on with these sorts of tactics, seeking to mislead the public, but I believe that members of the public are rather more intelligent than the Leader gives them credit for. The Leader would do himself and his Party a far greater service if he was prepared to stick to the truth and deal in facts.

UNEMPLOYMENT

The Hon. J. D. WRIGHT: Will the Premier say how many jobs will have to be lost to the working people of South Australia before the Government will take immediate action to create jobs? Does the Premier agree that, in the absence of any such action, unemployment in metropolitan Adelaide could reach 10 per cent by the end of this year? I have been informed today that 120 workers of John Shearers were told that their jobs were gone. These retrenchments come on top of the announcement of about 130 or 140 jobs being lost at Cellulose and a further 83 jobs that I am told will be lost at J. I. Case when that firm closes down in October. These retrenchments confirm the grim picture painted by the A.B.S. figures, which show that from July 1979 to July 1982 there was a job rot in South Australia of 5 600 jobs.

I have also been informed that the Department of Social Security (and this is interesting) has just received special dispensation from the Commonwealth Public Service Staff Ceilings Committee for an increase of 18 staff members to cope with the growing tide of unemployment in the city of Adelaide. Metropolitan Adelaide's unemployment rate is presently 8.5 per cent, and in December last year, as the Premier would know, it was above 9 per cent, with every likelihood that it will go higher this year.

The Hon. D. O. TONKIN: Let us deal first with the Department of Social Security. There has been an approval for increased staff and there has been an approval for increased staff in every State in Australia. What on earth is the Deputy Leader on about? I am not sure whether he is Mr Doom or Mr Gloom today. That is the sort of scaremongering tactics which do him no credit whatever. There is no prospect at all, on any of the projections made, and certainly no basis in fact, from any projected figure or extrapolation of any of the figures available, which would lead anyone to suggest that unemployment would go to 10 per cent in metropolitan Adelaide by Christmas time. Indeed, I would have thought that the Deputy Leader of the Opposition had been looking at these unemployment figures so often and for so long (although he has been very quiet about them lately) that he would know that December is the very time when jobs come on stream and the job situation is better than average.

Be that as it may, let me put the matter into perspective for him. Certainly there will be downturns. We will have disappointments, and I have constantly said that. In South Australia companies are restructuring. They are forced to restructure under the economic circumstances which they presently face. Inevitably, as with Case and Cellulose, these restructurings will come about to a large extent because of the downturn in the general national and international economies and because business was made so unwelcome in South Australia in the 1970s that money was spent in other States in other establishments. The position of J. I. Case is a perfect example: the company had an option of further upgrading its establishment at Murray Bridge or upgrading its establishment at St Marys. The money was spent at St Marys because the factory is newer and the equipment and plant more modern.

Therefore, when the crunch comes and the company is forced, by virtue of national circumstances and international markets, to make a choice, it has to rationalise. It has to decide whether it is going to rationalise and centre its activities in the old factory at Murray Bridge or whether it is going to use the newer and more modern factory at St Marys. Naturally, it chooses the newer and more modern plant, because it sees that as being the most effective way.

The Government has offered specific incentives to persuade that company to relocate its entire operations in

Murray Bridge. I have transmitted those offers directly to the parent company in the United States, but I have still not heard from that parent company. The point I am making is that this rationalisation is happening at our expense because people did not keep their factories up to date in South Australia and spent money outside the State during the period of the Labor Government.

As far as the unemployment level is concerned, I would suggest that, if the honourable member read the very clear run down on what happened to Monsieur Mitterand's attempts to bring in what was a socialist scheme of job creation with State participation, he would realise exactly how far the French Government has backed off from that plan. It is now generally recognised by almost everyone in the world as being not a viable proposition and as being a complete failure, a plan which will add to inflation and to all the difficulties, increasing the risk of unemployment and the pressures which arise from unemployment. The French Government has come to that conclusion, as have even Mr Wran and Mr Cain.

It seems that every Government in the world which has tried the plan has had to back off from it and that the only people who still support what embodies an outdated, socialist State participation philosophy are members of the Opposition. I have no doubt that if they continue to promote those policies they will continue to sit in Opposition.

In regard to unemployment levels in South Australia, let me point out again that the latest figures for the period August 1981 to August 1982 indicate that unemployment has risen in Australia, as a whole, by 21.7 per cent, and in South Australia by only 4.1 per cent. The figures indicate that in Western Australia and in New South Wales, in particular, unemployment has risen remarkably. Further, in Tasmania the figure for unemployment has risen by 38.4 per cent during the period August 1979 to August 1982.

New South Wales and Western Australia have had increases in unemployment levels of more than 30 per cent over a 12-month period, and the position is such that it will not be very long, if those rates of increase continue, before the figures for New South Wales well and truly overtake those applying to South Australia.

I am not pleased about the situation. I do not seek to make political capital out of the matter: it is a very unfortunate and sad state of affairs and one that we can only regret. However, at least South Australia is holding its own and this State still maintains the lowest rate of unemployment growth of any State in the Commonwealth, which is something that we can be pleased about.

STATE RESCUE HELICOPTER

Mr BLACKER: Will the Chief Secretary investigate the feasibility of installing an additional radio channel in the State rescue helicopter to enable direct radio communication with the fishing fleet frequencies? I have been contacted by fishermen who have expressed concern that, in the event of a sea rescue involving a fishing vessel, the facility for direct radio communication between the helicopter and the vessel in distress would not be available. Such a rescue would, of necessity, involve the relaying of messages through an intermediary.

Following further inquiry, I have ascertained that there are six radio frequencies on the rescue helicopter and that weight and space limitation may apply to the helicopter. However, the constituents who contacted me advised me that with modern radios it should be possible to have an additional channel installed with minimum weight increase or space loss, and that such installation would be of considerable benefit in sea rescue work. I am also advised that in the majority of sea rescues other vessels are called in to assist. The co-ordination of other vessels from the helicopter would be most advantageous.

The Hon. J. W. OLSEN: It is correct to say that the State rescue helicopter currently has the use of six frequencies, connecting it to the C.F.S., the police, St John, 5AA, and the marine surf rescue network, I think it is called. Those frequencies are currently used by the helicopter. I would be pleased to take up with the helicopter committee the matter of a further frequency to connect the rescue helicopter with the fishing fleet. As I understand the matter, it would be relatively inexpensive, in terms of cost, size and weight, to connect the helicopter to VHF. To obtain the benefit that the honourable member seeks, HF installation on the helicopter might possibly be required, which would present some problems in terms of weight and its distribution.

I understand that that unit would have to be housed in the tail section of the helicopter which would create some other difficulties not the least of which would be with the electrical equipment on the unit itself. If we were to go to HF frequency, it would require an expenditure, I think, of $5 000 or more, and it would also present problems with weight distribution and other operating problems with the helicopter itself. However, I understand that at the end of June 1983 the contract is renewable, and it may well be that a larger helicopter will be considered for future State rescue helicopter service. It might be appropriate in that context to consider the provision of HF frequency on that unit.

I shall be pleased to refer the matter to the Rescue Helicopter Service to see whether the provision in the short term of VHF might be appropriate to cover the situation. In the long term, to provide the most effective service, HF would be the desired frequency to be installed on the helicopter, and that decision ought to be taken in conjunction with the provision of the new contract after June 1983 and dependent on the size of the helicopter to operate that particular service.

STUART HIGHWAY

Mr ABBOTT: Can the Minister of Transport say whether the Government selected the lowest tender when it chose the contractor to work on the section of the Stuart Highway between Pootnoura Creek to south of Coober Pedy and, if not, why not? About a fortnight ago the member for Eyre asked the Minister about this contract, which the Minister said was the largest road construction contract ever let in Australia, involving about $16 000 000. The contract was awarded to Macmahon Construction, but I now have information that Macmahon was not the lowest tenderer.

The Minister will be aware of some discontent caused by the contract being let to Macmahon Construction. C. W. Construction Pty. Ltd., of Hackney, earthmoving and civil engineering contractors, submitted a considerably lower bid. That firm has advised me that the Highways Department told it, although not in writing, that its loss of the contract was because it lacked experience in this work. This company, which contested this rather subjective judgment made by officers of the Highways Department, claims that, if contracts are to be awarded solely on the basis of a company's size or past experience, alternative tendering procedures should be adopted. The preparation of the C. W. Construction tender cost more than $5 000, and the firm has asked for this sum to be reimbursed. I think the company deserves a fuller explanation of the way in which this contract was finally decided.

The Hon. M. M. WILSON: Yes, there were lower tenderers than Macmahon Construction. It would be absolutely

improper for me to detail the reasons for certain firms not receiving a tender. I would be happy to discuss the matter with the member for Spence in confidence if he wishes, but I am not prepared to state publicly why certain firms did not receive a tender, as it would be in breach of past practice. I remember during a Budget debate asking a question in this House of the Hon. Hugh Hudson on a similar matter, and he gave me the same answer.

AMOEBIC MENINGITIS

Mr LEWIS: My question to the Minister of Health is about amoebic meningitis. Can the Minister advise when the public awareness programme on *naegleria fowleri* in reticulated water supplies will begin, and can she also state the result of maintaining that programme during the winter? *Naegleria fowleri* is the amoebic meningitis organism which can cause fatal infection of the meningeal sac and, even though the prospects of anyone contracting it, when swimming in the Murray River or inland waters when this endemic organism is present, is perhaps much lower in the case of a person driving to a seaside resort being killed on the road, it is still an organism which causes concern. I seek the information, if the Minister has it, for the benefit not only of my constituents who live along the river, on which they depend for their water supply, but also those who live along the Keith to Tailem Bend pipeline, which has a spur line to the town of Meningie, and the entire area around Strathalbyn and Langhorne Creek which depends on lake water for its water supply.

The Hon. JENNIFER ADAMSON: The public awareness campaign will begin in December but an awareness campaign for professionals and people involved in this area will begin in November. That campaign will be directed to health surveyors, to swimming pool operators, to retailers of chemicals and to schoolteachers. When the member for Mallee referred to the campaign during the winter months, I take it he was referring not to a public awareness campaign but to the monitoring undertaken by the Engineering and Water Supply Department through its amoeba research unit at the Bolivar laboratories. That unit was established after the tragic death of the Whyalla child in the summer of 1980. That unit undertakes studies of the life cycle of the *naegleria fowleri* and it monitors water to try and detect the presence of that organism in water supplies during the winter months. Whilst monitoring is less frequent in the winter months, there can be more intensive monitoring and sampling of certain supplies. What has eventuated from that is an analysis that revealed the existence of *naegleria fowleri* during the winter months in some reticulated water supplies. The organism has been found in the Tailem Bend-Keith supply and in the Whyalla-Morgan main.

What apparently is occurring is that when the sediments in tanks and mains are stirred up by the cleaning of the tanks or mains the cysts which have been in the sediment, that is to say *naegleria fowleri,* which is encased in a cyst for what might be termed a hibernation period, gets stirred up and resuspended in the water supply. That simply bears out what has been believed: that the organism is endemic. As a result of the studies we now know more about its life cycle: it is maintained throughout the winter months and the cysts virtually serve as the seeding population for the amoeba for the following summer. The results of all the monthly analyses are conveyed immediately to local boards of health.

I was concerned to read of the presence of *naegleria fowleri* during the winter months in these supplies and, when I asked for an explanation from the Health Commission, I was told about the cysts. It is similar I suppose to a moth being in a cocoon during the period of hibernation. I simply add to what the honourable member has said: the State Government has put enormous resources into this area. We know we can never completely eliminate the risks, and the best we can hope to do is to make the public aware of potential risks and to take all necessary precautions. That is what we are doing.

COMMUNITY WELFARE ACT

Mr CRAFTER: Can the Premier explain to the House why there has been an inordinate delay in the proclaiming of the amendments to the Community Welfare Act passed by both Houses of Parliament on 16 September 1981 and the refusal of the Minister of Community Welfare, when questioned in another place, to explain satisfactorily when these new laws will come into force? The Bill to which I refer was first introduced by the responsible Minister on 3 December 1980 and was passed on 16 September last year—12 months ago today. On that day the Minister of Health, who had conduct of the measure in this House, said, and I quote from page 952 of *Hansard:*

> . . . the Bill, which is a trail blazer in so far as it introduces the concept of responsiveness to consumer needs, involvement by consumers in determination of services, and accountability by the Minister and the department to consumers in a way which has not been experienced before in this State or indeed in Australia in legislative form.

It has been put to me that, because this Bill confers those rights on consumers of welfare services in this State, and as a consequence places checks and balances on the Minister of Community Welfare and the Government's policies, that is the real reason why the Bill has not been proclaimed so far. That is confirmed by the response given by the Minister in another place.

The SPEAKER: Order! The honourable member may not refer to specific debate in another place.

Mr CRAFTER: Thank you, Mr Speaker. It has been put to me that it is for those reasons that the Bill contains certain checks and balances within the department and that the department has not yet been able to respond satisfactorily to the new pressures that were placed on it, so that the Bill has not been proclaimed. I have received representations from people who wish to avail themselves of the rights contained in the Bill, and I have only been able to say to them that justice delayed is justice denied.

The Hon. JENNIFER ADAMSON: As the honourable member has, virtually, in his explanation, answered his own question, I will refer the specifics of the question to my colleague and ask for a report. I believe it is quite inappropriate to make trite statements (if I may say so) that justice delayed is justice denied. We are not talking about justice: we are talking about the implementation of Government policy through legislation. Where resources are available to permit the implementation of that policy, I have no doubt that it will be done.

TRAFFIC LIGHTS

Dr BILLARD: Will the Minister of Transport indicate what progress has been made on the development of a system of computer controlled co-ordination of traffic lights along urban arterial roads? Funds were allocated in the last financial year for the development of the system that sought to link neighbouring sets of traffic lights along the North-East Road and the Main North Road, initially, to co-ordinate them to allow faster flow of traffic to and from the city. It was announced at that time that the North-East Road would

be one of the first roads to be set up in this way, and, obviously, that has great significance for my electors.

I recognise that major traffic delays for arterial traffic occur not because of slow moving traffic but from delays at intersections. Finally, my recent experience indicates that either I am getting luckier in meeting the traffic lights or else there is a new system, as now I do not miss all of the traffic lights—I miss only some of them.

The Hon. M. M. WILSON: About an hour and a half ago I had the pleasure of addressing the Insurance Institute of Australia, and I discussed the very question of co-ordinated traffic signals.

Mr Hamilton: Was that a coincidence?

The Hon. M. M. WILSON: Yes, it was a coincidence. I am very pleased to say that, based on information from interstate, when this system is installed throughout the metropolitan area, it will save the community some $7 000 000 a year when it is fully operational. Of course, for the system to be fully operational it has to rely on a system of regional computers. I am very pleased to inform the honourable member that installation in regard to the North-East Road is almost complete.

From Northcote Terrace to Grand Junction Road, 15 crossings have been co-ordinated, 11 of which are intersections and four are pedestrian actuated crossings. Work on the Main North Road is in a like state of completion: between Fitzroy Terrace and Grand Junction Road, 10 crossings have been co-ordinated, of which seven are intersections and three are pedestrian actuated crossings. Highways Department officers carried out an empirical test, and I suppose that the best way to sum up the action taken is to say that someone got into a car quite a few times and drove along the Main North Road before and after the intersections on that road were co-ordinated. The initial result showed that savings from five minutes to 10 minutes were achieved on the Main North Road.

Of course, that is not the type of evaluation that will eventually apply to the system. A much more sophisticated evaluation will take place and, indeed, is taking place on those two roads. I am glad to hear from the member for Newland that he has already noticed travel time savings but point out that the full benefits will occur only when the cross-suburban traffic is also co-ordinated through the system of regional computers.

INDUSTRIAL ASSOCIATIONS

Mr GREGORY: Can the Minister of Industrial Affairs advise the House of the number of associations registered under the Industrial Conciliation and Arbitration Act, the number of registered associations that have not lodged financial returns as required by section 129 of that Act and also the number of registered associations that have had their registrations cancelled in terms of section 132 of the Industrial Conciliation and Arbitration Act?

