HOUSE OF ASSEMBLY

Wednesday 30 March 1983

The SPEAKER (Hon. T.M. McRae) took the Chair at 2 p.m. and read prayers.

PORT ADELAIDE SEWER

The SPEAKER laid on the table the following report by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Port Adelaide Trunk Sewer Replacement—Commercial Road.

Ordered that report be printed.

PETITION: POLICE OFFICER

A petition signed by 201 residents and shack tenants of Coffin Bay praying that the House support the appointment of a resident police officer at Coffin Bay was presented by Mr Blacker.

Petition received.

QUESTION TIME

YATALA LABOUR PRISON

Mr OLSEN: As the Chief Secretary has already released the Touche Ross (Swink) Report on Yatala Labour Prison to the media, will he table immediately a copy in the House and release copies to the Opposition? I understand that the Chief Secretary has already made available copies of this report to the media on the basis of a midnight embargo. As Parliament will not be sitting tomorrow, this action prevents the Opposition from asking any questions about the report in this House for almost three weeks. The embargo also prevents the major television and radio news services from reporting this matter this evening. I therefore seek an immediate tabling of this document on the basis that the Government is obviously attempting to abuse the Parliamentary process and manipulate the media on a matter of vital concern—

The SPEAKER: The honourable Leader of the Opposition must not debate the matter. Has he completed his explanation?

Mr OLSEN: —to the community of South Australia, which this is and which calls into question open government.

The Hon. G.F. KENEALLY: We were in contact with Mr Swink of Touche Ross this morning, and he agreed that his report should be released because he considered that the burning down of A division had not changed any of the basic recommendations he had made. So, as a response to that, I have issued copies to the media with the embargo referred to by the Leader of the Opposition. I have done this because certain courtesies must be observed, such as giving a copy of the report to the Leader, to his colleague, and to some other people who should be provided with a copy of the report rather than be required to read about this matter in the press. I should have thought that the Leader of the Opposition and the shadow Minister would have appreciated the courtesies that should be observed in this House. He, his colleagues, and certain other people should not read the contents of the report in the press: they should be provided with a copy, and that courtesy will be observed by me.

LANGUAGE DISORDER

Mr KLUNDER: Will the Minister of Education say what his Government is doing to improve the help given to children who have developmental language problems? Some months ago I presented to the House a petition in which the petitioners asked for help in this matter. I have drawn this matter to the attention of the Minister several times since then, and I now ask whether he has been able to make inroads into this difficult but deserving area of education.

The Hon. LYNN ARNOLD: Yes. I am happy to announce that several initiatives are now in the pipeline, and I can speak about some of them today. Before the recent State election the then Opposition announced that it had a concern for people with any language disorders and, as a result of that, as Minister I have met with representatives of the Lost for Words Association to consider a proposal they had put to the previous Government. As a result, I have approved a pilot scheme at one school, and the association will be associated with the language disorder team members and special education senior officers in the language disorder programme. Negotiations have already taken place between the association and officers of my department.

We will make available one full-time teacher, 15 hours of school assistant time, and 0.5 speech pathology time, the latter being varied with actual demand. The matters considered at the meetings have included the kind of location sought, the manner of the class operation, the grounds of pupil admission, the nature of evaluation, and the kind of teacher sought for the position. The stage reached at present involved discussion with the principals of two schools as to potential places to locate a class and advice to personnel pursuant to advertising the teacher position. It is intended to commence the class early in the second term, at the latest, after the first two weeks. That class will be undertaken in accordance with a proposition put by the association to the previous Minister of Education last year and also put to me following the election of my Government.

Regarding the centre for childhood difficulties, which appeared in Labor policy before the recent election, I have had discussions with Dr Rees (Principal Lecturer Special Education, South Australian College of Advanced Education), and he has come up with proposals on this matter. I had referred the results of those discussions to an officer of my department who, with Dr Rees, would develop the proposal more fully. The more fully developed proposal has come back to me, and I have indicated my support as Minister. It is to go to the college council so that it can also endorse the proposition.

Naturally, if that centre is to be located at the college, it must approve of it, and we are considering the funding aspects of that situation in the context of the 1983-84 Budget. Finally, we are planning to include in the 1983-84 Budget the Government commitment to increase the special services section of the Kindergarten Union. That involves a significant element of any language disorder problems needing to be solved with speech therapists and the like and I hope that, when the Budget is introduced, I will be able to announce more positive news.

TOUCHE ROSS REPORT

The Hon. D.C. WOTTON: As the Chief Secretary refuses to table the Touche Ross Report, that is, the Swink Report, will the Premier arrange to have the House sit tomorrow so that any questions arising from this report can be considered by it? Also, will the Premier indicate to the House why the Chief Secretary has given this important report to

the media before he has made it available to this Parliament, which should obviously be his first responsibility?

The Hon. J.C. BANNON: I should have thought that the Chief Secretary has explained quite adequately what had happened in relation to this report. It is not a Parliamentary report but it is a report to the Government. As such, the Government, as previous Governments have always done, has reserved the right to analyse such reports, consider them and make whatever arrangements for their release that it considers appropriate. Secondly, as the Chief Secretary—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: Who was asking the question?

Members interjecting:

The SPEAKER: Order! The House will come to order.

The Hon. J.C. BANNON: Secondly, as the Chief Secretary has said, there was no point in releasing the report until the views of Mr Swink had been obtained on whether or not he wished to make any amendment or qualification in view of what had happened at the Yatala gaol last week. In fact, that context was only—

The Hon. B.C. Eastick: When is the release going to be?

The SPEAKER: Order! I call the honourable member for Light to order.

The Hon. J.C. BANNON: Mr Swink had to be contacted, and that has only recently been done.

The Hon. D.C. Wotton: Why should the press see it before Parliament?

The SPEAKER: Order! I call the honourable member for Murray to order.

The Hon. J.C. BANNON: Thirdly, and I think most importantly, is the reply given by the Chief Secretary that apparently was not listened to by Opposition members: that is, that the findings of the report affected several groups that have been involved in the Yatala Labour Prison. It is only a matter of courtesy that they should be able to consider the report before they read about it in the press.

The Hon. D.C. Wotton: What about Parliament?

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

The Hon. J.C. BANNON: Equally, it is important to have proper press consideration, as had been done so many times by the previous Government. These extraordinarily hypocritical explosions emanating from the mouths of honourable members opposite, I think, should be regarded as very curious. As my Deputy reminds me, there was an extraordinary situation over the famous Cawthorne Report. Not only did Parliament not get the benefit of it but it was filched from the Minister's office on the change of Government. Let the Leader laugh, because he knows that the reality of it is that it is a load of hypocritical posturing by the Opposition over this matter. Therefore, there are four perfectly good reasons, which I have given and which were given by the Chief Secretary, why the report is not ready to be released generally to the public, and it will not be released generally to the public until those conditions are complied with. Parliament will have every opportunity to consider it and to debate it.

Members interjecting:

The SPEAKER: Order!

The Hon. D.C. Wotton: Denied access!

The Hon. J.C. BANNON: I will speak to the Chief Secretary to see whether the shadow Minister can have access to it on the same terms as apply to others who have been provided with copies.

TEACHER POSITIONS

Mr PLUNKETT: Can the Minister of Education say whether any progress has been made by the Government in converting contract positions to permanent positions within the Department of Technical and Further Education?

The Hon. LYNN ARNOLD: The Government has a firm policy of trying to reduce the number of contract appointments *vis-a-vis* permanent appointments in all areas of the education system. Moves were made before Christmas in the Education Department, and within the past two weeks I have approved the first stage of a similar programme in the Department of Technical and Further Education by announcing the conversion of 24 positions from contract to permanent positions, the 24 positions comprising people who are in or have completed their second three-year contract with the department.

This, I repeat, is the first stage of this programme. The Government is concerned that a previous agreement made by an earlier Government that the level of contract appointments in the Department of Technical and Further Education would not exceed 7½ per cent has been exceeded and the figure is now closer to 10 per cent. Therefore, it is our obligation to meet the fulfilment of their agreement and bring it down. There will always be some areas in the Department of Technical and Further Education that will be the subject of contract appointments because of changing need within that area of education. This has been recognised by the Government both before and since the last election. Further announcements will be made in due course, but this announcement indicates that the Government (as with many of its promises) has started to put this promise in place.

GAS PRICING

The Hon. E.R. GOLDSWORTHY: Will the Minister of Mines and Energy say whether the Government now supports the gas pricing arrangements negotiated by the former Government last October, and, if so, will the Minister ask the Premier to withdraw statements he made at the time these arrangements were made? A letter from the Minister published in yesterday's *Financial Review* strongly endorses the gas pricing arrangements negotiated by the former Government. In part, the Minister wrote as follows:

> Because of the agreement between the Cooper Basin producers and the Government, there will be a major acceleration in gas research. From now on, new exploration will be shared among the partners rather than being left to the sole risk activities of the South Australian Oil and Gas Corporation. The producers are required, under the agreement, to spend at least $55 000 000 during the next three years. This accelerated programme is likely to produce a substantial increase in reserves.

The need to increase exploration was one of the major reasons why the former Government undertook last year's gas price negotiations. Those negotiations also resulted in a significant reduction in the price South Australian gas consumers have paid for gas and have allowed the Gas Company, the Electricity Trust and other major industrial consumers to plan ahead with certainty until 1985, rather than the price being the subject of annual arbitration during that period. While the Minister has endorsed the outcome of the negotiations, the Premier, in a statement reported in the *Advertiser* on 13 October last year, took the opposite view. The report states:

> Mr Bannon said the announcement of the new agreement was clearly linked up to the next State election. Mr Goldsworthy was irresponsibly making political capital out of South Australia's energy resources.

I ask the Minister to confirm his statement, in view of the clear conflict between his present view and the previous statement by the Premier.

The Hon. R.G. PAYNE: I do not need to bring to your attention, Mr Speaker, the need to examine carefully any statement made in this House by the former Minister of Mines and Energy, now Deputy Leader of the Opposition. Over the long period of time that you have been in this House, Sir, you have had the opportunity to observe the Deputy Leader's performance, as I have. However, there are new members in the House who perhaps need to be advised of the tactics of the former Minister. His tactic is to quote, partially and out of context, items and statements from this side of the House, and then attempt to use them to support the erroneous case he is putting forward for consideration by members.

I think that his efforts in this area were surpassed only by those of a former member who represented the District of Mitcham and who built a complete tower upon a false base of a few words that had no substance whatsoever. But that former member is no longer with us, and we must contend with the present member. The Deputy Leader said that I had strongly endorsed some agreement that he had entered into with the producers in the Cooper Basin last year. He then purported to say that that was correct because of a letter which he quoted in part and which had appeared in the *Financial Review*.

The correct position is, as the honourable member well knows, that at the time he entered into the agreement after dodging away from what he originally proposed—that is, from challenging a certain price which had been arbitrated—he then backed away and negotiated a three-year gas pricing agreement with which I would certainly think the producers were satisfied, but which left the consumers in South Australia less than satisfied.

Let the former Minister interject now or try to say that that statement is incorrect, because it is a statement of total fact which has been endorsed by very many people in the community already and which I inherited and about which I have to try to do something. The former Minister knows that very well. In concluding, he also said that the Minister (meaning me) 'endorsed the outcome of the negotiations'; that is absolutely untrue and I challenge the Minister to show where I had endorsed them. What I had done is to record the history of them. They had occurred at a time when I was not in Government and, of course, I had no direct control over the outcome of those negotiations.

At that time the former Minister conducted negotiations with the producers and possibly other bodies, as he has suggested, and an agreed pricing structure for three years was the outcome. How could I have done other than to accept the record in that matter? However, to say that I endorsed what happened is not the case. What was being stated at that time in the letter to which he has referred, and which was published, was a straight record of the facts and an indication that one possible feature of the outcome of those negotiations was an acknowledgement that an increased exploration effort is needed in the Cooper Basin to try to locate additional supplies of gas. That is probably the only area on which we previously agreed, whether we were on this side or on the other side of the House.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. PAYNE: The former Minister can wait, because, as he well knows, I now have the files, a position that he formerly had. I can tell the House that one of the requirements was a $55 000 000 exploration programme to be instituted over three years and certain steps contained in that agreement were to take place. I can assure members of this House that the steps contained in that agreement, which perhaps need not necessarily be aired in this forum, set out certain things that were to happen as soon as reasonably practicable. It is my judgment that those happenings did not occur as soon as was reasonably practicable, but I can assure all members of this House and the former Minister that they have now taken place as a result of discussions that I have held. There is no profit whatsoever in the honourable gentleman's trying to make some political capital because of his hindsight in the matter wherein an agreement was negotiated about which he may now have had second thoughts.

Members interjecting:

The SPEAKER: Order!

HEARING DOGS

Mr FERGUSON: Will the Minister of Local Government inform the House whether his department can consider allowing hearing dogs to have the same rights and privileges as guide dogs under the Dog Control Act, as amended in 1981? Under sections 4, 24, 25 and 29 of the Dog Control Act, as amended in 1981, guide dogs have specific rights and privileges. A new type of dog with special training to assist people who cannot hear has recently been introduced into South Australia. At this stage the Act does not contain special reference to hearing dogs. These dogs have been trained and introduced to South Australia by Lions International.

The hearing dogs are able to let their owners know when there is a knock on the front door, or indicate the ringing of the front door bell, and any vital matters, such as the ringing of a fire alarm bell. The rights and privileges granted to seeing eye dogs allow them to inhabit strata units, even though a strata title may prohibit animals of any kind. It would be appreciated if the Minister could have his department investigate this matter, to see whether the same rights and privileges could be extended to hearing dogs.

The Hon. T.H. HEMMINGS: I am pleased to inform the member for Henley Beach that my department has already carried out investigations into the possibility of amending the Dog Control Act to provide guide dog status for hearing dogs. The hearing dogs programme in South Australia has become firmly established by the Lions Club of Australia. It has a training centre at Verdun which supplies dogs for the whole of Australia and Papua New Guinea. A similar scheme has been operating in the United States of America for a number of years. The Australian operation is being established by an American trainer.

There is no doubt that there are many situations in which such dogs could be of valuable assistance to owners suffering from impaired hearing. Deaf people very often feel insecure and an accompanying dog may give them security against attacks. The dogs are also trained to pick up keys, and so on, which their owners may drop, and to react to unusual sounds. I believe that there is a very strong case for these animals to be provided with the same status as that of guide dogs for the blind. Accordingly, a Bill to amend the Dog Control Act is being drafted to provide guide dog status for hearing dogs. I hope to be able to introduce the Bill into the House in the near future.

RANDOM BREATH TESTS

The Hon. M.M. WILSON: Will the Minister of Transport give an assurance that the Government will not begin its review of random breath testing until the additional units to be introduced as from tomorrow have been used for at least three months? The Minister revealed yesterday that he had asked the police not to proceed with the widened testing

programme beyond the Easter holiday period. However, a report in today's *News* states that the Premier has said that the Government will not interfere with the decision of the Police Department to expand the programme. Therefore, I ask the Minister whether he will ensure that this expanded programme is given a reasonable period in which to be assessed.

The Hon. R.K. ABBOTT: The Government has not given any consideration to the timing of the review promised prior to the election. The Government indicated that it believed that the whole question of random breath testing needed a complete review, and is in the process of setting up a committee, or whatever it might be, and its terms of reference. It could well be that by the time the Government has a decision on this matter the existing provisions could have been in operation for the length of time as suggested in that legislation. I cannot give a reply until the Government has considered the recommendations of the report.

COUNTRY PRISON SITE

Mr GREGORY: Has the Chief Secretary inspected the old Army camp at Beetaloo Valley, near Gladstone and, if so, has he decided on its future as a minimum-medium security prison? Several times this year the Leader of the Opposition has maintained that the Gladstone site should be developed immediately as a prison. It has been suggested that plans for this were well advanced by the previous Government and it remained only for this Government to give it the go-ahead. In this House last Thursday the Chief Secretary indicated that he was not very keen on the idea but that he would inspect the site so that he could make a decision about it.

The Hon. G.F. KENEALLY: I thought that this question would have come from a member of the Opposition, particularly as the establishment of a minimum-medium security prison at Beetaloo Valley was an important part of the Leader's four-point plan to fix up our prisons system. Nevertheless, when this concept was originally mooted I thought it was a good idea. I had some concern about the transport problems for the visitation to prisoners at Beetaloo Valley, although they were not insurmountable, and I thought the whole project had some promise.

When I visited the site last Friday I noticed considerable infra-structure on it. There could not be a nicer part of the world in which anyone could live, including prison officers and prisoners. However, other considerations have required me to recommend to my colleagues that Beetaloo Valley is an inappropriate place to establish a prison.

Early in March I was advised that the site, which had previously been owned by the Army as an ammunition depot, was an unsafe area due to unexploded ammunition lying around. I confirmed this when I visited the site last Friday. Literally thousands of pieces of unexploded ammunition, hand grenades, mortars, heavy artillery shells, smaller calibre shells, etc., are lying around the area intended to be divided between a prison and an explosives factory. Drawing SP/106/80, compiled by the A.W. Branch at Keswick Barracks in November 75, shows the area selected for the prison to be an area of:

small arms and propellant hazard—low concentration above surface—unknown below surface.

Areas adjacent to the site selected as a prison are shown on the plan as being areas of:

(a) white phosphorus hazard;
(b) chemical hazard;
(c) high and low concentrations of unexploded ordnance above and below surface, and
(d) explosive ordnance hazard areas.

A note on the plan states:

Because of the uncertainty of concentrations and depths of hazards and due to the lack of records prior to 1960 this drawing must be read as indicative and diagrammatic only. No responsibility can be taken for any hazards found outside of the areas marked.

The previous Government was well aware of the dangerous nature of the area and in fact provided a release and indemnity to the Federal Government when it purchased the land. This release and indemnity, which was signed by the then Minister of Works (the member for Davenport), reads as follows:

The State of South Australia hereby waives and releases the Commonwealth from all liability which the Commonwealth, its officers, servants, agents or licensees might have incurred but for this release in respect of any death or injury to or loss of or damage to the property of any person who shall hereafter from the date of settlement . . .

At the end of this release and indemnity it is specifically stated:

. . . and the State of South Australia hereby expressly acknowledges by its execution hereunder that the land may contain unexploded ordnance material (both on the surface and buried) and that this release indemnity is entered into with this knowledge.

The previous Government fully understood that this was a dangerous area because of the release and indemnity it entered into with Gulf Chemical Industries, the company which wanted to be involved with the manufacture of explosives on this site. This Government has no criticism of that because they are experienced people in the area of explosives, and I understand that the Gulf Chemical and Army ordnance people are probably the only ones who ought to be able to move relatively freely on this site.

The release and indemnity given by the previous Government, under the member for Davenport, was couched in exactly the same terms and also ended with the words:

. . . and Gulf Chemical Industries Ltd hereby expressly acknowledges by its execution hereunder that the land may contain unexploded ordnance material (both on the surface and buried) and that this release and indemnity is entered into with that knowledge.

The former Government wanted to indemnify itself against any difficulty that might occur with Gulf Chemicals, yet it wanted to place its own prison officers, correctional service personnel, and prisoners in an area regarded as being so dangerous that it needed to indemnify itself against any action that might occur to Gulf Chemical personnel. As this is in the Leader's district, he was keen to have it proceeded with before last year's election. Indeed, I understand that the only members opposite who were keen on the project were the Leader and the member for Davenport.

Mr Olsen: And the Department of Correctional Services.

The Hon. G.F. KENEALLY: If the Leader has any information that would indicate that, let him show it to me. The Leader is in the habit of making claims and expressing grievances about policies his Party had in Government, but there is absolutely no information on any file to which I have access that would indicate that what the Leader is saying is true. If there is information in his possession, he should make it available to me, but there is no such agreement on file. This Government believes that, apart from the establishment of a prison alongside an explosives factory, which as I said last week is rather a strange conjunction of activity, it is important that we should not place departmental personnel at unnecessary risk. From the information made available to us by the Army, and from my observations on visiting the Beetaloo Valley Ordnance Depot, it is clear that that is what would have happened had the previous plans been proceeded with. It seems strange that it was planned to build a prison alongside an explosives factory that had a security rating. Certain work that the company will do will have a security classification, and the company is not too happy about having a prison alongside a security classified industry. So, as a result of my investigations, I have

recommended to the Government that this is an inappropriate place for a prison to be built. We shall be looking for alternative sites, and Gulf Chemicals will now have the extent of the property which it originally desired and to which it is more appropriately suited.

RANDOM BREATH TESTS

The Hon. D.C. BROWN: Will the Chief Secretary say when the Police Department first approached him regarding additional random breath test units to be used over the Easter holiday period and beyond? When did the Chief Secretary respond to that request, and what was his response?

The Hon. G.F. KENEALLY: I have not the date of the police submission to me, but the police told me that they would increase their activity over the Easter weekend and thereafter and asked me to tell my colleague that. I therefore passed on the memo. My discussions with the Police Commissioner were in line with the Government's request that, if possible, it would be better to withhold an increase in activity after Easter until the Government's review had been completed. I discussed the matter with the Police Commissioner and he told me that the decision was made on the basis of economy and efficiency and, as the Government is not in the habit of telling the Police Department how to discharge its administrative responsibilities under its Act, we accepted the Police Commissioner's advice. The situation now, therefore, is as the honourable member understands it to be.

PORT ADELAIDE PETRO-CHEMICAL WORKS

Mr WHITTEN: Can the Minister of Mines and Energy say whether the Asahi chemical group has completed the feasibility study into the establishment of a petro-chemical complex at Port Adelaide? In November 1982, the *Japan Economic Journal* reported that a detailed feasibility study was being undertaken jointly by Asahi and C.R.A. focusing on, first, the extent of State support and assistance expected in the development of the infra-structure; secondly, the pricing of natural gas; and, thirdly, the selection of a plant location as well as the examination of taxation and other relevant benefits, the result of the study being expected to be published in March.

The Hon. R.G. PAYNE: An interim feasibility study has been completed. I did not see the article myself in the *Japan Economic Journal,* but I can only commend the honourable member for his assiduous work on behalf of his electorate over the years. We have often seen evidence from the honourable member that on any matter involving his electorate, he works very hard in ensuring that he makes adequate representation.

The interim feasibility study, which was completed by Asahi/C.R.A. in September last year, identified a number of factors requiring resolution, and the former Minister of Mines and Energy would be aware of that. Since then, the consortium has been pressing ahead with the next phase of its studies and is expected to report again to the Government later this year. I guess that members have heard not dissimilar statements about that matter previously. The main issues being studied as part of the current phase involve markets, the supply of fuel, power and feed stocks, and infra-structure requirements. If positive results from the investigation of these issues are achieved, the consortium will then expand its programme to include optimisation and environmental studies.

Both the Premier and I have met with representatives of the consortium, and as a Government we are doing everything possible to assist it in arriving at a favourable decision on this important development project. On the change of Government, the consortium naturally had some concerns and desire to confirm that the attitude of the previous Government (which, let it be recorded, was one of assistance) to the members of that consortium would be continued by the incoming Government. Those assurances were given to and accepted by Asahi. The member for Mallee has tried to indicate to the House that he had some special knowledge of the way to pronounce 'Asahi': he may be interested to know that I have discovered that in English it literally means 'rising sun'.

JUBILEE 150

The Hon. P.B. ARNOLD: Can the Premier say why the Government has reduced the allocation for South Australia's 150th anniversary celebrations from $10 000 000 to $8 000 000? Yesterday, the Premier announced that the State Government had allocated $8 000 000 to assist with these anniversary celebrations in 1986. He also announced that the Federal Government had pledged an additional $2 000 000. The Premier said that the amount had been decided after discussions between the Premier's Department and the Chairman of the Jubilee 150 Board. On 8 September last year, the former Liberal Premier announced that the Government would provide up to $10 000 000 in addition to the $2 000 000 promised by the Federal Government. Will the Premier explain why the Government's contribution to this important event has been reduced?

The Hon. J.C. BANNON: I am afraid, if he did not already know it, that the honourable member is another victim of these grandiose statements that were made by the former Premier without any substance, backing or allocation for them. Far too many examples of this have happened in the past few months. It is interesting to see the way that some of the honourable member's colleagues came to the fore, waving the announcements made by the former Premier, apparently ignorant of the fact that no provision had been made for Jubilee 150. I, too, was under the impression that some sort of commitment to Jubilee 150 had been entered into by the previous Government. On the contrary, there is no record of that happening, except for that one press statement.

I draw the honourable member's attention to the fact that the Premier's statement refers to 'up to $10 000 000'. On discussing this matter with various officers it was found that they were not clear what 'up to $10 000 000' meant; whether it meant about $10 000 000, $6 000 000 or what. The people who most notably did not know the details were those involved in Jubilee 150 who had to administer the funds allocated. Therefore, there was absolutely no commitment in that area, only that airy-fairy announcement. An even greater problem is that no allocation or planning had been made for this money in terms of forward budgeting by the previous Government. Unfortunately, we have inherited far too many of these unfulfilled promises, and I thank the honourable member for drawing this particular one to the attention of the House.

On the other hand, this Government has made a firm commitment, accompanied by other action that was long overdue, in relation to Jubilee 150. The most notable was the appointment of an executive officer (a matter which had hung around for month after month and on which we moved fairly promptly). That appointment, incidentally, has made a difference to the effectiveness and focus of Jubilee 150 activities, as the honourable member, who has been involved with that committee, would know. Our commitment is a firm one involving a specified amount that will

be indexed. In the event, it may well mean that the final amount involved will be about $10 000 000. However, we will see what happens to inflation in the ensuing period.

Our action has given the committee an opportunity to do the sort of planning that needed doing and to present to Cabinet the sort of concrete propositions that are being considered. I hope soon to make another announcement relating to Jubilee 150 as a consequence of this firm commitment. It has been embarrassing to this Government to find these airy-fairy unfunded commitments in so many areas that have never appeared in a document, never been approved by Treasury, and never, in some cases, gone through the Cabinet process. I am glad to say that this Government is getting all these things in order and is making sure that they mean something and are not just announcements.

SPORTS GRANTS

Mr GROOM: Will the Minister of Recreation and Sport say what grants have been given by the Government to develop and promote recreation and sport programmes in this State, and what action the Government is taking to provide sporting and recreation activities for all age groups in the community?

The Hon. J.W. SLATER: I am delighted to tell members that this Government has increased sports grants significantly this year over and above the 1981-82 grants.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. SLATER: If the member for Torrens will be patient, I will explain exactly how this has occurred. Funds have been carefully allocated so that they benefit every age group in the community while, at the same time, providing special programmes for the disabled and handicapped. These increases are evidence of this Government's commitment to recreation and sport. I have always believed strongly that health and fitness are the best insurance policies that South Australians can have. The area that has gained the greatest benefit is sports administration and coaching, which will receive $178 000 this year compared to $55 750 in 1981-82. Other benefits are: junior sports coaching scheme, $87 000; travel assistance for attending national events, $81 000; recreation equipment subsidies, $66 000; recreation administrators' subsidies, $60 000; conducting sports championships in South Australia, $36 000; sports equipment subsidies, $34 000; recreation development, $29 000; sports administration, training and development, $11 000; and there are others.

The department also provides, as would be known to members, advisory and consultancy services to a wide-ranging number of sporting groups. Other departmental programmes include conducting camps and conference centres in various regions of the State. Therefore, I think that that is evidence of this Government's commitment to recreation and sport and, indeed, we hope that we will be able to increase funds for this important section of the community in the coming year.

CLEANING CONTRACTORS

Mr MEIER: Does the Minister of Labour see as discriminatory a recent directive of the Government, as outlined in a letter dated 16 March 1983 to cleaning contractors of Government offices from the office of the Director-General of the Public Buildings Department, which requires contractors for cleaning Government offices, when engaging labour, to give preference of employment to financial members of an appropriate union? Will the Minister give an undertaking to review the appropriate legislation to ensure that all people have equal opportunity in applying for a Government job?

At a time when unemployment in this State is high and, therefore, job seekers are at the mercy of prospective employers (in this case the State Government), and at a time when much has been done to alleviate discrimination in the workforce between males and females or to prevent discrimination on other grounds such as skin colour and health, it is disappointing to note a preference for unionists clause being inserted in future contracts for cleaning Government offices. I refer to the clause which states, 'Preference for unionists.' It states:

> In engaging labour preference of employment shall be given to financial members of a union appropriate to the position of employment . . .

Therefore, equality before the employer is no longer the case. Making it compulsory for a person to join a union makes certain people more equal than others. I await the Minister's reply.

The Hon. J.D. WRIGHT: The honourable member is relatively new in this place and, therefore, I will give him a reply that I may not give to other members. The policy of the Labor Party since 1970, when I first joined this House, has always been preference to unionists in occupations. That policy has worked satisfactorily over the years and is the reason why many industrial disputes have been avoided. For example the Advertiser group and all major employers in South Australia (and when I say 'all' I mean all), now have preference clauses, and all offer work in the first instance to members of trade unions.