The Hon. D. C. BROWN: I welcome to the House the member for Florey and compliment him on his first question in this House. I have had a working relationship over the last three years with the honourable member in his capacity as secretary of the Trades and Labor Council. We have had our differences during that time but I appreciate the manner in which he carried out that working relationship. I will certainly get that information for the honourable member. It is very specific and technical. I will need to obtain a report from the President of the Industrial Commission. I draw to the attention of the honourable member the fact that some of that information may be available in the annual report of the department. He can obtain a copy of such report in the library, but I will certainly get the more detailed information that his question requires.

ROYAL SHOW LIVESTOCK

Mr RODDA: I ask the Minister of Agriculture to advise the House as to the reason for the early minute given to the livestock at the Royal Show. The last Saturday of the show was one of the best attended days of that show. A large number of people and family groups went there to look at the livestock, dairy cattle, sheep, goats, pigs and so on. They were grossly disappointed that most of them had gone home. I did not see many members of Parliament there but many people were not backward in spotting me there. Being a prominent member of this place with country backing, many people wanted to know why we were depleting the shop window of this State when they went to see the livestock about which we boast. There may be good reasons why those animals were given an early minute, but I would be pleased if the Minister could throw some light on why there were so many disappointed patrons on that day. They were short changed in regard to what they went to see.

The Hon. W. E. CHAPMAN: I was somewhat concerned to read in the press that patrons arrived at the show with their families expecting to see at the Wayville showgrounds these animals which reflect the backbone of our economy. I made some inquiries as to the basis for complaint. It is true that livestock were removed from the show early this year but it is not true that they were removed without notice. Indeed, I have been in touch with Mr Sedsman (or his office), the Secretary of the Royal Agricultural and Horticultural Society. The decision to allow livestock to commence movement from the showgrounds at 4 p.m. on the last Friday of the show and up to the closing of the show on Saturday was made long before the commencement of the show. It was a decision widely published by the society.

All I can say at this stage is that it is very unfortunate that those patrons who experienced some embarrassment were unaware of that publication. If they were aware of it at the time it is unfortunate that it was overlooked regarding their attendance at the showgrounds. Mr Sedsman, in a brief report which he made to me within the past day or two, indicated that the departure of cattle, pigs and goats, after the grand parade on the final Friday of the show, was publicised. There was certainly no secret about it.

He also advised me that, in response to requests from exhibitors that they be permitted to remove their stock early because of the rising costs involved in housing stock at the showgrounds, the society agreed that the sheep, cattle, pigs, goats, etc. should be removed between the hours of 4.30 p.m. on Friday and 8 a.m. on the final Saturday of the show. The livestock which was not removed during that period had to remain at the showgrounds until 10 p.m. on the final Saturday of the show. Indeed, a large number of pigs were also removed from the showgrounds on the final Friday. The sheep have always been taken out on the night of the final Friday of the show, anyway.

A record number of stud horses, a fair number of pigs, as well as dogs, cats and all the other animals in the farmyard nursery, were on view until the end of the show. Therefore, the expressed concern of the member for Victoria in regard to children, who with their parents attended the show during its final days and were disappointed, is unfounded as far as the nursery section is concerned. That exhibit was preserved until the closure of the show.

I take this opportunity to endorse the member for Victoria's remarks concerning the quality of the show. It is true that the attendance at this year's agricultural show was down compared with that of last year but, in fact, it was on a par

with the attendance recorded in 1980. The quality of exhibits, the presentation of machinery and equipment and the layout, which entailed an extreme amount of effort by the society, made this year's show one which overall was recognised publicly as being commendable, to say the least. The object of allowing livestock to be removed after 4.30 p.m. on the final Friday of the show is sound and is a practice which I would expect will be repeated again in future years.

SCHOOL OF COMMUNITY LANGUAGES

Mr LYNN ARNOLD: Will the Minister of Education say what action he intends to take concerning the proposal to abolish four lecturing positions in the School of Community Languages at the South Australian College of Advanced Education which, as a consequence, will threaten the continued existence of the Associate Diploma and Bachelor of Arts in Interpreting and Translating? I have received a copy of a letter, which I believe was sent to the Minister of Education on 14 September 1982, concerning this matter. The letter expresses concern about a decision that will be taken at the Council of the SACAE on Tuesday 21 September. The most appropriate way for me to explain my question would be to read out the relevant parts of the letter, as follows:

> The South Australian College of Advanced Education offers courses in interpreting and translating, although in substance, only one course of instruction is offered, that leading, on successful completion of academic and professional requirements, to a Bachelor of Arts degree in Interpreting and Translating and NAATI Level 3 accreditation, that is, the first professional level for accredited professional interpreters and translators.
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> The course, which is functionally untenable without the present number of lecturing staff involved, will cease to be acceptable as a B.A. offering and as an accreditable Level 3 offering, if the current staffing levels are not maintained.

The letter continues:

> The SACAE proposes to reduce lecturing positions attached to the course by four, which in effect abolishes the course. As you are aware, section 14 (2) of the South Australian College of Advanced Education Act conditions any decision of the council of the college in matters relating to the 'right of students to continue in any course' to its collaborating with you [the Minister] so that the public interest in such matters as assessed and determined by you is safeguarded.
>
> We would therefore put to you two propositions that seem self-evident. These are, respectively:
>
> (1) that the proposed action of the college affects the rights of students to continue in the course (*de facto* abolition of the course extinguishing any right of students to continue in it); and
>
> (2) the continuation and expansion of professionalising courses in interpreting and translating are matters of recognised public interest and established community need.

The writers of this letter also identify the fact that the Tertiary Education Commission has made available funding for a senior co-ordinator of such a course and they have become somewhat bemused by the fact that that senior co-ordinator would be co-ordinating only one other person. The letter concludes:

> Finally, as students and members of ethnic communities, we are particularly troubled to note that while there are cut-backs throughout the college, the areas most seriously affected are the interpreting and translating programme and Aboriginal studies. This will surely be viewed in a poor light by all ethnic communities and the general public, especially given the Government's declared policies.

I believe that this matter is coming up before the council next Tuesday. A response by the Minister as to whether or not he is going to use his powers under the Act is urgently required.

The Hon. H. ALLISON: I have not yet received that correspondence. I notice that the honourable member did refer to the date being 14 September, which was two days ago.

Mr Lynn Arnold: I received my letter today.

The Hon. H. ALLISON: Well, my letter is probably in the Parliamentary bag and is on its way. I will certainly have a look at it and give it urgent attention. I remind the honourable member that there has been quite a deal of publicity in the popular press over the past few weeks as to the intentions of the South Australian College of Advanced Education administration to reduce quite considerably staffing generally over contract appointees, over the next 12 months or so.

Mr Lynn Arnold: The Premier said there would be no sacking of—

The Hon. H. ALLISON: No, I think that the honourable member has misunderstood the intention of the legislation and certainly there has been no breach of any agreement given by the Premier or the Minister. I assure the honourable member of that. The fact is that contract appointments are terminable; all contract appointments, irrespective of whether they are in universities, colleges or private enterprise are terminable upon a prescribed date.

The honourable member must recognise that South Australia led the rest of Australia under the previous Government, before I became Minister, in commencing the amalgamation of the colleges of advanced education. That process was continued by the present Government and, in fact, we received commendation from the Federal Government for recognising that there were a number of problems in colleges of advanced education throughout Australia, not the least of which was that, when the Federal Government assumed the responsibility for funding C.A.E.s many years ago, a great number of colleges, which really would not have qualified for full tertiary allowances, applied for funding under the Federal legislation and sought to become recognised as tertiary institutions to take advantage of that Federal funding.

This back-fired because, over the ensuing years, we had some 86 or 87 colleges of advanced education which have now been reduced by amalgamation to, I believe, a figure near 50. Now, when rationalisation of that magnitude occurs, obviously the purpose behind it is for one main reason and, that is, that in a period of expansion a terrific amount of unnecessary competition arose whereby staff were appointed to oversee courses which were not really viable.

Part of the end result of the amalgamation of the South Australian colleges of advanced education is to ensure that a number of courses which were being pursued competitively by the four different campuses were more readily amalgamated. One of the conditions that the Government drew into the legislation was that staff would be more readily transferable and that at the date of amalgamation there would be no threat of retrenchment and the Government would assume responsibility for the employment of those officers.

But, of course, that amalgamation has been undertaken and the council of the SACAE is, after all, in charge of an autonomous body. The honourable member is quite correct in quoting from the letter where it mentions clause 14 (2) (3), which gives the Minister the right to intercede in the public interest when he believes that something is being done improperly. I will examine the letter, and I believe that probably the first appropriate step that I can take is to refer it to the statutory authority, again, which was created by the former Government to act on behalf of the Minister on matters which affect the statutory authorities. I will refer that to the Tertiary Education Authority of South Australia, and it will receive immediate consideration from the Chairman, Mr Gilding.

It does concern me if the allegations contained in the letter are all correct, but this is not the first communication

I have received from staff members of colleges of advanced education who can in no way be blamed for seeking in some way to obtain Ministerial intercession to protect their future employment. However, I cannot guarantee that positions which are under contract can be protected in that way and I will seek professional advice on the matter.

TOURISM

Mr GLAZBROOK: Will the Minister of Tourism respond to certain of the summary conclusions of the document issued by the Local Government Association's working party report on tourism? In the body of that report, it is pointed out that two questions were asked of 127 councils. The first question was whether or not those councils believed that custom from tourists formed a very significant part of the business of retail establishments in their area. The second question was whether or not those councils thought that custom from tourists formed a fairly significant part of the business of retail establishments in their area. In the summary of the conclusions, the report states:

> Slightly more than half of South Australia's local government bodies consider tourism is of benefit to their region.

But, it went on to say in one section of the report:

> Local government has not to date accepted the fact that tourism is an industry which requires or is worthy of a definite policy to be adopted by individual councils, the Local Government Association or the Department of Local Government.

The final comment in regard to the summary stated:

> Tourism is not considered to exert major impacts on business activity, however, in some regions it is considered to be fairly significant. Sixteen per cent of all respondents considered that tourism has no impact on their retail business, with Adelaide local governments foremost in this belief.

Therefore, can the Minister inform the House of her thoughts on these summaries?

The Hon. JENNIFER ADAMSON: Yes, I certainly will be responding to the report of the working party and, in fact, the Department of Tourism and the Tourism Development Board have already responded to it in terms of its modification to plans that were in hand before that report was received, or about the time it was received, for a tourism awareness campaign.

The information in that report, amongst other sources of information, made it clear that it would be premature to go out with a direct campaign of tourism awareness aimed at the public, through the media, if the people who are most closely involved in and related to the industry themselves are not aware of its importance. The statistics in that report, I think, would be regarded as quite staggering. To have local government, which after all is the sphere of government closest to the people (the elected representatives of local government can be expected to be in very close touch with the retailers and businesses in their wards and district councils), record officially that the majority of those people do not consider that tourism has a major impact on businesses in their area is extraordinary indeed.

I think that the extraordinary nature of that attitude is highlighted when one looks at page 12 of today's *News*, under the headline, 'Businesses count the loss'. This report studies details of what occurred at the weekend to businesses throughout South Australia and in the metropolitan area when tourism was adversely affected by the shortage of petrol supplies. This article is worth quoting, because it demonstrates more graphically perhaps than anything could how tourism significantly affects businesses.

The Summertown pottery gallery said that the number of people visiting his gallery had dropped by 98 per cent (they would have been daytrippers, but tourists nonetheless). The takings of the gallery were down $1 000 on normal weekend trading. At the Birdwood Mill Museum attendance was down to 350, compared with the 900 of the previous Sunday, and its takings were halved from $3 000 to $1 500. Sales of fruit at Tara Farm at Clarendon were down by 50 per cent. All these businesses would be benefiting from the patronage of tourists on the weekend. The takings of the Konditorei and coffee lounge at Stirling were down by half; business at the restaurant at the Wirrina Recreation and Grass Ski Centre and Caravan Park, near Normanville, was cut by 60 per cent, and the takings at Marineland were down by $700. The total weekend trade done by Hardy's Winery at Tanunda was cut by half.

Those figures relate to a specific situation, namely, a petrol shortage caused by a strike, but they highlight that those businesses depend on tourism seven days a week for their takings and their profitability, and if local government representatives are not aware of that now then they should become aware of it very quickly indeed, because local government has as much obligation to its ratepayers as the State Government has to its electors to meet the needs of tourism in the interests of employment and the economic development of the State and of the council areas within the State.

To answer the question briefly, the first stages of our tourism awareness campaign will be aimed not directly at the general public but at specific sections of the community which have an obligation and a responsibility towards tourism.

NORTH HAVEN LAND SALE

Mr PETERSON: Will the Minister of Environment and Planning say whether tenders were called for the selling agency for the North Haven Trust area and, if not, how were the agents selected? It was announced recently that Colliers International Property Consultants have been appointed as agents for the sale of the North Haven Trust area. A Mr Roger Cook, a senior member of this firm, has recently been made a commissioner on the South Australian Planning Commission. As the Minister has responsibility for administering both planning, and, through the Department of Environment and Planning, the North Haven Trust, I ask how the appointment was made.

The Hon. D. C. WOTTON: Registrations of interest were called from firms that had the capability to act as an agent on the part of the Government for the offering of North Haven to the private sector. As I understand it, three firms indicated their interest in the proposition. A special committee was set up that included members of the trust to determine that and make a recommendation to me, as Minister. Those people did make a determination and, as Minister, I made a decision. Colliers International was selected as a result of that. I believe, from the information that was provided for me, that they were the most appropriate people, and the most appropriate firm, to carry out this important task for the Government.

At 3.4 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 5 October 1982 at 2 p.m.

Motion carried.

STATUTES REPEAL (FINANCE AND MISCELLANEOUS) BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to repeal certain Acts relating to finance and other matters. Read a first time.

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

That this Bill be now read a second time.

It is one of a number to be introduced by various Ministers to Parliament in the course of this session. In all, six repeal Bills will be introduced. This Bill provides for the repeal of Acts dealing with finance and miscellaneous matters and other Bills will systematically be introduced for transport, agriculture and health and later this session for lands and transport.

Twenty-nine public Acts of general application and over 200 obsolete Acts of restricted application will be repealed by the six Bills, bringing the number of Acts of General Application repealed by the Government since 1980 to over 50. This number does not include Acts which were repealed and replaced one for one with new Acts, nor does it include any repeals which have been approved by Parliament but which have not yet been proclaimed.

The repeal of obsolete Acts represents part of the Government's commitment to deregulation generally. For many years now the number of Acts on the Statute Book has proliferated to an alarming extent. In 1975, 11 very substantial volumes were required to print the State's public Acts of general application. Approximately 1 000 public and private Acts of restricted application were identified but not printed in that 1975 compilation. The Government takes the view that it is simply not desirable that the Statutes of the State be so numerous that no-one can grasp their scope.

A systematic programme of Statute review is required which progressively updates our laws, cutting the dead wood, minimising overlap and duplication and making more understandable Acts drafted decades ago which, due to their terminology, are effectively incomprehensible to the general public. The package of repeal legislation being introduced in this session is the first important step in such a review. It represents the clearing of the dead wood in order that we can see the forest. The legislation to be repealed is not likely to cause controversy.

Members who have an understanding of the complex nature of legislation on the Statutes will appreciate the amount of work involved in undertaking this deregulatory initiative. I would also like to record the Government's commitment to continue significant reviews of legislation involving administrative procedures, including statutory authorities. An indication of the type of results which such review can produce has been or will be provided in this session by Bills introduced or to be introduced which rationalise the administration of land tenure, agricultural pest and dairy produce legislation and consequentially repeal a number of Acts. The Act that established the Commercial Tribunal and rationalised occupational licensing legislation and procedures, and that passed earlier this year, is another example of an objective, non-partisan attempt to rationalise Government systems and procedures.

The Bill before the House is similarly presented as a measure worthy of non-partisan consideration. It seeks to repeal Acts of both general and restricted application. Persons and bodies with an interest in the legislation have been fully consulted about repeal and have in each case given their approval; for example, the R.S.L. in relation to the War Terms Regulation Act and the P.S.A. in relation to the Redundant Officers Fund Act. I do not propose to go into detail on all these Acts. Essentially, they are obsolete, their objectives have been met or, in some instances, they have never been proclaimed.