The Hon. D.C. Brown: Absolute rubbish!

The Hon. J.D. WRIGHT: There might be one, and one only, that you could name. As we are well aware, most employers offer preference in an occupation to unionists. Irrespective of whether they all do or not for many years the Arbitration Commission has had the right to award preference in occupation and in employment under Federal awards.

One could not say that that is a radical body by any stretch of the imagination. Most of the members of that court have been appointed by Liberal Governments. In regard to matters closer to home, it is vitally important for the honourable member to read the Cawthorne Report. I am sure that the member for Davenport will be willing to lend the honourable member his copy—the one that he stole from the Department of Labour. In that report this matter is dealt with in great detail by Mr Cawthorne. I wonder whether the honourable member has bothered to read it. The honourable member is admitting that he has not read it, so I recommend that he do so.

The fact that submissions in that report refer to unionists and other matters is why the member for Davenport would not release it, because those matters were quite contrary to the bodgie legislation that the Minister introduced. Therefore, preference in regard to employment, occupation, or promotion is not a new thing. I think it is a worthwhile part of industrial relations, and certainly helps to avoid industrial disputes. The member for Mitcham is saying 'Garbage'. However, the score is on the board in this regard. The honourable member is actually being critical of an eminent magistrate in the Industrial Court: he is criticising publicly the Cawthorne Report, and therefore, he is criticising the magistrate. The honourable member should have transferred from the Department of Labour, but he will be of no value to this House if he carries on like that.

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. WRIGHT: The honourable member certainly would not have been very welcome in the Department of Labour. The former Government transferred people willy nilly all over the place, as members opposite well know. People were put into offices with no windows so that they could not see out of them.

Members interjecting:

The SPEAKER: Order! There is no order at all at present. This is starting to resemble the Mad Hatter's picnic, but that will not continue.

The Hon. J.D. WRIGHT: I had nearly finished, Sir, and would have been finished if it had not been for the interjections. My final advice to the new honourable member is that he obtain a copy of the Cawthorne Report. I will send the honourable member a copy: they usually cost $6, but I will send him a free copy.

STAMP DUTY

Mr MAYES: Can the Premier say whether an approach has been made by the Taxpayers' Association concerning proposals made by that organisation that it believes will streamline State stamp duty procedures? If so, will the Premier investigate those proposals, which the Taxpayers' Association maintains it raised publicly with the previous Government? An article entitled 'Stamp duty time wasting under fire from Taxpayers' Association', in the *Advertiser* of 23 March, states:

> The Taxpayers' Association in South Australia has been trying for two years to persuade the State Government to streamline stamp duty methods . . . Although it would save time and money for the stamp duty office and its duty-paying customers, repeated representations have been rejected,' the association says . . .The association proposed that: Greater use be made of adhesive stamps and less of impressed stamps. There should be no requirement to submit documents for an opinion where the duty payable on a document is not related to value. And adhesive stamps should be lawful on any document requiring registration to be effective against third parties without notice—Real Property Act mortgages, bills of sale, debentures or company securities . . .
>
> The association again took the matter up with the State Government and put firmer proposals in September 1981, but commented, 'the silence was deafening.'
>
> Finally, in June 1982, the Premier wrote: 'I cannot agree to your suggestion that the types of instruments mentioned in the schedule . . . be no longer submitted for opinion.'

Will the Premier comment?

The Hon. J.C. BANNON: I appreciate the honourable member's question, because I think we all should be concerned that there is a minimum of red tape and bureaucracy involved in these areas and if efficiencies can be introduced then they should be. I did see the article in the *Advertiser* on 23 March that outlined some of the issues raised by the Taxpayers Association. For all the complaints from that side about delays and problems, another school of thought and another countervailing pressure suggest that there should be a more formal process of obtaining requisitions concerning matters submitted for opinion and even written assessments, which would slow down the whole process much more. It would increase the legal certainty of it, but I do not think that it would be in the interests of quick dispatch of these documents, so there is another side, a completely opposite view, which suggests that present practices, far from being overly bureaucratic and complicated, should be somewhat more rigid.

I do not subscribe to that view. As to the specific points raised by the Taxpayers Association, as the honourable member has pointed out, they have been raised previously with the previous Government, and no doubt were investigated at that time. I have called for the relevant documents to ensure that any investigations made at that time are placed before me.

I understand that some of the problems of these delays (and the question has certainly been around for some time) are not confined to South Australia, but are common to all jurisdictions for the same reasons of legal certainty that is required in making such assessments. The main issue is that certain documents required to be lodged for the opinion of the Commissioner should not be lodged or even assessed when the duty is not related to value. Such assessment, whether over the counter or elsewhere, once made, is binding, so obviously there must be confidence in the process by which the assessment is made. It is true that many documents lodged for opinion are found to be routine, they attract only a nominal duty, and they could be dealt with rapidly.

Unfortunately, there are also a high number which attract significant duty and, in order to levy that duty, the present method needs to be applied. Waiting or queueing in the office is another matter, and some waiting is inevitable. I understand that reference was made to assessments taking up to an hour, but my information is that only exceptional cases could take anything like that time. Assessment, payment and stamping in total takes about 30 minutes at most and usually less, certainly during peak periods, so the average time is less than an hour and probably nearer to 15 minutes.

A further isolation of documents as being urgent or express would raise in the first instance problems of identifying those transactions that are eligible, and the time taken in assessment relates to the details and the complexity of each instrument. Any attempt to give priority to particular types of documents or transactions could react adversely against those who have more complicated documents that they would like to see assessed. If their designated instruments are being dealt with at the end of the queue, as it were, while those that take a shorter time are going through, then they in turn will be disadvantaged. I think that adds up to the fact that the current practice will continue, but I have taken the criticisms of the Taxpayers Association on board, and we will constantly keep under review the practice of the Stamp Duties Office and the procedures under which it operates.

The aim should be efficiency and quick dispatch so that people know how long they are going to be tied up when having documents assessed, but that must be qualified by confidence in that assessment. If it is done too rapidly, obviously mistakes are more likely to occur, and therefore the whole tax procedure itself is questioned. Trying to balance these two factors is obviously our aim, and I thank the honourable member for his question.

SITTINGS AND BUSINESS

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the House at its rising adjourn until Tuesday 19 April at 2 p.m.

Motion carried.

SOUTH AUSTRALIAN OIL AND GAS (CAPITAL RECONSTRUCTION) BILL

The Hon. R. G. PAYNE (Minister of Mines and Energy): I move:

That Standing Orders be so far suspended as to enable me to introduce a Bill forthwith.

The SPEAKER: I have counted the House, and there being present a constitutional majority I accept the motion. Is it seconded?

Honourable members: Yes.

The SPEAKER: The question is that the motion be agreed to. For the question say, 'Aye', against, 'No'. I hear no dissentient voice, and there being present an absolute majority of the whole number of members of the House, the motion is agreed to.

Motion carried.

The Hon. R.G. PAYNE (Minister of Mines and Energy) obtained leave and introduced a Bill for an Act to provide for reconstruction of the capital of South Australian Oil and Gas Corporation Pty Limited; and for other purposes. Read a first time.

The Hon. R.G. PAYNE: I move:

That this Bill be now read a second time.

When the South Australian Government purchased the Commonwealth Government's interest in petroleum exploration licences 5 and 6 (which conferred exploration rights over an area including the South Australian portion of the Cooper Basin), a condition was imposed by the Commonwealth that the 'interest' should be held by a tax-paying public company or statutory corporation. Moreover, it was clear that substantial funds would be needed in order to finance exploration and to meet the South Australian Government's share of any liquids or petro-chemical scheme. In these circumstances it was considered desirable to establish a proprietary company which would take over the Commonwealth's interest and raise the necessary funds through share issues or borrowings. For these reasons, the Government approached South Australian Gas Company to secure the establishment of a company, South Australian Oil and Gas Corporation which, while Government controlled and financed, would have 51 per cent of its shares held by an outside company.

South Australian Oil and Gas Corporation was formed with a capital of $50 000, with Pipelines Authority of South Australia holding 24 500 A class $1 shares, and South Australian Gas Company holding 25 500 B class $1 shares. Control by Government was secured by assigning to class A shares voting rights equal to three times the voting rights of all other issued shares, and conferring on the class A shareholders the right to appoint three of the five directors. Thus, the Government representatives would always have the voting power necessary to control decisions taken at general meetings of the company (including the voting power necessary to pass a special resolution of the company), and also the power to appoint a majority of the board of directors. I seek leave to have the remainder of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation of Bill

It was understood by the South Australian Gas Company, when these arrangements were agreed, that it would receive no advantage from its shareholding beyond a direct knowledge of Cooper Basin activities, and a greater sense of security about future gas supplies through involvement in a company which was to undertake significant exploration. At no stage has South Australian Gas Company provided any further funds by way of share purchase or loan. South Australian Oil and Gas Corporation's funding requirements have been met by loans from State Government Insurance Commission or Pipelines Authority of South Australia and by the subscription of $33 500 000 by Pipelines Authority of South Australia for the purchase of exploration shares.

The original purchase price for the interest presently held by South Australian Oil and Gas Corporation was $12 450 000. Subsequent increases in world energy prices have produced corresponding increases in the value of South Australian Oil and Gas Corporation, and resulted in speculation that South Australian Gas Company shares may be seriously undervalued. The first speculative purchase of South Australian Gas Company shares occurred in late 1978 by interests outside of South Australia, and further intense speculation occurred in mid-1980. In each case the Government of the day legislated to ensure South Australian control of the South Australian Gas Company. In 1979 the voting rights of individual shareholders and groups of associated shareholders were limited, and subsequently the Tonkin Government legislated to enable State Government Insurance Company to take a share interest in South Australian Gas Company with enough voting strength to ensure control.

Successive Governments have made it clear that speculation in South Australian Gas Company shares is without foundation, and that any benefits derived from the interest held by South Australian Oil and Gas Corporation in the Cooper Basin would be for the benefit of South Australians generally. This situation was formally recognised by Sir Bruce Macklin, the Chairman of South Australian Gas Company, who in a letter to the Stock Exchange of Adelide on 4 June 1980, stated:

> The South Australian Oil and Gas Corporation was formed to carry out South Australian Government policy with regard to the search for and the development of oil and gas resources in South Australia. In particular, it has been formed to purchase the interest of the Australian Government in the Cooper Basin. It has always been accepted that if profits were to be generated by the corporation, such profits would be used to further the objectives outlined above. The directors do not see any likelihood of dividends from the South Australian Oil and Gas Corporation Pty Ltd in the foreseeable future, and in fact such a distribution would be contrary to the basic philosophy under which the corporation was created. Rather it was to be the vehicle for carrying out the programme referred to above on behalf of the people of South Australia.

This was followed by a statement by Sir Bruce Macklin in the Gas Company's annual report for the year ended 30 June 1980, when he said:

> This company's investment in South Australian Oil and Gas Corporation Pty Ltd, was welcomed by the board because it was felt that through this we would be more closely in touch with exploration for further natural gas—a matter of vital concern to us.
>
> It was not undertaken with the view that it might be the means of generating huge profits which might find their way into the pockets of shareholders. If such profits were to accrue some day it was made quite plain to us that they would be used for the benefit of the State by reducing the price of gas to consumers. It must be remembered that the bulk of South Australian Oil and Gas Corporation's funds came from gas consumers in the form of an explortion levy and from loans from the State Government Insurance Commission. In these circumstances it is understandable that a Government would not tolerate windfall gains to be obtained by South Australian Gas Company shareholders.

The Government believes that the time has come to remove misconceptions that have apparently arisen in regard to the ownership and control of South Australian Oil and Gas. The previous Government had this matter under investigation for a considerable time but had not finalised the course of action it should take before losing office. Because the ownership and control of the company is a matter of great public importance, the Government has decided that the most appropriate means of achieving its object is an Act of Parliament which will convert all existing shares in the company into a single class of shares ranking equally in all respects.

Clause 1 is formal. Clause 2 provides that the new Act is to be deemed to have come into operation on 30 March 1983. Clause 3 defines 'the company' as South Australian Oil and Gas Corporation Pty Ltd. Clause 4 is the major clause of the Bill. It provides that the present shares of the company which are divided into A class, B class, non-participating exploration shares and unclassified shares are to be converted into ordinary shares of $1 in the capital of the company. Subclause (2) provides that subject to the Articles of Association of the company, the shares in the company are to rank equally in all respects. Clause 5 provides

for the Articles of Association of the company to be amended as shown in the schedule to the Act. A copy of the Act is to be lodged with the Corporate Affairs Commission and kept on the company file so the persons searching the articles will be aware of the amendments.

The Schedule

The Articles of Association of the company are amended in accordance with the schedule as follows: Article 1 is amended by inserting a definition of 'the Minister'. Article 4 is amended to provide that the capital of the company is divided into 100 000 000 ordinary shares of $1 each. Articles 6, 6a and 52 are deleted. These articles are concerned with the issue of shares in particular classes and, as the shares of the company are to be consolidated into a single class, these articles are no longer relevant. Article 69 is amended by deleting reference to A class shares.

Article 73 is amended by making it clear that one or more members holding the requisite number of shares may demand a poll. Article 78 is replaced by a new article which makes it clear that each share will carry one vote. Article 88 is deleted and replaced by a new article which provides for the company to have five directors or such other number (not exceeding seven) as may be determined by the company in general meeting.

Article 89 is deleted and replaced by a new article. This article deals with the appointment, retirement, and removal of directors of the company. It should be noted that a person is not to be eligible for appointment as a director of the company unless the Minister has concurred in a nomination for his appointment. A consequential amendment is made to paragraph *(g)* of article 94. Article 97 is deleted. The substance of this article is now incorporated within article 89. Article 104 is amended by deleting reference to directors appointed by the holders of A class shares. Article 107 is deleted and replaced by a new article dealing with the appointment of the Chairman and Deputy Chairman of Directors. The concurrence of the Minister is required for such an appointment. Article 113 is amended to provide that the Minister's approval is required for the appointment of an alternate director.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

MEAT HYGIENE REGULATIONS

Mr LEWIS (Mallee): I move:

That the regulations under the Meat Hygiene Act, 1980, relating to sale of slaughterhouse meat, made on 24 February 1983 and laid on the table of this House on 15 March 1983, be disallowed.

In moving the motion I point out, for the benefit of members who may not have had the opportunity to read the specific regulation that I am moving to disallow, that it simply provides:

No person shall cause, suffer or permit any meat or meat products supplied by the licensee of any slaughterhouse to any outlet specified in his licence to be wholesaled from such an outlet.

The effect of the regulation is clearly and simply to close every slaughterhouse in South Australia forthwith. There are no circumstances in which any slaughterhouse can continue to operate legally if the House allows this regulation to stand. I believe that the Subordinate Legislation Committee, if it has not apprised itself of the consequences of the regulation by this time, should do so immediately, as I can see no way in which it would be possible for a slaughterhouse proprietor (and, equally, the proprietor of his own butcher shop operated with that slaughterhouse) to continue to operate while this regulation remains in force.

I urge members to pay attention to what I am saying, as there are many slaughterhouses that will be closed down forthwith in the way I have described. Looking at the terminology of the regulation and seeking a definition, we find that the regulation and the Act are both deficient, because neither defines the word 'wholesale'. Indeed, I defy any member to give me a definition of that word as it relates to the selling of meat that would hold up in court. What is wholesale and what is retail? Is there a difference between the two and, if there is no difference, why has this regulation been introduced unless it is the Government's intention, by the back door, deceitfully, to close down slaughterhouses? I can think of no other reason. Incidentally, this regulation as it is now drafted is unnecessary in the light of section 24 of the principal Act, subsection (1) of which provides:

(1) A licence granted under this Division shall be subject to such conditions as the authority may specify by notice in writing given to the holder of the licence.

In other words, this regulation is not needed. The Government could simply close down any or all holders of such licences that operate slaughterhouses, and associated businesses selling the meat obtained from those slaughterhouses, by giving each and every one of those licence holders notice in writing that they may no longer sell meat or other products obtained from that slaughterhouse in a wholesale way. Of course, that begs the question of what is meant by 'wholesale'. Section 24 (2) of the Act provides:

(2) Without limiting the matters with respect to which conditions may be imposed—

members should note that phrase 'without limiting'—

the authority may impose conditions in respect of any slaughterhouse licence—

(a) limiting the maximum throughput of the slaughtering works; or

(b) regulating the sale or supply of meat or meat products produced at the slaughtering works.

Section 24 (3) provides:

(3) The authority may, by notice in writing given to the holder of a licence, vary or revoke a condition of the licence or impose a further such condition.

I was not happy with that section when the original Act was enacted in 1980 and I am no more happy with it today than I was then. I think it is iniquitous and I shall never be convinced otherwise. It effectively gives the Government of the day the power to close down every slaughterhouse, and the regulation simply further compounds what I regard as the Government's felony in that respect. Every butcher who serves a country community and has a slaughterhouse licence at present should be very much concerned about this regulation as it is framed. Certainly, those butchers in my district who have contacted me have expressed such concern, and I therefore bring the matter to the attention of the House so that the regulation can be disallowed, because this regulation simplifies the means available to the Government to close down such businesses surreptitiously.

In section 30 of the Act, we see further evidence that this regulation is unnecessary, because subsection (1) of that section provides:

(1) The holder of a licence shall not fail to keep such records relating to the slaughtering works and its operation as may be prescribed.

So, the poor cow must keep honest records: he cannot operate as it were by deceit or he is subject to a penalty of $200. I guess that that is fair enough if that is the way the Government wants to regulate the industry. Another relevant provision is section 30 (2), which provides:

(2) An inspector may at any reasonable time—

the Act does not define 'reasonable'—

inspect any records kept in compliance with subsection (1) of this section.

There again we see the inadequacies of the legislation as it stands. But nonetheless it gives sweeping powers to inspectors and the Government if it wishes to do what it has set out to do by this regulation. I believe that I have made out a compelling and logical case, a case in respect of which there is no refutation, to encourage all members to simply disallow this regulation as being not only iniquitous and unjust but also unnecessary.

Mr GROOM secured the adjournment of the debate.

NATIONAL RECONCILIATION

Adjourned debate on motion of Mr Groom:

That this House, noting the economic mismanagement and failure of the policies of the Fraser Liberal/National Country Party Government, seeks the support of all South Australians irrespective of political considerations to support the programme of national reconciliation, economic recovery and reconstruction as called for by the new Federal Government,

which Mr Evans had moved to amend, by leaving out the words 'noting the economic mismanagement and failure of the policies of the Fraser Liberal/National Country Party Government', by leaving out the word 'the' fifthly occurring and inserting in lieu thereof the word 'a' and by leaving out the words 'as called for by the new Federal Government'.

(Continued from 23 March. Page 606.)

Ms LENEHAN (Mawson): Speaking to this motion last Wednesday, I addressed myself to what Professor Henderson had stated concerning job creation—that we had to look at a new direction, namely, in the areas of education, welfare services, tourism and restaurants. I take up that point, because I think it is very significant that the former Government undertook a deliberate policy to create employment. I think that that must be clearly understood by members opposite. On many occasions we have heard from the Fraser Government that its main priority was to look at the reduction of inflation, and that was at a deliberate cost to the employment prospects of many people in our community.

I turn now to the opposite situation involving the policy of the recently elected Federal Government. The new Government has a completely opposite position, and that is to create employment as one of its major priorities. We must look at stopping the directions that were taken under the previous seven years of Federal liberalism. Indeed, we must look at a new direction which places people before profits and which places people and their concerns before all other considerations.

The present Federal Government is a Government of the future. It is a Government that is prepared to look at new directions, new alternatives and new initiatives. It is not prepared to be tied to the old traditional and outmoded economic and political thinking.

In conclusion, I refer to today's *News*, in which there is a report on the proposed economic summit. The content of this motion calls on all members of our community, irrespective of their political affiliations, to support the policies, put forward in respect of this summit, of economic recovery and of national reconciliation and reconstruction. The proposals for this economic summit are outlined as follows:

The Federal Government today announced a draft agenda for the national summit ... The basic discussions of the national summit, which begins 11 April, will revolve on four key points: basic directions and objectives, economic conditions, strategy for recovery, conference conclusion.

In supporting the motion moved by the member for Hartley, I call on all members of this Chamber, and indeed on all South Australians, to work together to achieve the objectives of the newly elected Federal Labor Government.

Mr LEWIS (Mallee): As other members on this side of the House have said previously, and as I must also say on this occasion, this motion regrettably is a contradiction of the ideas that it attempts to articulate. On the one hand, it encourages South Australians to believe in and support a programme of national reconciliation, economic recovery and reconstruction; yet, on the other hand, it is deliberately provocative and divisive, deliberately critical and condescending and, it would seem, deliberately against anything that it sets out to achieve—so much so, that I believe that it is legitimate for us to see it for what it is. To my mind, it is a piece of political grandstanding, and that is regrettable.

I would like to support the proposition whereby it seeks a programme of national reconciliation, economic recovery and reconstruction, but I cannot do that in all honesty when I support (or attempt to support) the other part of the motion, because of the way in which it undermines and negates those noble goals and objectives. The means by which we can attain those goals of national reconciliation, economic recovery and reconstruction are debatable. I can accept that, but I cannot accept that it is legitimate to denigrate a group of people, who have set about doing what they were given the responsibility democratically to do, and in the condemnation of those people thereby seek to ostracise them and, as it were, excise them from the rest of the community as though they were no part of it. To attempt to do otherwise would be to castigate the entire community which, as the member for Hartley ought to recognise, had some part in electing the Liberal/National Party Government on three consecutive occasions with substantial majorities.

Mr Groom: Don't you think you must analyse where things went wrong in the past?

Mr LEWIS: I can see where the member for Hartley would choose to believe things were wrong. After all, people of the same mentality and view as his own have argued that position consistently since 1975, before the policies of the Fraser Government (which were so strongly supported by the people when they elected that Government) had even the slightest opportunity of demonstrating whether or not they were capable of working. The member for Hartley and people of his ilk were determined from the very outset to undermine the economic strategy of the Government elected in 1975 and to do whatever they could to prevent those strategies from having the desired effect for the benefit of all Australians.

The consequence is now not so much the responsibility of the Fraser Government as that of people like the member for Hartley and the member for Unley who have been advocating such policies since 1975 until now. I do not think that it is legitimate for those members, having had some part in destroying the strategy that was being pursued, to attempt now to blame that Government for pursuing the mandates it was given and the strategies it wanted to implement which were not successful, not because they were wrong but because they were undermined effectively by the industrial wing of the Labor Party—the trade union movement—or is it the other way around? We know historically that the Labor Party has its roots in the trade union movement. It was spawned by the trade union movement as a deliberate means by which Labor, in society and in the economy, could obtain political expression and power to do whatever it regarded to be in its best interests.

Mr Ferguson: I thought you supported reconciliation.

Mr LEWIS: I do; I wonder why the honourable member does not. That sort of interjection surprises me, coming from a man who I thought might have had a greater insight into economic matters.

The DEPUTY SPEAKER: I remind honourable members that interjections are out of order.

Mr LEWIS: I trust that the honourable member will take note of that in future, Mr Deputy Speaker. Having explained why it is not consistent, or possible, for me or any other logical person to support this proposition, given the conflicting attitudes it seeks to encourage, I, along with other speakers on this side of the House, point out that the motion cannot stand, and in its present form ought not receive the support of the House. I know that an amendment has been moved to this motion, and I believe that the effect of that amendment is closer to the more noble intentions of the mover than is the effect of the original motion. This amendment would cause the motion to read as follows:

That this House seeks the support of all South Australians, irrespective of political considerations, to support the programme of national reconciliation, economic recovery and reconstruction.

That is what we need.

Mr Groom: Who has called for it?

Mr LEWIS: I have been calling for it for seven years.

Mr Groom: Why aren't you prepared to support the bit about the Federal Government?

Mr LEWIS: The Federal Government is not prepared to acknowledge that it is supporting me. I did not hear Mr Hawke calling for this sort of approach in 1976. At no time in any of the public utterances attributed to Mr Hawke did he say anything about such a programme. Why on earth should I therefore acknowledge, for the sake of the debate in this place, that Mr Hawke has expressed a similar view? I think that it is a commonsense view and has been for a long time. I do not know that, therefore, I ought to necessarily acknowledge that it comes from the particular wisdom of any individual or group of individuals: it is common sense and emanates from anybody possessing common sense who lives in this country or, for that matter, anywhere in the world. Let members opposite not try to play politics on a matter of such importance while at the same time pretending that they are not doing so. I am disappointed, and think it is shameful, that they have attempted to do that. They have destroyed what otherwise could have been the universal value of supporting such sentiments as I have described as being 'noble' in the latter part of the motion which will still be embodied in the amendment. I urge all members of the House to support the amendment as an expression of opinion from this Chamber.

Mr TRAINER (Ascot Park): There is one aspect of this excellent motion on which I lay much stress, that is, the need for national reconciliation. This is something for which there is a sore need after the long period of divisiveness of the Fraser Government.

Mr Lewis: It takes two to tango, you know.

Mr TRAINER: I am not sure about the tango, but the honourable member seems to be able to conduct a barn dance with himself.

Mr Becker: I thought it was a circular waltz.

Mr TRAINER: That could be so; the previous Prime Minister certainly stood on his record and went around in circles.

The DEPUTY SPEAKER: Order! This motion has nothing to do with the circular waltz.

Mr TRAINER: The period of the Fraser Government, towards the condemnation of which this motion moved by the member for Hartley is partly directed, was one of divisiveness, hypocrisy and straight-out deceit. Approximately a year before the March election an article appeared in the *Australian* written by Russell Schneider, formerly research assistant to Senator Reg Withers, the man who claimed to spend a great deal of his time training the colt from Kooyong. The article points out the sort of deceit that the then Prime Minister was practising with his talk of election now, elections maybe, elections not on, and all the continual speculation that accompanied those announcements. It makes quite clear that the prime aim of the Fraser Government was not the advancement of the Australian community, not the reconciliation and reconstruction that the current Government is working towards but merely to survive for the purpose of being in office and nothing more than that.

Mr Lewis: What's the election next year to be about?

Mr TRAINER: A statesman is one who looks forward past the next election. The previous Government could only look forward as far as the next election. I will take up the unintelligent interjection from the member for Mallee, because he should be aware that if there is a need for an election next year it is purely because of the disastrous actions of the former Prime Minister, who cynically manipulated election dates. At one moment he would say how important it was, as he said in 1977, to have an early election on that occasion because it would bring the Senate and the House of Representatives into line. Then, what did he do six years later. In 1983, he threw them out of synchronisation again, and if there is a need for an early election next year for the House of Representatives it will purely be to bring that House back into synchronisation with the Senate because the honourable member's idiot of a Prime Minister threw them out of synchronisation for his own cynical political purpose.

Turning to my theme of the divisiveness of the Fraser Government, I will read from an article of 27 March last year written by Russell Schneider, as follows:

Although Mr Fraser has been repeatedly stressing that he expects Parliament to serve its full term, few MPs take that seriously.

Presumably even his own supporters viewed him in the same way as did his political opponents. The article went on to stress that it would be important to pick a suitable issue to pull the Senate out early in order to gain control of it. At that time, a year ago, it predicted that Mr Fraser would have the grounds 'on Tuesday week for a double dissolution when the A.L.P., Democrats and Independent Senator Brian Harradine of Tasmania throw out the Government's Bills for imposing a sales tax on the necessities of life'. The article continued:

Of course, the Government will not go to an election on the sales tax question, a certain vote loser.

Yet that is exactly what the Government rather unwisely did just a few weeks ago. As the present Prime Minister (then Leader of the Opposition) pointed out, there is something a little strange about a Prime Minister who would approach the Governor-General giving as one of the grounds for a cynical early election the necessity for this urgent sales tax legislation to pass because it was such an important part of the Government's economic policy, yet when the election campaign began the same Prime Minister was telling the electorate that he did not really mean it—that it was not on, that it was just a pretext for the election, and that there would be no sales tax legislation if he was re-elected.

As the present Prime Minister pointed out, at the time, there was something strange about that—Mr Fraser was lying either to the Governor-General or to the Australian public. Whichever was the offence he committed, he has certainly now paid the penalty, although he has not paid any financial penalty, it seems. The conservative press took up this point of the 'breathtaking hypocrisy' to quote the *Advertiser* of 10 February, of which the then Prime Minister was guilty. An editorial headed 'Electoral sham' states:

The Prime Minister, Mr Fraser—all other issues aside—has in the past week practised some breathtaking hypocrisy in calling an early election, then saying he believes Australians want fewer elections. Of course we want fewer elections, and precisely because Mr Fraser has so nakedly exploited the rules about calling them. Counting the early election he forced on the Whitlam Government

in 1975, Mr Fraser has been responsible for four House of Representatives elections when in the full course of events we should still be months away from our third.

For him to then appeal to the community for support of a four-year term has all the breathtaking hypocrisy of the child who murders his parents and pleads for mercy from the court on the ground that he is now an orphan.

The standards that were set by that Government between 1975 and 1983 left a lot to be desired. The 1975 election saw claims that Medibank would be preserved, that we would not have a tourist for a Prime Minister, that there would be no jobs for the boys, and that there would be no scandals. However, a standard was then set that is probably the worst in the history of the Commonwealth. The 'jobs for the boys' claim, for example, may deserve some examination. In an excellent letter to the Editor of the *Sunday Mail* on 27 February from a Mr Connolly, of Parkside, there are listed some of the poor standards that were set in this regard. The article is headed 'Jobs for the boys destroy integrity'. It reads as follows:

The Prime Minister's attempts to 'get' Bob Hawke are quite pitiful in the light of the Fraser Government's own dismal record of double-digit inflation, high interest rates and unemployment—not to mention a plague of patronage. Before the 1975 election, Mr Fraser pledged: 'There will be no more jobs for the boys.' Since then the Fraser Government has appointed former Liberal and Country Party politicians to the following jobs:

One or two of those are probably quite clear and above board, but most of them seem to be somewhat suspect. The list reads as follows:

Sir Nigel Bowen, Chief Judge of the Federal Court; John England, Administrator of the Northern Territory; Sir David Fairbairn, Ambassador at The Hague; Sir Gordon Freeth, High Commissioner in London;

Mr Groom: What were they being paid for?

Mr TRAINER: It is money for jam. The article continues:

Sir Robert Cotton, Consul-General in New York; Peter Coleman, Administrator of Norfolk Island; Sir James Forbes, Chairman of the Commonwealth Serum Laboratories; James Webster, High Commissioner in New Zealand. Rendle Holten, Administrator of Christmas Island;

I bet that he thought that it was Christmas. The list continues:

John McLeay, Consul-General in Los Angeles; Barry Simon, private secretary to the Industrial Relations Minister;

He was, but Peacock had to get rid of him. The list continues:

Robert Ellicott, Judge of the Federal Court; William Yates, Administrator of Christmas Island; Sir Phillip Lynch, member of the Reserve Bank Board. So much for integrity.

As well as the jobs for the boys there were also many resignations and sackings from the Ministry. I understand that the Cabinet room had to be fitted with a revolving door to allow for the rapidity of alterations as people moved in and out. An excellent article in the *Printing Trades Journal* of January-February 1983 covers this subject well. Entitled, 'Mal-practice in Canberra', it states:

The 'resignations' of two of Fraser's Ministers—the Minister for Health, Michael MacKellar, and Minister for Business and Consumer Affairs, John Moore, over the colour TV affair—

that was a sordid little episode—

are just the latest examples of a long history of chaos, corruption and maladministration by members of the Fraser Government. Since taking power in late 1975 there have been 23 occasions of Ministers resigning, being sacked or having been edged out into jobs overseas.

That is an average of about three a year: a total collapse of the political system. The article continues:

As well a Government Whip has been sacked.

As Government Whip, I do not like that precedent. The article continues:

Three back-benchers have resigned from the Parliamentary Liberal Party—and all made statements critical of Fraser. It is a record unparalleled in Australian history.

The previous Fraser Government made all sorts of comments about their predecessors and the so-called 'Khemlani' affair. Mistakes that may have been made in that period of three years pale in comparison to what we were subjected to in eight years of Fraserism. The article continues:

No other Government has performed with such incompetence. No other Government has been so tainted with corruption, disloyalty and blatant, opportunist ambition.

Despite Fraser's protestations of adherence to the Westminster tradition, every sacked Minister has had to be dragged kicking and squealing to his political execution.

All their 'resignations' have come after behind-the-scenes Party brawls which proved that, rather than supporting it, members of the Fraser Government hold the Westminster tradition in contempt.

To save their skins, they are prepared to lie, cheat, attempt cover-ups, misuse the Public Service, blame others . . . in fact do anything to hold on to power.

If Westminster traditions were really upheld by the Government there would hardly be a Minister left.

Fortunately, there is not a Minister of that Government left. The article points out:

Except, that is, for Country Party Ministers. They never resign until they are actually in the dock facing the judge.

1976: Chipp sacked. Resigns from Liberal Party in March 1977. Vic Garland resigns after being charged with bribery in 1975 elections.

1977: Lynch resigns over land deals. Senator Glenn Shiel sacked over pro-apartheid statements. He didn't last long enough to be sworn in. Ellicott quits over Fraser's interference. Don Cameron, Government Whip, sacked over statements on Queensland electoral boundaries.

1978: Robinson stood down over electoral boundary manipulations. Withers sacked after royal commission investigation.

1979: Reinstated Robinson resigns over Fraser's conduct—then is reinstated again after three days. Sinclair resigns over forgery charges. Staley resigns for 'family reasons'.

1980: Scott forced out to let Sinclair back in. Robinson sacked when he won't accept demotion. Groom and Aldermann sacked for incompetence.

Of course, that is quite a separate Groom from the member for Hartley, who would never in his wildest nightmares consider sinking to anything like the depths of the Fraser Government. The article continues:

Ellicott quits in a sulk after failing to get on the High Court.

1981: Peacock resigns.

1982: MacKellar and Moore sacked over TV affair.

As well four Ministers have been 'promoted' overseas: Cotton (New York), Webster (New Zealand), Garland (London), and McLeay (Los Angeles).

In addition, members will be reminded that Durack and Howard were impugned by the Costigan Royal Commission over taxation avoidance rackets. That reminds me, and perhaps some members may have heard the story, about the tax avoider who went to gaol. Have you heard that tale?

Ms Lenehan: No.

Mr TRAINER: No, neither have I. The article continues:

Nixon rebuked in the Woodward Royal Commission Report on the meat substitution racket for not dealing with allegations of bribery and abuse of power in his department in a manner which was adequate and effective. Nixon resigns in 1983.

Nixon resigned in 1983 just in time to avoid being part of or a major part of his Government when it went down in defeat. The record of tax evasion in the past eight years is not one to assist the Hawke Government in its attempts at national reconciliation. It is strange: it seems that if one is convicted of a minor offence one suffers most of the penalties. If one commits offences on a grand scale in respect of taxation, one tends to end up with a knighthood instead.

A good article in the Institute of Criminology publication *Reporter*, volume 4, No. 2 of December 1982, points out that this business about the high and mighty being able to get away with all sorts of crimes when the ordinary person tends to suffer is not new. For example, the article states:

In Shakespeare's time 'to convey' meant 'to steal'. Banking began by lending other people's money before it was legal, and

prospered by usury while this was still illegal. Cardinal Richlieu in the seventeenth century once said that

> . . . nothing so upholds the law as the punishment of persons whose rank is as great as their crime.

That is something that is probably long overdue in this country, that the high and mighty should have to suffer as much as the ordinary person does. That is one way that we can proceed with some sort of reconciliation. The article goes on further to point out:

> And when Rome was flourishing, Cato wrote perceptively that those who stole from private individuals spent their lives in stocks and chains while those who stole from the public treasury went dressed in gold and purple.
>
> He did not mention 'bottom of the harbor' schemes, corruption, Medibank fraud, tax evasion or meat substitution rackets and many others: but no doubt in his day the Romans knew these devices for ripping off the system—for we have not changed all that much. Then as now tax went astray, consumers were cheated, markets had to be controlled and the corn distributions to the poor did not always either go to the deserving or elude the sticky fingers of 'entrepreneurs' in the course of supply. Then as now concern for law and order led to private security forces and these were frequently involved with the Christians who preached an alternative life style and attacked the establishment.

Another aspect of reconciliation relates to the whole nature of the Fraser Government's approach to politics in general and their assumptions about human nature.

An article by Alan Atkinson, entitled 'A vote for character—or just change?', in the *Advertiser* of Tuesday 8 March ponders the question of why people voted the way they did on 5 March, referring to the Australian community in general, and states:

> Are Australians an optimistic, co-operative people able to join together constructively in adversity?

This is a question that is placed upon the same basis as the excellent motion from the member for Hartley, and the article further states:

> Or are we basically pessimistic, suspicious, afraid of change and preoccupied with protecting our narrow self-interest?

I think that if one considers the approach of the two main political Parties during the recent political election campaign, one notices two contrasting assessments of what human nature is all about. The Labor Party called for national unity, a common effort, and fair sharing in the face of danger and adversity. As the article points out:

> This is essentially what Hawke is preaching in his crusade for national reconstruction through national reconciliation and social partnership.
>
> In contrast, the Liberal-National coalition's policy 'was essentially based on the premise of we-know-what's-good-for-you, on the principle of dividing and ruling competing sections of the community.'

The article further points out something that would naturally delight a few of the members opposite who probably have still not overcome their weakness of looking at the community in these terms. Members opposite have fled the Chamber: that is not surprising because they do not like it when their inadequacies are pointed out to them. Alan Atkinson commented on 8 March that:

> The Liberals had embellished the red herring of union power, portraying unions as sinister alien forces.

By contrast, they should have been aware that unions are in fact rather conservative. During the campaign Mr Fraser implied that he genuinely feared a communist influence in Australia, and referred time and time again to the socialist manifesto—what gobbledegook that was. Most unionists are moderate, ordinary men and women concerned only with the job of looking after their members' interests. However, members opposite do not understand that; they have no connection with the trade union movement, and have little connection with the working class, and totally misunderstand and misinterpret these things. The approach taken by Mr Fraser took the Liberal Party nowhere except into temporary exile: I hope that the temporary exile becomes more and more permanent as election after election goes by. The editorial in the *Advertiser* on 8 March was entitled, most appropriately, 'Liberals in disarray', and states:

> The union bashing and kicking of the Communist can to which Mr Fraser resorted in the later stages of the campaign have never been edifying substitutes for rational discussion and explanation of the real issues. Scaremongering has the added defect now, it seems, that it is no longer effective in winning votes.

I am not quite sure about the general tone in which the *Advertiser* points that out. Reading that, one feels it almost suggests that the *Advertiser* was a little disappointed to know that the Party that it normally supports is no longer effectively able to use the tactic of scare-mongering. Nevertheless, we must give the paper credit for at least pointing that out. The *Advertiser* is a conservative element within our society. Certainly it is not in any way distinct from big business in general, and I understand that less than three-quarters of an hour or so ago the Messenger Press was swallowed up completely by the *Advertiser*. So, that conservative aspect of our society, that bastion of big business, is growing even larger and somewhat more monopolistic.

Mr Whitten: What is going to happen to the blokes working for Messenger?

Mr TRAINER: I hope that the *Advertiser*, acting as any benign employer is supposed to act, would take every action to preserve their employment. Whether reality in fact matches up with Liberal theory is rather doubtful. Nevertheless, it is to be hoped that some sort of consideration will be given, despite the sorry record of so many managements (not so much the management of the *Advertiser*, but management generally within our community), regardless of its record in the past. At the conclusion of the editorial that I referred to, a little advice was given to Messrs Fraser, Peacock, Howard, and so on. It states:

> What is needed is a restatement of long-term objectives that accommodate the legitimate aspirations of the majority of Australians and remove any suspicion that the Liberals are the ones most concerned with the protection of sectional interests at the expense of the general national welfare.

That is exactly the impression that had been given for a long time. Another article by Alan Atkinson, dated 10 March, pointed out that the Liberals had for several years apparently ignored the greater sensitivity of an electorate increasingly cynical of partisan slanging matches, that the Australian community wanted to see a bit of consensus, a bit of reconciliation. He pointed out that, during the election campaign, the A.L.P. scored decisively with its basic appeal for co-operation rather than confrontation. In that same article, Dr Dean Jaensch, the local psephologist, points out that:

> . . . the Liberals should have learnt that the 'cold war' syndrome of the 1950s, with its union and Communist-bashing, would no longer wash with a more educated and sceptical public.
>
> He cited the Liberal strategy in the recent South Australian election in which he said the three components were an anti-Socialist fear campaign; an appeal to the 'deferential voter' (i.e. the Liberals have the best connections with business and therefore are best equipped to manage the economy); and union-bashing.

I think that sums up rather well the attitude of members opposite (although there are only two of them in the Chamber at present). Their basic approach is, firstly, an anti-socialist fear campaign. One need only look at the sorts of advertisement that the Liberal Party ran during the course of the campaign to see evidence of that type of approach.

Mr Groom: Tell us about Mr Buick.

Mr TRAINER: Perhaps we ought to leave Mr Buick alone, because I think the member for Alexandra is very sensitive about him. In regard to the advertisements that appeared during the Liberal campaign, the *Sunday Mail* of 27 February contained an advertisement entitled 'Hawke's blueprint for the bankruptcy of Australia'. On 24 February an advertisement in the *News* stated, 'Mr Hawke is trying to spend his way into power but hasn't told you the money

has to come out of your pocket.' On 23 February an advertisement in the *News* stated 'We will never sell you out to the greedy union bosses.' That is typical of the Liberal attitude to the organisations for the ordinary working man. Further, on 3 March an advertisement implying that Labor does nothing but tell lies stated, 'Why won't Labor tell South Australians the whole truth until after the election.'

An honourable member interjecting:

Mr TRAINER: The campaign manager of the member for Kingston is certainly unspeakable. On 2 March an advertisement stated in regard to the self-employed, 'No matter how hard, how long or how hard or efficient you work, Labor and the unions will dictate how much you earn.' An advertisement in the *News* of Thursday 3 March stated, 'Labor's $1.16 a week grab', and it showed a fist, something like the fist full of dollars depicted in 1977, but that illustration was supposed to have different implications in regard to that election. A beauty occurred in the *News* of 4 March, which stated that 'the communists are ecstatic about Labor's new deal with the union bosses.' Further, in the *News* of 28 February an advertisement stated, 'Hawke's union bosses are telling you that the 35-hour week will produce more jobs—wake up Australia, Labor is conning us all.' The advertisement continues with comments about left-wing unions.

There is much more of this absolute drivel that was published, but the Liberal Party got what it deserved. One additional element of this anti-unionist approach and the anti-socialist fear campaign is that it was designed to appeal to the deferential voters: perhaps the people of Australia were all supposed to touch their forelocks and accept that the Liberals were the natural rulers of the country. As the old hymn states, 'The rich man in his castle, the poor man at the gate, God made us high and lowly and ordered their estate.' Perhaps the view was that that was the way that things always should be with the Liberals in Government. However, it is not that way at all, and never has been.

In regard to the divisiveness of the campaign, it was not surprising to see someone of the political calibre (and I use the word 'calibre' to imply that probably he is a big bore) of Jo Bjelke-Petersen saying such things as reported in the *News* of 28 February, namely:

> Every communist in the Labor Party will be running the country.

We were not surprised to see that sort of drivel from him or to see that sort of thing happening in Queensland, where the Tasmanian Wilderness Society was harassed by the police when trying to hand out how-to-vote cards.

But it is disappointing to hear that sought of thing from someone like Mr Fraser who rated himself as being a Prime Minister. So much of the attack had a touch of panic about it. In its editorial on 22 February the *Advertiser* pointed out:

> It is clear that the Federal Government's virulent attacks on the ALP's accord with the ACTU contain a touch of panic.

Referring to the way in which Mr Fraser tampered with a document, the editorial also stated:

> . . . Mr Fraser is more intent on scare-mongering than accurately interpreting the document.

We knew beforehand that things were going to get even hotter in the last days of the campaign when an almost approving article in the *Sunday Mail* on 6 February had been headed, ' "Get Bob" plan as Liberals go in boots and all'. They went in boots and all but they came out barefooted. Bob Hawke warned people what to expect in an article in the *Advertiser* on 3 March, which had the headline, 'Hawke accuses Government of "terror campaign" ' which pointed out that the tactics had not only been irresponsible, but downright cruel. However, the Liberal tactics did not work, as the *Advertiser* on 7 March pointed out when it stated:

> Mr Fraser descended to propaganda, to cold war rhetoric that might have worked in the 1950s, but had no place in 1983. Mr Fraser became the shrieking ideologue, and the voters would not wear it. The man who has destroyed so many along the way finally destroyed himself . . .

I think probably one of the most perceptive articles in the entire campaign was written by Laurie Oakes, who described the best way to go about losing an election. His article on 2 March the *News* stated:

> If you start the campaign with a serious credibility problem, reinforce it by making outlandish and irresponsible statements. Then say you are only using 'graphic language'.
>
> Should your opponent campaign on a pledge to end division and confrontation in national affairs be as divisive and confrontationist as possible . . .
>
> While claiming that your opponent is unstable and likely to crack under pressure, adopt a strident tone and sound a bit wild yourself to give the impression that you are the one feeling the strain.

We have seen the Liberals and their counterparts overseas using forged material before and we have seen them get pretty virulent. The *Advertiser* on 26 February referred to 'a parade of tendentious misinformation, transparent posturing, outworn bogies, exaggerations, and red herrings'. The article pointed out that scare tactics by Conservatives are not new. It stated:

> In Britain, scare tactics were perfected as long ago as the 1924 general election, when the forged Zinovieff Letter was used to frighten the electors about the danger of Red Revolution, and the lively Lady Astor warned that if there were a Labour victory 'Our beloved country will become a Russian bear garden, trade will cease, the population will starve, and the nation will be rent from top to bottom.'

The more Mr Fraser descended to vilifications, the worse he got, the more ridiculous he began to look. His remark about 'little old ladies putting their money under their beds' will go down in history as being one of the most stupid comments ever to be made by a Prime Minister. In Sydney on the last day of the campaign Mr Fraser said:

> Labor seems to hate the traditions of this country. That is why they want a republic, why they want to tear up our flag, why Mr Hawke is against States and believes they should not exist and why he signed a document advocating the abolition of the Anzus Treaty.

It seems that Labor was going to do everything wrong, and it is no wonder someone held up a placard saying, 'Kill your children before the Commies eat them'.

Mr GROOM (Hartley): I am disappointed that members opposite have introduced politics into this debate in a way in which I did not seek. I thought I made it quite plain in my motion that it was necessary to analyse the failures of the past so as to avoid a repetition in the future, and to that extent I had to explain the political history of the past seven years. It just so happens that that coincided with a period of Liberal/National Country Party Government, and I know that has been difficult for honourable members opposite to accept. That is why they had to descend into a purely political spectrum in an effort to avoid coming to grips with the failures of the past.

I congratulate the members for Unley, Mawson, and Ascot Park for their contributions to this debate. In search of national reconciliation, the member for Fisher wandered through France, Europe, America, Canada, parts of Asia, and Ayres Rock. He then moved on to lunch times: he told us that company directors had lunch from 12.30 p.m. to 4 p.m. He said that managers had lunch from 12.30 p.m. to 3 p.m. That was nothing more than a thinly disguised attack on employers and had nothing to do with the motion.

The member for Fisher referred to debts incurred by community organisations and local football clubs, and then we went back to Germany and France. None of that had anything to do with the motion, but we had an interesting

travelogue from the member for Fisher. Unfortunately, he really did not come to grips with the motion.

The member for Eyre commenced with his dialogue into the Dunstan era because I think that is where his thinking is still centred. He is a product of that era, and finds it hard to accept the fact that South Australia has moved on from the Dunstan era. He spoke about taxation, which obviously would have some relevance to this debate, and it is a matter on which in some respects the honourable member and I see eye to eye. He then got on to bureaucratic red tape. I do not know what that has to do with national reconciliation and consensus, but obviously for the honourable member it did have. He then moved on not unexpectedly to Honeymoon and Beverly. I do not really know what uranium mining and Honeymoon and Beverly have to do with the approach to the Federal Government, but undoubtedly the member sees it as an important issue. He, like the member for Fisher, started to travel abroad. He spoke about Paris and then about windmills, dams, pumps and tanks, and referred to Tasmania before finishing by referring to Port Wakefield.

The member for Mallee simply failed to understand the motion or the sentiments behind it, and it is with regret that the honourable member was not really prepared to come to grips with the reasons for the failures in the past, and really wanted to put his head in the sand. While I cannot agree with the process of reasoning by members opposite leading to the amendment, there is sufficient sentiment and sufficient repentance in the speeches of members opposite to enable me to accept the amendment.

We all know that the call for national reconciliation and consensus comes from the Federal Labor Government. I do not mind if members opposite want to hide behind the cloak of politics and have those words deleted from the motion. All South Australians and, indeed, all Australians know that it was policy of national reconciliation and consensus of the Labor Party federally and its State branches at the recent Federal election. I do not mind whether those words are deleted if it assists members opposite, but I do think that there was sufficient sentiment in the speeches of honourable members opposite, even though they will not come to grips with the reasons for the failures in the past, and even though they really for purely political reasons cannot accept that it sprung from the policies of the previous Federal Liberal/Country Party Government. Nevertheless, I am prepared to accept the amendment.

Amendment carried; motion as amended passed.

INDUSTRIAL RELATIONS ADVISORY COUNCIL BILL

The Hon. J.D. WRIGHT (Minister of Labour) obtained leave and introduced a Bill for an Act to establish a council to be known as the 'Industrial Relations Advisory Council'; to define its functions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

It cannot be denied that more has been achieved in the development of society as we know it through co-operation and mutual consideration than through the adoption of a bald steam-roller approach. This is no less true of government. Over the years, it has been a fundamental premise of the Labor Government that consultation and co-operation are the very foundation-stones of good government, upon which development, progress and harmonious relationships are to be built. While this principle operates across the whole spectrum of public activities, it is especially applicable in the area of industrial relations.

In the three short years the Liberal Government occupied these benches this State unfortunately experienced the very antithesis of this basic rule of industrial relations. That Government appeared to deliberately ignore in the formulation of its industrial policies not only the views of the trade union movement and workers in general, but also employers and their organisations, the very bodies which traditionally support Conservative Governments. The Liberal Government's inadequacies in this area were epitomised by the former Minister's confrontationist approach in the handling of industrial disputes, areas inevitably requiring the use of delicate conciliatory skills to achieve a satisfactory resolution for all parties. This explanation, however, does not strive to list the failures of the former Government in this respect. What it does seek to highlight is the blatant disregard of that Government to the basic courtesy and commonsense practice of consulting with all relevant parties on legislative matters which would have or were to have a significant impact on the industrial relations system operating in this State.

The Hon. W.E. Chapman: Are there any copies of the speech?

The Hon. J.D. WRIGHT: Yes, I sent them out with the messenger. Continuing my explanation of the Bill, I refer to the 1981 amendments to the Industrial Conciliation and Arbitration Act and the amendments last year to the Workers Compensation Act which were thrust upon members in this place and the community at large at very short notice. These amendments involved significant changes to the workers compensation system in South Australia and to the wage-fixing principles applicable to decisions of the State tribunals.

The Hon. D.C. Brown: Where are the copies of the second reading explanation?

The Hon. J.D. WRIGHT: I gave them out to the messenger.

The Hon. D.C. Brown: How many?

The Hon. J.D. WRIGHT: Two.

The SPEAKER: Order! This is not a coffee house.

The Hon. J.D. WRIGHT: I gave two copies to the Leader of the Opposition.

Members interjecting:

The SPEAKER: Order! I call the honourable member for Davenport to order.

The Hon. J.D. WRIGHT: There are plenty more copies here if members want them.

The Hon. W.E. Chapman: The messenger is out photocopying the copy you gave him. That's where the messenger is.

The Hon. D.C. Brown: The Minister's staff should do that. We used to give a few out, anyway.

The Hon. J.D. WRIGHT: You had only one for the Minister and one for the Leader. It is the speech the honourable member does not like, not the fact that he has not got a copy. Continuing my explanation, I point out that of even more concern were the amendments introduced to the Industrial Conciliation and Arbitration Act in September last year in which the then Government sought to ride roughshod over the recommendations of the very authority whom it had apppointed to review and advise the Government on any changes necessary to that Act, Mr Frank Cawthorne. It is well known in industrial circles that Mr Cawthorne reported to the former Government in April 1982 and that his recommendations, as foreshadowed in his discussion paper, are far reaching and important. It was unfortunate for both Mr Cawthorne and the South Australian public which funded the report that Mr Cawthorne made recommendations with which the Liberal Government disagreed. In times gone by the bearer of bad tidings was summarily executed. The Liberal Government was a little more refined. When it got the information it did not like

(namely, that its policy was out of touch with industrial reality) it simply ignored it and refused to publish Mr Cawthorne's findings.

This was a deliberate act to hide from the people of South Australia what the people of South Australia had paid for and what they had a right to know. The thinking was, obviously, 'Well, if we don't agree with it, it must be wrong, therefore no-one else is going to know about it.' It was an arrogant, autocratic action from a Government desperate to hide from the people just how intellectually lacking its industrial relations policy really was.

On several occasions in this place, I challenged the former Minister on this matter and sought to persuade him to fulfil his obligations. However, he was adamant in his decision and, indeed, chose to totally ignore the vast bulk of the recommendations in that report in introducing his provocative amendments to the Industrial Conciliation and Arbitration Act. As a result of this action, I gave an undertaking that, should a Labor Government be returned to office at the then looming election, my first task as Minister of Labour would be to release the Cawthorne Report for general consideration and comment. To this end, in December last year I was able to fulfil this promise, and copies of Mr Cawthorne's report were made available to all interested parties.

I take this opportunity to place on public record my appreciation for the thorough, conscientious and comprehensive task performed by Mr Cawthorne in his review of the Industrial Conciliation and Arbitration Act. His report and his discussion paper cover the whole gamut of industrial relations issues and stand as major works on this most important area. I foreshadow that the report will be given tripartite consideration through the means afforded by this Bill before decisions are made on the recommendations it contains. However, at this point, I must stress that I have been particularly impressed by Mr Cawthorne's concern to suggest improvements to the system which, as a whole package, would attract and gain the acceptance of the major participants in that system. He stresses that a consensus view is especially necessary in industrial relations matters, and that any imposition of changes without widespread acceptance is doomed to failure.

This point once again emphasises the dangers of imposing unilateral decisions on the community without the appropriate degrees of consultation and discussion as a necessary preliminary to any legislative or other policy action. As far as industrial legislation is concerned, the Labor Government specifically included in its election policies the promise that consultation would become the paramount feature. To this end, this Bill seeks to entrench the principle of consultation and advice in the industrial legislative process and to establish the machinery through which such consultation is to take place.

The Industrial Relations Advisory Council has existed as a non-statutory body since 1971, when my predecessor as Minister of Labour and Industry (Mr D.H. McKee) appointed the first council. It comprised representatives of the four major employer associations in this State, the United Trades and Labor Council, and the Permanent Head of the Department of Labour and Industry. It was chaired by the Minister. Until the change of Government in 1979, the council met on a regular basis to confer on industrial relations, industrial training and associated matters and, through the Minister, to advise the Government on such issues. However, under the previous Government council meetings were held only spasmodically and, indeed, the council did not meet at all in 1982 until I called the members together for a meeting on 17 December 1982.

In his report, Mr Cawthorne recommended that the status of the body would have to be reviewed if the council was to be made more effective. This observation is strongly supported by the Government. In this respect, it is considered that the council can play an important role in the review of draft legislation on a tripartite basis, and in advising the Government formally on industrial relations and related matters. Accordingly, this Bill seeks to make the Industrial Relations Advisory Council a statutory body, with the explicit function, among others, of considering all proposed industrial legislation and to advise the Minister. The council is to comprise four employee representatives and four employer representatives. They will be nominated by the Minister after consultation with the United Trades and Labor Council and employer associations. The council, which will also include the Permanent Head of the Department of Labour, will be chaired by the Minister.

The Hon. D.C. Brown: That's incredible. The Minister—

The SPEAKER: Order!

The Hon. J.D. WRIGHT: In order to ensure that the frequency of meetings of the council does not become haphazard, the Bill creates a statutory obligation for the council to meet quarterly, and also requires the council to report on its activities to the Premier annually.

In addition to its role in legislative review, the council's functions will be to assist and advise the Minister in the formulation and implementation of policies affecting industrial relations, employment and other related matters. It can also investigate and report to the Minister on any matters referred to the council by the Minister or other council member. In this way, it is proposed to formalise an official channel of information from industry to the Government through the Minister, in order that policies can be made in full knowledge of the particular circumstances involved.

In order to fulfil the function of considering industrial legislation, the Bill specifically requires that draft copies of all proposed industrial legislation be placed before the council at least two months prior to the intended date of introduction into Parliament of the relevant Bill. The legislation to be reviewed in this way is listed in a schedule to the Bill, which includes all Acts under my administration.

As a matter of practical reality, however, this Bill recognises that in some cases the need for Parliament to react urgently to a particular situation will be necessary. Accordingly, the Bill will allow the council in such circumstances to itself waive or reduce the two months lapse period, although not the consultative process as such. This will ensure that all legislation will be scrutinised and commented upon by the council, although the time for lengthy consideration may not be available.