I seek to table this report, entitled *Obsolete Statutes*, which contains all the information which honourable members are likely to require on the history of the individual Acts. Honourable members should note that the Bill will repeal a number of Acts in the rural finance area. As will be gathered from the tabled report, new funding is no longer extended through these Acts and the Government has ensured, through other legislation, that there will be no lessening in the amount or scope of rural assistance made available in the past.

I also draw to members' attention the provisions of the Acts Interpretation Act, which provides, through section 16, a saving provision in relation to rights and liabilities established or existing under repealed Acts. It provides that the repeal of an Act does not, unless expressly wished, affect the legality of any action taken, the gaining or exercise of any rights, the operation of any obligations or liabilities or any legal proceedings instituted under the Act before its repeal. Hence, the goals of the various repealed Acts, having been achieved, are in no way retrospectively invalidated by repeal. Clause 1 is formal. Clause 2 provides for the repeal of the Acts set out in the schedule.

Mr BANNON secured the adjournment of the debate.

SOUTH AUSTRALIA JUBILEE 150 BOARD BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to establish a corporation to be known as the 'South Australia Jubilee 150 Board'; to define its powers and functions; to protect the title and symbol officially adopted for celebrations marking the one hundred and fiftieth anniversary of the founding of the colony of South Australia; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

South Australia celebrates its sesquicentennial, its 150th birthday, in 1986. Early in 1980 the Government decided that this anniversary should be celebrated with due regard to the State's achievements since its foundation. Guided by the success of the Western Australian celebrations which were held in 1979, the Government decided to set up a widely representative board to involve as many people in the community as possible in celebrating South Australia's special birthday.

Cabinet aporoved of the appointment of Mr Kym Bonython as the first Chairman of the board and the first meeting of the board with chairmen of various community interest groups was held in July 1980. A great deal of planning has gone forward, and the Jubilee 150 Board has steadily increased its activities in preparation for the celebrations in 1986. It has now reached the stage where consideration has been given to formalising its structure.

The special nature of the work of the board suggests that it would be inappropriate for the board's activities to be

governed either by the Companies Act or by the Associations Incorporation Act. The most appropriate form of incorporation, therefore, is by Statute because it is an agency of Government. A department of the Public Service is clearly inappropriate. The board has expressed concern that it is necessary to protect the name 'Jubilee 150' and the use of the symbol created for its celebration. This should prevent confusion arising between official and unofficial bodies and activities, and prevent the name of the board and the symbol being associated with undesirable activities. It will also enable the board to authorise particular persons to use the symbol for a fee or other consideration, and protect such persons from competition from other persons who have given no consideration for the use of the symbol. Legislative protection is appropriate as existing legisation does not cater for these circumstances.

In addition, the legislation provides a framework for the operation of the board, by detailing the powers and functions of the board and clearly defines its responsibilities, its relationship to the Minister and Public Service and the use of funds allocated to it. The Bill includes a sunset clause for it to cease on 31 December 1987, when any outstanding assets and liabilities will vest in the Minister.

This Bill will assist the board in organising and promoting programmes, functions and celebrations for the 1986 anniversary. The historical significance of the sesquicentennial for South Australia will be better understood with an incorporated Jubilee 150 Board which this Bill provides.

I commend the Bill to members. The Government is sure that its strong desire to mark South Australia's 150th anniversary will be shared by all sections of the community.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Clause 3 sets out the arrangement of the measure. Clause 4 sets out definitions of terms used in the measure. Clause 5 provides for the establishment of a board to be known as the 'South Australia Jubilee 150 Board'. The board is to be a body corporate with the usual corporate capacities.

Clause 6 provides that the board is to consist of not more than 14 members appointed by the Governor. Under the clause, the Governor may appoint from amongst the members of the board a Chairman and a Deputy Chairman. Clause 7 sets out the conditions of membership of the board. Clause 8 requires members of the board to disclose any conflict of interest. Clause 9 regulates the procedure at meetings of the board. Clause 10 provides for the validity of acts of the board and protects its members from personal liability for certain acts or omissions.

Clause 11 provides for the estabalishment of an executive committee of the board which is to be comprised of the Chairman, the Deputy Chairman and such other persons as may be appointed by the board. Under the clause, the board may delegate any of its powers or functions to the executive committee. Clause 12 sets out the functions and powers of the board. Under the clause, the principal functions of the board are to initiate and where appropriate conduct programmes, activities, functions and celebrations during the 150th anniversary of the founding of the colony of South Australia; to encourage, promote, facilitate and co-ordinate activities to mark the occasion of the anniversary; to encourage participation in anniversary celebrations; and to create, foster and promote interest, both within the State and elsewhere, in the anniversary.

Clause 13 provides that the board is to be subject to the general control and direction of the Minister. Clause 14 provides for the appointment of staff for the board. Clause 15 provides that the board may make use of the services of officers of the Public Service. Clause 16 regulates the manner in which the board is to deal with its moneys and limits expenditure by the board to expenditure authorised by a budget approved by the Treasurer. Clause 17 empowers the board to borrow and provides the usual guarantee by the Treasurer. Clause 18 provides for the keeping of accounts by the board and the auditing of such accounts.

Clause 19 requires the board to prepare an annual report which is to contain the audited statement of accounts for the preceding financial year and be tabled before each House of Parliament. Clause 20 vests the official title and the official symbol in the board. The official title is defined by clause 4 as the expression 'South Australia Jubilee 150'. The official symbol is a symbol, the general design of which is set out in the schedule to the Bill and which is depicted in a specially prepared graphic standards manual. Clause 21 requires the consent in writing of the board before any use may be made of the official title or symbol for commercial or other organised purposes. Under clause 12, the board is empowered to make charges for the right to use the official title or the official symbol. Clause 21 provides that it is to be an offence to make unauthorised use of the official title or symbol and provides for compensation to the board for any such unauthorised use.

Clause 22 provides for the seizure and forfeiture of goods in relation to which unauthorised use has been made of the official title or symbol. Clause 23 provides that the other provisions of the measure are not to affect the use of an expression or symbol by a person who, before the commencement of the measure, was lawfully entitled to control the use of such expression or symbol. Clause 24 provides for the services of documents. Clause 25 provides that a person convicted of an offence under the Act shall be liable in respect of a continuing offence to a daily penalty, both before and, where appropriate, after initial conviction. Clause 26 regulates proceedings for offences against the measure. Clause 27 provides that the measure is to expire on 31 December 1987 and provides for the vesting in the Crown of all property, rights and liabilities of the board existing at the time of expiry.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL

The Hon. D. C. BROWN (Minister of Industrial Affairs) obtained leave and introduced a Bill for an Act to amend the Industrial Conciliation and Arbitration Act, 1972-1981. Read a first time.

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

That this Bill be now read a second time.

It has been designed to strengthen the rights of individuals and to build on South Australia's industrial relations record, which is already the best in Australia. Before going into detail, I will briefly outline the main points of the Bill. One proposal provides for joint sittings of the Federal and State Industrial Commissions. This will help to remove the inconsistencies between State awards and Federal awards covering the same work. For many years these differences have been widely criticised. This proposal is the result of three years of consultation between all State and Federal Governments.

Another proposal will strengthen the rights of people at work, particularly by giving people the choice whether or not to join a union. Any person may fill out a form registering as a conscientious objector and this will protect the person from being discriminated against for not being a member of a union. This procedure is less formal than the one which has been practised for several years. A conscientious objector will still be required to pay the equivalent of union dues to the Children's Hospital. I stress that it will not be necessary to either join a union or register as a conscientious objector.

In addition, no employer or union official may threaten to take or take discriminatory action against another person

to force an employee to join a union. This is designed to protect independent subcontractors and their workers. It has operated under Federal law for several years. Any provision in existing law which allows preference to unionists will be removed.

A further proposal is that all officials of employer associations and of unions must be elected by secret ballot. This is already adopted by most unions as it is required by Federal law. This does not mean that secret ballots must be held before striking. The changes to the law would also require that proper financial records be kept and audited in a manner similar to that which applies to companies which are accountable to their shareholders.

An annual financial statement must be sent to all members of employer associations and unions. Again, this brings South Australia into line with Federal laws. In addition, any employer or union official convicted of an offence under existing laws for violence or intimidation as part of an industrial dispute would not be able to hold office for five years. This is to help ensure that the fraud, intimidation and crime associated with a small minority of unions, which has been revealed by recent royal commissions interstate, does not become part of the South Australian industrial scene.

Also, when an employer association or union is deregistered under Federal law for malpractice, then the State commission may be approached to hear a similar application for deregistration under State law. Despite the good industrial environment in this State it would be foolish to believe that circumstances will remain static. Industrial relations is by its very nature an organic creature. Thus, in order to ensure that the framework operating in South Australia continues to be relevant to contemporary and future conditions, in November 1980 the Government appointed Mr F. K. Cawthorne, I.M., to conduct an independent examination of the Industrial Conciliation and Arbitration Act. The terms of reference of this exercise were 'to review the Industrial Conciliation and Arbitration Act, 1972-1979 (as it then was), and to report to the honourable the Minister of Industrial Affairs on any requirement for legislative change to meet current and likely future developments in industrial relations'. As I have indicated previously in this place, that report was made to me on a confidential basis. Because of the personal nature in which the report was written, it would be inappropriate to release the full report.

The Hon. J. D. Wright: That's rubbish. It's taxpayers' money.

The Hon. D. C. BROWN: The Deputy Leader should listen before he opens his mouth and makes a fool of himself. However, it must be acknowledged that, as foreshadowed in Mr Cawthorne's discussion paper which was released earlier this year, the review into the South Australian industrial relations system has been comprehensive. It immediately follows that, despite the degree of consultation with industry representatives and other interested parties which Mr Cawthorne undertook in reaching his conclusions, further detailed and lengthy discussions will be necessary before any comprehensive amendments can be introduced into Parliament. It cannot be denied that, in order to achieve a piece of legislation which meets the relative needs of all parties to the system and the public interest, close consultation on both the concepts involved and the implementation thereof will be essential. Accordingly, I give notice of the Government's intention to consult at length with various parties on all aspects of the existing Act. In the meantime, the Government believes that there are some aspects of the Industrial Conciliation and Arbitration Act which require immediate attention. In this respect, the Government seeks to give effect to four main objectives:

(1) to achieve a greater degree of co-operation and co-ordination between industrial relations legislation at the State and Federal levels;

(2) to protect the rights of individuals in the industrial relations scene;

(3) to place more stringent financial obligations on all registered associations to eliminate any malpractice in this area; and

(4) to ensure that the violence and intimidation revealed by two interstate royal commissions do not become part of the South Australian industrial scene.

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

Leave granted.

Remainder of Explanation

In the first instance, members will no doubt be aware of the discussions which have continued in recent years at officer and Ministerial level on ways in which the dual industrial relations systems operating in this country can be brought closer together to achieve greater efficiency and effectiveness. I first attended such discussions in late 1979. These discussions recently culminated in the matter being considered at the Premiers' Conference in June 1982, where Premiers undertook to facilitate the establishment of complementary industrial systems in Australia. That agreement covered four main areas of approach:

(1) to provide for joint sittings of the Federal and State commissions;

(2) to allow for State Industrial Commissions to act as Local Industrial Boards under the Commonwealth Act;

(3) to enable, by agreement, the exercise of State jurisdiction by the Federal Commission; and

(4) to include in the State Acts mirror provisions to section 67 of the Commonwealth Act which provides that the President of the Australian Commission may convene conferences with State Industrial Tribunals with a view to securing co-ordination between Commonwealth and State awards.

While it will be seen that some of the above points touch on matters solely within the jurisdiction of the Commonwealth Parliament, steps have been taken to include the necessary facilitative provisions in the State Act to support the Premiers' undertaking. Accordingly, the Bill enables the President of the Industrial Court, in circumstances mutually appropriate to the State and Federal tribunals, to arrange with his Federal or State counterpart for a joint sitting to be held between the two tribunals, or to confer with those tribunals in order to secure consistency between the awards of the tribunals.

It is appreciated that the Commonwealth Government has yet to reveal the substance of its proposed legislative changes, and that indeed, the State provisions cannot come into effect until the reciprocal Federal provisions are in operation. However, it is considered essential that, in order to give effect to the spirit of the Premiers' commitment, South Australia is seen to be actively moving towards the development of a closer working relationship between the various industrial tribunals.

South Australia is the first State to introduce legislation following the Premiers' Conference agreement. It is a step which will further improve industrial relations in this State by resolving some of the problems caused by the division of powers within the Australian Constitution.

The second major thrust of these amendments is to acknowledge and strengthen the rights of people at work. South Australia has a national reputation for respecting and protecting the rights of individuals in most aspects of life. However, in industrial relations our efforts have been largely non-existent.

I acknowledge that there has been a long established protection afforded to persons who have a conscientious objection on religious grounds to becoming a member of a union. Despite the widely differing views on the union membership issue, the protected position of conscentious objectors has become entrenched in industrial legislation throughout the country.

However, in direct contradiction to this philosophy is the position of power and pressure which is afforded to trade unions through the operation of a policy of preference to unionists. Throughout my term of office on both sides of this House, I have been made continually aware of the hardship imposed on many individuals who are ineligible to apply for a certificate of exemption, and yet who are subject to untenable pressures emanating from the operation of a preference policy, either through the force of an award, or in practice.

While it is recognised that this subject is one on which there is a fundamental difference of opinion between the two major political Parties in this State, it cannot be denied that in practical terms, since the Industrial Commission has been empowered to include preference clauses (albeit qualified) in awards, very few unions have sought to avail themselves of this opportunity. Indeed, of the 200-odd awards of the Industrial Commission and the various Conciliation Committees, only nine have clauses substantively dealing with this matter.

However, in line with its policy, the Government has decided to remove from the spectrum of industrial relations in this State the right by law to grant preference to unionists. To this end, the Bill deletes from the authority of the Industrial Commission and Conciliation Committees established under the Act the power to include preference clauses in awards and invalidates those clauses which are operative in existing awards. Even given this action, it would be naive to believe that unofficial pressures of this kind do not exist, which seriously restrict the freedoms of both employees and employers.

To counter this position, the Bill seeks to strengthen the provisions relating to conscientious objectors in order to more fully protect their position. In particular, the Bill proposes to extend the grounds on which exemption may be granted to cover any genuine conscientious objection to being or becoming a member of a registered association or to paying fees to a registered association. It is considered that a conscientious belief made on other than religious grounds should be acknowledged. This stand has been adopted in some other States, by the Federal Parliament and in the U.K.

However, for some time, the Government has been concerned about the intangible pressures which can be associated with pursuing an application for a certificate of exemption under the current provisions. Indeed, it has been brought to my attention that many would-be applicants are dissuaded from proceeding with an application because of the degree of formality surrounding the present procedure. Accordingly, the Bill seeks to remove any artificial barriers pertaining to this matter by requiring an applicant to merely lodge a statutory declaration as to his genuine conscientious objection with the Industrial Registrar and to pay the prescribed fee. On receipt of the necessary document and the appropriate fee, equivalent to the union membership fee, the Registrar is to grant a certificate of exemption in the prescribed form. The holder of such a certificate is then protected from any differentiation made against or in favour of him by any person. The protection afforded by section 157 is also strengthened by increasing the penalty from $100 to $500.

As an additional measure, the Government intends to include in the Act a provision along the lines of section 132A of the Commonwealth Act relating in effect to independent contractors, but to extend it to cover discrimination against persons who hold or do not hold a certificate of exemption. New section 157a prohibits a registered association from advising, encouraging, or inciting a person to take discriminatory action against a person, or from taking or threatening to take industrial action in order to coerce an employer to take such discriminatory action by reason of the fact that that person is not a member of an association, or is or is not a conscientious objector. This provision also seeks to prevent independent contractors from being forced to join a union. I stress that it will not be necessary to either join a union or register as a conscientious objector.

In the same vein, the Government is concerned at reports of violent measures being used by trade union officials as an acceptable means of exercising power and achieving their aims, no matter how dishonourable they may be. The evidence in respect of the Builders Labourers Federation and the ship painters and dockers, as revealed by recent royal commissions, speaks for itself. In volume 2 of the report of the Commissioner appointed to inquire into the activities of the Australian building construction employees and the Builders Labourers Federation, the Commissioner said:

> . . . There have been many instances put before this inquiry of threatening and violent conduct engaged in by officials and members of the Builders Labourers Federation in pursuit of demands made upon employers. These instances appear to demonstrate the existence of a philosophy in the Federation that resort to mob violence as a justifiable weapon in the process of 'softening up' an employer.

The practices adopted by such organisations as the B.L.F. are certainly not typical of industrial associations operating in this country. It can be deduced from the Commissioner's report that in a considerable number of instances those practices are unacceptable to the officials of other unions. In particular, it was said that, 'it is not only wrong, but discrediting to the trade union movement as a whole, to engage in acts of wilful damage, violence and intimidation in support of industrial demands'.

In view of the concern in the community generally about the spread of standover tactics and intimidation, and of the union movement in particular about the effect on the credibility and acceptance of trade unions, it has been decided to take appropriate action against officials of employer associations or trade unions that resort to such tactics as part of industrial relations. While it is acknowledged that the criminal law in this State provides a framework for dealing with threats and violence, it is also considered that there is a supporting role to play in industrial legislation. Accordingly, the Bill provides that if an officer of a registered association is convicted under another Act of an offence involving violence or intimidation arising out of an industrial dispute, then his office is to be declared vacant and he will be ineligible for reappointment or re-election for a period of five years. This approach was advocated by the Commissioner inquiring into the B.L.F. in his recommendation that consideration be given to amending the Conciliation and Arbitration Act along the same lines. In his report, he said:

> . . . This recommendation is predicated upon the proposition that such person is unfit to hold the office in much the same way as a company director is regarded by the various pieces of companies' legislation operating throughout Australia as unfit to hold his office in the event that he has been convicted of offences involving an abuse of his directorship.

One other amendment flows from the activities which have become apparent in respect of the two Federal unions mentioned earlier. It is ludicrous to expect that, should an association become deregistered at the Federal level for reasons other than mere technicalities, its State body can effectively continue to operate without restriction. Such a situation makes deregistration an empty farce. At present, under the Industrial Conciliation and Arbitration Act deregistration can only be sought by the Registrar, the registered

association itself or a member or former member of that association. It seems hardly likely that the registered association or a member would seek to take such action in the circumstances. However, the Government believes that other registered associations with an interest in the matter should be able to seek the deregistration of a recalcitrant association when matters of substance rather than technicalities are involved, and the Bill gives effect to that belief.

As a final measure to protect the interests of the individual, the Bill introduces into the State Act the concept of compulsory secret ballots for elections to offices in registered associations. While it is understood that many registered associations have already adopted this practice in the conduct of their elections, public expressions of concern in this area are not uncommon. It is considered that some statutory steps should be taken to allay any fears of intimidation and introduce a democratic approach to the question of elections. Accordingly, the Commonwealth provisions relating to secret ballots, and in some cases secret postal ballots, are considered to most appropriately provide the necessary protection in this most important area, and these have been incorporated in the Bill. These new sections require registered associations to include in their new rules the necessary provisions for secret ballots, the exact nature of which depends on whether the election is to be by direct voting system or by a collegiate electoral system. Where the election is by a direct voting system, then secret postal ballots must be held, although an exemption can be gained if the Industrial Registrar is satisfied that a secret ballot in accordance with the rules would result in a fuller participation by the members and would not impose intimidatory pressures on their vote. The Bill also makes certain provisions in respect of disputed elections, where it is alleged that an irregularity has occurred in the conduct of an election.

The third aim of these amendments is to provide detailed financial requirements and procedures to be followed by unions and employer associations registered under the Act. The evidence adduced in the B.L.F. and painters and dockers inquiries suggests that there may be some serious discrepancies between an association's rules and what happens in practice. In addition, in his recently published book, *Unions in Crisis*, the former Labor Party Federal Minister, Clyde Cameron, has adverted to the need for a greater degree of financial accountability by trade unions. This statement is supported by certain disquieting revelations about the financial affairs of trade unions. In one passage, he tells of the practices of job representatives who were responsible for collecting union dues:

> . . . Many would simply 'grab the dough and go'. Others would claim to have lost the money or had it stolen. One went so far as to tell me and the auditors that he had sold no tickets and that the unsold tickets had been eaten by a cow.

However, Clyde Cameron himself acknowledged that 'the most prevalent form of theft will be found in the misappropriation of funds and property for purposes not authorised by the registered objects of the union'.

The present provisions in the Act basically require an audited balance sheet of assets and liabilities and a statement of receipts and payments to be forwarded to the Industrial Registrar each year. However, it is considered that more comprehensive requirements are necessary in respect of accounting and auditing. At the end of 1980, detailed provisions came into effect under the Commonwealth Act. These provisions require the proper preparation of accounts, regular auditing of books by competent persons, the dissemination of information to members and the filing of the necessary documents with the Industrial Registrar. For reasons of uniformity, which will be of special assistance to those registered associations with State and Federal participation, it has been decided to adopt in substantially the same form the Commonwealth provisions.

Amongst those provisions, the Federal Act allows for the Registrar, members of an association, or in some cases, the Director of the Industrial Relations Bureau, to initiate an inquiry into the financial affairs or financial administration of a registered association. However, it is considered more appropriate at the State level for the initiating authority to be vested in the Minister but that the actual inquiry be conducted by those with special expertise. To this end, the Bill provides, that if the Minister has received an auditor's report from the Registrar or a report indicating a deficiency, shortcoming or failure relating to a registered association or any other matter requiring investigation, or if he believes that there are reasonable grounds to suspect that a provision of the Act or an association's rules have been breached in respect of a financial matter, then he may direct the Registrar to cause an investigation to be carried out. For this purpose, the Registrar is to appoint investigators to carry out the necessary inquiry.

It should not be forgotten that these financial provisions apply equally to employer and employee bodies which are registered under the Act. While the current interest appears to be directed principally towards trade unions, it is only appropriate that all registered associations should be subject to the same requirements and procedures. With the additional advantage of uniformity between Federal and State legislation, it is considered that these amendments will do much to allay the concern expressed by members of the public and members of associations as to the financial management of associations.

There is one further matter in respect of which legislative action is urgently needed. From time to time references have been made in this place to the problems flowing from the dual registration of associations. Members will recall the placing of a moratorium on challenges to certain actions, the membership and, indeed, the very legal existence of associations, which has been extended on several previous occasions, pending the development of a solution to the complex implications of the decision of *Moore v. Doyle*. That moratorium expired earlier this year.

The Bill seeks to provide for the reinstatement of the moratorium and its continuation until 31 December 1984. It is expected that, in the planned discussions on detailed amendments to the Act to which I have already referred, a more permanent solution to the problem can be found. Throughout the Bill, employer associations and trade unions, collectively referred to in the legislation as registered associations, have received the same treatment and conditions.

Several of the provisions of the Bill largely mirror provisions of the Federal legislation. If such changes are made, then uniformity with the Federal Act should lead to greater simplicity and harmony within the Australian industrial relations system. I mentioned earlier that Mr Cawthorne's report to me was a confidential and personal one, particularly in the body of the report. However, it is reasonable that the public should know what specific recommendations were made by Mr Cawthorne in relation to those matters now canvassed in this Bill. I have therefore, listed those recommendations. Most of the recommendations have been adopted although some have been modified slightly. The recommendation on deregistration has not been accepted because the recent findings of royal commissions, which have been handed down since the report, have highlighted the need for a procedure to deregister unions under certain circumstances.

The report does not comment on two provisions in the Bill. One is protecting the independence of subcontractors on union or employer association membership. The other is the conviction of officials of associations for violence and

intimidation. Again, this matter has arisen as a consequence of the findings of a recent Royal Commission. The recommendation of the report on preference clauses has been rejected because positive discrimination against employees who are not union members is a gross infringement of human rights. This Government, and I would hope this Parliament, would not tolerate such an injustice against individuals.

Recommendations of the Review of the Industrial Conciliation and Arbitration Act, 1972-1982—Report on the Requirements for Legislative Change

Powers of the Industrial Commission:

(c) That provisions be made to enable:

(i) Members of the Industrial Commission of South Australia to confer with their Federal counterparts on matters of joint concern;

(ii) proceedings in the Federal Commission and proceedings in the State Commission to be dealt with together in a 'joint sitting' in appropriate cases;

(iii) a member of the Federal Commission to deal with a dispute or claim before the Industrial Commission of South Australia where the President of the latter considers it appropriate.

Union Security, Preference to Unionists and the Objector to Union Membership

(a) That section 157 be amended to:

(i) extend to discrimination in employment short of dismissal—i.e., injury in employment;

(ii) increase the penalty for an offence against the section; and

(iii) provide for an awared of damages and costs in favour of an injured party in case of breach.

(b) That the Full Commission, or a single member in consent situations be vested with a discretion to award preference to unionists at the point of engagement and on termination of employment where it is considered to be just and equitable to do so.

(c) That

(i) the grounds on which exemption for conscientious objection is granted be widened to cover conscience generally;

(ii) that the procedure by which a certificate is obtained be deformalised;

(iii) that all discrimination against a holder of a certificate of exemption be outlawed;

(iv) that the penalty for breach of the conscientious objection provision be reviewed;

(v) that the payments of equivalent moneys be paid into consolidated revenue.

Registration and Associations

(d) That a requirement for secret postal voting in elections for offices in a registered association be introduced as in the Federal Act.

(e) That the President be empowered to make rules in respect of additional accounting and auditing procedures and requirements in respect of registered associations as he considers appropriate.

Moore v. Doyle—A proposal

(a) That the recommendations of the Sweeney Report as to dual incorporation be implemented, provided that:

(i) the Act enable a Federal union to apply for non-corporate registration of a branch in this State, but that the Industrial Registrar be given a discretion as to the present geographical and/or industrial areas in which the Federal union and the branch may operate for the purposes of the State Act; and

(ii) a currently State registered branch is able to elect whether to remain autonomous or whether to amalgamate with the Federal union.

(b) That the recommendations of the Sweeney Report as to the validation of irregularities and invalidities in the conduct of registered organisations be implemented.

(c) That draft legislation incorporating the above concept be separately prepared for circulation and comment.

'Not Elsewhere Classified';

(i) That the penalty structure in the Act be generally reviewed to make it more appropriate to present conditions.

Statutory Attempts to Limit Industrial Action

(g) That no changes should be made to the deregistration provisions of the Act.

It is unfortunately the case that industrial relations by its very nature is a subject upon which partisan attitudes are invariably adopted. This Bill strives to balance more effectively the respective interests of individuals and collective associations operating in that field. It seems to me that the interests of the State as a whole would best be served by members considering this Bill in a spirit of co-operation, rather than by adopting the dogmatic and intractable stances which are normally evident in debates on industrial relations issues.

Clause 1 is a formal provision only. Clause 2 allows for the suspended operation of parts of the amending Act. This is necessary

(a) in respect of the Commonwealth-State joint sittings provisions to ensure that legislative measures in both those jurisdictions come into operation at the same time; and

(b) to enable the supporting regulations to be made in respect of various provisions of these amendments.

Clause 3 inserts the headings of Parts 1XA—Accounts and Audit in Respect of Registered Associations and Part 1XB—Disputed Elections into section 3 dealing with the arrangement of the Act. Clause 4 incorporates three new definitions into the Act, which are necessary for the purposes of clause 8. Clause 5 gives effect to the Government's policy to remove the power of the Industrial Commission to include preference clauses in awards. It also invalidates existing preference clauses.

Clause 6 inserts new section 40a into the Act, which makes the necessary provision to enable the President of the Industrial Court to determine, in consultation with industrial tribunals of the Commonwealth or another State, whether a conference is appropriate, in order to secure co-ordination between awards, and allows for joint sittings to be held. The amendment gives effect to the agreement of Premiers as to the development of a closer working relationship between industrial tribunals.

Clause 7 is consequential upon clause 5 and makes a similar amendment in respect of preference clauses in conciliation committee awards. Clause 8 inserts several new sections into the Act relating to elections to offices in registered associations.

New section 120a lists certain matters which must be included in the rules of a registered association in respect of the holding of elections. Associations which were registered before the enactment of the section are given six months (or such longer period as is determined by the Industrial Registrar) to bring their rules into conformity with the new provisions. If a registered association does not comply with that requirement, the Registrar is given the authority to make the necessary alterations to its rules.

New section 120b provides for secret postal ballots in respect of elections by direct voting systems. Where the rules of an association do not provide for such ballots, then the necessary requirements as prescribed will apply. The section allows for an exemption from these provisions where the Registrar is satisfied that a secret ballot in accordance with the rules, not being a postal ballot, would result in a fuller participation by the members, who would be able to vote without intimidation.

Clause 9 is consequential upon clause 12 and deletes from the Act the existing requirements as to the submission of financial statements to the Industrial Registrar. Clause 10 amends section 132 of the Act to enable a registered association to seek the deregistration of any other registered association in circumstances other than those involving purely a technical breach. It also allows for the court to receive into evidence the transcript of the evidence taken in proceedings before a Commonwealth tribunal and draw its own conclusions therefrom.

Clause 11 reinstates the moratorium on challenges as to the validity of certain actions, membership and the legal existence of associations, to continue until 31 December

1984. The moratorium is consequential upon the difficulties highlighted in the decision of *Moore v Doyle*. Clause 12 inserts two Parts into the Act. Part 1XA deals with accounts and audit in respect of registered associations.

New section 142a includes the necessary definitions for the purposes of this Part.

New section 142b extends the provisions of Part IXA to both associations and their branches.

New section 142c clarifies that the new provisions apply from the first financial year commencing after they come into operation, or to the first financial year after an association under the Act is formed.

New section 142d requires associations to keep sufficient accounting records to enable the preparation of the required reports and proper auditing. Records, which may be kept on a cash or an accrual basis, must be retained for seven years after the completion of the transactions to which they relate.

New section 142e provides that associations are to prepare the prescribed accounts and other statements each financial year.

New section 142f provides that certain information (as prescribed) is required to be submitted to the Registrar or a member on application. The Registrar is only to seek such information at the request of a member.

New section 142g ensures that only competent people, or a firm of competent persons, are appointed and retained as auditors.

New section 142h places an obligation on auditors to audit and report in respect of each financial year, and for this purpose they are entitled to full and free access to accounts and records. In his report, an auditor is required to state his opinion as to whether satisfactory accounting records were kept and to whether they gave a true indication of the financial affairs of the association, and give details of any deficiency, failure or shortcoming in respect of these matters. If the auditor becomes aware of any breach of the provisions of the Act or of the rules, which cannot be adequately dealt with in his report to the association, he is to report the matter in writing to the Industrial Registrar. The Registrar is then required to forward a copy of that report to the Minister.

New section 142i provides that all reasonable fees and expenses are to be met by the association.

New section 142j provides for the removal of an auditor from office by certain means.

New section 142k requires certain accounts and reports to be forwarded to each member free of charge within 28 days of the making of the report with a weekly fine if relevant. Where a journal is published and is available to members free of charge, any publication of those accounts and reports therein will be in compliance with the provisions of this section.

New section 142l requires certain documents to be filed with the Registrar. If those documents reveal any deficiency, or the Registrar considers that a matter revealed in the documents should be investigated he is to report the matter to the Minister.

New section 142m empowers the Minister, on receipt of reports from the Registrar or on suitable grounds, to direct the Registrar to cause an investigation of the finances and financial administration of an association, and for this purpose the Registrar is to appoint an investigator to undertake the inquiry. Such investigator is to report in writing to the Minister and the Registrar. Where it appears from such a report that an association has contravened a provision of the Act or a rule of the association relating to financial matters, the Registrar is to notify the association accordingly to enable it to comply.

New section 142n requires the association to give notice to the auditor of meetings at which his report is to be discussed.

New section 142o gives an auditor the right to attend and speak at any meeting at which his report is being discussed.