In keeping with the spirit embodied in this Bill, I circulated copies of it to the existing Industrial Relations Advisory Council in December for comment. The comments were considered at a meeting of the council on 17 March 1983, and the final Bill endorsed on Tuesday. In the light of these consultative arrangements, Parliament and the community can be assured that due consideration has been given to all the issues raised in legislation, and that the points of view of all parties involved have been examined.

Finally, I should mention that a sunset clause has been included in the Bill. This means the legislation will expire after three years unless legislative amendment to the contrary is made. This will enable the Government of the day to review, naturally in consultation with the Industrial Relations Advisory Council, the effectiveness of the arrangements. I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commence-

ment of the measure. Clause 3 sets out the arrangement of the Act. Clause 4 is an interpretation provision. Included in this provision is an explanation of the cases where legislative proposals have industrial significance, which is of relevance to later provisions of the Bill. The review of certain legislation proposals of industrial significance by the Industrial Relations Advisory Council is provided for in a later section. Clause 5 provides for the establishment of the Industrial Relations Advisory Council. Clause 6 constitutes the membership of the council, being the Minister, the permanent head of the department administering this Act, four employee representatives, and four employer representatives. The Minister is to be the Chairman of the council. Provision is made for the appointment of alternative members.

Clause 7 provides for the term of office of members, and empowers the Governor, on specified grounds, to remove a member from office and to fill any vacancy in membership. It is noted that one ground for removal is that a member of the council has ceased, in the opinion of the Governor, to be a suitable person to act as a representative. This provision allows regulation of the situation where a member ceases to be associated with the persons whom he was appointed to represent. Clause 8 provides for the remuneration and expenses of members. Clause 9 sets out the proceedings of the council. Meetings are to be held at least quarterly. A quorum is to be constituted by six members, including the Minister and at least two employee representatives and two employer representatives. The council is directed to seek to achieve consensus on all questions arising for its decision. Proceedings should be conducted on a non-political basis and the council should not interfere with the work of industrial tribunals. A degree of confidentiality is prescribed and public announcements on decisions of the commission can only be made with the unanimous agreement of members.

Clause 10 povides that the council may, with the consent of the Minister, establish committees to assist it in its work. Clause 11 describes the functions of the council, being to advise in the formulation of policies affecting industrial relations and employment, to advise upon legislative proposals of industrial significance, and to investigate other matters referred to it by the Minister, or by members. Proposals of industrial significance should be referred to the council at least two months before a Bill to give affect to the proposal is introduced into Parliament. However, the provisions of the Bill are not to apply to legislative proposals introduced by members of Parliament who are not Government Ministers, nor to proposals introduced during the course of the Parliamentary process. Provision is also made for the council to waive, or reduce, the prescribed period of consultation. Clause 12 provides that the council shall provide a report annually on its work to the Premier. Clause 13 is a sunset provision and limits the life of the Act to three years. The schedule sets out the list of Acts to which it is proposed that this measure apply.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.

SUSPENSION OF STANDING ORDERS: WAGE PAUSE

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

That Standing Orders be so far suspended as to enable me to move the following motion forthwith:

That this House supports the extension of the wage pause in South Australia until at least 31 December 1983 and that the Premier be authorised to indicate at next month's national economic summit this House's attitude to that matter—

The SPEAKER: Order! If the honourable gentleman resumes his seat he will not be disadvantaged in any way. This is an unusual procedure. However, having looked at Standing Order 465, and looking at the spirit of the law more than the letter of the law, I have decided to allow the moving of this motion. That being the case, it seems to me that I should now count the House, then call on the Leader of the Opposition, and then call on one other speaker. Of course, the debate will be addressing the issue that the Leader raised as to whether the Standing Orders should be suspended. I have counted the House and there being present a constitutional majority, I accept the motion. Is it seconded?

Honourable members: Yes, Sir.

Mr OLSEN: This motion which is before the House, and which I am seeking the leave of the House to move, is of such an urgent nature that this Parliament ought to have an opportunity to discuss and debate the issue and express an opinion prior to the economic summit. Mr Speaker, you referred to the unusual procedure, and I purposely sought to wait until after the Government had finished bringing on those notices of motion so as not to interfere with Government business. I also draw the attention of the House to the fact that Wednesday afternoon is private members' time, which normally goes to 6 p.m. In view of that, and the fact that there is no private members' business currently to take the proceedings of the House to 6 p.m., I think it is an appropriate course of action for the House to consider the suspension of Standing Orders so that we can debate an issue that is fundamental to job prospects and opportunities in South Australia.

By the end of June, this Parliament will have sat on 22 sitting days out of 232 available days. I am seeking to give an opportunity in private members' time for this Parliament to debate this issue; that is, the extension of the wage pause to 31 December 1983 as it relates to South Australia. I think it is important that this Parliament has an opportunity to endorse and consider the extension of the present wage pause through to the end of this year. Employers have submitted to me the proposition that they are concerned at the uncertainty that has prevailed in relation to the wage structure that may apply in their businesses through to the end of this year. I recognise that in relation to the current wage pause in some specific areas there are anomalies that ought to be addressed. Those anomalies can be addressed through the procedures and guidelines currently laid down before the commission and I have no doubt that that procedure will take place in due course. I have no issue with that. In fact, I hope that where anomalies exist they can be clarified at the earliest opportunity so that employers can have a clear indication of direction.

One area of concern to employers is that when the current wage pause ceases to operate on 30 June 1983 there may well be a rush of catch-up claims at that time which would significantly disadvantage those businesses and place at risk jobs currently held. Certainly, it does nothing to allay the uncertainty and unpredictability that is prevailing in the business community.

In a good business environment businesses can take long-term planning decisions, and businesses are looking at what staffing levels they ought to hold to the end of this year and into next year. Businesses have not got the predictability of the market place as it relates to wages because of the uncertainty of the wage pause, its possible cessation on 30 June, and the effect that will have on wage structures in those businesses. Businesses will employ more people and maintain current employment only if they have the confidence to act in the future. That confidence is related particularly to being able to predict what will happen to wages between now and the end of the year. For that reason, I do

not believe that the benefits of the wage pause can be in dispute.

The effect of the wage pause to date has been to slow down the wages spiral. If one looks at the real wages increases last year of 17 per cent, and a consumer price index rise of 12 per cent, and relates that to company profits, which fell by 13 per cent, it is quite clear that a wage pause is a very important aspect. This Parliament ought to be involved with the very critical issue of unemployment, and the wage pause is directly related to unemployment levels in this State.

This Parliament ought to have the opportunity to debate an issue of such basic and fundamental importance to this State. I believe that this Parliament ought to have the opportunity to express its opinion, before the Premier goes to the economic summit, on its attitude to the wage pause. It can do so only if the Government is prepared to allow this House to debate this matter. When I gave notice of this motion on 20 April, I indicated to the House that, as the matter was urgent and as the Parliament would not be sitting before the economic summit, the Opposition would be prepared to debate this matter before that summit conference and hoped that time would be made available for that to happen.

I waited purposely until after private members' time had expired, until after the notice of motion by the Government, to move this resolution drawing attention to the fact that there is about 1½ hours left of what is normally private members' time on Wednesday afternoon. As that time is not being used as private members' time, and rather than going on with Government business (because it is not interfering with the business of the Government before the House), the Opposition believes that we ought to now have the opportunity to debate this issue, which is critical to those in employment and those seeking employment in South Australia (not to mention how critical it is to small businesses, the business community, and employer groups generally). I therefore put firmly to the House that the time between now and 6 p.m. be made available to debate the motion I have placed before it.

The Hon. J.C. BANNON (Premier and Treasurer): This is an extraordinary way to go about the business of the House. Ever since the election on 5 March, when the Federal electorate installed a Labor Government with the avowed intent of calling a national economic summit conference as soon as possible, the Opposition (as have all of us) has been under notice that these issues were to be debated earlier than the expected arbitration case to be held in May or June of this year. I would have thought that that gave ample notice to the Opposition of its opportunity to raise this matter in the House if it wanted to debate it along the lines that the Leader has suggested.

Mr Olsen: You said that in December—

The Hon. J.C. BANNON: I am saying since 5 March. However, let me respond to that remark, because I think that interjection ought to be answered. The debate in December was based around the Premiers' Conference, the wage pause, and the arbitration proceedings which were going on. Since then the scene has changed dramatically. As I said at the opening of my remarks, it could have been anticipated that further deliberations on this matter would take place some time at the end of May, or in June.

The election of the Hawke Labor Government flagged immediately that a national economic summit would be called to discuss this issue. The date of that national summit was known within a week of Mr Hawke's election. We have been sitting for two weeks, and this is the third week, since that time. The Opposition could have raised the matter on any of those days as a matter of urgency, as a matter of confidence, if it was dissatisfied with what the Government was doing, or it could have been put on notice as a private member's motion which could have been given some precedence if they wished to debate this issue. The Opposition has not done so until today, and then the Leader stands and says that because the conference is to be on 11 April we have to debate and deal with this matter today. That is quite extraordinary behaviour. I suggest that it is the sort of grandstanding that has been going on around this issue.

If the Leader felt that it was vital for this matter to be debated before 11 April (and I can see some merit in a Parliamentary debate before then), why did he not raise the matter? Why did the Opposition spend its time with these pathetic negative no-confidence motions and urgency motions, which resulted in its not even having Question Time on a number of occasions, if it believed that this was such an important issue, and then stand up and say that they want time to debate the matter now.

Mr Olsen interjecting:

The Hon. J.C. BANNON: The Leader can carry on and interject, but he and his colleagues with Parliamentary experience understand that what I am saying is quite relevant. It seems extraordinary that notice was not given by the Opposition. The Leader expects to bring on this debate with absolutely no notice. I remind the Opposition that on two occasions so far we have done something that the Tonkin Government never once allowed—we allowed the bringing on of a no-confidence motion without notice on two occasions. This Government has allowed standing orders to be suspended without notice so that the Opposition could debate matters there and then, on the spot.

This Government has had the guts to do what the previous Government did not and it is prepared to have Parliamentary debates and to make time available for them in a way that is unprecedented. We do not get much credit for that, but it is worth reminding the Opposition because its members are beginning to take that happening for granted. 'Forget about the Government and its role! Forget about the past precedent! Any time we want to bob up with something that might grab a cheap headline or get us a bit of publicity we will do it and expect the Government to go along with it.'

An honourable member: It is not a cheap issue.

The SPEAKER: Order!

The Hon. J.C. BANNON: A cheap headline—not the issue. I assure Opposition members that that is not the way that we intend to run this Parliament. The fact that the Government has allowed the Opposition to do this on a couple of occasions is not to be taken as a precedent. I hope that the Opposition gets its act together sufficiently to observe the normal courtesies of this place, and to give notice of motions in private members' time, and to give ordinary notice when a no-confidence motion is to be moved on the day it is to be moved, and so on. It is about time that the Opposition started doing that.

We come to this issue and the motion that the Leader claims needs urgent attention from this House on the national economic summit. This is, in fact, a rehash, a rerun, of a position the Leader has expounded *ad nauseam* from last November onwards, from the very time of the Premiers' Conference. I remind the Leader that since that time a lot of things have happened, both in terms of the economic state of this country and the change in Government at Federal level (and, indeed, in at least one other State). The Opposition is now operating in a completely different arena, yet its solution, as expressed in a motion that the Leader says must be debated with so much urgency now, is the same, tired rehash of a fixed and rigid position that the Opposition had back then. I wonder whether we should waste our time debating it in those terms.

If the Opposition had had something new to say, and if it could demonstrate that, like the Government, it was actually talking to all sections of the work force—employers, unions and others—to get their contemporary view, matters would be different. At this point there is no unanimity of view among employers. Some say that the wage pause must be extended for varying periods of time. Others say that it is impracticable and what must happen is an immediate wage adjustment and some form of centralised wage fixation after that. This Government's position will be taken after we have ensured that we fully understand the views of those in the community, and that time is not yet. So, in terms of a Government response, if we want to say something new or different there is no point in this motion's rehashing the fixed position of the Opposition, and it being explained as an opportunity for the House to debate the matter.

I think that the sort of explanation adduced by the Leader for bringing on this motion rings hollow, indeed. He has little new to say. His talk about Parliament's being given an opportunity is hollow, because it was in his hands to ensure that the Parliament was given that opportunity by the right and proper notice, as he and every member of the back-bench, whether on this side or that side, has had to do ever since Parliamentary Standing Orders have been laid down.

It seems to me that they collapsed into a kind of complacency—the Government must be a soft touch; all we have to do is think up some bright idea and they will say, 'Yes, we will let you debate it.' Both I and my Deputy, who is in charge of business in the House, will not allow that to go on willy-nilly. So, we have been confronted with this motion by the Leader.

I am prepared to support the motion to the extent that will allow the Leader to make the contribution he wants to make. I would be interested in his views and, if he wants to state them in this forum and put them on the *Hansard* record, well and good; let us have them very clearly articulated. I hope that he has something new to say and that he will not merely rehash this nonsense about a wage pause being the be-all and end-all of a very complex industrial situation. If he does that he is wasting all our time. However, I am prepared to give him that opportunity, to hear what he has to say and to let him put it on the record. That, in turn, will be taken into account along with the other submissions we are receiving in terms of the Government's contribution to this important national economic summit. As to the continuing debate, we will adjourn it, see what evolves with the summit, and return to it when the House resumes.

Motion carried.

The Hon. J.D. WRIGHT (Deputy Premier): I move:

That the time allowed for this debate extend until 5 p.m.

The SPEAKER: I need time to reflect on that motion and its relation to the Standing Orders. The problem that I see is more one of potential confusion, I think, than difficulties with the Standing Orders. Certainly what the Deputy Premier moved is competent. However, if a time limit for one speaker was desired and then the debate was adjourned in the normal fashion, that would probably accord more with the spirit of the Standing Orders. If the Deputy Premier agrees to that, I will invite him to move accordingly.

The Hon. J.D. WRIGHT: I will always be guided by your suggestions, Sir, so I accept your ruling.

The SPEAKER: The question is that the Deputy Premier have leave to withdraw the motion.

Leave granted; motion withdrawn.

Mr OLSEN (Leader of the Opposition): I thank the Premier for allowing private members' time to be used on this motion and for giving the Opposition the opportunity to express to the Parliament and, through the Parliament, to the people of South Australia its clear and unequivocal view on the wage pause. Let me say from the outset that I acknowledge that, as regards the motion that we brought forward in December and this motion, events certainly have altered in that period. However, one thing that has not altered is the fundamental principle involved in the extension of the wage pause, which is the subject of the debate and the reasons that I want to put to this Parliament.

It is important that the Government and the Parliament of South Australia endorse the extension of the present wage pause until the end of this year. I want to give some of the reasons why I believe that it is important and why I believe that it is a fundamental issue facing South Australian business and South Australian employees. The current indecision about the future of the pause is causing uncertainty and indecision in the business community. It is fair to say (and I think that the Premier is correct in saying) that there are some sections where anomalies exist, and those anomalies can be sorted out before the commission, hopefully in the not too distant future, provided they come within the guidelines established by the commission when the wage pause was first established. In fact, the only arbitrators in that can be those commissioners.

The indecision and uncertainty about whether or not the wage pause will continue is affecting planning and staffing decisions of both big and small business enterprises in this State. There is no doubt that business is currently looking at staffing projections towards the end of this year and taking in part of the next financial year. It is basing those decisions on staffing levels on what it can best estimate as to the wage structure that will apply during that period. At the moment there is great uncertainty as to what wage structures will apply during that period, and that is why I believe that we need to state clearly and unequivocally this Parliament's view of the wage pause.

There is no doubt about the benefits of the wage pause: they cannot be disputed. Let me quote from the annual report of Mr Chuck Chapman, General Manager of General Motors-Holden's, when he drew attention to the fact that General Motors-Holden's wage Bill last year increased by 23.5 per cent, despite the fact that there were 2 300 fewer employees on the pay-roll. Their pay-roll hit a new high of $362 000 000. There is no doubt about the economic difficulties being experienced by that company. There is no doubt that the significant loss that that company incurred has been as a result of the wages spiral.

We cannot allow that to continue, placing in jeopardy jobs of people currently employed and adding more to the unemployment queues in this State. The wage pause has acted as a circuit breaker. It has given breathing space to a number of those business enterprises. It has slowed down the wages spiral and allowed firms to regain some profitability in the present difficult economic times: there can be no disputing that.

With the present limits on wage rises, firms have been able to hold the slide and maintain some existing staff. That is certainly the position at which we ought to be starting: holding the current position and not letting it slide even further away, creating more unemployment than there is at the moment. However, the current uncertainty, which is now being created because the Government is not prepared to give a commitment to the future of the pause, is only exacerbating that situation. Some unions are seeking wage increases on the basis that they may be within the wage pause guidelines.

I understand that employers would be prepared to grant reasonable catch-up provisions in some cases if they were confident that the wage pause continued until the end of

this year. However, they are certainly anxious to avoid a situation in which the catch-up provision is granted and a further claim is lodged three months later. I believe that employers could meet limited increases in the knowledge that they would not be faced with more wage claims from the same unions or other unions in their overall work force in July. Of course, some people have said that upon the cessation of the wage pause on 30 June they will seek a catch-up. To seek a full catch-up on 30 June will render ineffectual the wage pause itself.

A commitment to an extended wage pause would also allow companies to plan with reasonable certainty their staffing and production levels for the 1983-84 financial year, and this would encourage the recruitment of staff now, rather than companies having to delay major decisions until the future of the wage pause is known. This applies to small business as well as to large companies. Anyone who has had any contact or association with the small business community would clearly understand the tight liquidity problems that companies are facing not only from inflation, which has pushed up stock prices (that is, the amount invested in stock), but also from significant increases in wages.

I want to repeat the figures that highlight the position applying last year. Real incomes increased by 17 per cent, the consumer price index by about 12 per cent, while at the same time small business and company profits decreased by 13 per cent; it was an equation for unemployment. The wage pause at least has acted as a circuit breaker and reined in that push that was certainly evident during 1982. What is now needed more than anything in the business community is confidence to take some of these planning decisions necessary for the future. Staffing levels for the coming year are at the planning stage. A community consensus has developed in regard to the wage pause. Many unions regard the pause as reasonable in the present economic circumstances provided that the existing anomalies are resolved.

I understand that the Premier has completed consultation with the unions and employers. He indicated to the House that there is not a unanimous view: the Government, having sought the views of employees and employer groups and having not been able to establish a unanimous view, has the responsibility to indicate its attitude. The Government of South Australia has the responsibility to make a decision on this matter. I indicate to the Premier and to Parliament that, should the Government be prepared to seek full support of the extension of the wage indexation towards the end of this year, the Opposition will give full support to the Government in its endeavour to make sure that that wage pause operating through to the end of this year is an effective one. The Opposition is committed to the principle, which I believe to be fundamental not only for the survival of small business operators in South Australia but, indeed, for the survival of jobs.

Political leaders must give a clear commitment as to where they stand in regard to the wage pause. In that respect the Liberal Party is unequivocal in its stance. The Federal Government has asserted that a fully effective wage pause is essential to save jobs and provide opportunities needed to aid recovery. As a result, I believe that a community-wide consensus has developed in support of the pause. Unfortunately, the A.C.T.U. has not been prepared to embrace fully the wage pause.

The words of Sir Charles Court perhaps best summarise the attitude of a growing number of Australians, unionists included. During a speech that he made in Adelaide recently he said:

> We have played the fool long enough with the economy of Australia with unrealistic wage demands which have literally gutted the profitability of industry.

I refer to the example of General Motors-Holden's and also to the various levels applicable last year in regard to real income increases, the c.p.i. and company profitability. Sir Charles continued:

> These wage demands have destroyed the national competitiveness and brought Australia to the brink of depression which can be arrested only if we are bold enough. It is time the employers and Governments went on their own offensive and put forward logs of claims which provided for a reduction in salaries and wages at all levels and all of the fringe benefits that have been piled on industry. It is time the work force was told, that plump and plain, that the cargo cult days are over.

That was the comment of Sir Charles Court in Adelaide at a recent meeting of employer groups. What is required in Australia now is not outrageous and unattainable goals of personal gain, but a national mood of realism. I commend the Prime Minister, Bob Hawke, for his acknowledgment of the fact that there are to be real benefits gained by an extension of a wage pause until the end of this year, which clearly indicates to the public of South Australia that he is prepared to give serious consideration to an extension of the wage pause. He will do that because he realises how critical the issue is.

There has been a suggestion that we need to return to some form of central wage fixation system. If that is an option that comes from the economic summit, it is something that will not be in place and be effective by 30 June next when the wage pause ceases. It seems to me that the continuation of a wage pause to the end of this year would enable effective planning for the establishment of any wage fixation system that the Federal Government wanted to institute in Australia.

Australia simply cannot afford to continue down the path of the wage spiral and of reduced company profits. It is private enterprise that creates jobs, not Governments. Private enterprise creates wealth, not Government. That is a basic and fundamental principle that no-one can deny. Indeed, I would imagine that even the present Government would acknowledge that. That being so, it is critical that small business and the company profitability of this nation return to a position where those companies have the internal financial capacity to maintain existing staff levels and create opportunities for the future. They will not make those investment decisions unless they have some predictability and confidence in the short term. Business is crying out to Government for an indication of the predictability of actions of Government so that it can make the right decisions on a rational basis.

A majority of South Australians accept these factors and are prepared to make some sacrifices in relation to the overall objective of trying to create greater opportunities for more Australians who are currently unemployed. I do not think that there is an Australian who would not acknowledge that the very serious problem of unemployment must be addressed in a realistic manner.

I put forward clearly and unequivocally the view that a wage pause will give the best opportunity for maintaining a position which will enable those companies to grow and job opportunities to increase. The position in South Australia is absolutely critical, and we cannot be the odd State out in relation to any effective wage pause. To be so would render South Australia's position in relation to the other States (particularly the Eastern States) at a significant disadvantage. To place our manufacturing industry in that position would be untenable and an abdication of responsibility, for unless we maintain that price advantage for access to the major markets of the Eastern States we will be letting down South Australia and will be letting down South Australians as regards current jobs. I appreciate the Government's allowing the Opposition to put forward its position this afternoon.

Our position in regard to a wage pause is quite clear and unequivocal.

We believe that the issue is fundamental to the economic recovery of this nation and to our responsibility particularly to this State, and as a result we urge the Government to state its position clearly on this basic and fundamental issue and to define its argument at the national economic summit. If the Government is prepared to put forward a view that the wage pause ought to be extended, we will give full and total support to the Government to that end. Some advantages will accrue to the Government in relation to the extension of a wage pause as regards maintaining some degree of stability, that is, the savings that can be generated in terms of outgoings from the State Budget to pay the wages and salaries of public servants in this State. I seek the support of the House for the effective continuation of the wage pause until the end of this year.

The Hon. G.F. KENEALLY secured the adjournment of the debate.

BULK HANDLING OF GRAIN ACT AMENDMENT BILL

Second reading.

The Hon. LYNN ARNOLD (Minister of Education): I move:

That this Bill be now read a second time.

The South Australian Co-operative Bulk Handling Ltd is a co-operative venture created under the Bulk Handling of Grain Act, 1955-1977, to establish, maintain and conduct in South Australia, a scheme or system for receiving, handling, transporting and storing of grain in bulk. In providing these functions the co-operative acts on behalf of grain growers, millers, merchants and others concerned in the marketing of grain. The co-operative is obliged to pay rates to 66 councils which have grain silos located in their respective areas. With the advent of recent changes to the bases on which local government may calculate its rates, the co-operative faces substantial and inappropriate increases in this tax, especially where capital value assessments are made. According to the co-operative the rates now liable to be paid to some councils are inappropriate and, furthermore, are iniquitous in terms of sharing that tax revenue among the several councils.

The co-operative has therefore requested that a Bill to amend its Act be introduced to provide that in lieu of council rates it pay a sum of money to councils which sum would be indexed for inflation and based on the total storage capacity of silos built in the respective districts. This formula will ensure a more equitable distribution of these funds. Under the arrangement, 43 of the 66 councils will receive more funds while, of the 23 councils to receive less, 13 will be under $1 000 difference.

The drafting of this Bill was approved by the previous Government in May 1982 and was intended to come into operation on 1 July 1982. However, the Bill was never approved for introduction. The Bill has the support of the Local Government Association, 53 of 66 rural councils and the United Farmers and Stockowners Association. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 inserts new section 18a after section 18 of the principal Act. Subclause (1) provides that, notwithstanding the Local Government Act, the company is not liable to pay to the council for an area in which any bulk handling facilities are situated rates declared as general rates by the council, but shall pay instead an amount determined according to the formula:

$$A = S.C. \times \frac{5}{100} \times \frac{C.P.I._x}{C.P.I._1}$$

where

A is the amount to be paid in dollars and cents;

S.C. is the storage capacity of the bulk handling facility as at 30 June in the preceding financial year;

$C.P.I._x$ is, in the case of the financial year commencing 1 July 1983, the consumer price index for the quarter ending on 30 June 1983, and in the case of any subsequent financial year, the consumer price index for the quarter ending on the preceding 30 June;

$C.P.I._1$ is the consumer price index for the quarter ending on 30 June 1983.

Under subclause (2) the Minister must publish in the *Gazette* before 31 August in any year the maximum number of tonnes of wheat that could be stored in each of the company's bulk handling facilities as at the preceding 30 June. Subclause (3) provides that where the company becomes liable to make a payment under subclause (1), the Local Government Act applies in relation to the payment and recovery of the payment. Subclause (4) defines the significant words and expressions of the clause. The definitions are as follows:

'area' has the meaning assigned it under the Local Government Act;

'bulk handling facilities' means bulk handling facilities used by or under the control of the company and includes adjacent land used for the purposes of operating the facilities;

'consumer price index' means the quarterly consumer price index number for Adelaide prepared by the Commonwealth Statistician;

'council' has the meaning assigned it under the Local Government Act;

'general rate' means a general rate, including a differential general rate, declared by a council under the Local Government Act;

'storage capacity' of any bulk handling facilities means the number fixed by the Minister under subclause (2) as the maximum number of tonnes of wheat that could be stored by the facilities as at the relevant date.

The Hon. W.E. CHAPMAN (Alexandra): The Opposition supports this Bill. The Opposition prepared this Bill while it was in Government, and its contents had the approval of Government before its dismissal from office. It is a Bill on which much homework had been done, and the Opposition urges Parliament to support it. The support of the Bill was obtained from the South Australian Co-operative Bulk Handling, the United Farmers and Stockowners and the Local Government Association, and consultations were held with all district councils involved.

It is true that many councils will lose some revenue as a result of these provisions but almost without exception the councils involved throughout the State recognise the merits of the Bill. It was on that basis that the Local Government Association supported the Bill when it was first prepared. That the present Government, on coming into office, has chosen to proceed with this Bill makes no difference to the attitude of the Liberal Party, and I look forward to the support of the National Party and the Independent member.

We do no seek to delay the Bill, and I have indicated to the Minister that the Opposition is prepared to have all stages passed expeditiously.

Mr BLACKER (Flinders): I, too, support this Bill. This matter has been of some concern to the industry for some

years, and therefore it is with some pleasure that the industry sees this measure coming before Parliament. I think one of the greatest anomalies this Bill is trying to overcome is the inequities that have arisen in the rating system in local government areas throughout the State. Irrespective of which area is affected, the whole of the membership of the Co-operative Bulk Handling was, in fact, paying in some cases quite exorbitant and unrealistic rates. For that reason the Bill is of some importance and benefit to the community.

I am sure that the previous Minister, as well as the present Minister, will be recognised for their endeavours in bringing this Bill forward. Many people believe that this Bill is overdue, and it is pleasing to see it being brought forward without undue waste of time. I have pleasure in supporting the Bill.

The Hon. LYNN ARNOLD (Minister of Education): The Government appreciates the support of the Opposition and the member for Flinders for this Bill and appreciates the fact that its genesis was in the life of the former Government. We also appreciate the fact that this measure has been allowed to go through without undue delay so that it can be passed within the next few minutes.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Company to make certain payments to councils in lieu of general rates.'

Mr LEWIS: I refer to the mechanism by which the contributions are made by Co-operative Bulk Handling Limited to local government for and in lieu of rates. Prior to the advent of the bulk handling of grain, wheat was simply bagged and stacked. Whilst it was in transit the wheat was stacked on Government property, railway property adjacent to railway lines, and therefore it attracted no rates whatsoever. Subsequent to the building of silos, various weighbridges and public buildings necessary to administer and manage their operation, those structures belonging to Co-operative Bulk Handling became ratable.

Additional charges must be collected from somewhere, but in the ultimate those charges fall with heaviest, if not total, incidence on the grower. The world market price does not rise merely because an additional charge is placed on the marketing of the grain: the price is fixed by supply and demand around the world and, as one of the most substantial exporters of grain, Australia is the price maker. That should not grieve growers unduly because they save much more than it costs them to use C.B.H. facilities, as they do not have the recurrent cost of bags and the bag-by-bag cost of sewing and lumping the bags. They can mechanise the operation from the ear in the field to the point of delivery in bulk. This additional charge on the increased activity in terms of traffic around the silos is legitimate, because it represents a contribution towards the cost that local government and, consequently, ratepayers must meet on the wear and tear of roads.

I commend the Government for its prudence and common sense in introducing the Bill, and I also commend the previous Government and the former Minister for their extensive and sensible consultation in order to obtain consensus view, to have this legislation drafted and introduced, and to give it a speedy passage through Parliament.

The Hon. LYNN ARNOLD: As the member for Mallee has said, whereas previously this charge did not apply before the construction of the silos, the cost element has changed significantly and part of the savings that have come about as a result of the operation of the silos has gone not to the growers directly but to local government to meet some of the extra costs involved as a result of silo operation. As he also said, some of those costs are greater now that we have silos rather than the previous handling arrangements.

Clause passed.

Title passed.

Bill read a third time and passed.

WHEAT DELIVERY QUOTAS ACT (REPEAL) BILL

Second reading.

The Hon. LYNN ARNOLD (Minister of Education): 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 Wheat Delivery Quotas Act was enacted in 1969 to ensure fair returns to growers at a time when wheat was over-supplied. The buoyancy of export markets over the last 10 years has meant that it has not been necessary to enforce quotas. However, records relating the quotas to properties have been maintained. Recent discussions with the United Farmers and Stockowners of South Australia Incorporated have revealed that the industry now believes that the need for this legislation no longer exists and the cost of maintaining records is no longer justifiable.

Australian export markets have expanded since 1969 with the result that wheat marketing is more flexible than at the time of the passing of the Act. The demand for wheat is expected to increase even further over the next 10 years with the result that the need for quotas is unlikely to arise during that period. Further, the industry now considers that, should an over-supply occur in future, a quota system based on deliveries and not on production would be more suitable for modern farm management. South Australia is the only State maintaining quota records. In the result, it is appropriate that the Wheat Delivery Quotas Act, 1969-1975, be repealed. Clause 1 is formal. Clause 2 repeals the Wheat Delivery Quotas Act, 1969-1975.

The Hon. W.E. CHAPMAN (Alexandra): Having discussed this Bill with the Minister, and appreciating the support that this move has from the rural community, the United Farmers and Stockowners of South Australia Incorporated, and associated bodies, and having discussed it with my colleagues on this side of the House, I support the Bill. I also indicate that the Opposition will allow the Bill to proceed through all stages today as it did the Bill the House has just considered.

Mr BLACKER (Flinders): I, too, support the Bill, and at a later date I shall deal with problems of over-supply of wheat and the various ways in which the restriction of production has applied in various countries, with special reference to circumstances in which no restriction applies. In 1969, Australia was faced with the problem of over-supply and the Government established a wheat quota system that probably caused more headaches than any other single issue about that time. Farmers brought to their member of Parliament grievances concerning the inequalities the system created. Some farmers who had not concentrated on wheat production and who were diversifying into other grains or livestock because it was more profitable at the time were penalised. This applied especially to developing properties that were allocated a minimum quota.

If those criteria were to be adopted and applied in the mid or late 1980s, the resulting inequalities would be unreal; therefore, the best procedure is to repeal the existing quota system and, should a new system be necessary at some time

in the future, the allocation of quotas should be dealt with fairly in a way appropriate to the conditions of the day.

Mr LEWIS (Mallee): I, too, support the measure. I would never have supported the introduction of the original legislation, because I do not believe that interference in markets of this kind in any way solves problems: it merely ensures that inefficiencies are compounded where they exist and that producers of anything, given specific quotas to produce (indeed, whether growers or makers of a product), who are restricted in their production by some law or other, invariably end up less efficient in their production of that commodity on an industry basis than would otherwise have been the case had no attempt been made to regulate the quantity grown or made other than through the price mechanism.

People need to listen to and observe the kinds of signal coming to them through the market mechanism where price indicates whether the producer can afford to produce something economically and will therefore call up the supply to meet the demand at that price and, if the price is not sufficient in certain localities to call up that supply and to encourage people to produce that commodity, it is far better to leave that commodity not produced than to go around and in some way ossify, rigidify, or petrify the total system of production.

That is what this Bill sought to do when it was first introduced and as an Act I believe it perpetrated far greater injustice than justice on the growers in the wheat industry and wasted countless hours of the time of members of Parliament and many public servants throughout this nation, not only in departments relating in their responsibility to primary production, but also in the courts system. Some unpleasant hangovers, or headaches, were being experienced long after the dawn of the next day following the removal of the quotas. I hope that, with the repeal of this Act, no attempt is ever made again to regulate the amount by quantity which any grower can supply of wheat or any other commodity; otherwise, we will find that we will have the plethora of economic ills that go with it—black market, injustices, and the like.

In relation to my support for the free market system of exchange of goods for money, whilst it is desirable for Government to interfere as little as possible in that process and avoid getting egg on its face, I nonetheless believe that, where there are a restricted number of buyers, it is undesirable to allow one buyer to take bids, especially if that buyer is an international buyer from outside our economy, from a number of suppliers of that same commodity from within the economy. A greater number of sellers than buyers invariably produces a weaker market, given that all other factors are equal.

To that extent, it is perhaps as well that we have organisations such as the Wheat Board and similar organisations that support and supply us with that same service of marketing authority on the international market, like the wool marketing authority, to ensure that local Australian interests do not destroy the price being paid for Australian products in their mistaken scramble to get the deal against every other possible supplier of the commodity—will not be to their cost. They then pay less to the producer, and that is the regrettable part about such systems. Therefore, one needs no plethora of sellers if one has got very few buyers. The fewer the sellers, the better. This Act puts to rest a sorry saga in cereal production in recent times in this country's history. I hope that it stays that way.

The Hon. LYNN ARNOLD (Minister of Education): I appreciate the support of the Opposition and of the member for Flinders, first, in supporting the Bill and, secondly, in allowing it once again to go through without any further delays. I have noted the comments, and they will be noted by my colleague in another place. Some of the comments made by the member for Mallee were very interesting but I am not certain that they would totally be true of the whole state of agricultural economics. I am led to believe that there would be, the member for Mallee would tell us, no virtue at all in any involvement in agricultural economics away from the simple free market model. I would think that there are occasions when in fact quite the opposite could be true. Whether or not the sorry cereal saga, or whatever the member for Mallee referred to, as an example is such an example is another point.

An honourable member: It's a bit like *Blue Hills.*

The Hon. LYNN ARNOLD: It may be another episode *Blue Hills.* I believe that there are examples of involvement beyond the free market model in agricultural economics that have had some benefit. I suggest that the meat hygiene legislation in its way is one such example; dairy industry reconstruction, with all the problems that it may have had, has also been an example; egg marketing has been another example. We can make sure that whenever we have had an example of involvement in agricultural economics we learn a lesson from it and that we do not partake in what the member for Mallee said was an example of ossification or petrification but, indeed, is something which advances our knowledge of how agricultural economics work, which is not necessarily exactly the same way as other aspects of the market economy work. I thank the Opposition for its support and I hope the Bill is not delayed through lengthy consideration of the numerous clauses.

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

TRANSPLANTATION AND ANATOMY BILL

Second reading.

The Hon. G.F. KENEALLY (Chief Secretary): I move:

That this Bill be now read a second time.

The variety of therapeutic measures available today offering alternatives to severe debility or handicap, or to premature death, present the community with a variety of moral, legal and ethical issues. Some procedures have minimal ethical implications. Others raise profoundly difficult moral and legal issues. The insertion of artificial heart valves and pacemakers, hip replacements, using metal and plastic materials, are commonplace. They raise no greater moral questions than those raised in relation to other operative procedures. Human tissue transplantation, on the other hand, necessarily touches human emotion. Moral, legal and ethical dilemmas are presented for the medical profession and for the community at large.

Modern medical techniques enable the transplantation of many types of tissue, both regenerative and non-regenerative, from one human being (whether alive or dead) to another. Skin, blood, bone marrow, kidneys, corneas, hearts, bone, parts of the ear, glands, livers, lungs, cartilage, intestine and blood vessels, are all transplantable tissue. Inherent in the transplant issue are questions about the determination of death itself, now that respiration and blood circulation can be maintained by artificial means. Other significant issues include the removal of tissue from living minors and others lacking legal capacity; the removal of tissues from normal living adults and the retention and use of tissues which are necessarily removed for examination during autopsy.

In 1976, the then Federal Attorney-General of Australia referred to the Australian Law Reform Commission the subject of—

the appropriate legislative means of providing laws in the Australian Capital Territory for the preservation and use of human bodies and for the removal, preservation and use of organs and tissues for the purposes of surgery, medical therapy, transplantation, education and research.

In the words of the Hon. Mr Justice Kirby when addressing a transplantation symposium in Adelaide in December 1981:

The examination of the legal implications of human tissue transplantation by the Law Reform Commission was a timely project of great interest and sensitivity. It was a species of a wider genus of categories of the law that had remained unattended, whilst medical science and technology have advanced. It permitted the Australian Law Reform Commission to embark upon the task of designing laws which could be used as a model in the several jurisdictions of Australia. It encouraged us to develop a technique that may be specially useful in addressing the profound ethical and legal questions which our society will have to face as medical techniques develop. Moreover, it allowed us the opportunity of consulting widely, including with the community, upon difficult subjects, in which the man and woman in the street have a legitimate concern. Neglect of the need to carry the community with the scientific world in technical advances which raise anxieties and pose moral dilemmas, will ultimately result in community resistance to scientific developments and legislative impediments that may be cumbersome and obstructive.

The Law Reform Commission presented its findings in its Report No. 7, 'Human Tissue Transplants', in 1977. In summary, the commission found that:

The laws of Australia are not adequate. All the Australian States have laws which regulate the removal of tissue for transplant from dead persons. None deals with live donations. None deals with 'brain death'. The common law offers no clear principles which can assist.

The commission's recommendations therefore aimed at creating an efficient mechanism for the donation and use of all tissues (except foetal tissue) removed from living persons and dead persons for transplantation. The recommendations also covered the performance of non-coronial autopsies; donations for anatomical purposes; schools of anatomy; prohibition of trading in tissue; offences in relation to removal of tissue and disclosure of information; and legal liability of medical personnel. One matter of particular importance is the definition of death, which is dealt with by reference to cessation of brain function, as well as the traditional criterion of cessation of circulation of the blood.

Legislation based on the Law Reform Commission's recommendations has been introduced in a number of other States, and has been under consideration in South Australia for some time. The Government believes that the introduction of legislation based on the Law Reform Commission's recommendations will assist in achieving basic uniformity of legislation in Australia relating to the fundamental issues underlying modern transplantation techniques. It provides the opportunity to consolidate and improve existing South Australian legislation and, at the same time, ensure respect for individual dignity. This Bill closely follows the Australian Law Reform Commission's recommendations as to statutory guidelines for the medical profession and others faced with difficult decisions in a sensitive area.

The Bill will repeal the existing Transplantation of Human Tissue Act, 1974, which does not provide procedures for removal from live donors. The Anatomy Act, 1884-1974, and the Sale of Human Blood Act, 1962, will also be repealed, and this Bill will set out the law of this State as it applies to the donation of tissue by living persons for transplantation or for other therapeutic, medical or scientific purposes, the removal of tissue for such purposes from the bodies of deceased persons, the circumstances under which bodies may be used for post-mortem examinations and by schools of anatomy, and the law relating to the buying and selling of human tissue. The first object of the Bill is to clarify the law as to the removal and transplantation of human tissue. In line with the Law Reform Commission's recommendations foetal tissue, spermatozoa and ova are specifically excluded.

So far as the donation or use of tissue is concerned, the provisions of the Bill fall into two broad categories:

1. Donations of Tissue by Living Persons:

The first category is donations by living persons. For the purposes of such donations, the Bill distinguishes between donations of non-regenerative and regenerative tissue. Donations of non-regenerative tissue by children will be absolutely prohibited under the Bill. The model Bill included provisions to permit such donations under certain conditions. However, this was a matter which a minority of the Law Reform Commission itself did not support, and, of the legislation introduced in Australia so far, only the A.C.T. provides for such donation to occur. The Government, in coming to a decision on this matter, gave careful consideration to all the issues involved. It sought advice on the effects of such a preclusion, and I quote from a letter from a recognised expert in the field, Dr Tim Mathew, Director, Renal Unit, the Queen Elizabeth Hospital:

The original recommendations of the Law Reform Commission on Human Tissue Transplantation were that such donation should be allowed to proceed with careful and rigorous safeguards being established to protect the donor. The strongest argument in favour of this would be the case of a 17-year-old mature identical twin. Here, if the twin with kidney failure is in danger of dying despite dialysis and other medical treatment, it was argued that it was unfair (and possibly deleterious to the mental health of the would-be donor) to preclude donation as the operation would not only be life saving but would offer virtually 100 per cent chance of success. The likelihood of this situation is remote (only two identical twin transplants of any age have been performed in the first 2 500 renal transplants in Australia), and with modern technology virtually no-one fails to thrive on one or another form of dialysis.

The arguments against minors offering non-regenerative tissue centre on the difficulty of being certain that the minor fully understands his actions and in avoiding pressures which might be brought to bear on the minor to proceed with such a donation. As siblings are usually clustered together within a decade it is pertinent to look at the incidence of renal disease in children where this question of minors offering non-regenerative tissue would accordingly most often arise. The incidence (Australian and world wide) of renal failure is accepted to be approximately 3/million/year. This contrasts with the adult presentation rate of 35-40/million/year. As living donors are possible in about one case in three it is likely that approximately one child/year in Adelaide might be slightly disadvantaged by this preclusion. In the absence of his/her siblings being able to offer a kidney, transplantation would occur from parents or from a cadaver source. These are perfectly satisfactory alternatives to sibling donation. The net effect is, in my view, that little disadvantage will come to South Australian patients with this preclusion.

The Government, in the light of that advice, has therefore taken the decision to prohibit donations of non-regenerative tissue by children. Donations of regenerative tissue by children will be permitted provided that a parent consents after medical advice has been given to the parent and child as to the nature and effect of the matter, and the child is capable of understanding the nature and effect, and has agreed to the removal.

As an added protection for children, such donations of regenerative tissue by children will also be required to be subject to the scrutiny and approval of a Ministerial committee. An adult, of course, may consent to the removal of either non-regenerative or regenerative material in the light of medical advice as to the nature and effect of the matter. Where non-regenerative tissue is involved, the consent of the donor will be of no effect for 24 hours, thus giving him an opportunity to think over the decision and to change his mind if he does not wish to proceed with the donation.

The Bill contains a number of specific provisions relating to donations of blood. In brief, it provides that an adult

may consent to the removal of blood from his body for the purpose of a blood transfusion or for other therapeutic, medical or scientific purposes. A parent of a child may also consent to the removal of blood from the child for one of the abovementioned purposes, provided that a medical practitioner advises that such removal is not likely to be prejudicial to the health of the child and the child agrees to the removal.

Nothing in this Bill will prevent an emergency blood transfusion to a child in accordance with the Emergency Medical treatment of Children Act. The Bill also prohibits the sale of blood and other tissue unless a permit authorising the purchase of tissue has been granted by the Minister because of special circumstances. Advertising in relation to the selling or buying of tissue will be prohibited unless the proposed advertisement has been approved by the Minister and contains a statement to that effect.

2. Donation of tissue after death:

In the case of such donations there is the difficult problem of balancing the desires of the deceased, the interests of the next of kin and the needs of the medical profession and of the community. The Bill provides that if the body of a deceased person is in a hospital and that person had during his lifetime expressed a wish for, or consented to, the removal of tissue from his body after death, such wish or consent will constitute a sufficient basis for a designated officer of that hospital to authorise the removal of tissue from the body of that person for transplantation or for other therapeutic medical or scientific purposes. A 'designated officer' for a hospital is defined as a medical practitioner appointed as such by the Minister, upon the recommendation of the Director-General of Medical Services or his delegate.

In other cases, the senior available next of kin will be able to give the consent to the removal of tissue from the body. The Bill provides that where the designated officer is unable to ascertain the whereabouts of the next of kin, and has no reason to believe that the deceased had expressed an objection to the removal of tissue, he may authorise the removal of tissue for the abovementioned purposes. If the body of the deceased is elsewhere than in a hospital the removal of tissue may be authorised by the senior available next of kin, provided that the deceased has not objected to such removal during his lifetime, or another next of kin of the same or higher order does not object to the removal of tissue from the body.

Members may be aware that the National Health and Medical Research Council has recently developed a 'Code of Practice for Transplantation of Cadaveric Organs'. The Code was developed for use by relevant professional groups, particularly medical, nursing and administrative staff in hospitals where removal of organs from bodies for the purpose of transplantation takes place. The purpose of the code is to clarify procedures relating to transplantation (for example, legal and administrative measures). It is the Government's intention to request the South Australian Health Commission to ensure that hospitals involved in transplantation have regard to the National Health and Medical Research Council guidelines.

3. Definition of Death:

One of the inherent problems with the donation of tissue after death is the determination of death itself, now that respiration and blood circulation can be maintained by artificial means. This Bill therefore enables removal of tissue in that situation after two medical practitioners of five years standing have, upon clinical examination by each, declared that irreversible cessation of all brain functioning has occurred.

It follows that, just as there is a need to determine that death has taken place, it becomes necessary to specify in the legislation the criteria for establishing death. The Law Reform Commission identified the following criteria:

(a) irreversible cessation of all function of the brain of the person; or

(b) irreversible cessation of circulation of blood in the body of the person.

Notwithstanding that some other States have included this definition in their transplant legislation, it seems that, since the definition of death has wider application than just in relation to matters of transplantation, it should be enshrined in separate legislation. Accordingly, a short 'Death (Definition) Bill' is proposed, to proceed concurrently with this Bill.

4. Post-mortem examinations and donation of bodies for anatomical purposes:

The second object of the Bill is to codify and to update the law regarding the conduct of post-mortem examinations and the donation of bodies for anatomical purposes. Autopsies, of course, are very important in establishing the actual cause of death, for medical training and for the advancement of medical knowledge, and it is neither the wish nor the intention of the Government to unnecessarily impede the carrying out of autopsies in this State. This Bill will clarify rather than impede.

Under the Bill, a post-mortem examination may be authorised by the designated officer of a hospital if the deceased had expressed the wish for, or consented to, a post-mortem in writing during his lifetime. In other instances, unless the deceased had expressed an objection to an autopsy, an autopsy may be authorised if the designated officer, after making reasonable inquiries, has no reason to believe that the senior available next of kin has any objection to the procedure or is unable to ascertain the existence or whereabouts of the next of kin of the deceased.

The Bill adopts a substantially similar approach in respect to the donation of bodies to schools of anatomy. There is, however, one difference, namely, that, where the deceased has not expressed a wish for, or an objection, to the use of his body for anatomical purposes, the designated officer must positively satisfy himself that the senior available next of kin has no objection to such use of the deceased's body. The Government believes the proposed Bill will assist in achieving basic uniformity of legislation in Australia relating to the fundamental issues underlying modern transplantation techniques. It provides an opportunity to improve existing South Australian legislation and ensure respect for individual dignity in a sensitive area. I commend the Bill to the House. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation. Under the clause, different provisions of the measure may be brought into operation on different dates. Clause 3 sets out the arrangement of the measure. Clause 4 provides for the repeal of the Anatomy Act, 1884-1974, the Sale of Human Blood Act, 1962, and the Transplantation of Human Tissue Act, 1974.

Clause 5 sets out definitions of terms used in the measure. Clause 6 provides for the appointment of a medical practitioner to be a designated officer of a hospital for the purposes of the measure. Part II (comprising clauses 7 to 20 inclusive) provides for the donation of tissue by living persons. Clause 7 provides that in this part a reference to tissue does not include a reference to foetal tissue, spermatozoa or ova. Clause 8 provides that nothing in clauses

9 or 10 prevents the removal of blood in accordance with clauses 18 to 20 of the measure.

Clause 9 provides for an adult to give his consent to the removal of regenerative tissue from his body for transplantation to the body of another living person or for use for other therapeutic, medical or scientific purposes. Regenerative tissue is defined by clause 5 to mean tissue that, after injury or removal, is replaced in the body by natural processes. The consent provided for under the clause must be in writing, must be signed otherwise than in the presence of a member of the person's family, and may only be given by a person who, in the light of medical advice furnished to him, understands the nature and effect of the removal of the tissue. Under subclause (2), a person may revoke his consent, either orally or in writing.

Clause 10 provides for an adult to consent to the removal of non-regenerative tissue from his body for transplantation to the body of another living person. The consent under this clause must be in writing, must be signed otherwise than in the presence of a member of the person's family, and may only be given by a person who in the light of medical advice furnished to him, understands the nature and effect of the removal of the tissue and the transplantation. Under this clause, the removal of tissue, that is, non-regenerative tissue, must not take place until 24 hours have elapsed from the time when the consent was given. Under subclause (2), a consent under the clause may be revoked, either orally or in writing, by the person who gave the consent.

Clause 11 provides that nothing in clauses 12, 13, or 14, dealing with donations of tissue from children, affects the removal of blood in accordance with clauses 18 to 20. Clause 12 provides that it is not lawful to remove non-regenerative tissue from the body of a living child for transplantation, or to remove regenerative tissue except as provided by Part II. Clause 13 provides for consent to be given for the removal of regenerative tissue from the body of a living child or transplantation to the body of another living person. Under the clause, consent may be given by a parent of the child, parent being defined by clause 5 to include a guardian of a child. The parent and the child must each, in the light of medical advice furnished to them, understand the nature and effect of the removal and the transplantation. The child must also agree to the removal and transplantation. The consent must be in writing and specify the person who is to receive the transplantation. In addition, under subclauses (3) to (5), a consent to a donation from a child must also receive the unanimous approval of a three-member committee to be appointed by the Minister. This committee is to be comprised of a legal practitioner of at least seven years standing, a medical practitioner and either a social worker or psychologist. At least one member of the committee is to be a woman and at least one is to be a man.

Clause 14 provides that a parent who has given a consent to the removal of tissue from his child may revoke the consent, or the child may revoke his agreement to the removal. This may be done either orally or in writing. Clauses 15, 16, and 17 ensure that the consents referred to in clauses 9, 10 and 13 have full legal effect. The clauses do, however, add the qualification that the medical advice as to the nature and effect of the removal must be furnished by a medical practitioner other than the medical practitioner who is to perform the operation for the removal of the tissue. Clause 18 provides for an adult to consent to the removal of blood for transfusion or for other therapeutic, medical or scientific purposes. Clause 19 provides for a child's parent to consent to the removal of blood from the child for a use referred to in clause 18 if a medical practitioner advises that the removal should not be prejudicial to the child's health and the child agrees to the removal.

Clause 20 provides that a consent under clause 18 or 19 is to have full legal effect. Part III (comprising clauses 21 to 24 inclusive) deals with donation of tissue after death. Clause 21 provides for a person who is the designated officer for a hospital under clause 6 to authorise the removal of tissue from the body of a person who has died in the hospital or whose dead body is in the hospital. Under the clause, the tissue may be removed for transplantation to the body of a living person or for other therapeutic, medical or scientific purposes. The designated officer may authorise removal of tissue from a dead person's body if he has reason to believe after making reasonable inquiries that the person had expressed the wish that this happen on his death and had not subsequently expressed any contrary wish. In any other case, the designated officer may authorise removal if, after making reasonable inquiries, he has no reason to believe that the senior available next of kin of the deceased has an objection to such removal or is unable to ascertain the existance or whereabouts of the deceased's next of kin. Under the clause, where a person is unconscious before death, the person's senior available next of kin may indicate that he has no objection to the removal of tissue and that may then be relied upon unless the person recovers consciousness again before his death.

Clause 22 provides for authority for the removal of tissue for a purpose referred to in clause 21 where the body of the dead person is not in a hospital. In that case, under the clause, the removal may take place if the deceased had expressed the wish that it take place and had not subsequently expressed any contrary wish, or if the senior available next of kin has no reason to believe that the deceased objected to such removal and that next of kin authorises the removal. Clause 23 provides for the Coroner's consent to the removal of tissue from the body of a dead person where an inquest may be held into the death.

Clause 24 provides for the legal effect of authorities given under this part. Under the clause, a designated officer who gives an authority may not act upon the authority himself. Under subclause (2), where a person's blood circulation is being maintained by artificial means, tissue shall not be removed from the person's body unless two medical practitioners, each of whom has been qualified as such for not less than five years, have declared that irreversible cessation of brain function has occurred. Under the clause, a medical practitioner who has made such a declaration in relation to a person is not entitled to act upon an authority given in relation to the person. Part IV (comprising clauses 25 to 28 inclusive) deals with post-mortem examinations.

Clause 25 provides that the designated officer for a hospital may authorise a post-mortem examination of the body of a person who has died in the hospital or whose dead body is in the hospital. The authority may be given in the same circumstances as those provided for by clause 21 in relation to the removal of tissue from the body of a person who died in a hospital or whose dead body is in a hospital. Clause 26 provides for authority for the post-mortem examination of the body of a dead person where the body is not in a hospital. The provisions of this clause are also in the same terms as the corresponding provision, clause 22, relating to the removal of tissue from a body that is not in a hospital. Clause 27 provides for the coroner's consent to a post-mortem examination of the body of a persopn where an inquest may be held into the person's death.

Clause 28 provides for the legal effect of an authority for a post-mortem examination. Under the clause, where a post-mortem examination is carried out with authority under Part IV, tissue may be removed for the purposes of the examination or for therapeutic, medical or scientific pur-

poses. Under the clause, where a post-mortem examination is carried out pursuant to a direction of a coroner under the Coroners Act, tissue removed for the purposes of the examination may, subject to any contrary directions of the coroner, be used for therapeutic, medical or scientific purposes. Part V (comprising clauses 29 to 32 inclusive) provides for authorities for the use of a body after death for the purpose of anatomical examination or the teaching of anatomy in a school of anatomy established under Part VI or under a corresponding law of the Commonwealth or another State or Territory. The clauses relating to such authorities correspond (except in one respect) to those of Parts III and IV relating to authorities for the removal of tissue after death and post-mortem examinations, respectively.

Clause 29 differs from the other corresponding provisions, in that, a designated officer may not authorise use of a body for anatomical purposes in cases where the deceased had not expressed a wish for, or an objection to, the use of his body for such purposes, unless the designated officer is satisfied that the senior available next of kin has no objection to such use being made of the deceased's body.

Part VI (comprising clauses 33 and 34) provides for schools of anatomy. Clause 33 provides for the establishment, with the authority of the Minister, of schools of anatomy within institutions prescribed by regulation and provides for the carrying out of anatomical examinations and the teaching of anatomy at such schools or other places with the authority of the Minister.

Clause 34 provides for the making of regulations relating to schools of anatomy and the conduct of anatomical examinations and teaching of anatomy. Part VII (comprising clause 35) prohibits contracts entered into for valuable consideration for the sale or supply of human tissue or authorising the post-mortem or anatomical examination of a person's body. This prohibition does not apply in relation to tissue that has been subjected to processing or treatment where the tissue is sold or supplied for use in accordance with the directions of a medical practitioner for therapeutic, medical or scientific purposes. Under the clause, the Minister may approve the entering into of such contracts, in which case, the clause does not apply. Part VIII (comprising clauses 36 to 41 inclusive) deals with miscellaneous matters.

Clause 36 provides that a person is not liable in any proceedings, whether civil or criminal, for any act done in pursuance of a consent or authority given, or purporting to have been given, in pursuance of the measure where the act is done without negligence and in good faith. Clause 37 provides that the measure does not apply in relation to the removal of tissue from the body of a living person in the interests of the person's health with express or implied consent given by him or on his behalf, or in circumstances necessary for the preservation of his life; to the use of tissue so removed; to the embalming of the body of a deceased person; or to the preparation of the body of a deceased person for interment or cremation. Clause 38 provides that it is to be an offence punishable by a fine not exceeding two thousand dollars to carry out any operation or procedure for which authority may be given under Parts II to VI unless such authority has been given.

Clause 39 prohibits the disclosure of information whereby the identity of a person whose body has been subjected to an operation or procedure provided for by the measure may become publicly known. Subclause (2) provides appropriate exceptions to this prohibition. Clause 40 provides for offences against the measure to be disposed of summarily. Clause 41 provides for the making of regulations. The clause makes provision for regulations providing for notices setting out information relating to the operation and effect of the measure and for the furnishing of such notices to persons prior to their giving any consent or agreement under the measure.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

DEATH (DEFINITION) BILL

Second reading.

The Hon. G.F. KENEALLY (Chief Secretary): I move:

That this Bill be now read a second time.