New section 142p prevents any interference with an auditor's rights under the Act.

New section 142q gives an immunity to an auditor from actions for defamation in respect of statements made or published in the course of his duties as auditor.

Part 1XB deals with disputed elections to offices in registered associations.

New section 143a defines an association for the purposes of this Part.

New section 143b allows a member or former member of an association to lodge an application with the Registrar for an inquiry by the Industrial Court into an alleged irregularity in or in connection with an election for an office in the association or branch thereof. Where an application is made in respect of an election conducted by the Registrar under new section 143q, the court is not required to proceed with the inquiry unless it is satisfied that there is reasonable ground for the application.

New section 143c outlines the action which can be taken by the Registrar on receipt of an application. If he is satisfied that there are reasonable grounds for an inquiry and that the circumstances justify an inquiry, he shall grant the application and refer the matter to the court. To reach this decision, he may inspect ballot-papers and other documents and hear any objectors.

New section 143d provides that on reference of a matter to the Industrial Court, the inquiry is to be deemed to have been instituted in the court.

New section 143e allows a judge to give the necessary directions as to the hearing.

New section 143f enables the court to direct the Registrar to inspect ballot-papers and other documents, and empowers it, if circumstances dictate, to hear objectors.

New section 143g gives the court power, if it thinks fit, to make one or more interim orders.

New section 143h provides that interested persons can apply for leave to appear or be represented at an inquiry, and allows for the Attorney-General to intervene on behalf of the Crown. It also makes certain procedural provisions.

New section 143i outlines the functions and powers of the court in the exercise of its jurisdiction with respect to inquiries into disputed elections. If an irregularity is found to have occurred, the court may declare the election or any step in it void, declaring a person purporting to have been elected not to have been elected, or declaring another person to have been elected. In addition, the court may direct the Registrar to make certain arrangements to complete an election or for a new election to be held. The section also allows for the rules of an association to be modified to allow for any court order under this section to be carried out.

New section 143j provides that, in making provision for steps to be taken to hold a new election or complete an election, the Registrar shall make the necessary arrangements with the Electoral Commissioner.

New section 143k enables the court to make such orders for injunctions as it thinks necessary.

New section 143l validates the acts done by a person who has purported to act in the office, the election of which person is subsequently declared void by the court. It also enables the court to declare any such act to be void.

New section 143m deals with the payment of costs and expenses of the person applying for the inquiry.

New section 143n requires all ballot-papers, envelopes, lists and other documents relating to an election to be preserved and kept by a registered association for one year after the completion of the election.

New section 143o enables a financial member of an association to request information from a returning officer for the purpose of determining whether there has been an irregularity in or in connection with an election.

New section 143p provides that a new election is to be held where one of the candidates dies before the close of the ballot.

New section 143q provides that an association may request, in writing, the Registrar to conduct an election to ensure that no irregularity occurs. The Registrar may conduct the election personally or use the services of the Electoral Commissioner.

New section 143r provides that where an election is conducted under new sections 143j and 143q, the person conducting the election may take such action and give such directions as he thinks necessary to ensure that no irregularities occur, and to remedy any procedural defects in the rules of the association. The section also makes certain other provisions in respect of elections conducted under the two new sections mentioned above.

New section 143s creates several offences in respect of elections for offices under the Act.

Clause 13 redesignates sections 143 and 144 as sections 144 and 144a, respectively. Clause 14 amends existing section 144 (to be designated as section 144a) to—

(1) simplify the procedure by which a certificate of exemption may be obtained by requiring the lodging of a statutory declaration as to a genuine conscientious objection with the Registrar;

(2) extend the grounds for exemption beyond a religious belief; and

(3) provide a penalty of $500 in respect of the offence of differentiating against or in favour of a holder of a certificate of exemption.

Clause 15 amends section 157 to increase the penalty for unlawful discrimination under the section from $100 to $500. Clause 16 inserts new section 157a into the Act to outlaw any actual or threatened discrimination against persons such as independent contractors and conscientious objectors or non-conscientious objectors. The clause includes a daily penalty. Clause 17 inserts new section 166a into the Act which provides that where an officer of an association has been convicted of an offence involving violence or intimidation arising out of an industrial dispute then his office is to be declared vacant, and the convicted person is disqualified for re-election or appointment for five years.

There being a disturbance in the gallery:

The SPEAKER: Order!

A member of the gallery was escorted from the Chamber.

STATUTES REPEAL (TRANSPORT) BILL

The Hon. M. M. WILSON (Minister of Transport) obtained leave and introduced a Bill for an Act to repeal certain Acts relating to transport. Read a first time.

The Hon. M. M. WILSON: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill is a further part of the Government's programme for the repeal of obsolete legislation. The Bill repeals five Acts that are no longer of practical use, the Acts having either been superseded by other legislation, or the work authorised by them having been completed. A further batch of Acts is intended to be repealed in due course as part of an on-going review of the legislation within the responsibility of the Department of Transport. Clause 1 is formal. Clause 2 provides for the repeal of the Acts set out in the schedule.

Mr ABBOTT secured the adjournment of the debate.

Mr Randall interjecting:

Mr Hemmings interjecting:

The SPEAKER: Order! Will the honourable member for Napier please resume his seat and cease interfering with the business of the House?

STATUTES REPEAL (HEALTH) BILL

The Hon. JENNIFER ADAMSON (Minister of Health) obtained leave and introduced a Bill for an Act to repeal certain Acts relating to health. Read a first time.

The Hon. JENNIFER ADAMSON: 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

As part of the Government's deregulation programme, the Health Commission is reviewing statutes in the health area, with a view to recommending repeal of those which are no longer necessary. This Bill aims to repeal those Acts so far identified as redundant.

1. Infectious Diseases Hospital Transfer Act, 1947.

Early this century, local councils were responsible for the treatment, care and custody of persons suffering from infectious diseases. This included treatment in hospital. Councils were required to pay the daily average cost of caring for such patients in Government hospitals. Notably Royal Adelaide Hospital. When the cost rose to about 1s. 3d. per day, the councils claimed they could look after their patients more cheaply, and built a hospital—The Infectious Diseases Hospital at Northfield.

However, with improved public health measures and resultant low bed occupancy, the councils found in the mid-1940s that the cost of running their own hospital had become too high, and they sought to have it taken over by the Government. As a result, the Government took over the hospital by means of the Infectious Diseases Hospital Transfer Act, 1947, under which the hospital became the Northfield wards of Royal Adelaide Hospital.

The Royal Adelaide Hospital (including the Northfield wards) is now an incorporated hospital under the South Australian Health Commission Act. It is obvious that the Infectious Diseases Hospital Transfer Act, 1947, is no longer relevant and can be repealed.

2. Mental Institutions Benefits Act, 1948.

The purpose of this Act was to enable the State to enter an agreement with the Commonwealth under which the Commonwealth paid to the State a daily mental institution benefit for each qualified patient bed day, in return for the State agreeing not to impose a means test on or charge fees to any patient for whom the benefit was payable. The agreement ceased to have effect more than 15 years ago, and the State does in fact charge fees for long-term patients on the basis of a means tested assessment of ability to pay. The Act is therefore redundant and can be repealed.

3. Tuberculosis (Commonwealth Arrangement) Act, 1949.

At a conference of Commonwealth and State Health Ministers in Canberra in August 1948, it was agreed that the Commonwealth and the States should participate in a campaign to reduce the incidence of tuberculosis in Australia and to provide adequate facilities for the diagnosis, treatment and control of that disease. The Tuberculosis (Commonwealth Arrangement) Act, 1949, was enacted to enable the State to enter into an arrangement with the Commonwealth which related to:

- hospital treatment costs of tuberculosis patients;
- public health investigations and surveys;
- capital and operating costs of the above.

The arrangement, in so far as it related to hospital treatment costs, was superseded by the Commonwealth/State hospital cost-sharing agreement (clause 39.1 of the agreement) as from 1 July 1975. Clause 16 of the tuberculosis arrangement provided for the arrangement to be terminated, subject to six months notice of intention to withdraw by either party. The Governor-General on behalf of the Commonwealth terminated the arrangement with the States on 31 December 1976. The Commonwealth's view at the time was that, since tuberculosis had been effectively controlled, there was no further need for a separate campaign. It is considered, therefore, that there is no need to retain the Act and repeal is recommended.

4. Vaccination Act, 1936

The original Vaccination Act has been in operation since 1882. In 1936, that Act and several other Acts relating to vaccination passed between 1882 and 1917 were consolidated. The consolidated Act has not been amended since, and remains on the Statute books. The Act provides basically for vaccination against smallpox.

It includes a power to require vaccination in cases of outbreak of smallpox in this or any other State, and the keeping of records in relation to vaccination. Not only is smallpox now extinct as a disease, but the Commonwealth Quarantine Act contains broad powers to deal with outbreaks of disease, and a quarantinable disease under that Act is defined to include 'smallpox'. The Vaccination Act therefore no longer has any operation and can be repealed.

5. Whyalla Hospital (Vesting) Act, 1969

This Act was introduced in light of administrative difficulties being experienced at the time in relation to the hospital at Whyalla. The hospital was operated by an association known as the Whyalla Hospital Incorporated, and the decision of the Government of the day was that it should be taken over by the Government and operated as a public hospital under the Hospitals Act. To effect that transfer, an Act of Parliament was necessary. The Act created a corporate body to stand in the place of the association, and provided for that corporate body to have the rights and obligations of the previous association. Any payments due to the corporate body were to be paid to the Treasurer to the credit of general revenue and any sums payable by the corporate body were to be paid by the Treasurer. In addition, provision was made for the Treasurer to approve arrangements between the City of Whyalla Commission and the corporate body for repayments due by the previous association to the Whyalla commission.

Whyalla Hospital was incorporated under the South Australian Health Commission Act on 19 April 1979. Under that Act, any prior incorporation of the hospital, or of any body by which it was administered, is dissolved upon incorporation, and the rights and liabilities of any body whose incorporation is dissolved are vested in the incorporated hospital. Treasury has advised the Government that the repeal of this Act will have no repercussions in relation to arrangements involving Treasury. Accordingly, it is clear that this Act can be repealed. The Health Commission is continuing to review legislation in the health area to ensure that it is modern and relevant.

Clause 1 is formal. Clause 2 provides for the repeal of the Acts set out in the schedule.

Mr McRAE secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The principal object of this Bill is to change some aspects of the probationary licence system, which came into operation on 1 June 1980. At that time an undertaking was given that the operations of the scheme would be reviewed after a reasonable period of time and amendment made where it was found necessary. The review found that the probationary licence scheme has been most successful in creating an awareness in a new driver of his responsibilities, not only in his own behaviour but in his behaviour towards others. The majority of new drivers succeed in getting through their first year of holding a licence either offence free or with only one minor offence.

It has been found that the penalty provision, that is cancellation of the licence for committing a breach of conditions or committing a minor traffic offence, resulted in hardship to many young drivers. Many young drivers require a licence in their employment or to travel to and from their place of employment when it is not possible to use other forms of transport. It is apparent some easing of the conditions can be made without detracting from the overall aims of the scheme.

The Bill removes the penalty of cancellation of the licence for a breach of probationary conditions (other than the condition relating to blood alcohol levels). Where a breach of those conditions has been committed the Registrar will have the power to extend or re-endorse probationary conditions for an extra three months.

Instead of reference to the consulative committee and possible cancellation of the licence upon reaching a points demerit score of three or more, reference will be made when the points score reaches four or more. As the majority of offences attract three points most probationary drivers will have to commit two offences before consideration is given to cancellation of the licence.

However, it is a different matter where the learner or probationary driver has breached the condition relating to driving with a blood alcohol level. The prohibited level has been lowered from .05 to .02. The Bill provides, therefore, that a learner or probationary driver who drives with a blood alcohol level of .02 or more but less than .08, will lose his licence (or permit) for a period of 12 months. The loss of licence will be mandatory, with no discretion on the part of the court or the consultative committee to order otherwise. A person who loses his licence in this manner does, however, have a right of appeal on the grounds of hardship. The Bill also seeks to correct an anomaly arising out of one of last year's amending Acts.

Clause 1 is formal. Clauses 2 and 3 amend the sections of the Act that deal with the probationary conditions attached

to both learner's permits and driver's licences. The definition of 'prescribed concentration of alcohol' is amended so that it now means .02 or more but less than .08. The amendment also seeks to correct an oversight that occurred in the 1981 amending Act. The relevant provisions of the Road Traffic Act relating to alcotests and breath analysis were applied by that amending Act, but section 47e of that Act was omitted in error. If the probationary condition relating to blood alcohol levels is to be made fully effective, section 47e must be included in the list of applied sections.

Clause 4 provides that a probationary driver who breaches a probationary condition (not being the condition relating to blood alcohol levels) may have this probationary conditions extended for an extra three months, or if, by the time that he is convicted of or expiates the offence, he holds a 'clear' licence or does not hold a licence at all, those conditions may be endorsed upon the licence for three months, or upon the next licence issued to him. Where a learner driver breaches a probationary condition (other than the alcohol condition), the existing situation will prevail, that is, the matter must be referred to the consultative committee for consideration of the question of cancellation. Where a learner driver or a probationary driver incurs four or more demerit points, the matter must similarly be referred to the consultative committee with a view to cancellation. Where a learner driver or probationary driver breaches the blood alcohol level condition, the Registrar is required to cancel his licence or permit.

Subsection (3) which gave the court power to direct that cancellation not occur is repealed. Appeals still lie, of course, against cancellation, on the grounds of hardship. A learner driver or probationary driver who loses his licence as a result of breaching the blood alcohol level condition may not re-apply for a licence (or permit) for a period of 12 months. Clause 5 empowers the Registrar to require a licence holder to submit his licence for endorsement where the consultative committee exercises its power under this section to endorse probationary conditions upon the licence.

Mr ABBOTT secured the adjournment of the debate.

PERSONAL EXPLANATION: GALLERY DISTURBANCE

Mr HEMMINGS (Napier): I seek leave to make a personal explanation.

Leave granted.

Mr HEMMINGS: Following that unfortunate incident in the House, as I was leaving the Chamber in an attempt to try to resolve the situation that had occurred, the member for Henley Beach made a remark that I believe most members heard that I had put the person up to doing what he did in the Chamber. I refute that completely. The only reason that I had anything to do with that gentleman was that I intended to ask a question about the situation at Royal Adelaide Hospital that the member for Elizabeth had intended to ask.

I deny categorically that I had anything to do with it. I deplore what occurred today, and I would like placed on the record that I was completely unaware of what was going to take place at that time. I would like an apology from the member for Henley Beach.

The SPEAKER: The member for Napier has asked leave to make a personal explanation, in the course of which he cannot require an honourable member to respond. That opportunity may present itself if the honourable member so invited seeks to take the normal course of events of the House. However, I point out to any honourable member that, regardless of the circumstances in which he finds himself, the place from which he must speak is from his seat, not from the body of the Chamber.

JUDICIAL REMUNERATION BILL

Adjourned debate on second reading.

(Continued from 1 September. Page 919.)

Mr McRAE (Playford): This is a continuation of the saga that started in March this year concerning judicial remuneration, and I do not want to take up the time of the House in recapitulating the whole of this affair. I would hope that, in the course of time, Governments of all persuasions would find it advisable to set up in this State a committee similar to the Campbell committee that operates in the Commonwealth sphere. I believe that the honourable gentlemen opposite will agree that that committee serves a very valuable purpose in that it makes recommendations to executive government on the questions of top level Public Service salaries, judicial salaries, and Parliamentary salaries. All of these groups are dealt with at the same time and a public report is made.

That is a much more satisfactory way of approaching the matter than any system that has been devised thus far. We have had a certain amount of tension in the House and we do not want to create any more tension, but I want to place on record one or two points. Whether or not that suggestion is taken up, most assuredly, I want to place on record the policy of the A.L.P. in regard to all of these matters, and that applies to judges in the same way as it would apply to bricklayers, carpenters, and metal workers; the policy is that, unless and until we have a national centralised wage fixing system with indexation built in, in accordance with our policy, the proper principles of salary fixation are those which have been laid down and followed in our own State courts over the past 60 years or more, and that is comparative wage justice.