This short Bill defines death for the purposes of the law of the State. It is complementary to the transplantation and Anatomy Bill, which I have introduced today. As I indicated in my second reading explanation of that Bill, the definition of death arises out of the recommendations of the Australian Law Reform Commission in its Report No. 7, 'Human Tissue Transplants'. The Law Reform Commission defined death as occurring when there had been:

(a) irreversible cessation of all function of the brain of the person: or

(b) irreversible cessation of circulation of blood in the body of the person.

While this definition has obvious relevance in relation to transplanation, it also has wider general application. Accordingly, the Government proposes that it should be enshrined in separate legislation. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides that for the purposes of the law of South Australia a person has died when there has occurred irreversible cesation of all function of the brain of the person or irreversible cessation of circulation of blood in the body of the person.

The Hon. JENNIFER ADAMSON secured the adjournment of the debate.

STATUTES AMENDMENT (COMMERCIAL TRIBUNAL—CREDIT JURISDICTION) BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

Its primary purpose is to transfer the jurisdiction of the Credit Tribunal to the Commercial Tribunal. The Commercial Tribunal Act, which provided for the establishment of the Commercial Tribunal, was passed in April 1982 and assented to on 22 April 1982 but is has yet to be proclaimed. The Act did not, of itself, confer jurisdiction on the new tribunal. This is to be effected by amendments to the other Acts that established the various boards and tribunals which are to be replaced. The intention is that over a period of time each of the relevant Acts will be amended to abolish the separate boards and tribunals and transfer their jurisdiction to the Commercial Tribunal. Particular matters relating to the jurisdiction under each Act are to continue to be dealt with in that Act. For example, the criteria to be satisfied by applicants for licences, and the grounds upon which disciplinary action may be taken against the licensee will remain in the relevant Act regulating that particular occupation. The Credit Tribunal is established under the Consumer Credit Act. As well as exercising jurisdiction conferred on it under that Act, it exercises jurisdiction under the Consumer Transactions Act, the Credit Unions Act and

the Fair Credit Reports Act. This Bill repeals the provisions of the Consumer Credit Act relating to the establishment, constitution, powers and procedures of the Credit Tribunal and replaces references to that tribunal with references to the Commercial Tribunal.

In addition the Bill effects a number of amendments to the Consumer Credit Act which are considered necessary in order to introduce a standard licensing system and procedure for all the occupational groups controlled by the Commercial Tribunal. In relation to the disciplinary powers of the tribunal presently exercised under section 36 of the Consumer Credit Act, these powers are amended and replaced with provisions which will form a common framework for disciplinary action to be taken by the tribunal against persons licensed by it. Section 15 of the Consumer Transactions Act enables the Tribunal to declare that rescission of a consumer contract by a consumer is not an appropriate remedy and subsection (6) provides that there be no appeal in respect of any such declaration. The denial of a right of appeal in these circumstances is considered inappropriate and subsection (6) is therefore repealed.

The balance of the amendments in the Bill provide for the transfer of jurisdiction of the Credit Tribunal under the Consumer Transactions Act, Credit Unions Act and the Fair Credit Reports Act to the Commercial Tribunal. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 sets out the arrangement of the Bill. Part I is preliminary, Part II deals with amendments to the Consumer Credit Act, 1972-1982, Part III amends the Consumer Transactions Act, 1972-1982, Part IV amends the Credit Unions Act, 1976-1982, and Part V amends the Fair Credit Reports Act, 1974-1975. Clause 4 is preliminary to the amendments to the Consumer Credit Act, 1972-1982. Clause 5 provides a consequential amendment to that section of the principal Act which deals with its arrangement; reference to the Credit Tribunal is to be deleted.

Clause 6 amends the interpretation provision, so that the Registrar under the Act is to be the Commercial Registrar under the Commercial Tribunal Act, 1982, and the tribunal is to be the Commercial Tribunal. Clause 7 deals with the repeal of sections 13 to 27 (inclusive) of the principal Act. These provisions provide for the constitution and powers of the Credit Tribunal, which is to become defunct. Clause 8 provides for the repeal of sections 29 to 31 (inclusive) of the principal Act, and the substitution of new sections. As part of the exercise of transferring jurisdiction in credit matters to the Credit Tribunal, new provisions dealing with licences have been prepared. Express provision is now made for the lodging of objections to licence applications, and the Commissioner is given a more significant role in the proceedings. Where an objection is lodged, the Commercial Tribunal must hold a hearing of the application and give interested parties appropriate notice. The new section 29 also encompasses the present section 30, which deals with entitlement to be granted a licence. The grounds upon which a licence may be granted are transposed into the proposed new provision. The proposed new section 30 provides a continuous licensing system. A licence is to remain in force until surrendered, or until the holder dies or, in the case of a body corporate, is dissolved. Annual fees are payable and the Registrar is to notify licence holders in cases of default. If the annual fee is not paid within the specified periods, the licence is cancelled.

Clause 9 provides for a proposed new section 32a, which empowers the tribunal or the Registrar to demand the return of a suspended or cancelled licence. Clause 10 repeals sections 34 to 36 (inclusive) of the principal Act and inserts four sections in substitution. The proposed new section 34 extends the operation of this Division to revolving charge accounts. The proposed new section 35 recasts the provision dealing with the Commissioner's powers of investigation. The new section provides that not only may an investigation be conducted into any matter relevant to proceedings before the tribunal (the present position), but the Commissioner may also investigate any matter that might institute cause for disciplinary action. The investigation is to be initiated at the request of the Registrar, and the Commissioner of Police may also act. The proposed new section 36 revamps the provisions dealing with disciplinary action. The new provision will apply not only to the holders of licences, but also to persons who have been licensed under the Act. Disciplinary action is to be commenced upon complaint, and where the tribunal considers that an inquiry is warranted, the licence holder is to be given reasonable notice.

These provisions are more detailed than the present provisions. Furthermore, the tribunal will have greater flexibility when it considers that disciplinary action is necessary. A person cannot be fined by the tribunal if he has already been convicted of an offence on the basis of the same subject matter. The proposed new section 36a introduces the concept of a register in which disciplinary action is recorded, as provided in the Commercial Tribunal Act, 1982. Notice of the action is also to be sent to the Commissioner. Clause 11 provides for the repeal of section 58 of the principal Act, which deals with proof of licensing; it is now to be rendered superfluous.

Clause 12 makes consequential amendments to the regulation-making provisions. The procedure of the tribunal, the exercise of its jurisdiction, and the enforcement of judgments and orders, are all to be dealt with under the Commercial Tribunal Act, 1982. Clause 13 is preliminary to the amendments to the Consumer Transactions Act, 1972-1982. Clause 14 alters the definition of 'Tribunal' in the principal Act from the Credit Tribunal to the Commercial Tribunal. Clause 15 strikes out subsection (6) of section 15 of the principal Act. This subsection prevents a right of appeal against a decision of the tribunal in relation to a rescission under this section.

Clause 16 amends section 50 of the principal Act by again striking out the regulation-making power under this Act to prescribe the procedure of the Commercial Tribunal; all procedures will be prescribed under the Commercial Tribunal Act. Clause 17 is preliminary to the amendments to the Credit Unions Act, 1976-1982. Clause 18 redefines the tribunal under this Act as being the Commercial Tribunal. Clause 19 makes an amendment to section 21 of the principal Act. The regulations are now to regulate expressly the matter of appeals, the amendment bringing the Act into line with practice. References to the Credit Tribunal are also deleted.

Clause 20 strikes out any reference to the Credit Tribunal in section 101 of the principal Act. Appeals under this section are now to be to the Commercial Tribunal. Clause 21 makes a consequential amendment to the regulation-making provisions by deleting reference to the Credit Tribunal. Clause 22 is preliminary to the amendments to the Fair Credit Reports Act, 1974-1975. Clause 23 provides a more accurate definition of the Commissioner for Consumer Affairs and alters the definition of 'Tribunal' to the Commercial Tribunal.

The Hon. H. ALLISON secured the adjournment of the debate.

COMMERCIAL TRIBUNAL ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It effects a number of amendments to the principal Act that have become necessary as a result of further consideration of proposals to transfer the jurisdiction of boards and tribunals under various Acts to the Commercial Tribunal. The Bill inserts appropriate transitional provisions in relation to proceedings that are part-heard before a board or tribunal when the jurisdiction of that board or tribunal is transferred to the new Commercial Tribunal. It provides that the Chairman may determine the constitution of the tribunal for the purpose of those proceedings. This will, in effect, enable the members of the board or tribunal who were engaged in the hearing of the proceedings to be deemed to be members of the Commercial Tribunal for the purposes of completing that hearing. The Bill also makes amendments to the provisions of the principal Act relating to the constitution of the tribunal. A variety of powers, discretions and functions of the tribunal will now be able to be exercised by the Commercial Registrar subject to the approval of the tribunal or the Chairman. The regulations will set out the matters in respect of which such approval may be given.

The amendments also enable the tribunal to dismiss or annul any proceeding before it which it considers to be frivolous, vexatious or instituted for an improper purpose. This situation may arise, for example, in the case of an application for a licence. An objection against the grant of the licence may be lodged with the tribunal and the tribunal may consider the objection to be of a frivolous nature and one which should not hold up the hearing of the application. This provision will enable the tribunal to dismiss the objection and continue to hear the application on its merits. A person who takes a matter to the tribunal frivolously, vexatiously or for an improper purpose may be ordered to pay compensation to any other affected party. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Currently the principal Act provides that the Chairman of the tribunal can make rules regarding the practice and procedure of the tribunal while the Governor can also make regulations regarding various other matters. In addition, there are regulation-making powers in each of the Acts that are likely to confer jurisdiction on the tribunal, and these provide for regulations to be made in relation to procedural matters under that Act.

Confusion would be likely to arise if this distinction between rules and regulations were to be preserved. For example, the details of the manner in which an application for a licence under the Consumer Credit Act is to be made appear in the Consumer Credit Regulations, but the details of the practice and procedure of the tribunal for the purpose of the hearing of that application would be found in the rules made under the Commercial Tribunal Act.

Therefore, to avoid any possible confusion, it is considered desirable to amend the Commercial Tribunal Act to remove the reference to rules made by the Chairman of the tribunal and to provide for all subordinate legislation to be by way of regulations made by the Governor. The Bill also provides for a number of technical amendments to enable the smooth and uniform transfer of the jurisdictions of various boards and tribunals to the Commercial Tribunal. Provision is made for an order of the tribunal to be registered at an appropriate Local Court. This will have the effect of giving Local Court status to the order of the tribunal and facilitate the enforcement of the order.

The provisions of the Bill are as follows: Clause 1 is formal. Clause 2 provides for the commencement of the measure. Clause 3 inserts a new section in Part I of the principal Act, to provide transitional provisions. With the transfer of existing jurisdictions to the tribunal, it becomes necessary to cater for the transfer of part-heard proceedings. The new section provides that such proceedings are to be continued and completed by the tribunal as if they had been commenced before the tribunal. Furthermore, it is important that the continuity of the proceedings be preserved, and so the Chairman of the tribunal is empowered to give directions as to the constitution of the tribunal in order to ensure that matters do not have to be re-heard. It may therefore eventuate that for the purpose of completing a proceeding under this transitional provision, the tribunal will be constituted by the members of the tribunal or board which was hearing the matter at the time that jurisdiction was transferred to the tribunal. The proposed new section further provides that orders of the previous tribunal or board continue in existence, as orders of the tribunal.

Clause 4 makes several slight amendments to section 6 of the principal Act. This section presently provides for the constitution of the tribunal for the hearing of proceedings, but it is also possible that the tribunal will on some occasions conduct other types of business. A consequential amendment is therefore in order. Furthermore, it has been decided that the practice and procedure of the tribunal should be prescribed by regulation, instead of by rules. Clause 5 proposes amendment to section 10 of the principal Act, which deals with the Commercial Registrar. Subsection (5) presently provides that the Chairman of the tribunal may delegate powers, discretions and functions of an administrative nature. It is proposed that the tribunal also be able to delegate some of its functions to the Commercial Registrar, as, for example, non-contentious matters arising in licence applications. The provision provides that the Registrar may refer delegated matters back to the tribunal, and shall do so when directed. The recasting of these provisions result in other consequential amendments to the section.

Clause 6 provides a consequential amendment to section 12 of the principal Act, to correspond to an earlier reference that the tribunal may act other than in hearing proceedings. Clause 7 provides for the amendment of section 15. Slight confusion has arisen over qualifications to the contempt provisions, and so subsection (2) is to be amended to clarify that subsection (4), providing for privilege against self-incrimination, applies. Subsection (5) is also amended to provide that the tribunal may take into account evidence, findings and decisions of boards, and not just courts and tribunals. The proposed new subsection (6) will empower the tribunal to stay any step in proceedings before it which is frivolous or vexatious, and the tribunal is to have power to award compensation for any consequential damage or inconvenience. Clause 8 corrects a minor flaw in section 20 of the Act. Clause 9 repeals section 25 of the principal Act and substitutes two new sections. It is thought to be appropriate that the Act specifically provide the mechanism for the enforcement of judgments and orders of the tribunal which relate to the payment of money. It is proposed that the successful party be able to obtain a certified copy of the judgment or order then register it in the Local Court. The judgment or order would then be enforceable as if it were a Local Court judgment. The proposed new section 26 is to replace the present section 25, dealing with the rules of the tribunal and the regulations. It is now proposed that the practice and procedure of the tribunal be provided for in

the regulations. The listed matters to be dealt with by the regulations are also amended in order to conform with amendments contained in the other provisions of this Bill.

The Hon. H. ALLISON secured the adjournment of the debate.

CONSUMER TRANSACTIONS ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It is complementary to the Bill for a new Second-hand Motor Vehicles Act, and implements one of the recommendations of the working party appointed to review the Second-hand Motor Vehicles Act, 1971. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

Section 8 (7) of the Consumer Transactions Act provides that many of the conditions and warranties implied by that Act in consumer contracts for the sale of goods do not apply in the case of 'the sale of a second-hand vehicle within the meaning of the Second-hand Motor Vehicles Act, 1971'. This exemption extends even to vehicles that have been exempted from the 'warranty' provisions of the Second-hand Motor Vehicles Act, with the result that no statutory warranty at all applies to these vehicles. For example, many imported vehicles have been exempted from the statutory warranty provisions pursuant to section 24 (5) of the Second-hand Motor Vehicles Act but, because they remain within the definition of 'second-hand vehicle' under that Act, they are also exempt from the conditions and warranties set out in section 8 of the Consumer Transactions Act.

The working party referred to above considered that the statutory warranties provided for in the two Acts in question were not mutually exclusive, but complementary. The existence of a duty to repair certain defects in a second-hand motor vehicle should not exclude, for example, the Consumer Transactions Act warranty that the vehicle is fit for a particular purpose that has been made known to the dealer in a manner which indicates that the purchaser was relying on the dealer's skill or judgment. In any event, warranties along the lines implied by the Consumer Transactions Act already apply, by virtue of the Federal Trade Practices Act, to dealers that are bodies corporate and it is illogical and inconsistent that they do not apply also to non-corporate dealers.

The Government is satisfied that it is proper that the conditions and warranties implied by sub-sections (3), (4), (5) and (6) of section 8 of the Consumer Transactions Act should apply to the sale of a second-hand vehicle and that this will not impose any unreasonable burden upon dealers. Clause 1 is formal. Clause 2 provides that the Act shall come into operation on a day to be fixed by proclamation. Clause 3 makes the substantive amendment to section 8 of the principal Act.

The Hon. H. ALLISON secured the adjournment of the debate.

CO-OPERATIVES BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Community Welfare): I move:

That this Bill be now read a second time.

It deals with the registration and regulation of bodies formed to pursue a wide range of co-operative endeavour. It deals with all types of co-operative, other than those branches of co-operation which are the subject of specific legisation, namely, building societies, credit unions and friendly societies. I seek leave to have the remainder of the explanation inserted in *Hansard* without my reading it.

Leave granted.

Remainder of Explanation

The co-operative movement and the co-operative philosophy have the endorsement and support of the Government. Co-operation in all its forms is acknowledged to be a major source of benefit to the community. To the present time, the co-operative movement in this country has not assumed the size and vitality of its overseas counterparts. In Europe and the United States of America co-operatives are sophisticated and accepted competitors with other business ventures in the private sector. It is with the object of giving impetus to the co-operative movement that this Bill provides, among other things, for the establishment of a Co-operatives Advisory Committee, as a link between the movement and the Government.

The Government is acutely conscious, as recent events have shown (for example, the failure of Riverland Fruit Products Co-operative Ltd and Southern Vales Co-operative Ltd), that the fortunes of individual co-operatives within the movement dictate the fortunes and lives of many ordinary citizens, the sum of whose efforts are represented in every registered co-operative. This Bill is a long awaited modernisation of important legislation to deal with many of those problems. It endeavours to encourage the co-operative philosophy, provide for appropriate public accountability, provide both regulation and guidelines which hopefully will help to prevent alienation of member from management, and to make for greater uniformity in accounting and management practice within co-operatives.

The history of this legislation goes back a very long way. The need for its complete review is apparent from the fact that the principal Act which was enacted in 1923 is based very substantially on the United Kingdom Act of 1893. Over many years amendments to the principal Act have been mainly consequential upon the enactment or amendment of other legislation. The first review of the present Act was made by the Law Reform Committee of South Australia. In its forty-first report made in the early 1970s, the committee referred to substantially the same deficiencies in the Act as are referred to in the report of a working party established by the previous Government in 1978. One of the terms of reference of that working party was to review the Industrial and Provident Societies Act.

The working party was continued under the present Government to which it reported late in 1980 in respect of the legislative review portion of its assignment. The report indicated that the working party had sought the views of a wide segment of the co-operative movement, both within and outside of South Australia. The working party considered the Industrial and Provident Societies Act, 1923-1982 to be anachronistic and completely out of harmony with modern commercial needs and practice. By way of example the report cites the maximum fine of $40 which can be imposed for offences against the Act. As the report indicates, this

penalty is hardly likely to ensure compliance with the few sanctions which the Act imposes.

When the report was exposed for public comment only four submissions were received. Those submissions, two of them being from organisations representing co-operatives, expressed agreement with the findings of the working party. This Bill gives effect to numerous recommendations made in the report of the working party. Those concerned with the operation of co-operatives have been consulted during the drafting of this Bill. In dealing generally with the contents of the Bill it must be mentioned that a new Act was required as the present Act was inappropriate for amendment. It will be observed that the title of the Bill is now expressed clearly in modern terminology.

The view is expressed in the report that there is no reason why co-operatives should not be regulated on a basis similar to companies, other than in those areas where fundamentals of co-operative philosophy are involved. While the Government agrees with this approach from the point of view of deregulation and rationalisation, it has ensured that the Bill makes appropriate provision for relief from the application of the law relating to companies in cases where its application would place undue burdens on small co-operatives.

Another matter referred to in the report is the quantity of documentation required to be lodged with and registered by the Registrar. The present requirements are almost without exception excessively time consuming and cumbersome, and out of keeping with the policy of the Government on deregulation. This matter has been dealt with in the Bill.

The powers and authorities under the present Act are conferred on the Registrar of Industrial and Provident Societies. The holder of that office has always been associated with the administration of company law, the present Registrar being an officer of the Corporate Affairs Commission. As the whole of the administration of the present Act is undertaken with the resources of the commission, it is administratively convenient that the Corporate Affairs Commission should be given responsibility for this Act, and that the office of Registrar should be abolished.

The status of registered co-operatives and registered rules which were accepted under the existing law is not disturbed. It is hoped that those co-operatives, whose rules were registered under the present Act, may be moved to update those rules voluntarily where they do not accord with the philosophy expressed in the Bill. Provisions for initial registration have been simplified, and a new definition of 'co-operative' included. Both the Law Reform Committee and the working party expressed concern at the lack of discretions available to the Registrar to refuse registration under the Act.

Because of this situation there is no doubt that some organisations which have been registered under the Act are co-operative in name but not in spirit. Frequently the choice of the present Act as the vehicle for incorporation was a deliberate ploy to gain full corporate status, without becoming subject to the much more onerous provisions of the Companies Act. To provide an additional facility in determining eligibility for registration, the principles of co-operation are set out in the Bill.

The concept of a co-operatives advisory council is not without precedent in that recent legislation established a Building Society Advisory Council. Co-operative advisory councils have been established under equivalent legislation in other States. While this innovation is experimental as far as South Australia is concerned, it is the intention of the Bill that the advisory council will be a means of encouraging co-operation at all levels, and be a monitor in ensuring that legislation is kept under review. It is the intention of the Government to consult with the Co-operative Federation of S.A. Incorporated with regard to appointments to the advisory council in order to obtain the maximum advantage from the council and broad representation.

At present the Registrar is powerless to investigate complaints made against co-operatives, and similarly has no power to make inspections to ascertain if a co-operative is abiding by the Act. The Registrar is limited to requesting the Minister to appoint an inspector to conduct a special investigation. This procedure not only involves considerable expense, but would be totally inappropriate other than in cases involving allegations of some grave impropriety in the administration of the affairs of the co-operative. Because of the number of complaints received by the Registrar, and because a power of inspection is essential if any body corporate legislation is to be effective, the provisions of the Companies (South Australia) Code relating to inspections have been invoked to give a broader range of options in dealing with matters of complaint or concern.

The provisions to facilitate the amalgamation of co-operatives and the resolving of disputes which appear in the present Act, have been repeated in the Bill in a more practical form. The Bill quite properly sets a high standard in respect of rules, which are of no effect prior to registration. A new provision is that an explanatory memorandum is to be sent to members with the notice of meeting at which a resolution to change the rules is to be proposed. Experience has shown that without an explanation in narrative form, it may be difficult for members to appreciate the purpose and merits of the proposed alteration.

The matter of voting rights, which is a fundamental issue in co-operatives, has been placed on a more satisfactory basis in this Bill. Every member is entitled to one vote irrespective of the number of shares held by that member. Any rule which provides for a different scale of voting, or which denies a vote to a class of shareholder, cannot be registered without the consent of the Minister. The justification for invoking certain Companies Code provisions has been mentioned previously. These provisions have been invoked in respect of the prohibition of certain persons acting as members of a committee, and in respect of the conduct of members of a committee in the discharge of their duties. It was the view of the working party, which has been accepted by the Government, that even where they act without fee, members of a committee have a heavy responsibility of honesty and diligence which should be no less than is required of company directors. The accounts and audit provisions in the Bill are substantially those which now apply to companies under the Companies (South Australia) Code. These provisions have been set out at length because they apply to all co-operatives on a recurring basis. Again, there is no reason why co-operatives of significant size and affluence, should not be subject to the accounting standards which are applicable to companies.

These provisions have been adjusted to take account of the unique features of co-operatives, for example, fluctuating capital. It is intended that the regulations will provide a schedule similar to that provided under the Companies (South Australia) Regulations as to the contents of accounts of co-opertives. In fairness it must be said that at present some large co-operatives prepare accounts and, where necesssary, group accounts on the same basis as companies, although this standard is not prescribed under the present Act or regulations. It is mentioned again that provision is made to accommodate those co-operatives which for special reasons are unable to comply with the new requirements.

Provision has also been made in the Bill for the transfer of the undertaking of a co-operative to another body corporate. These provisions would apply if a co-operative resolved to abandon its registration under this legislation, and trade as a company or other type of body corporate. The Bill provides that where it is proposed to sell or otherwise

dispose of assets in a manner which results in the co-operative being unable to carry on a particular business, the proposal must be authorised by special resolution. The notice of the meeting will be accompanied by information which will enable the member to make an informed decision. This requirement ensures member participation in such a significant decision.

A new mode of winding up is included in the Bill, to supersede the instrument of dissolution method which is cumbersome and unsatisfactory. This new mode of winding up commences when the Minister issues a certificate, on prescribed grounds. A similar provision for winding up appears in the legislation relating to building societies and credit unions.

The Bill will deal with the vesting and disposal of assets which are discovered subsequent to the dissolution of a co-operative. These outstanding assets will vest in and be disposed of by the Corporate Affairs Commission. The net proceeds of sale will be paid to the Treasury, where they may be claimed by any person who can establish an entitlement to those moneys. The absence of such a provision is another defect in the present Act.

While this Bill imposes greater regulation than that imposed under the present Act, it also provides for substantial de-regulation in a number of areas. The existing legislation reflects nineteenth century concepts and early twentieth century money values. In consequence, this Bill must of necessity impose greater accountability which is nevertheless in keeping with other modern body corporate legislation.

Clauses 1, 2 and 3 are formal. Clause 4 sets out the definitions that are required for the purposes of the new Act. Included in this provision is the definition of 'co-operative', which is principally a society which is formed on the basis of the principles of co-operation and which carries on an industry, business or trade. Subclause (2) sets out the conditions upon which a society will be regarded as having been formed on the principles of co-operation. Other subclauses clarify particular issues which arise due to the nature of co-operatives. Clause 5 sets out which corporations are to be considered as subsidiaries of a co-operative. Clause 6 provides for the repeal of the Industrial and Provident Societies Act, 1923-1982, and contains certain necessary transitional provisions.

Clause 7 provides for the administration of the new Act by the Corporate Affairs Commission. The Commission is to be subject to the control and direction of the Minister. Clause 8 provides for the keeping of registers by the Commission and provides for inspection of the registers and inspection of documents held by the commission under the new Act. Clause 9 empowers the Commission to extend limits of time prescribed by the Act or to grant exemptions from obligations imposed by or under the Act. Clause 10 provides for the Commission to furnish an annual report upon the administration of the Act. The report is to be laid before Parliament. Clause 11 establishes the 'Co-operatives Advisory Council', which is to consist of a chairman and between four and eight other members appointed by the Governor on the Minister's nomination.

Clause 12 provides that the Council is to advise the Minister on various matters that affect co-operatives. Clause 13 extends the provisions of the Companies Code relating to inspection and special investigations to co-operatives. Clause 14 deals with the manner in which an application for incorporation is to be made. Clause 15 deals with the registration and incorporation of co-operatives under the new Act. This provision also sets out the general powers of a co-operative incorporated under the new Act. Clause 16 provides that the liabilities of an incorported co-operative do not attach to members or officers of the co-operative. Clause 17 provides for the amalgamation of registered co-operatives.

Clause 18 provides that the rules of a registered co-operative bind the co-operative and all the members of the co-operative. Clause 19 deals with an alteration of the rules. Any alteration must be passed by special resolution and must be properly explained to members before a vote is taken. An alteration comes into force on registration. Clause 20 deals with the voting rights of members of registered co-operatives. The principle of one member being only entitled to one vote is encouraged, and any rule to the contrary proposed after the commencement of the new Act must be approved by the Minister.

Clause 21 specifies the requirements that the names of registered co-operatives must comply with. Clause 22 sets out certain general powers of registered co-operatives. Clause 23 deals with the manner in which a registered co-operative is to enter into contracts. Clause 24 limits the doctrine of *ultra vires* in relation to registered co-operatives.

Clause 25 deals with the rule in Turquand's case. It provides that a person dealing with a registered co-operative is not to be presumed to have notice of its rules. Clause 26 deals with the management of the affairs of a registered co-operative. A committee of management must have at least five members, to be called 'directors'. Clause 27 deals with the disclosure of interests by directors of registered co-operatives. Clause 28 prevents directors of a registered co-operative who have a pecuniary interest in contracts proposed by the committee of management from taking part in deliberations or decisions of the committee with respect to such contracts. Clause 29 provides that a person who is disqualified from acting as a director of a company under the Companies Code cannot take part in the management of a registered co-operative.

Clause 30 sets out the duties of honesty and diligence that must be fulfilled by officers of registered co-operatives. Clause 31 extends the provisions of the Companies Code relating to prospectuses and registration of charges to co-operatives. Clause 32 provides that a registered co-operative must maintain a registered office within the State. Clause 33 sets out the registers that a co-operative must keep. The registers are to be available for public inspection. Clause 34 provides for the holding of an annual general meeting of a registered co-operative.

Clause 35 provides that a registered co-operative shall not expel any person from membership unless he has been given a reasonable opportunity to be heard by the committee of management. Clause 36 provides that a sale of assets which would, if carried into effect, result in the co-operative being unable to carry on an industry, business or trade, must before undertaken be approved by a special resolution. Appropriate information concerning the proposed transaction must be supplied to members.

Clause 37 sets out the definitions to assist the part of the proposed new Act that deals with accounts and audit. Clause 38 deals with the obligation of registered co-operatives to keep accounts and to have those accounts audited. Clause 39 seeks to ensure that as a general rule the financial year of any subsidiary of a registered co-operative will coincide with the financial year of the holding co-operative. Clause 40 provides that the directors must in each financial year cause to be made out accurate accounts, balance-sheets and group accounts. These accounts are to be audited. The directors must certify their accuracy. Clause 41 requires directors to provide an annual report of the accounts and operations of a registered co-operative to the members of the co-operative. Clause 42 requires directors of a registered holding co-operative to provide an annual report of group accounts and operations of all subsidiaries in the group.

Clause 43 provides some further specific requirements to be included in the reports made under the preceding two clauses. These requirements assist to explain the accounts and directors' reports. Clause 44 allows regulations to be made for the rounding-off of accounts and reports. Clause 45 requires the directors of a holding co-operative to wait for the receipt of the accounts of subsidiaries before they prepare the group accounts. They are also to take reasonable steps to obtain appropriate reports from the directors of each subsidiary. The directors of the holding co-operative may request any further information required for the preparation of proper group accounts. The accounts and reports received from the subsidiaries must be sent to the members of the holding co-operative.

Clause 46 requires a registered co-operative to send to each member of the co-operative a copy of all the accounts, balance sheets, statements and reports which are required to be prepared under this Part. Clause 47 provides for all accounts and reports for the preceding financial year to be laid before the annual general meeting of a registered co-operative. Clause 48 provides that a periodic return of accounts and such information as may be prescribed must be lodged with the commission. Clause 49 provides the penalties to be imposed on co-operatives and on directors that fail to take all reasonable steps to secure compliance with the accounting provisions of the proposed new Act. Clause 50 sets out the qualification that must be possessed by auditors of registered co-operatives.

Clause 51 deals with the appointment of auditors for registered co-operatives. An auditor must be appointed within one month of the date of incorporation. Casual vacancies in the office of auditor may be filled by another auditor appointed by the committee of management, or appointed by resolution of the co-operative. Clause 52 provides for the nomination of auditors prior to appointment. Clause 53 deals with the removal and resignation of auditors. The commission is to be informed of any change in auditor. Clause 54 provides that an auditor ceases to hold office on the winding-up of the co-operative. Clause 55 allows an auditor to recover reasonable fees and expenses from a co-operative.

Clause 56 sets out the powers and duties of auditors as to reports on accounts. The auditor's report is to be presented at the annual general meeting of a registered co-operative. The auditor is required to report to the commission where he becomes aware of any breach of the accounting provisions of the proposed new Act by the co-operative, or its directors. Clause 57 provides that the accounts of all subsidiaries of a registered co-operative must be audited under the provisions of the proposed new Act, even if they may be exempt under the Companies Code from appointing an auditor. The auditor of a holding co-operative is to be the auditor of any subsidiary that has not otherwise appointed an auditor.

Clause 58 makes it an offence to obstruct an auditor in the performance of his duties under the proposed new Act. Clause 59 empowers the commission to grant an exemption from obligations imposed by or under the Part of the proposed new Act that deals with accounts. Clause 60 extends the provisions of the Companies Code relating to arrangements and reconstructions, receivers and managers and official management to registered co-operatives. Clause 61 allows a registered co-operative to request the commission to transfer all of its undertaking to a body incorporated under some other Act.

Clause 62 deals with the winding-up of registered co-operatives. Included is provision for a winding-up, on specific grounds, on the certificate of the Minister. Clause 63 deals with the completion of winding-up proceedings commenced under the repealed Act. Clause 64 provides for outstanding property of societies which have had their registration cancelled under the repealed Act to vest in the commission. Clause 65 provides for appeal against decisions by the commission. Clause 66 makes it an offence to knowingly provide false information under the proposed new Act. Clause 67 requires a co-operative to keep accurate minutes of all proceedings and meetings of the co-operative and its committees.

Clause 68 provides that minutes must be available to members for inspection. Clause 69 forbids a registered co-operative from offering or granting an option for shares in the co-operative. Such action is contrary to the principles of co-operation. Clause 70 restricts the manner in which registered co-operatives may offer shares for public subscription. Clause 71 provides that interest on share capital may only be paid upon the authorisation of the directors and the approval of members in general meeting. Clause 72 requires a registered co-operative to print its name on certain documents that are commonly used in its affairs. Clause 73 requires a registered co-operative to notify the commission of changes in certain particulars, including the registered address and composition of the committee of management of the co-operative.

Clause 74 provides for proof of certain formal documents. Clause 75 provides for service on co-operatives. Clause 76 provides a general penalty for contravention of the proposed new Act. Clause 77 applies sections of the Companies Code which deal with the investigation of misconduct in relation to the affairs of corporations. Clause 78 deals with proceedings for offences against the new Act.

Clause 79 provides that where a fee is payable upon lodgment of a document with the commission, the document shall not be regarded as having been duly lodged until the fee is paid. A power of exemption is also provided. Clause 80 provides for the payment of fees received by the commission into the General Revenue. The commission is to keep proper accounts of receipts and payments under the new Act, which are to be audited. Clause 81 provides for the making of regulations.

The Hon. H. ALLISON secured the adjournment of the debate.

[Sitting suspended from 5.52 to 7.30 p.m.]

MINISTERIAL STATEMENT: PREFERENCE TO UNIONISTS

The Hon. LYNN ARNOLD (Minister of Education): I seek leave to make a statement:

Leave granted.

The Hon. LYNN ARNOLD: I regret to state that I unintentionally misled the House on 29 March in reply to a question from the member for Torrens, when I intimated that applicants for teaching positions were not required at this stage to sign an undertaking to join the appropriate union. My statement yesterday was based upon a faulty recollection of information I had received from the Education Department on 7 January. I recollected that the sheets referred to Public Service and ancillary staff, as indeed the top sheet did, but not the separate sheet on teaching staff. The position is in fact that, consistent with the Government's policy of preference to unionists, applicants for teaching, Public Service and ancillary staff positions are required to sign a declaration of intention to join an appropriate union and 'Remain in membership' form prior to receiving a firm offer of employment. For the one relating to teaching staff it is not required to be sighted by a principal.The policy of seeking undertakings of this sort is to encourage good indus-

trial relations. I apologise to the House for the inaccuracy of part of my answer yesterday.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 29 March. Page 732.)

The Hon. T.H. HEMMINGS (Minister of Local Government): I thank the member for Light for his contribution to the second reading debate and I understand that he will move the amendments standing in his name later this evening. those amendments either are the result of pressure from local government or were agreed to by the Local Government Association.

The Hon. B.C. EASTICK: On a point of order, Mr Speaker. I believe that the Minister has risen to make remarks relating to the second reading, not to canvass the content or purport of any amendment on file which will be dealt with in the next phase of Parliamentary procedure.

The SPEAKER: Order! I uphold the point of order. The Minister will be restricted in his address to the substance of the debate and will later have an opportunity in Committee to deal with specifics.

The Hon. T.H. HEMMINGS: Thank you, Mr Speaker. I feel that you, Sir, have made it very tight for me to reply to the comments of the member for Light and the member for Glenelg.

The SPEAKER: Order! It is not my intention to make it tight for anyone. The Minister has a wide range over which to canvass matters contained in the general purport of the Bill. The difficulty arising is in isolating that from the specific amendments that have been foreshadowed. In no way is the Minister being constrained.

The Hon. T.H. HEMMINGS: Thank you, Mr Speaker. One thing that came out of the second reading debate was the fact that, although the member for Light expressed concern about his amendments, the member for Glenelg showed, by seeking leave last evening to continue his remarks and by not being present this evening to do so, a dismal misunderstanding of the Local Government Act.

Mr Becker: Get on with it.

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: The member for Light commented on the transfer of long service leave, which is dealt with in clause 6 of the Bill. The precise method of dealing with funds to be transferred from one council to another and the disposal of these funds in respect of the entitlement of long service leave becoming due will be dealt with in the regulations that are presently being formulated in conjunction with the Local Government Association.

Clause 10, which deals with the recovery of rates unaffected by variation, objection or appeal seemed to trouble the member for Light, who suggested that the over-paid rates should be charged for at the current bank interest rate. However, in 1970 the Local Government Act Revision Committee recommended that such a method was too complicated and time-consuming. I am sure that the member for Light will recall that finding of the committee. The figure of 10 per cent, suggested by the Local Government Association, conforms with the procedure of a fixed percentage added to outstanding rates.

The member for Light has canvassed the argument that the words 'after 60 days' should be inserted at the end of new section 213a (1). However, the whole aim of this provision is to provide additional time for the ratepayer to pay any sum outstanding. I have already told the member for Light that, in Committee, his argument and amendment will be received favourably.

The clause that seems to be troubling the Opposition greatly concerns the differential and general rate declaration, but I believe that this is really a matter of judgment. The intention of the Government is to simplify, not complicate, council decision making. The Act requires a council to strike its rates by 31 August each year, and we do not wish to place any impediment in the way of that process. If members of the community are dissatisfied with rating decisions they can discuss the matter with the local council and express their opinion at the council elections. 'Requiring an absolute majority' means the majority of members of the council, not a majority of the number of members attending that council meeting. I believe that the bias towards a considered decision in this amendment will achieve beneficial results.

Dealing with clause 17, the member for Light accused me of misleading the House. That is a serious charge and, anyway, the honourable member knows that second reading explanations are written by departmental officers and not by political people.

The Hon. B.C. Eastick: Who delivers them?

Mr Mathwin: Yes, who is responsible for delivering them?

The Hon. T.H. HEMMINGS: It is nice to see the honourable member for Glenelg back in the Chamber.

The SPEAKER: Order! We are not discussing the honourable member for Glenelg and we are also not in a coffee shop. The honourable Minister.

The Hon. T.H. HEMMINGS: The member for Light should read the second reading explanation again, because it refers to a new section to be inserted in the Act and not to a clause to be inserted. New subsection (6) of 344 contains a new enabling power for the ratepayer to carry out work at his own cost. If I am accused of misleading the House, I point out that the second reading explanation clearly states that a specific section and not a clause is being dealt with. The member for Light has foreshadowed an amendment to include 'and' in clause 23.

If he is seeking that 'and' be included, he is seeking a double penalty for the motorist, and it is an imposition which the Government is not prepared to support. The sum involved would almost certainly exceed any late fee and would be sufficient. Notwithstanding that, I think the member for Light made a valuable contribution to the debate. However, let us now deal with the member for Glenelg, who somehow got himself tangled up with clause 5. He said that it would be wrong for councillors who had served only one year to go into another council area and, I think he said, aspire to the high office of Mayor.

Mr Mathwin: You know what it's like, and so do I.

The Hon. T.H. HEMMINGS: At least I know the Local Government Act, the powers of which have been in existence since 1934. The member for Glenelg said last night that it was all wrong. I understand there is one amendment to be moved by the member for Light, which I have already indicated I will support. The member for Glenelg sought leave last night to continue and tonight he would not even continue (perhaps he was too busy) his second reading speech. If I were kind, I would say that the member for Glenelg did not realise what was going on last night. The relevant section of the Act has been in existence since 1934, and section 69 provides.

> No person shall be qualified to serve as a Mayor of any municipality unless he has served one year as a Mayor, Alderman or Councillor in some municipality, or as a Councillor in some district.

The member for Glenelg surely would have known that before he made all those statements last night about clause 5. He was suggesting that this was a devious attempt to let people in in other districts. That is not the case. The member for Light has seen certain anomalies in this area, and we are prepared to accept the amendments to which he has

referred, but the member for Glenelg has not really shown any interest. I respectfully suggest that he purely and simply wanted to get 10 minutes worth in *Hansard* and did not really know what the amendments were all about.

Mr Mathwin: I was suggesting that you should change the Act. You didn't change it properly.

The Hon. T.H. HEMMINGS: The member for Light has made some constructive points including amendments, and I think they could well be adequately dealt with in the Committee stage.

Bill read a second time.

In Committee.

Clause 1—'Short titles.'

The Hon. B.C. EASTICK: I ask the Minister whether it is his genuine desire that the end result of any proposed amendment should be for the ultimate benefit of local government and that the Act as amended should be a better piece of machinery than might exist currently. I do so in order to establish quite clearly in my own mind at this early stage that we are interested in decisions which ultimately benefit the Act and not merely satisfy the attitude of the Minister.

The Hon. T.H. HEMMINGS: I can assure the member for Light that the amendments being put forward tonight are for the benefit of local government. As I stated earlier, the proposed amendments resulted from overtures from local government or from discussions between my department and the Local Government Association. I fail to see what the honourable member is getting at. If he is worried about these particular amendments—

The CHAIRMAN: Order! I have allowed the member for Light to debate clause 1, including the short titles, on the basis that he was debating the title of the Bill *vis-a-vis* the Local Government Act. I point out to the Minister that I do not believe that the question whether the Local Government Association or anybody else has come to an agreement has any relevance to clause 1.

The Hon. T.H. HEMMINGS: Thank you, Mr Chairman. I was replying to the member for Light. If the question is whether this would be beneficial to local government, the answer is 'Yes'.

Clause passed.

Clauses 2 to 4 passed.

Clause 5—'Form of nomination.'

The Hon. B.C. EASTICK: First, I point out to the Minister that I am interested in what is best for local government, not only in those matters which might be put forward by the Local Government Association but also in matters involving other elements of local government.

Whilst I have the greatest respect for the Local Government Association, I make quite clear that I recognise that local government is more embracing than merely the one association. I also make the point that this Bill creates a more anomalous situation than the one that currently exists. This matter was drawn to my attention not by the Local Government Association but by other people who are vitally interested in local government and, therefore, I have no hesitation in bringing it to the attention of the Committee to ensure that the best ultimate benefit obtains.

At present it is not incumbent upon the Town Clerk or the returning officer, as the case may be, to decide whether a nomination under the present Act is eligible for election if elected at the poll. What the Minister seeks to do here is perfectly reasonable and responsible; that is, to obviate the need to run a costly poll throughout the whole local government area. Indeed, an aldermanic or a mayoral election can be costly, because it involves the whole of the council area and not just the ward as would be the case in respect of a single councillor. It has been suggested that the returning officer has the responsibility at the time of close of nominations to determine whether, if elected, the person concerned is eligible to take his or her place in council. (For the benefit of my colleague from Brighton, we are not sexist and, therefore, whether it is a 'her' or a 'he' we will accept the opportunity for the candidate to be so elected).

We want to be quite sure, the expense having been incurred and the decision having been made, that it is not necessary at that point to say to the successful candidate, 'I am very sorry, but even though you have stood, even though your nomination has been accepted and even though you have won the vote, you are not eligible to be so elected because you have not the qualifications—which is a minimum of 12 months service as a councillor in some area of local government.' I say 'some area of local government', because the Minister accepts that someone seeking appointment to a municipal council for instance, may have served interstate or on a district council. There is no difficulty in that regard.

However, although this measure is accepted by those who have looked at the various provisions, it has been put to me that, because of the alterations to section 57a of the original Act, a situation could arise involving a person who had served less than 12 months as a councillor and who in the case of a mayoral or aldermanic election put his name forward in anticipation of having concluded that 12 months qualification: the district or town clerk or returning officer seeks a replacement for the councillor who had given notice of intention and, if the close of the nominations was before the actual aldermanic or mayoral election and there was only one nomination, that one nominee would be deemed to be elected as of that day, reducing the period served by the candidate for the mayoralty or aldermanic vacancy to less than 12 months, albeit by a few days. Although this situation would be unlikely to occur frequently, it could nonetheless arise.

That is why I have sought to ensure a form of local government which is not going to create further problems. The amendment which I have put forward for the honourable Minister's consideration (and he has already indicated that he is prepared to accept it) provides that the person who nominates for an aldermanic or mayoral position must have concluded not one year, as is provided in the Bill, but 10 months. On that basis, he would have completed all but the last two months of the current council year before putting his name forward. If the situation that I have outlined did arise, he would not be ineligible to take his place subsequently as a mayor or an alderman because he had failed to gain one year's service.

I am the first to admit that it is a situation which would not be expected to occur on a regular basis, but it could occur and would cause considerable embarrassment within local government circles. Therefore, I am pleased that the Minister has already, even though at the wrong place in the debate, indicated to me that he will accept the 10-month proposal. The net result is the same: the person concerned will have fulfilled the original intention of the Local Government Act.

I do not know, even though the Minister has intimated that he will accept this amendment, that it will necessarily achieve the best result. Fortunately, we recognise that we are about to have a rewrite of the Local Government Act in five different sections, and it may well be that these discussions can be taken on board, so that in the final document which is presented to the Parliament for ratification there may be some variation of the provisions now being considered. At least we will not have embarassing situations in the meantime. I am sure that the Minister would not want embarrassing situations in local government.

The Hon. T.H. HEMMINGS: As I indicated earlier, I am prepared to accept this amendment. I do not think that this is a big issue and believe that the member for Light sees

problems here that do not exist. However, his amendment does reinforce section 57a of the Act, and for that reason I am prepared to accept it. I am pleased that the honourable member sees what the Government is trying to do in this area—it is trying to cover people.

Amendment carried; clause as amended passed.

Clauses 6 to 9 passed.

Clause 10—'Repeal of heading and section 213 and substitution of new heading and section.'

The Hon. B.C. EASTICK: Before moving the amendments standing in my name, I believe it is necessary to suggest that they not be taken *in toto*, because they affect different aspects of the ultimate result. I will speak generally to the clause before us and point up that this is a problem that has exercised the minds of local government, not in association form or as an administrative group, but involving persons charged with the responsibility of ensuring that local government is able not only to deliver a service to the community but to do so in such a way that ratepayers are not in any way disadvantaged.

I believe that members of Parliament have an important part to play in the overall approach to local government. Members on this side favourably considered the inclusion in the Constitution Act of this State a clause which recognised local government. I take credit for that move from this side of the Chamber, even though it was a former Minister, Mr Virgo, who moved formally in that matter. It was, however, the then member for Goyder, Mr Russack, who first brought the matter to the attention of the House, debated the issue and then accepted the Government's right to pick up his suggestion and have it incorporated in the legislation.

The Opposition at that time was determined that anything that could be done to effect the passage of that clause would be done and it gave its wholehearted support to the matter. It was clearly said on that occasion that, whilst members of Parliament were happy to give local government a rightful role, and whilst they wanted local government to be truly one of the three spheres of government (State Parliament, in particular, being responsible for providing a large amount of local government funds), it was important that the Parliament not abdicate its responsibility for maintaining close contact with the needs of local government, at the same time recognising that it had a major part to play in ensuring that the public at large (the electors of local government) were not disadvantaged. It was also necessary to ensure that those persons benefited from a functional local government, one which was destined to treat them justly at all times. Having talked of that philosophical aspect, which is a vital link in the whole matter, many members of parliament now view this request by local government with some concern, bearing in mind the need to ensure that local government be given an opportunity to withhold funds that rightly belong to ratepayers.

There is an element of acceptance of the request made by local government in the recognition that it hold funds in trust for ratepayers and that interest apply to those funds being withheld. In the proposition before us it is stated that if the amount being held, inclusive of accrued interest, is greater than a person's commitment after the next rate declaration the balance of funds will be made available to that ratepayer. This ensures that a council is not grossly disadvantaged in the case of appeals against valuations upon which rates will be struck.

Because of the length of time sometimes associated with such appeals, the fact that the local governing body has raised the rate against a property means that the owner, even though he has appealed, is required under the Act (unless he wants to suffer a fine) to make payment within 60 days of that rate being struck. That person could then be disadvantaged in certain circumstances, which I will now relate. Before proceeding further, I point out that I recognise that the word 'may' appears in the Act: a council does not have to withhold funds; it 'may' withhold them. Because a council may withhold funds, it also may repay funds and so avoid the binding situation that is implicit in the Act. If a council has spent money in the genuine belief that it was going to have money to spend, and it is late in the financial year, it might prove a tremendous embarrassment to that council to have to borrow from outside sources to repay a ratepayer who has lodged a successful appeal.

If a number of ratepayers had had a successful appeal against a valuation and, therefore, the end result was a number of repayments to be met, at a period when it was embarrassing to the local government body, that could destroy the local government's Budget and might seriously hamper its relationship with its bank. It is on the basis that those actions or those problems can arise and are likely to create some real problem to local government that a number of members of Parliament are prepared to accept the generality of the purpose of this section and so say, 'Right; rather than demanding or requiring that the rate be repaid, if it has been paid to the council on the basis of a valuation which is no longer correct, then the council should pay an interest to that ratepayer whose money it is holding.' Indeed, that is what the Government has sought to do; to pay an interest.

Local government supports that. However, the point at issue is that the local government body is only required to pay by way of interest to the ratepayer whose funds it is holding at a rate of 10 per cent, at a time when many of those people would have raised funds to pay their rates on overdraft at 13 per cent or 14 per cent. I will stick to 13 per cent or 14 per cent, fully realising that there is sometimes a variation depending upon the individual's ability to raise funds. Certainly, it is greater than 13 per cent or 14 per cent if the ratepayer has used his bankcard to meet the cost of his rates; and many ratepayers do. Therefore, the ratepayer has been called upon to meet these rates and pay interest on the amount that he has expended on those rates at a figure far in excess of the 10 per cent.

The members of Parliament who have addressed themselves to this problem believe, not that it is necessary to have a different rate of interest apply depending upon where the ratepayer raised the funds (that is, on bankcard, on high rate or whatever) but to take a figure which is a rate of interest which is commonly used and very frequently accepted in Government circles. It will mean that they are not disadvantaged and they are not, in effect, providing a benefit to the rest of the rate-paying community.

We are not necessarily talking of only one instance; we could be talking of quite a number and, therefore, one is singling out one ratepayer or a group of ratepayers who will be providing funds to be utilised by the council at a rate of interest which is even less at the present time than that which local government can borrow on the special reduced interest rate that it pays.

I have sought to explain the set of circumstances which could relate where there is an interest rate structure in excess of 10 per cent. I made mention in the second reading debate (and I come back to it now) that there have been in the past and will be in the future circumstances where the rate at which local government can raise funds will be less than 10 per cent. It has been as low as 5.5 per cent, 7 per cent or 8 per cent, depending upon certain circumstances. Therefore, if this rate of 10 per cent is allowed to persist in the Act, under those circumstances local government would be very foolish if it did not borrow elsewhere, assuming it still has the capacity to borrow and pay out the ratepayer. However, assuming that it does not want to borrow or that it will not borrow, the local governing body and, therefore,

the rest of the local community is required to pay a differential dividend to the person or persons whose money is being withheld.

The CHAIRMAN: I need one clarification from the member for Light. As I interpret the amendment to clause 10, we are now taking the first amendment. I want some clarification from the honourable member because, as I understand his argument, he is now referring to the second amendment which is on line 41. The Chair is dealing with five different amendments and the honourable member is really getting on to the second amendment.

The Hon. B.C. EASTICK: I appreciate that. I did ask for some lattitude at the commencement, saying that I would talk about the generality of the problem and then come to the specifics. I was about to move on to the business which is contained within the scope of the first of five amendments where we are to add words in line 36. I pick up the point which is general in the whole context of this, that the discrimination about which I have talked in relation to one group paying for the balance of the council or one group receiving a benefit against the other ratepayers is a flaw in the provisions contained within subclause (1). It states:

. . . a greater amount than that actually recovered might lawfully have been recovered, the difference may be recovered as arrears.

That is, on the occasion that the valuation has been increased and the ratepayer is required to pay an additional amount of rates, they are arrears. Provision is made within the generality of this clause that there shall be no fine attached to those arrears which, under the Local Government Act will be arrears, because they were not met by the due date. Then the rest of the rate-paying community will be disadvantaged because, as the Minister presents the Bill, there is no requirement on the ratepayer who is now required to meet additional rates to pay those arrears under the same terms that applied to others when they paid the amount of rate which was levied against them before the revaluation was determined; or, indeed, the amount that had to be paid by all other ratepayers when they accepted the valuation and within 60 days of the distribution of the rate notice, met their responsibility.

I pick up the point that unless the Minister accepts that there is a flaw, then a group of ratepayers would have an advantage over the rest of the ratepayers. That could create problems: not major problems necessarily, but it would create a discrimination and it is in the best interests of local government that the whole matter be tidied up. I move:

Page 2, line 36—After 'arrears' insert 'after sixty days from the date of the alteration'.

Referring very briefly to the comment I made most recently, this will simply mean that if a ratepayer's valuation is increased as a result of the appeal which has been lodged, additional rates become due and payable. The person will be notified of that fact in due form and, 60 days after the date of the notification he will be required to meet those requirements and he will then not have an advantage nor be at a disadvantage compared with any other member of the community.

I believe that it is a perfectly reasonable request and I understand from the Minister that he accepts the argument and will be accepting the first of these amendments which I now move.

The CHAIRMAN: Before the Minister replies, I point out that I have allowed the member for Light some latitude in regard to explaining all five amendments, but we are now in a position of considering each amendment individually.

The Hon. T.H. HEMMINGS: I want to refer to the philosophical arguments put forward by the member for Light. Perhaps I will have time to do that when dealing with the other amendments to clause 10. As I indicated to the honourable member earlier, I am perfectly happy to accept his amendment. This would provide an additional period of time for ratepayers to pay the outstanding amount. However, I do not think that local government will be all that happy, but as the member for Light said, we are not here to appease the Local Government Association. I am happy to support the amendment, although there are other amendments to clause 10 which I will oppose.

The Hon. B.C. EASTICK: I would hate to test my luck and lose the advantage that I have already obtained in that the Minister is prepared to accept the amendment. However, quite clearly the Minister does not understand the clause, because this provision will not be a disadvantage for local government: it is a distinct advantage for local government. Without the amendment a council will be disadvantaged in not being able to recover arrears or seek to take action to recover arrears under normal circumstances that apply to every other rate that has been struck during that year. The Minister has provided a clause that has a beginning but no end. I have asked that the beginning be given an end, namely, 60 days. On that basis the council will benefit from the amendment which, hopefully, the Minister will still accept.

The Hon. T.H. HEMMINGS: I assure the member for Light that he is not testing his luck. The Government will accept the amendment. The point I made was that some sections of local government will see this amendment as being against their own wishes. Whether or not the member for Light with his knowledge of local government wants to dispute that, the fact is that that is the case.

Amendment carried.

The Hon. B.C. EASTICK: I move:

Page 2, line 41—Leave out 'rate of ten per centum per annum' and insert 'prescribed rate'.

It is not necessary to canvass the matters raised during the second reading debate relative to this matter. I have tried to indicate to the Minister that I am fully appreciative of the fact that the executive committee of the Local Government Association has advised, through the Secretary General, that it is prepared to accept the Minister's Bill without any amendment at all. However, as I pointed out before, there are other people who have views. Both Houses of this Parliament are endeavouring to ensure that the end result of the Bill will be favourable not only to local government but also to ratepayers. The proposition of providing that the rate be as prescribed will have the effect of preventing hangups with changing economic values as to whether a person will be line balled, over paying, or being underpaid. The prescription allowed will be a figure acceptable to Treasury.

I will refer to that matter a little later. There will be no difficulty for local government to find out what the rate is. The information could be obtained from Treasury or from any bank. Adjustments for interest could be made according to that prescribed rate, and everyone would be happy. At present local government cannot obtain money on loan anywhere for 10 per cent, and yet the Minister would have us believe that ratepayers who had been successful in an appeal situation to the Land and Valuation Court should continue to provide money for the benefit of a local government body at an advantageous rate to that body and at a disadvantageous rate to the person who has had to raise the funds to meet the debt. I ask the Minister to think very seriously about the fairness of this. I do not deny that the Minister has acknoweledged that fairness is important. I believe that this amendment will ensure fairness to both local government and ratepayers.

The Hon. T.H. HEMMINGS: I do not accept the amendment. As long ago as 1970 there was an honest attempt by the Local Government Act Revision Committee to mod-

ernise local government, but it recognised that the procedure put forward by the honourable member tonight was unworkable and messy. The figure of 10 per cent was reached in agreement with the Local Government Association. Whenever a Labor Government is in office time and again we are told that we do not listen to the L.G.A., that we do not consult with it. However, we have consulted all the way in regard to this matter, but the member for Light suggests that we have ignored the L.G.A.

Perhaps I am getting a little cynical because, when a Bill on local government is introduced by the Government, the Opposition will always go to the L.G.A. to ascertain its view and then an Opposition member will stand up in this Chamber and propose what the association wants. On this occasion there has been full agreement between the Government and the L.G.A. and, although some problems may be experienced, what the member for Light is proposing is not acceptable. The figure of 10 per cent can work and, if problems arise in future, we could introduce regulations in this regard.

The Hon. B.C. EASTICK: Regrettably, the Minister lives in the past: he does not understand the proposition. We are not talking about regulations that can be changed by administrative action, but rather about a section of an Act that can be changed only by Parliament, not by the stroke of a pen or by the Minister's sensitivity to changing circumstances. If Parliament is not sitting or the Minister cannot get his amending legislation into the programme, he is prepared, despite the efforts of a loyal and Royal Opposition, to allow ratepayers to be disadvantaged by his casting them aside.