I take the view (and I always have taken the view) that a bricklayer in South Australia is no different to his counterpart in Victoria or Queensland. Similarly, a judge in South Australia is no different to his counterpart in Victoria or Queensland, and therefore, on first principles, there should be no differentiation in salaries. To begin with, Their Honours, the judges, apparently were upset about the way in which the matter had been handled and about the end result. I have the original letter written by the Attorney-General to the Leader of the Opposition in the Council (which is confidential, and in those circumstances I will not read it to the House); I note that letter dated 11 June, and I accept the assurance given in that letter that Their Honours are now by a large majority satisfied with the proposals. In those circumstances, the Opposition supports the legislation.

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

SURVIVAL OF CAUSES OF ACTION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 31 August. Page 833.)

Mr McRAE (Playford): This matter is fairly complex. I will begin by summarising the second reading explanation and indicating where the problem arises. It is certainly not a thrilling topic which will enthral the House but we will have to wade our way through it. The explanation states:

The High Court of Australia recently decided in the case of *Fitch v. Hyde-Cates* that where, under the New South Wales

equivalent of section 3 of the Survival of Causes of Action Act a person is killed as a result of a wrongful act, his estate can recover damages which include a component for the deceased's loss of future earning capacity.

The result of this decision is that the person whose wrongful act caused the death can in some situations be liable twice. First, the estate can bring an action claiming loss of future earning capacity, and, secondly, any dependants left by the deceased can bring an action which is also based on the future earning capacity of the deceased.

Where the beneficiaries under the estate are not the dependants, or where the beneficiaries who are also dependants would receive shares under a will which does not reflect their respective dependancies, the wrongdoer is liable to satisfy two claims for the same loss. The object of this Bill is to exclude from the damages which an estate may recover the loss of the deceased's future earning capacity, leaving the dependant's respective claims unaffected.

If the matter was left there one would have said that, as a matter of common sense, it is not too bad—it seems fairly logical. Unfortunately, the law has a very tortuous way of dealing with these things. A number of people in South Australia are affected by this matter. Probably all of us during the last few months have had inquiries in our electorate offices on the situation where litigation has commenced before the *Fitch v. Hyde-Cates* case and the solicitors have informed the clients that either the action fails *in toto* or fails in part. This legislation being retrospective introduces a new perspective into the whole matter. I think that what might be the clearest way of approaching it is to go back and consider the law as it stood before *Fitch v. Hyde-Cates.* As I understand the matter, *Fitch v. Hyde-Cates* did not change the law which had existed since 1940 when the Survival of Causes of Action Act was passed by the Parliament.

The law, as it was in 1940 is the law as declared at the time of *Fitch v. Hyde-Cates.* The Bill seeks to alter the entire pattern of what has been the law since 1940. That is where the difficulty arises. Many of our constituents believe that the Bill merely seeks to take the *Fitch v. Hyde-Cates* case into account and be led by that alone. However, that is not the case. It is wiping out a body of law that has been in existence now for 42 years. That creates a very difficult situation. It is going to exclude the estate in all circumstances (and I stress 'in all circumstances') from claiming damages for future loss of earnings. It should be noted that that constitutes a reduction in the rights which the citizens of the State now have. It is up to the House to decide whether or not it wants that reduction and, in particular, whether it wants the reduction on a retrospective basis, which I find somewhat alarming and which I believe is very odd from a Government of a conservative persuasion. In the High Court, His Honour Mr Justice Mason stated:

It leaves extant the possibility that in some cases, notably cases in which the deceased leaves his estate to persons other than his dependants, there will be a duplication of liability. Although this is a matter which may require legislative attention, it is not an argument of sufficient weight to induce me to depart from the interpretation of section 2 (2) *(c)* and *(d)* which I favour for reasons already given.

It is that quote on which, presumably, the Attorney-General is relying to introduce this measure. However, this measure does go further. It excludes the estate from the cause of action which had previously been under the Survival of Causes of Action Act and had been there since 1940. We have to ask ourselves whether that is justifiable. I am suggesting that it is not. My Party (and in particular the legal subcommittee of my Party), in consultation with the legal profession, the Law Society, and a number of individual lawyers, and I believe that an appropriate solution to the situation is to provide that there shall be no double liability to ensure that dependants are looked after under the Wrongs Act but, if there are no dependants, the situation that now applies in relation to the State should continue to apply. I have circulated an amendment to clause 2 which will attempt to bring about that situation. I believe that it will be a fair matter.

The second aspect is that of retrospectivity. Normally, as we know, particularly when the substantive rights of citizens are concerned and particularly when an existing body of law is changed, matters are not made retrospective. I realise that there have been exceptions to this in cases of tax evasion, avoidance and other matters.

But this has not normally been the case with Acts which exist for beneficial or remedial purposes. There is no doubt in my mind that the Survival of Causes Act has always been treated as a remedial Act. This provision, indeed, is a very nasty precedent. If we are to vote for it in this House we will need to be able to explain to our constituents what our stance is. I admit that in certain circumstances retrospective legislation can be justified. However, I do not admit that it can be justified in these circumstances.

I think there are some other problems with the legislation in terms of its drafting, but pursuit of those problems is rather pointless if the two major points that I have raised are defeated. The matter was neatly set out in a letter written to the Deputy Leader of the Opposition by a practising solicitor, Mr Michael Barrett, of 300 Halifax Street, Adelaide. The letter states:

I reside in the square mile of Adelaide but I am writing to you in my capacity as a solicitor engaged in private practice. I am a partner of the firm of [and he mentions the name of a firm]. My firm has recently received a proposed amendment to an Act of Parliament known as the Survival of Causes of Action Act 1940. The amendment has been introduced into the Legislative Council and I can only presume that it has been at the instigation of the Attorney-General. I believe it was introduced and read for a first time on 18 August 1982. The amendment has the effect of altering substantially the legal rights of persons who claim damages for the death of a child or brother or someone of that relationship. The section is expressed to abolish the right of say a parent to sue to claim damages for the death of adult offspring, where that claim includes a claim for earnings which may be lost as the consequence of the deceased's unexpected death.

This type of legislation was considered by the High Court of Australia in April of 1982. Five judges of the High Court held that a plaintiff was entitled to recover damages for what are called 'the lost years' even though the plaintiff is not dependent upon the earnings of the person who has died. The case which was heard by the High Court had initially been commenced in New South Wales. The plaintiff in the case was the father of a young man who was employed as a A.B.C. television producer and the young man was killed in a motor vehicle accident and died as the consequence of the negligent act or omission of the defendant. There was no doubt that the parents were not dependant upon the son's earnings. However, they were still entitled to recover damages and we believe that the total damages recovered was something in the region of $91 475.30.

I am acting for a father in similar circumstances and the writ was only issued after the judgment in the High Court was handed down. Obviously until the High Court judgment was handed down there was some doubt as to whether any such litigation could be commenced in South Australia. Acting on the basis of that judgment a writ was issued out of the Supreme Court of South Australia to claim damages on behalf of my client. The effect of the proposed amendment will be that regardless of the merits of that litigation as it stood at the time of the institution of those proceedings the basis of the action will now be removed by Statute and the plaintiff's claim will now only be for funeral expenses and other incidental expenses associated with the death. Certainly the plaintiff is not entitled to recover anything like the range of damages which was awarded in the High Court decision.

I can understand the reasoning behind bringing in such an amendment but I cannot understand why this amendment should have this retrospective force. The only result of that is going to be that the plaintiff in my action and in a number of other cases will be obliged to bear their own legal costs without any recompense for that. It seems quite frankly to be a most unjust way of looking at the matter. I should also tell you that this Bill has received very little publicity with it in the legal profession. I can also tell you that there is at least one other case of this type which is being litigated within my office and that I believe that there are a large number of other actions which have been commenced in South Australia which have relied upon the High Court's interpretation. I do not know whether you are in a position of doing anything to prevent what I believe to be an unjust amendment to go

through Parliament. I would be obliged if you could make some endeavours to ensure that this unjust result namely the retrospectivity of such legislation should not be allowed to occur.

As a result of the debate in the Legislative Council and discussions between my colleague, the Hon. Mr Sumner and the honourable the Attorney-General, the following letter dated 14 September 1982 was forwarded to Mr Barrett (and again, I will not refer to the name of the firm of solicitors):

Attention: Mr M. J. Barrett.

Dear Sirs,

I refer to your letter dated 3 September 1982, concerning a proposed amendment to the Survival of Causes of Action Act, which is presently before Parliament. The Government is giving consideration to the matters raised in your letter, in particular the question of legal expenses incurred as a result of plaintiffs instituting proceedings since the High Court decision was handed down in April of this year. I will advise you further when a final decision has been reached.

I understand that the Minister might be in a position this afternoon to give a certain undertaking in respect of costs. I am not sure whether I can see the Minister nodding or not.

The Hon. H. Allison: In respect to what?

Mr McRAE: The question of the costs of litigants.

The Hon. H. Allison: I will deal with that matter shortly.

Mr McRAE: I understand that the Minister will be having something to say about that matter. If, at least the cost situation is to be taken care of, that will be one aspect covered and the very minimum that we can do for our constituents. I know that I must not canvass my amendment in any great detail, but what I have attempted to do is set out a midway course which will generally cut out the double count, but protect the actions in existence because they were commenced in good faith, but to do away with the retrospectivity aspect. I think that is all I need to say.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Damages in actions which survive under this Act.'

Mr McRAE: Is the Minister now in a position to indicate to me whether he has any information concerning the cost situation of our constituents?

The Hon. H. ALLISON: The Attorney-General referred this matter to the State Government Insurance Commission, which has responded by way of a letter dated 14 September. The letter from the commission states, in part:

As advised, in view of the retrospective nature of the amendments to the Survival of Causes of Actions Act, the commission is—as a matter of grace, that is to say on an *ex-gratia* basis, prepared to meet, in the event of the retrospective legislation being adopted, the reasonable legal costs of those claimants who:

(i) have already made claims against clients of the commission.

(ii) can clearly demonstrate that it was their intention (prior to the introduction of the amendments) to claim under the *Fitch v Hyde-Cates* decision, despite the legislation being passed.

I believe that that is part of the reassurance that the honourable member was seeking from the commission.

Mr McRAE: I think that certainly goes some way at least to redressing the wrong that would otherwise have affected some of our constituents. Unless other members have other questions to ask the Minister, I will now move my amendment.

The ACTING CHAIRMAN (Mr Russack): I ask the member for Playford to proceed with the amendment.

Mr McRAE: I move:

Page 1—

Lines 10 to 20—Leave out paragraph *(a)*.

There is then a procedural or mechanical exclusion. The effect of that is to do away with the double count but still leave in effect what was the intent of the legislation, as was freely demonstrated in the *Fitch v. Hyde-Cates* case. I think that the second part of my amendment covers the situation of our constituents who have got actions on foot, and I believe that the effect of the third part of my amendment would be a reasonable half-way point. I would be surprised, frankly, if my amendment was passed, if there would be a great deal of harm done in the insurance industry. From my understanding of discussions within the profession it appears that the harm that would be done would be in relation to the double count. Once the double count is reached harm could be caused. It seems to me that not to have such an amendment as this, in particular not to have an amendment which does away with retrospectivity, will impose great hardship.

The Hon. H. ALLISON: I oppose the amendment. The Attorney-General has expressed the opinion that he does not believe it appropriate that there should be a right of double action by the estate or by a dependant who is specifically referred to in this amendment, and that it would be better to preserve the one right of action, that is, under the Wrongs Act, rather than to have two means of applying for damages. The point has to be made that there is a problem, in having two actions running concurrently, in how the courts would be able to define the extent of *(a)* future claim. If there is one action all the matters are taken into consideration at one time.

There are a number of matters rather than simply this one that were referred to in the honourable member's address, and I believe the Attorney-General made it reasonably clear, when he was addressing this matter in another place, that after all the *Hyde-Cates* decision in New South Wales did not in fact change very much. It gave a quite different interpretation of the law, and it did not in fact alter the judgments that had been made in the preceding 40 years. The people who have taken action were not disadvantaged by the *Hyde-Cates* decision in New South Wales, and it did in fact finally determine that just one section of the New South Wales Act which was equivalent to the Causes of Action Act in South Australia was now to be considered as entitling an estate to damages for loss of future earnings of a deceased person on grounds of negligence.

The Attorney-General said that it was not as though this removed a well recognised and established right which had been the basis for awards for damages. The High Court had found for the first time in over 40 years that this section extends in the *Fitch v. Hyde-Cates* case and the Bill before us wishes to ensure that estates are not placed back in the position that everyone believed they were in before the *Fitch v. Hyde-Cates* case was decided upon. The interpretation of the law has been changed, but the law as it has existed over the last 40 years is still virtually the same. This Bill seeks to restate the position everyone thought they were in before the judgment was brought down in the *Fitch v. Hyde-Cates* case.

The member for Playford also referred to the retrospectivity of the legislation. While the Attorney-General did express some agreement that one should be cautious about retrospectivity, he said that until the High Court decision on the *Fitch v. Hyde-Cates* case no-one had believed that the estate application could include a claim for loss of future earnings, and except for those who have had judgments awarded since the *Fitch v. Hyde-Cates* case on the basis of that decision no-one is in fact prejudiced by the retrospectivity of this application under this legislation, and those who have a judgment in those terms are not affected by the Bill. We have the assurance of the State Government Insurance Commission, which I read out to the honourable member and for the benefit of members of the House, and for those reasons we will be opposing the amendment.

Mr McRAE: I think that it is an illogical argument raised by the honourable member who has just spoken. The fact

of the matter is that the High Court of Australia says that the law is precisely what I stated it to be and has been since the passing of the Act in 1942. It seems rather illogical to say that this retrospective measure has done nothing to change the situation. Nor is it particularly logical to say that people who did commence actions in good faith are not going to be short, but will get their costs paid if they fall within the categories read out quickly by the Minister.

I indicate that we will be dividing on this matter, and hopefully in a few minutes time the Government will be reconsidering it, together with a number of other things which I think need considerable attention in that particular Act. I think probably everyone has been done a favour by the *Fitch v. Hyde-Cates* case, including members of Parliament, when they have had their constituents explain this problem to them. I guess it is about time that we all did our homework and exactly what we should be doing.

The Committee divided on the amendment:

Ayes (16)—Messrs Abbott, L. M. F. Arnold, M. J. Brown, Crafter, Gregory, Hamilton, Hemmings, Keneally, Langley, McRae (teller), Payne, Peterson, Plunkett, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison (teller), Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Glazbrook, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Schmidt, Tonkin, Wilson, and Wotton.

Majority of 4 for the Noes.

Amendment thus negatived.

Mr McRAE: I indicate that I will not proceed with the other amendments standing in my name.

Clause passed.

Title passed.

Bill read a third time and passed.

JUDICIAL REMUNERATION BILL

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

That Standing Orders be so far suspended as to enable me to move a motion forthwith for the rescission of the third reading of the Bill.

Motion carried.

The Hon. H. ALLISON: I move:

That the vote taken this day on the third reading of the Bill be rescinded.

Mr McRAE (Playford): The Opposition is very happy to co-operate with the Government in this matter.

Motion carried.

ROYAL COMMISSIONS ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 September. Page 967.)

Mr McRAE (Playford): This measure is a very complex one. What occurred is that in a recent decision of *Douglass v. Lewis,* Her Honour Justice Mitchell made certain observations which reversed the previous understanding of the law. What this Bill seeks to do is to make an amendment to the Royal Commissions Act providing that witnesses, commissioners and counsel are to have the same protection and immunities in relation to things said and done by them during the course of a royal commission as witnesses, judges and counsel in proceedings before the Supreme Court.

It had been supposed, prior to the case of *Douglass v. Lewis,* that witnesses, commissioners and counsel were protected in respect of statements made by them during the course of a royal commission from liability for defamation. Proceedings before the Supreme Court are the subject of absolute privilege in this respect and it was thought that the same protection existed in the case of a royal commission.

However, in her judgment in the case of *Douglass v. Lewis* Her Honour Justice Mitchell was required to determine, as a preliminary point of law, whether absolute privilege applies to royal commissions in this State and, after an exhaustive examination of the authorities, concluded that it did not. Her Honour noted that absolute privilege exists by virtue of the Royal Commissions Act 1902 in respect of royal commissions of the Commonwealth, and similarly the Royal Commissions Act, 1923, of New South Wales, confers absolute privilege in relation to royal commissions in that State.

The Government proposal is that it is desirable that the South Australian position be brought into line with the other States. With that, the Opposition fully agrees. There are further difficulties with this matter, and I understand the honourable member may be in a position to give yet another undertaking. The Opposition, in its study on the matter, and more particularly in the time I have had available to me, has spent some time in looking at the classic text books on this.

Both Professor Fleming, in his famous textbook on tort, and Gatley, on libel and slander, deal with this whole question quite exhaustively. Whereas people have thought in the past that the question of absolute privilege and qualified privilege was reasonably clear, even to a law student or a tyro at the bar, that is far from being the case. In fact, all sorts of curious things can come into play. As an instance, my colleague put the following example to the Attorney only a few days ago, in the following words:

> Although the Royal Commissions Act Amendment Bill has passed the Council, it has been put to us that there may still be a defect in the Bill if the intention is to cover the situation in the case of *Douglass v. Lewis.* The problem in that case was that the Royal Commissioner laid down certain procedural requirements for evidence to be presented to the Royal Commission into Prisons. The Royal Commissioner decided that, before any person could give evidence, that person must present a statement in writing to the Secretary of the royal commission which in essence summarised the evidence he would be giving. This procedural requirement was decided upon so that the counsel would have the opportunity of being prepared to cross-examine any witness that would be forthcoming. It has been put to us that the Bill currently before the House may not overcome the situation.

By a coincidence, I had an extremely complex case in which a private citizen was suing a large banking organisation. I do not intend to name the person or the banking organisation, but, at the end of three days of hearing, each counsel was required to produce a summary on both the evidence or the conclusions that we said the honourable court should draw from the evidence and a submission on the law. In fact, the document that the solicitor who briefed me presented to His Honour's clerk in the first 40 pages (it extended over some 70 pages in an analysis of the evidence), or the bulk of it, before I referred to the law, dealt with what clearly I expressed over and over again as being a fraud on the part of the bank manager.

It seems to me that, unless we clear up this matter, problems will occur not only in regard to royal commissions but also to the Supreme Court. Although it is not all that common, quite clearly from time to time there are cases where Their Honours quite properly expect counsel to reduce things to writing to clarify the issue, particularly in equity cases. Quite obviously, in many instances, equity cases deal with fraud. It is a very complex issue and I am not expecting a miracle overnight, nor is the committee expecting that. I hope that the honourable gentleman opposite has received an assurance from his colleague that he will be able to give an undertaking that this matter will be urgently looked into and that not only the Royal Commissions Act but also other Acts will be considered in regard to this matter. Subject to that, we support the measure.

The Hon. H. ALLISON (Minister of Education): I understand that the honourable member previously addressed himself to the Attorney-General on this matter and I can assure the House that the Attorney-General has subsequently discussed the issue with me. While, as the honourable member says, the term 'qualified privilege' appears to be readily understood in legal circles, there is little doubt that, in rare circumstances, hidden complexities are revealed. As a result of representations made to him, the Attorney-General has given me the right to offer an undertaking to the honourable member that he will have the matter researched in depth and that he will undertake to respond personally to the honourable member on the whole question.

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

PRISONERS (INTERSTATE TRANSFER) BILL

Adjourned debate on second reading.

(Continued from 2 September. Page 969.)

Mr KENEALLY (Stuart): The Opposition supports this measure, with one reservation that I will canvass shortly. I do not intend to subject the Parliament to another legal debate on the complexities of this piece of legislation, nor do I believe the Minister or I could do justice to such a debate as those two eminent practitioners, the Attorney-General and the Leader of the Opposition in another place, achieved. However, there are one or two matters to which I would like to briefly refer before asking the Minister whether perhaps the Government has changed its mind in one area.

I believe that the Australian Federal system has much to answer for. Certainly, it has created many benefits for the States, particularly for South Australia, but the fact that we have what seems to be a fundamental right for people that requires some nine or 10 years of debate by the Attorneys-General in Australia before an agreement can be reached seems to reflect somewhat on our system. After all, Australia is one nation, not a group of independent countries, and our laws should reflect that position.

It reminds me of another anomaly that I believe exists in relation to prisoners, the boundaries of the States and, of course, the law: if an offender in South Australia should be found guilty of a serious offence and sentenced to some 10 years in prison for that offence, and if he is also found guilty of an offence immediately across the border and is sentenced to 10 years for that offence, those sentences will be cumulative, whereas if the same person committed the same crimes within the boundaries of one State, those sentences could be concurrent. I know that the law has been changed to allow cumulative sentences in South Australia, but it is strange that, in one country, we have so many different laws, so many legal technicalities that affect the rights of the citizens, and that should be speedily amended.

I refer those people who take the trouble to read *Hansard* and who would like to know exactly what are the technicalities of this piece of legislation to page 622 of *Hansard* of 19 August in the Legislative Council debate, page 702 of 25 August, page 818 of 31 August, and page 888 of 1 September.

This legislation sets out to allow the transfer of prisoners from one State to another and there has to be three components before such a transfer is to take place. The Minister's second reading explanation stated:

> . . . first, when the prisoner requests the transfer and the transfer is for the purposes of the prisoner's welfare . . . secondly, where another State or Territory requests the transfer of the prisoner, or the prisoner himself requests his transfer for the purpose of standing trial and being dealt with for offences committed in the other State or Territory; and, thirdly, when a prisoner is to be returned to a State or Territory after trial or for the purpose of attending appeal proceedings.

It seems to be fairly basic and one can only be amazed that it has taken the law so long in Australia to arrive at an agreement that this should apply in all the States. As was pointed out by my colleague in another place during the debate, there is what we believe to be an anomaly within the clauses. I will canvass this anomaly now so that the Minister hopefully will reply to it and we will not need to hold up the Committee stages at any length. An anomaly exists in relation to clauses 8 and 10. Clause 8 provides for the order of transfer of prisoners from one State to another. Clause 8 (2) provides:

> A decision to issue, or not to issue, an order under subsection (1) is not reviewable by a court or tribunal.

However, clause 10 states that on receipt of a written request for transfer to South Australia, if the Minister does not agree with that request, the decision is then subject to review. The Opposition believes that, to be consistent, both clauses 8 and 10 should have provision for review or that neither clause 8 nor 10 should make provision for review. So, in another place an amendment was moved by my colleague to delete subclause (2). The other place saw fit to defeat that amendment.

I am canvassing that issue now with the Minister to see whether or not the Government has, in the meantime, seen fit to acknowledge the pertinent point made by my colleague elsewhere and is prepared to have another look at the matter. The Opposition does not see why a decision by the Minister should be immune from examination by a court. The capacity for administrative review in South Australia is not very great and can only be done by means of a prerogative writ unless specific procedures are set up for the review of an administrative decision. In this legislation no specific procedures for reviewing administrative decisions have been set up so there is still the possibility that a prerogative writ may be available. A prerogative writ cannot generally be an action at the Minister's discretion—there has to be some basis for it in that the Minister has acted outside the jurisdiction of the Act or something of that kind. So, we do not see why there is any reason for this legislation or for the normal procedures available in prerogative writs to be unavailable to the person aggrieved. It does not mean that the procedures would be used to any great extent, as I said during my speech on the second reading. Certainly, as was stated elsewhere, the capacity to review a decision by way of prerogative writ is limited in any event.

We believe that there should be consistency between the requests or decisions to transfer prisoners out of this State to other prisons as applies to the transfers of prisoners from other States to South Australia. If the Minister is able to respond to that point the Opposition is happy to support the Bill and allow all clauses to go through without any debate. A point of consistency and principle has been raised elsewhere. In my view and in the view of my colleagues it remains as valid now as it was when the debate took place in another place. I would be interested to hear the Minister's response so we can determine whether the Government may have changed its mind in regard to the points and comments made by the Attorney-General when that debate took place.

The Hon. H. ALLISON (Minister of Education): The Government (through the Attorney-General in this case who initiated the Bill in the other place) has not changed its mind. In the case of clause 8, the Attorney-General did point out that this clause does give a prisoner a right which he did not have previously. He is able to apply for transfer interstate. The Minister in South Australia would have the

right to examine the application to approve or disapprove. There is also a subsequent step which has to be taken. The Minister interstate would also examine the application and would have the right to say, 'Yes, we do accept' or, 'No, we do not accept this prisoner'. The Attorney-General pointed out that the real processes for clause 8 would be under clause 7 where the Minister received a written request to transfer a prisoner to a participating State. When the home Minister reaches the conclusion that the prisoner should be transferred in the interests of the welfare of the prisoner, he gives notice to the Minister in the other State, as I have just stated.

In clause 10 there is a difference of approach. I acknowledge that. I have sent a Council representative to discuss the matter with the Attorney-General because I appreciate that he did give some indication that he would examine the position. There is no indication on file that the change of heart has been arrived at. I do believe that there is certainly a difference of approach in clauses 8 and 10 where there is a possibility of review under clause 10 which is not present in clause 8. I believe the honourable member may have missed the point that in clause 9 provision exists for the prisoner to make a subsequent application although, of course, that subsequent application is not to be made within one year of the date of the original application. If there is some subtlety in the difference of approach between clauses 8 and 10, it is not something of which I am aware but I will try to get some information before the end of the debate.

Bill read a second time.

In Committee.

Clauses 1 to 7 passed.

Clause 8—'Order of transfer.'

Mr KENEALLY: I appreciate the comments of the Minister during the second reading debate. I believe an officer is now speaking to the Attorney-General to clarify (as the Minister put it) the subleties of the difference between clauses 8 and 10. The Opposition in the other place did move an amendment, on which it divided, seeking to delete subclause (2), which provides:

> A decision to issue, or not to issue, an order under subsection (1) is not reviewable by a court or tribunal.

For the purposes of consistency, I need to refer to clause 10. The Minister acknowledged that there is a difference, and I noted his comments. Surely it is not unreasonable that a decision of this nature which affects the rights of citizens, whether they be free persons or prisoners, should be reviewable by court, which may then use the facility of a prerogative writ to require justice to be done. However, the Chief Secretary, who will be exercising control of this Act, will be able to make a decision in relation to the transfer of a prisoner from one State to another, which decision will not be subject to review. That is almost an awesome responsibility for the Minister. Most decisions that people make, whether they be Ministers of the Crown or otherwise, are subject in one form or another to appeals to higher authorities, which in the case in question would be to the courts of the land.

The Opposition would have been somewhat happier about the provisions of clause 8 if there had been more consistency in its relationship to clause 10, because clause 8 gives the Minister power to order the transfer of a prisoner from South Australia to another State (which decision cannot be challenged), yet if the same Minister wants to refuse a prisoner from another State the right to enter South Australian prisons, that decision is subject to challenge.

Fine points of law were made rather extensively, I might say, in another place, as we would expect in any debate between the Attorney-General and the Leader of the Opposition in the Legislative Council. As a result of that lengthy debate, I think those gentlemen almost agreed to disagree. However, I feel that it is essential, because of the acknowledged subtleties of difference that exist in clause 8 and clause 10, that the matter should again be addressed in this place to determine whether the Government, during the few days that have elapsed since the last debate on this matter, may have reached a conclusion similar to that reached by the Opposition.

I understand that the Minister might now be in a position to say whether or not that hope of mine can be fulfilled, or whether the Opposition must continue to live in hope. If the latter is the case, all I can do is repeat a statement made by my friend, the member for Playford, namely, that the time may be short when the opportunity to again review this from a different perspective may be provided and, who knows, the decision might be different.

The Hon. H. ALLISON: I can assure the member for Stuart that he may have to wait in hope for some considerable time on both counts. I have had some correspondence with the Attorney-General during the intervening minutes, and I point out that the arguments that were propounded in the other place during the course of a previous debate have not changed radically during the subsequent few days. In fact, the Attorney-General remains convinced that the real meat of the Act is contained in the provisions of clause 8. As he said in a debate previously, there are very good reasons why clause 8 should remain in the Bill.

As to the discrepancy between clause 8 and clause 10, it appears that there is very little likelihood of a prisoner interstate seeking the issue of a prerogative writ in the State of South Australia. Therefore, the circumstances that the honourable member envisages might occur pertaining to clause 10 are, in fact, highly unlikely. We have not been able to come up with a situation where such circumstances would occur. So, perhaps the situation envisaged in the provisions of clause 10 is more hypothetical than real. Therefore, the arguments about the differences between clause 8 and clause 10 are probably hypothetically based. That is as solid an argument as I can put forward for the benefit of the honourable member. I am not sure how long it will be before he and his colleagues have an opportunity to re-examine the provisions of clause 8. It is a relatively minor issue, and I am quite sure that there will be far more important things happening for both of us during the next few months. I am quite sure that the Attorney-General will not be introducing any substantial amendments to this legislation.

Clause passed.

Remaining clauses (9 to 35) and title passed.

Bill read a third time and passed.

SPEAKER'S GALLERY

The SPEAKER: I wish to advise the House that, as a result of certain incidents in this Chamber earlier this afternoon, at the recommencement of Parliamentary sittings no person will be introduced to the Speaker's Gallery without having been signed in by a member of the House. Any person coming into the House will be the responsibility of the member who has invited or signed that person in.

Other activities relating to security, which have already been made known to members, will be implemented. A much fuller statement will be made in regard to all matters of security before the recommencement of the Parliamentary sitting on 5 October. I believe that members would share with me a sense of offence concerning the events earlier this afternoon and would agree that the health and well-being of not only members of Parliament but also, most certainly, members of the staff are paramount and must be

upheld by the actions which will need to be taken and which will be taken within these Parliamentary precincts.

I also want to make quite clear the fact that I believe that we are here to represent the people and that people should have access to the Parliament, but by the same token, in having access to us, they must exhibit a responsibility, and members who have invited people in must recognise that they share part of that responsibility.

PRIMARY PRODUCERS EMERGENCY ASSISTANCE ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

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

That the House do now adjourn.

Mr TRAINER (Ascot Park): I would have been quite happy to sit back for 10 minutes, if the member for Henley Beach is that eager to lead the fray. Obviously, the member for Henley Beach was looking for an opportunity to apologise for some of the statements he made earlier this afternoon. I return to the topic with which I concluded my remarks during the grievance debate on the Appropriation Bill on Tuesday, that is, the comparison between the amount of advertising used by the Electoral Department in the press for the Florey by-election, compared with the advertising for the Mitcham by-election.

I wish to return to that subject for sufficient time to enumerate in *Hansard* the publications, dates, and pages on which advertisements appeared for both by-elections. In relation to the Mitcham by-election, the advertisement entitled 'Situation vacant', accompanied by a photograph of the member for Mitcham's empty seat, appeared on page 59 of the Wednesday 5 May edition of the *News* and page 22 of the *Advertiser* of the following day, 6 May. The advertisement entitled 'Stand and be counted', depicting someone standing in a polling booth cubicle casting a vote and pointing out that voting on 8 May in the Mitcham by-election was compulsory, appeared on page 55 of the *News* of Thursday 6 May and on page 11 of the *Advertiser* of 7 May.

A third advertisement on the theme 'Six o'clock closing', pointing out that on 8 May voting would take place between 8 a.m. and 6 p.m., appeared only on the night before the election in the *News* of 7 May in a very prominent position on page 9 and in the *Advertiser* on the morning of the election, 8 May, in a very prominent position on page 4. In addition, during the campaign, a small advertisement using the theme 'Situation vacant', which I have already explained, appeared on page 5 of the *Australian* of Saturday 1 May.

The advertisements for the Florey by-election were of a different format, less eye-catching and combining the three themes 'Situation vacant', 'Stand and be counted' and 'Six o'clock closing' together in one advertisement. It was a composite advertisement rather than three separate advertisements. This composite advertisement appeared in the *News* of Wednesday 1 September, buried on page 89. It did not appear in the *Advertiser* of that same day, but it did carry the taxpayer-funded advertisement featuring the Premier holding a telephone pretending that he would be able to provide information on housing problems. The Electoral Department advertisement appeared again in the *News* of Thursday 2 September on page 35, but it did not appear in the *Advertiser* of that day. In contrast to the Mitcham campaign, Friday night's *News* did not carry the advertisement at all. However, it did appear on page 16 of the *Advertiser* of Friday 3 September on the television page of that publication, and it also appeared on page 11 of the *Advertiser* of 4 September on the morning of the election on page 11. I found it very difficult to find that advertisement. Looking through past copies of the *Advertiser* in the library, I found it very hard visually to pick out that particular advertisement from the other advertisements on that page.

It seems to me that there may be some significance in the fact that on this occasion, not expecting to win the Florey by-election, the Government did not encourage expenditure by the Electoral Office in an endeavour to get a good turnout of voters. The Government has received a bit of a caning from the press since the Florey by-election. For example, on the Monday following the by-election the *News* pointed out that it was 'an ominous warning to the State Liberal Government'. The editorial pointed out that the Premier 'tried to make the best of a bad day in his reaction to the poll ... He has tried to make the victor, Trades and Labor Council secretary, Mr Bob Gregory, into a bogyman of the left'. Somehow or other the Premier tried to tell us that he was satisfied with the result. I am not quite sure how bad the result would have to be before he would concede that it was indeed a bad result.

Some of the journalism following that by-election was certainly very shonky. In particular, I refer to the front page of the *Sunday Mail* on the day after the election. The banner headline read 'Gregory home in Labor seat'. The article stated that '... left winger Mr Bob Gregory retained the House of Assembly seat of Florey', but that 'the victory was far less resounding than the Labor Party could have hoped for'. Strangely enough, that particular article did not carry a journalist's name. It appears that most journalists in South Australia would be ashamed to attach their name to that particular article, so the article was described as being compiled 'by staff reporter'. One can only guess that the particular person involved with that article may have been, until recently, on the Premier's staff. Later in that same article it was stated:

> Political scientists in Adelaide suggested before the poll that a two-Party preferred swing of around 12 per cent would have been necessary for Mr Bannon to have felt comfortable with the result.

On the very day that that edition of the *Sunday Mail* appeared with that particular article, I contacted several political scientists who absolutely ridiculed the suggestion that any of them would have said such a thing. It was put to me that it was more likely that the phrase 'political scientists' would refer to members of the Premier's staff.

I will not refer to the description of the Premier as having been 'elated', because I think the Leader commented on that particular description of the Premier quite adequately. The swing required by the Government in the Florey by-election was not particularly ambitious. All it needed was a swing of 3.8 per cent against the Labor Party—but it could not do it. On past occasions I have received a little bit of ribbing from the member for Morphett and the member for Todd about the fact that I have a majority of only 1.75 per cent in my electorate. I assure honourable members that, although I do not take for granted the residents of Ascot Park, I am certainly not shaking in my shoes about the prospect of an election whenever this Government chooses to call one. Quite honestly, I am sure that I sleep much more soundly at nights with a majority of 1.75 per cent than do some members opposite who have majorities of 5 per cent or even 10 per cent.

I find it absolutely astounding that, with my narrow majority, the Liberal Party did not preselect a candidate to stand against the Labor Party for the seat of Ascot Park until quite recently. I find it quite unbelievable that with my majority, only marginally larger than the majority held

by the member for Henley Beach, no-one has been willing to enter the fray for the seat of Ascot Park and carry the banner of the Liberal Party. In fact, there do not seem to be many Liberal Party candidates who are prepared to carry their Party's banner at all. If one looks at the billboards erected by many of them on the roofs of their cars there is hardly a single one—and I cannot recall one—that carries the name 'Liberal'. Every one of them refers only to the particular individual, almost as if they were independent candidates or independent members.

Mr Randall: When are you putting one on your car?

Mr TRAINER: I have a little more respect for the vinyl roof on my car, otherwise I would give the idea some consideration. On the other hand, I do not have the same amount of money to splash around on campaigns as have members opposite.

In the context of not being prepared to use the word 'Liberal' in their advertisements, a prime example would be the opponent of the member for Norwood. At a recent football match I noticed that he and his campaign colleagues were liberally distributing cards under windscreen wipers on cars. The word 'Liberal' did not appear there. The candidate had himself disguised with a colour for his cards which is completely different from the normal blue Liberal cards: they were of a maroon colour with a vague resemblance to those used by the Liberal Movement in recent years and merely referred to him as 'the candidate'.

Mr RANDALL (Henley Beach): I wish to spend some time in the grievance debate today talking about a topic similar to that raised earlier this week by the member for Plunkett.

Mr Trainer: I beg your pardon! Why don't you say it again with your teeth in?

Mr RANDALL: I was reading the member's name from *Hansard,* and I read it as Mr Plunkett, and not the area he represents. Of course it is the member for Peake. That member on the same day raised a question in this House about a celebration, a birthday party at Memorial Drive. He was quite outspoken about the supposedly high level of noise that emanated from that concert. I believe that the concert was given by groups called Cold Chisel, Swanee, and Mickey Finn, which are well known young people's groups. I believe the concert was booked out soon after the first announcement of it and that a second concert was arranged for the Sunday evening. The concert was part of the celebrations Five Double SA-FM was having as it entered its second year of operations in this State. It is a commercial FM station which has a lot of following within the community. The member for Peake said that he based his concern on three people who contacted his office in a negative way.

If there is such a negative attitude in the community about the noise emanating from such concerts, the noise control section would be able to investigate the noise. It is an efficient unit which does its darndest to resolve problems of noise in the community. Its officers spend many out-of-normal working hours in the evening and early hours of the morning trying to resolve noise complaints in our community.

Obviously, guidelines need to be laid down to control noise levels. The guidelines for the groups using Memorial Drive last week-end were that they had to finish by 11 o'clock on the Saturday evening (and I understand they did), and I do not consider that to be an unreasonably late hour for finishing such a concert. On the Sunday evening the concert had to finish by 11.30 p.m., which it did. Obviously, if the groups went over that time penalties would be imposed on them. Guidelines need to be laid down and I believe most community groups are responsible enough to act within them.

Mr Trainer: Why don't you give the Act some teeth so that you have some power over them?

Mr RANDALL: Let us talk about the power, let us talk about the Noise Control Act which was brought in by the honourable member's Party when it was in Government.

Mr Plunkett: Let's not go back to the past. Why not look at it as it is?

Mr RANDALL: The honourable member's Party brought in the Noise Control Act. The member for Peake said, 'There are no teeth in the Act.' What he does not realise is that he is being critical of his own Party when in Government. We all recognise that the Act needs to be tightened up. We all recognise that anyone who gets involved in any noise complaint dispute realises that something has to be done, and I do not doubt that it will be done. To get up and carry on the way the member for Peake did about two or three complaints makes one wonder about his values. I do not deny the member's right to take up complaints, but I am saying that sometimes we tend to overreact when we get only a few complaints. The point I wish to make is that we must learn to balance out complaints received from our constituents.

I believe that, if we were to comply with the Act and take the noise level measurement at the property boundaries of those people who complained, it would not be anywhere near the prescribed limit. We are therefore talking about individual reactions to a situation. I put it to the House that people who are getting upset are getting upset about the style of music, not about the level of the noise. They are a bit upset because Cold Chisel—

Mr Plunkett: They couldn't hear their T.V. four miles away.

Mr RANDALL: Very well. If we get those complaints we are not able to justify them; after all a T.V. set does have a volume control on it. The sort of comments we are getting is that two or three people complained about pop type music. I think it is time we got a balance in the situation. When we think of the thousands of young people for whom that concert was catering, and successfully catering, I believe the desires and wishes of those young people should be taken into consideration. These concerts do not occur very often, and I believe they should be given some tolerance in the community so that these young people can have these concert venues.

Mr Plunkett: If you're keen about them why don't you have them at Henley Beach?

Mr RANDALL: The member for Peake suggests that if I am so keen about those concerts maybe they should be at Henley Beach. Maybe they should be in the Henley Square. If he can organise one, I will be happy to see it down there. I believe from the way the member for Peake speaks that the people on the other side of the gulf would have been able to hear the concert, because it was so loud. I do not believe it was so loud. I believe in raising this issue in the way I am; I am trying to get some balance into it.

Mr Trainer: There is nothing wrong with rock music, but did it occur to you that the bass notes carry a long way? You are supposed to be the technician.

Mr RANDALL: From my electronic background I realise that some corrective action could be taken at Memorial Drive to perhaps solve the problems that are upsetting so many people. We need to have—

Mr Slater: Why don't you have them at Henley Beach?

Mr RANDALL: If the honourable member had not come in so late he would have heard me offer Henley Beach. I would be happy to see thousands of young people come down and enjoy themselves. It is about time we gave young people in this State a chance to enjoy themselves, instead

of having so many regulations that every time anything happens we knock them just because of a few complaints.

Mr Plunkett: We are not knocking the young people.

Mr RANDALL: I am supporting young people.

Members interjecting:

The SPEAKER: Order! The honourable member does not need interference.

Mr RANDALL: In my own district there is a young people's disco which did have an impact on the community around it, but we were able to grapple with that problem. We were able to minimise the noise level emanating from that disco. The noise level at the boundaries of the properties of the people nearby was diminished sufficiently to make the people happy about the situation, although other problems were associated with the disco. I still maintain that we need to have facilities in the community for young people to enjoy themselves. I am perturbed that people continue to raise matters in this House because two or three people have complained about them.

Mr Becker: More than a few.

Mr RANDALL: I do not know how many objections the member for Hanson received, but I certainly received none in my own office and my district adjoins the district of Hanson. When I came home from the show on Saturday night, I heard some faint sounds and I thought to myself 'Yes, some young people's music can be heard, but what the heck!' As I have said, it is about time that we got things into perspective and balance, and I am sure that, if any young people in the member for Peake's district who went to that concert had contacted him, he would have balanced the matter out a little more evenly.

Mr Plunkett: I'd like to see you hold the next one at Henley Beach and see how you get on.

Mr RANDALL: You organise it; I will be happy to see it there, and I will publicly support it as member for Henley Beach.

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

Mr CRAFTER (Norwood): We have just heard from the member for Henley Beach what is known in judicial circles as an argument best described as the hope of despairing counsel. In other words, he is scraping the bottom of the barrel to justify the stand he has publicly taken on this important issue, which touches on the quiet enjoyment of people's ownership of property, particularly on weekends. I would be very surprised indeed if many of his own constituents supported him in conducting open-air rock concerts in the village square of Henley Beach, particularly when I understand that many millions of dollars is to be spent in that near vicinity on developing what has been described as a major tourist facility in that area. I would have thought that compatibility of uses would be considered, particularly regarding entertainment uses in our community. Indeed, we have just been debating in this Parliament the Planning Bill and the regulations under it, and surely these matters must be dealt with primarily under our planning laws, so that we do not have major entertainment facilities established in the wrong areas. What was established as a tennis facility was never designed to be an outdoor rock concert area, and we need to have proper facilities for that.

I want to touch on a matter of grave concern to me, and that is the matter of undue secrecy in the Ministry. That leads, I suggest, to irresponsibility to the electors of this State and their elected representatives in this House. I refer also to a lack of understanding on the part of some Ministers as to their Ministerial duties (particularly as head of the administrative functions of Government that they have vested in them at law) and to their understanding of the role of Parliament, particularly the Opposition, in providing the checks and balances which we hold so dear in our system of democracy. I want to refer to three areas that I consider of some moment in the community.

First, a few days ago I sought information from the Minister of Aboriginal Affairs regarding the Government's attitude towards the granting of land rights to an Aboriginal community in this State, that is, the southern Pitjantjatjara people, who as traditional owners are seeking title to their traditional land, known as the Maralinga lands. I was very rapidly sat down by the Minister in seeking such information, and I want to quote what the Minister said, because I think indeed it was most irresponsible of him and has resulted in a great deal of anguish in the wider community. The Minister said:

> If the honourable member bides his time and keeps out of it he will find that a satisfactory agreement will be reached with the legal representative.

When I challenged him as to why I should keep out of it, the Minister said:

> It is a matter of whether the honourable member wants to see a satisfactory conclusion reached or whether he wants to see the matter continuing in dispute. I am suggesting to the honourable member that the matter be left to the legal representative of the Yalata community, to negotiate with me, and thus we will reach a satisfactory conclusion.

The negotiations have broken down; there is distrust between those parties, and I would suggest that it is because of the lack of information and openness from the Minister and the Government in satisfactorily explaining to that community why the Government is taking the action it has been taking and what its true intention is in such an important area as Aboriginal land rights.

I further suggest that, as the Opposition spokesman on Aboriginal affairs, I have a right and indeed a duty to challenge the Minister on his Government's policies, and that the appropriate place to do that is in Question Time in this House. I have done that and, as I received such a rebuff from the Minister, I have now had to choose other forms of procedure of this House. I have put on notice some 50 questions to the Minister on this matter in the hope that I can find out the Government's true intentions in this matter. I certainly hope that the Minister has the courtesy and a sense of duty to this State and its people to make sure that those questions are answered satisfactorily and with all due haste.

The next matter I want to raise concerns the Chief Secretary's attitude towards information in the Norwood area about the implementation of the community service orders scheme which came into effect in our courts and the Correctional Services Department some months ago. I am most concerned that this scheme is effective and operates in the community in the interests of the rehabilitation of offenders, and indeed that the work that is done by offenders under this scheme is of benefit to the community. In order for that to be achieved, I think that there has to be wide information given to the community about the scheme and what it is hoped the scheme will achieve. Yet, when I sought information about this from people in the local office of correctional services in Norwood, they said they were most pleased to give me the information, they were looking for ideas and assistance and were planning to set up a consultative process in the community, but that I should seek permission from the Minister to be briefed on the scheme. Indeed, they told me that my name was on the list of people in the community who would be briefed.

However, when I approached the Minister personally on this matter, I was told that I would not be briefed; it was none of my business. Indeed, I was told that there was no such scheme to be undertaken in my electorate but that when one was I would be told about it then and not before. The Minister told me that the first project to be implemented

was I think in the District of Mitcham, but it would be administered, of course, from the correctional services office in Norwood. I approached the Minister, out of a sense of duty, to inform the community, as the elected representative, of this programme. It is a programme that received the unanimous support of this House, and it is one in which there is considerable merit. For my interest and sincerity, I was rebuffed and met an unwillingness from the Minister to supply information which I would not have thought confidential.

I suggested to a local newspaper reporter that he might approach the Minister on this matter and see what information they could obtain so that the community could be informed of the implementation of the scheme. He was, of course, given that information by the department and the article was duly published. I understand that information has been made freely available to members in the southern districts from which the other community service orders scheme is operating.

I suggest that the attitude of the Minister in this matter is most regrettable. When politics of that nature—Party politics—pervade what I consider to be the fundamental role of the Parliamentarian, and indeed of this Parliament, in ensuring that its laws are made known to and accepted, understood and welcomed by the people, that is a most regrettable situation.

The final matter relates to amendments passed 12 months ago today to substantially amend the Community Welfare Act. This was a major updating of that Act bringing forward many new initiatives. The review had commenced, and several inquiries had commenced during the period of office of the previous Government. The amending Bill was introduced as long ago as 1980. It was passed last year and now, some 12 months later, the amendments still have not been brought into effect. The Minister, when challenged on this matter, said that he did not have to say to the Parliament when those laws would come into force.

Indeed, he alluded to the reason why, and, in my view, that was a most unsatisfactory explanation. I can only suggest that either, once again, there is a political motive in this matter or there is a fear within the department or the Ministry of the effect of these new laws. If that is the case, once again I suggest that that is contrary to the duty of the Minister and, indeed, contrary to the role of Parliament as I see it to receive information when sought on a matter of such moment as the proclamation of an important piece of legislation.

Motion carried.

The SPEAKER: The House stands so adjourned until Tuesday 5 October at 2 p.m. unless required to meet beforehand for disciplinary purposes.

At 5.11 p.m. the House adjourned until Tuesday 5 October at 2 p.m.