In 1970, the Local Government Act Revision Committee was not considering interest rates of up to 20 per cent but considerably lower rates. Further, council structures were not so expensive to ratepayers as they are today and, in saying that, I am not criticising local government. After all, ratepayers have required local government to lift its game and become more sensitive to environmental and planning issues and to the importance of providing recreational facilities for ratepayers generally and special facilities for the aged in the community. I laud the response of local government in this regard and I hope it will continue to respond to the requirements of the community. However, as local government responds, the relative cost of rates will rise, so that in 1983 we have a far different rate and financial structure from that which we had in 1970. Indeed, valuation problems often result in a decrease in rates by one-half or at least one-third, and that reduction may run into several hundred dollars.

In 1983, there is an entirely different attitude taken by the individual homeowner or ratepayer to private funding from that taken in 1970 when most ratepayers were prepared to live according to the money in their pockets or in the bank. Today, however, more and more ratepayers are living on the never-never at a time when mortgage rates are high and when general costs of living are far higher than they were in 1970. If the Minister is sensitive to the real needs of the ratepayer, he must recognise that, just as local government represents the ratepayer, so is the ratepayer represented by members on this side of the Chamber this evening, even if not by all members on the Government side. The Minister should therefore rethink his attitude on this matter and believe that the approach of the Opposition is not philosophical or adopted to make cheap political points against the Government or against the Minister. This set of amendments is especially honed to provide a sensitive approach to the difficult financial circumstances of the community in 1983. I trust that the Minister will accept the need to tune the money-raising aspects of this problem by accepting the amendment.

A year or two ago the member for Chaffey, as Minister of Lands in the Tonkin Government, introduced a measure whereby an appeal could be lodged against a valuation at any time during the currency of that valuation. Some years ago I was responsible for the passage of a provision that allowed 60 days for an appeal because I believed uniformity was necessary. Under the provision whereby appeals could be lodged against valuations only every five years or even every seven years, the ratepayer was restricted to those times, whereas today the ratepayer may have his valuation considered annually. We are therefore dealing with an entirely different set of circumstances from those that applied when the original measure on this aspect was promulgated.

The Committee divided on the amendment:

Ayes (16)—Mrs Adamson, Messrs Allison, P.B. Arnold, Ashenden, Becker, D.C. Brown, Chapman, Eastick (teller), Evans, Goldsworthy, Mathwin, Meier, Oswald, Rodda, Wilson, and Wotton.

Noes (20)—Mr Abbott, Mrs Appleby, Messrs. L.M.F. Arnold, Bannon, Ferguson, Gregory, Groom, Hamilton, Hemmings (teller), Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Baker, Blacker, Olsen, and Tonkin. Noes—Messrs Crafter, Duncan, Hopgood, and Peterson.

Majority of 4 for the Noes.

Amendment thus negatived.

The Hon. B.C. EASTICK: I move:

Page 2, line 43—After 'rates' insert 'assessable on the same property to which the relevant assessment applied'.

This amendment is not a matter which I have canvassed previously. It is different in a number of respects from the matters we have discussed and which have already been decided, but it comes within this same general parcel. The council may withhold the overpaid rates of a ratepayer and, as a result of the Minister's decision, on those withheld funds they will receive 10 per cent. As I have indicated, that part is acceptable, although the percentage is not. From the way in which the amendment is drawn, if the ratepayer is owing money on any other parcel of property in the council's area, it is possible for the council to take the ratepayer's funds and utilise them against that outstanding debt on another parcel of property. We have already discussed the position where a ratepayer obtains a consideration from the Valuation Court and that consideration will be in respect of one parcel of land within the council area. If the ratepayer holds multiple parcels of land within that council area and for some reason, either being in dispute with the council or in arrears to the council for that other parcel of land, the council can utilise the ratepayer's funds with accrued interest funds, without the ratepayer exercising any option against that other property. That situation seems totally immoral to members on this side of the House.

As I have indicated, we are in full accord with the Minister's proposition in relation to the holding of the funds, but the council can expend those forcibly held funds. If the council makes the decision that it is not going to pay the money back until it has to pay any balance after the sum is applied to next year's rates, the council, without reference to the ratepayer, can take the ratepayer's funds on that successfully appealed parcel of land and utilise those funds against another debt to the council on another property. I do not think that any member opposite would believe that that is a fair go.

The council has a right to obtain the funds owing on any parcel of land. Any amount outstanding remains as a charge against the property and if in due course the ratepayer fails to meet his commitment, the council can take the parcel of land and put it on the market to recover any such debts. If we take up the point the Minister made, and I accept it as

right because the Secretary-General told me it was right, we have the Local Government Association along with the Government saying that it will accept the correctness of a situation which allows the council to usurp a ratepayer's funds against a debt which the ratepayer himself does not want met at that given time.

It is out of one pocket and into another or, stated differently, a bird in the hand is worth two in the bush, so far as the council is concerned. I believe that it is totally and immorally wrong for this Parliament to be expected to condone and accept a situation where the council is allowed to determine the destiny of the funds which have been raised against another parcel of land in that council's area.

I ask the Minister to seriously consider accepting this amendment, which effectively provides the right of the ratepayer (and the Minister will have us believe that we should always recognise the right not only of the ratepayer but of local government, but on this occasion to recognise paramountly the right of the ratepayer) to be master of his own destiny in respect of the various parcels of land owned in a council area. I hope that, after the discussion that the Minister is having with some of his colleagues, he accepts that it is a moral obligation. It would be a moral obligation on any Government that sought to truly represent ratepayers to remove this iniquitous situation which is allowed to persist in the amendment before this Committee which will provide a council the right to expend a ratepayer's funds other than for the purpose for which the fund was first collected by the council. I hope that at this late hour the Minister will accept the agreement and the amendment.

The Hon. T.H. HEMMINGS: I do not accept the amendment. This Government is attempting to correct some of the anomalies in the Act. The member for Light made great comment about his colleague, the member for Chaffey, who had introduced legislation to allow people to appeal at any time—

The Hon. B.C. Eastick: And passed by this Parliament.

The Hon. T.H. HEMMINGS: Yes, it was passed by this Parliament, but what did that Government do? I am not trying to make Party politics, but we are making an honest attempt to clarify the situation after close consultation between my department and the Local Government Association, yet the member for Light is trying to portray me as the person who is trying to get money from ratepayers at a low interest rate. We are trying to make an honest attempt—

The Hon. B.C. EASTICK: On a point of order, Sir, I ask the Chair to what measure within the amendment currently being discussed do interest rates apply. The amendment we are considering is something entirely different, and the interest rate issue has been previously decided by the Committee.

The CHAIRMAN: I do not accept the point of order, but I point out to the Minister that we are dealing with a specific amendment, and it might be better for the Committee if we deal with that.

The Hon. T.H. HEMMINGS: I did not have the privilege of generalising in the early stages, and I know you made that quite clear, Sir, but we are dealing with clause 10, line by line and amendment by amendment. This Government is trying to tidy up the Local Government Act and it seems that the member for Light, whether or not he speaks for the Opposition as a whole, is using this as an example of how not to deal with the Local Government Association, but just to deal with it as members of Parliament.

We have been castigated time and time again because we do not deal with the Local Government Association. The moment we deal with the Local Government Association we suffer the wrath of the member for Light. I do no accept this amendment. I think clause 10 has been canvassed by the honourable member. I have accepted one amendment; all the others I oppose. I think that if we want to speed up the business of the day then we should get them over as quickly as possible.

The Hon. B.C. EASTICK: That is the first occasion on which I have openly had a Minister of the Crown advise me, as a member of Parliament, that I do not have a right to represent the views of the people who sent me here and who sent other members here; because he is getting itchy and wants to go home, I should curtail the representations I am making relevant to the Bill. I have news for the Minister: I will stay here all night if necessary to forcibly place before this Committee measures which it should be considering. I know that my colleagues will bear with me and do likewise rather than have the wool pulled over their eyes by a Minister who will have us be quiet and not be objective about the measure that he has brought forward. I took the opportunity to ask the Minister earlier whether he genuinely wanted the end product of this Bill to benefit local government. He assured me that he did, and I accepted that assurance.

The CHAIRMAN: Order! The Chair has been endeavouring for some time to get the debate on the basis of dealing with individual amendments moved by the member for Light. There has been some elasticity in that question on both sides of the Chamber, and I advise members that from now on the Chair wishes to deal with the amendments and not be side-tracked.

The Hon. B.C. EASTICK: I accept the information provided to the Committee, Sir, and I am establishing that the ideal is to tidy up the Act. Those were the words of the Minister in relation to this measure. In tidying up the Act, we want to make quite sure that the result is favourable to every party. There is a serious loophole in the amendment which the Minister has proposed to the Committee which provides the opportunity for a local governing body to usurp funds held by the council in relation to one parcel of land and apply those funds to another parcel of land within the council's area—not necessarily in the same ward, not necessarily adjacent; it could be either end of the local government area. It is important that we recognise quite clearly that, unless the Minister accepts this amendment, we have a situation which will allow a council far greater latitude with another party's money then even a court, I would suggest, would permit.

The courts have clearly indicated that a sum of money due on a transaction is a sum of money that can be recovered. Unless the council seeks to recover funds due on a parcel of land in the ownership of a ratepayer who, quite coincidentally, has another parcel of land on which he has a credit but which is not to be considered, and not in any way the one transaction, I suggest that the Minister does not understand common law and common practice. The Minister told us that this is an honest attempt to improve local government.

I suggest to the Minister, with no intention of suggesting that he is intentionally being dishonest (I will give him the benefit of that doubt), that he is providing for a dishonest action by local government if he allows the amendment which he has brought forward to persist in the form in which he brought it forward. I do not have an iota of concern about what the Local Government Association says on this issue. I respect its right to make a decision. I respect its right to advise the Minister and me about what it believes is the adequacy or inadequacy of various aspects of this legislation. However, I accept that my right, and the right of every person in this Parliament, is to make the final judgment on the words placed before us which are going to have an effect upon the public, in this case ratepayers of a council.

I do not believe that the Minister, if he stopped to analyse the situation, would move away from that attitude. That is

how we work in the Parliament, and I ask the Minister to think again and to not condone a dishonest action as is provided for in this clause, but to provide, by acceptance of my amendment, that every ratepayer who finds himself, herself, or corporately themselves, in a situation of having a credit, has that credit available either for an expense on a parcel of land on which it was raised or that it is, alternatively, returned to them to be spent in whatever way they want. They might take it and apply it to a debt which applies elsewhere in the council area.

That should be their considered decision, and not an administrative decision of local government that denies the individual the right to have an argument with his local governing body about a parcel of land on which he might not have paid his rates. Nothing in British, Australian, or any other law, I suggest, allows anybody to raise funds on a parcel of property or an asset owned by one person and then, without reference back to the person from whom it was raised, to apply it to another charge. The Minister would have us, in accepting his promotion on this clause of the Bill, condone that sort of action. It is not an action which will be condoned by members of the Opposition or, I believe, by members in another place.

The Hon. T.H. HEMMINGS: It is pleasing to hear the member for Light say that I am not being deliberately dishonest. I take the points that he has made regarding his amendment, which I oppose. I assure the honourable member that tomorrow I will have officers of my department look closely at this amendment, and, if possible, it may then be looked at again in another place.

The Hon. B.C. EASTICK: I thank the Minister for that concession. I will not call for a division on my amendment.

Amendment negatived.

The Hon. B.C. EASTICK: The next amendment I was to have moved was consequential on a decision on a previous clause, which was defeated. I am happy not to proceed with the final amendment to this clause, because it is once again consequential upon the amendment which the Minister has indicated he will consider tomorrow and which he may be prepared to have his colleague in another place accept. By leave, I withdraw this amendment, also.

THE CHAIRMAN: The honourable member does not have to withdraw the amendment. What he does is not proceed with his proposed amendment. I take it that that is the position.

Clause as amended passed.

Clause 11—'Power to declare general rule'.

The Hon. B.C. EASTICK: I will speak to this clause in due course.

Progress reported; Committee to sit again.

EVIDENCE ACT AMENDMENT BILL

Received from the Legislative Council and read a first time.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Returned from the Legislative Council without amendment.

SOUTH AUSTRALIAN HEALTH COMMISSION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 29 March. Page 707.)

The Hon. JENNIFER ADAMSON (Coles): The Opposition supports this Bill and recognises the need for it in terms of the fact that the Government wishes to appoint a new Chairman to the South Australian Health Commission following the resignation earlier this year of the former Chairman, Mr Bernie McKay. Mr McKay had not completed his seven-year term as Chairman, and it is quite right and reasonable that whoever is appointed to that position should have the opportunity of being offered a seven-year contract rather than a contract based on the remainder of the term of the former Chairman.

The Opposition respects this need and wants to facilitate the passage of the legislation so that the Minister can negotiate, as soon as possible, on the basis of a seven-year term with whoever the Government wishes to appoint to the position. In that sense, the amendment is a technical one and follows numerous other technical amendments to the South Australian Health Commission Act which, in terms of a major Statute, is relatively new and has consequently needed to be examined in the light of the practical experience of its operation.

In supporting the Bill, I would like to pay a tribute to the former Chairman, Mr Bernie McKay, who is recognised throughout Australia as an outstanding health administrator. Indeed, he is probably recognised as Australia's most outstanding health administrator in that he has been appointed to what is surely the most demanding health administration job in the country, namely, head of the New South Wales Health Department. His appointment in that sense was a tribute not only to Mr McKay but also, I think, a compliment to South Australia where he had operated for nearly three years as chief of our health services.

Mr McKay's work in health administration is recognised not only throughout Australia but also internationally. His work in health promotion particularly, which was begun during his period as Director of the North Coast Region of the New South Wales Health Commission, and which was pursued in his position as Chairman of the South Australian Health Commission, has won world-wide recognition, notably in Europe and North America where his pioneering efforts have been acknowledged as an example for other Western democracies and, indeed, developing countries to follow.

Mr McKay brought to the chairmanship of the South Australian Health Commission an understanding of the unique nature and needs of health services not only in South Australia but throughout the Commonwealth. In that regard, he earned the respect not only of health professionals, who can be extremely demanding and critical of health administration, but also of lay administrators and, I believe, of the health unions in South Australia. His contribution to South Australia's health services was incalculable. I would like to briefly outline some of the achievements which took place during the term of the previous Government and under the chairmanship of Mr McKay because, in examining those achievements I think that any objective observer would recognise an extraordinary range of accomplishment in a comparatively short period of time which, I believe, may not have been equalled in any other State in Australia.

One of the projects to which Mr McKay turned his immediate attention was the reorganisation of the administration of the commission. He was able to do that because of the powers granted to him under amendments to the Health Commission Act which were enacted following advice to the Tonkin Government by Sir Charles Bright in his capacity as special adviser to the Government following its election in September 1979. Mr McKay reorganised the South Australian Health Commission on a sector basis and that reorganisation has been hailed by the health system in this State as being the most appropriate form of health administration

for South Australia. The financial accountability of hospitals and health units, which had been the subject of extreme criticism under the previous Government, was given a high priority by the commission under Mr McKay's chairmanship, and he developed financial systems in accordance with the recommendations of the Public Accounts Committee report which, I believe, now rank among the most effective in Australia.

Under his chairmanship the commission established four State-wide health services, again, services which are unique in Australia. The Child and Family Health Service, which amalgamated the former Mothers and Babies Health Service, a distinguished voluntary body in South Australian health history and the school health service were amalgamated. This was an extraordinary achievement in so far as it is unusual for a voluntary body to seek amalgamation with a statutory service and, having sought and achieved that amalgamation, to retain a very high degree of independent managerial responsibility.

The South Australian Dental Service was another unique State-wide service which amalgamated the former School Dental Service and the public dental health services which provide services to pensioners. The establishment of this service has enabled a more effective use of resources than would otherwise have been the case. I think that that will stand as an example to other health systems throughout the Commonwealth and, indeed, throughout the world as to what can be achieved when there is a rationalisation of a variety of services in order to achieve a far more effective use of resources and a far more efficient delivery of services to the consumer.

The Aboriginal Health Organisation was another State-wide service incorporated under the South Australian Health Commission which was developed under Mr McKay's chairmanship of the commission. It is managed by a predominantly Aboriginal committee of management and is coming to grips with the extremely difficult problems within the Aboriginal health area.

The Intellectually Disabled Services Council was the fourth State-wide health service established and incorporated under the commission during Mr McKay's term of office. That was an extraordinary achievement and one which possibly could only have happened in South Australia, which is a State small enough for the personnel of voluntary health bodies to know and to consequently respect each other and be co-operative with the State advisory services, and, also, to seek to work together to achieve common goals in the interests of intellectually disabled people.

The four State-wide services are unique in Australia and I regard as a very significant achievement the fact that they were all established within the three-year period of the Tonkin Government. I also recognise that their establishment was very much assisted by the attitude, approach and leadership provided by the former Chairman of the Health Commission. Mr McKay's achievements in health promotion were pursued in South Australia with the establishment of an extremely effective health promotion service, and with the opening of another first for South Australia, namely, a Healthier State Shop which provides information directly to the public in the same manner as that which the public is used to in receiving information on all manner of subjects, namely, in an entertaining and direct fashion, which relates to the needs of the consumer.

Mr McKay also oversaw the considerable increase in domiciliary care that took place under the Tonkin Government as well as in community support services, where there was a shift of resources from the heavy concentration of resources in the institutional care area towards the more cost-efficient services that can be provided on a community basis. The establishment of schemes to provide both dentures and spectacles, which previous Governments had struggled to achieve but never managed to achieve, also occurred under Mr McKay's chairmanship.

He supervised the establishment of geriatric assessment units in the principal teaching hospitals. He assisted in the preparation of legislation to provide for radiation protection and control, in the preparation of legislation to restructure the Institute of Medical and Veterinary Science, and also with the incorporation of many units in hospitals, including the psychiatric hospitals, which enabled the subsequent rapid development of community psychiatric services. All these initiatives were in accordance with Government policy. However, as Minister at the time I freely acknowledged that no Government could possibly have achieved such a wide range of progress and development unless the administrator responsible to the Government for the day-to-day management and implementation of those policies was of the highest calibre. I think that it will be a long time before we see a health administrator of the calibre of Mr McKay. I stress that he was able to achieve what was achieved because he recognised first, the need for identifiable authority (and that was provided for under the amended Health Commission Act of the Tonkin Government) and, secondly, he recognised the importance of delegating authority, which is what occurred under the Tonkin Government.

I am concerned that that delegation of authority, which was widely welcomed and accepted by the health services, now appears to be in a state of subtle reverse. Many of the present Minister's recent statements, particularly those querying what he calls 'hospital autonomy' indicate that the Minister wishes once again to centralise control in a manner that proved to be so damaging under the Dunstan and Corcoran Governments. I certainly question the use by the Minister of Health of that word 'autonomy' in respect of hospitals and health units. It is a word that has no meaning in the practical sense. I recognised that immediately upon assuming office and amended the Liberal policy to refer to the Liberal Government's support for the maximum independent managerial responsibility of hospital and health unit boards consistent with the Government's health, economic and industrial policies. Of course, that is the only practical path that can be taken. For the Minister to suggest now that there is or has been autonomy to the point of anarchy by some health boards and committees of management is, I believe, an insult to the health system and quite inaccurate.

In his second reading reply in another place the Minister foreshadowed further amendments to the South Australian Health Commission Act. I think that the Minister should be warned that, if he has planned anything other than technical changes to the Act, he will find extremely great resistance, not only from the Opposition but also from the health services throughout South Australia. South Australian hospitals, community health centres and the State-wide services all made it very clear indeed to me, and through resolutions passed at their various association meetings, that they believed that the existing structure of the Health Commission was ideal for the purpose that it currently fulfils and that the health services in South Australia badly need a period of stability to consolidate the considerable banes of the past three years. There comes a point where no health system, or, indeed, no human services system, be it education—

The SPEAKER: Order! There also comes a point when the Chair must intervene: in relation to Mr McKay and his services, the Chair ought to be very generous, but the honourable member is now really hypothesising a whole series of things that are not predicated in what is a very short Bill. While maintaining the spirit of giving a generous inter-

pretation, as I have done, I think that the debate is now getting very close to being irrelevant.

The Hon. JENNIFER ADAMSON: I appreciate your tolerance, Sir. However, I believe that I can link up my remarks with the Minister's own speech. I also believe that I am quite entitled to respond to statements made in the Minister's speech. I simply pursue that point by saying that if further changes are foreshadowed I hope that they are of a technical nature and not of a substantial nature. I also hope that the Government is able to find a person of the highest calibre to appoint to the position of Chairman of the commission. It is true that health administrators, in the sense that we now recognise them, are a comparatively new breed in Australia. They face an extraordinarily demanding job in a highly emotive and technical area that involves members of the community virtually from birth to death, and consequently they carry an extraordinarily heavy responsibility.

As a result of this amendment I hope that the Government is able to find a candidate who will serve the State well, and one who will remain in the position for the full period of his contract, because I believe that stability and consistency will be tremendously important in the decade to come. If we can achieve stability and consistency, the standard of South Australia's health service will continue to be extremely high. I support the Bill.

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

ADJOURNMENT

The Hon. G.F. KENEALLY (Chief Secretary): I move:
That the House do now adjourn.

The Hon. D.C. BROWN (Davenport): I wish to take up from where I left off in my Address in Reply speech concerning bush fires. Last week, in that debate I said that the Electricity Trust must be more diligent in lopping all trees where there is a risk of their interfering with powerlines in country areas. Although I did not lay the blame for the Ash Wednesday fires, I was concerned that lessons must be learned. Concerning the bush fires of 16 February, I said:

> ETSA has certainly been negligent in keeping power lines free of obstructions in the past.

The General Manager of ETSA replied publicly to my remarks by rejecting my criticism, saying that my comments were totally unjustified, that over $2 000 000 a year was spent on lopping trees, and that, if anything, ETSA was criticised for lopping trees too severely. The General Manager's remarks concerned me, because they meant either that my accusations were wrong and unfair or that the senior management of ETSA was blind to and ignorant of the bushfire threat that exists with powerlines.

As a consequence, I asked the Captain of the Burnside unit of the Country Fire Service for information on fires probably started from powerlines. Captain Nolan has supplied me with details of bush fires believed to have been started from powerlines. These details are recorded in the log book of the Burnside C.F.S. There were 17 such fires recorded and the following list gives the date and place for 16 of the fires. One fire is omitted from the list as it is subject to a coronial inquiry. The list is as follows:

17 November 1982	between Mt. Osmond Road, St. Andrews Drive
17 January 1982	Freeway, opposite Toll Gate
22 November 1981	behind Bayview Crescent, 11 000 KW Burnside feeder line
12 March 1979	Mt. Osmond Road, F. Carella ETSA Foreman on job (working on pole)
7 January 1979	Mt. Osmond Road, opposite No. 73
5 December 1979	Chapman, 8 Allendale Crescent
2 December 1978	Chapman, 8 Allendale Crescent
11 August 1977	Hayward Drive, Mt. Osmond
5 January 1976	St. Andrews Drive, Mt. Osmond
4 January 1976	Gill Terrace, Mt. Osmond
25 December 1974	Mt. Barker Road, opposite information bay
30 December 1973	between Gordon Place, 8 Caithness Avenue, Beaumont
2 January 1973	Slopes, Gully Road, Burnside
12 December 1972	Mt. Barker Road, above Devils Elbow (pole No. 56)
28 June 1971	Birkdale Crescent, Mt. Osmond
14 January 1970	Mt. Osmond Road, 11 000 V and 240 V

According to Mr Nolan, high winds may cause contact between two conductors on the powerlines. As a result, molten metal is projected into the vegetation near the point of contact. In about half of the fires listed, trees were involved in contact with the conductors. In a 13-year period, 17 fires were attributed to having started from powerlines in just one C.F.S. district (Burnside). This evidence supports strongly the validity of my original claim. If that is the case, the Minister of Mines and Energy should be concerned that senior management of ETSA rejects the serious fire hazard problem that exists with powerlines. It may be that the $2 000 000 spent on lopping trees is totally inadequate to effectively keep powerlines free from obstruction. It may mean that action should be taken to stop powerlines from touching and arcing during high winds. It may mean that different types of conductors should be used.

I call on the Minister of Mines and Energy to have an independent investigation made of the fire threat from powerlines and to determine what further action should be taken to reduce that threat. I ask ETSA management to reassess its existing management procedures so that the fire danger can be reduced.

I again stress that I am in no way trying to carry out a witch hunt against ETSA or indeed anyone else in respect of the causes of the fires on 16 February. My sole concern is that ETSA management and the Minister should realise the danger that I believe exists from powerlines and the threat they may cause in high winds, especially where trees are near the cause of bush fires. I am concerned that ETSA and any other Government authority should learn the lessons from the Ash Wednesday fires so that the threat to property and human life can be substantially reduced in future.

I now turn to what I consider to be one of the most petty pieces of bureaucracy that I have ever encountered when, as a South Australian, I wanted to go fishing in New South Wales. I thought that, if I wished to go fishing there, I should check on the requirements in that State, so I did some informal checking with the Fisheries Department here and an officer of that department told me that, if I wished to dangle a line with a couple of hooks in New South Wales waters, I would need the appropriate fishing licence.

Having ascertained the telephone number of the fishing authorities in Sydney, I telephoned them and asked to speak to an officer who could give me information on fishing licences. I was put through to an officer who said, 'If you wish to dangle a line, with hooks, in New South Wales, you will need a fishing licence.' He assured me that there were, in fact, two types of licence: the first could be taken out for five days at a cost of $5 (irrespective of the applicant's competence or lack of competence as a fisherman) and the second for 12 months at a cost of $10. I thought it inequitable that a five-day licence would cost as much as $5, whereas a 12-month licence would cost only $10, and I told him so. In reply, he pointed out that the department was running at a loss and that the revenue from the five-day licence was important to it. He then asked me where I was going fishing and I told him that I intended to fish in the Murray River.

He asked me in which part of the river and I said, 'Part in South Australia and part in New South Wales.' The officer then assured me that the whole of the Murray River was in New South Wales.

The Hon. J.W. Slater: What's that?

The Hon. D.C. BROWN: I am glad the Minister responds. I pointed out to the officer that west of the South Australian border the Murray River was in South Australia, not in New South Wales, and I mentioned this merely as an aside, because it reflects what New South Wales people think of the Murray River: they think they own the entire river. I then asked the officer to what address I should send a cheque for the licence, and he replied, 'You can't send me a cheque: you must get a licence from our agent.' I asked the officer where the agent was located and he replied, 'Up in Renmark. You'll have to go there and pick up the licence.' I said, 'I won't be in Renmark.' he asked, 'Where will you fish in New South Wales?' I replied, 'Maybe near Wentworth'. He said, 'We have agents in Wentworth'. He gave me the names of three agents there. I then told the officer that I would be able to pick up a licence there over a weekend, and he said 'No, not on a weekend. You can pick up a licence only by paying the appropriate fee and signing a form during the week.'

I stress that I offered two or three times to send him a cheque, but he refused to accept that cheque by post. It is the most petty piece of bureaucracy I have seen. No wonder the tourists do not go to New South Wales to fish. I would urge them to come to South Australia.

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

Mr PLUNKETT (Peake): I would like to deal with housing in the community. I am concerned about the fact that many people in the community have had great difficulties with landlords and rentals over the past few years. Members may need reminding that there is a crisis in housing throughout the State, and in Adelaide there is a chronic shortage of private rental accommodation. The situation is so bad that rents are now, on average for a three-bedroom house, nearly $100 a week, or for a two-bedroom flat, $60 a week. The vacancy rate is now one per cent; in other words, only one house in 100 is vacant. With increased unemployment and with more people starting families and with people in the community under stress because of economic depression, we should be doing everything possible to help people and, most of all, making sure that individuals and families have homes in which to live.

Over the past three years I have been appalled to see the last Government abolishing the Housing Improvement Act by transferring its power from the Housing Trust to local government. This was a callous piece of legislation which looked as though it was designed to appease landlords. It allowed landlords to raise rents, but did not give people in substandard accommodation an opportunity to get a fair deal. Not only were the tenants forced to pay exorbitant rents for substandard houses, but no more maintenance was done on them, and thus people already forced to rent and living on small incomes, or the unemployed, were left in crumbling old houses.

That piece of Government action by the former Government speaks for itself and shows how much it cared for people. It proves that they did not care for the ordinary South Australian, so from July 1981 the previous Government made the housing situation worse and no houses were ever declared substandard by local government. In fact, when it was previously in Government, the Labor Party always encouraged owners to carry out appropriate maintenance, and it is worth noting that in the last year before the Housing Improvement Act was abolished $3 500 000 was spent by owners on upgrading private housing.

I draw to the attention of members that in 1981 the Minister introduced this particular Bill. The Chairman of the committee at that time was a Mr Nicholls, who was very closely connected with the Liberal Party. Apparently, according to a speech I have read in *Hansard*, he also stood for the seat of Unley. He was more concerned with the interests of landlords than of ordinary people. Mr Nicholls was not very interested in the impact this would have on families, the unemployed and the low-income worker who had to rent a house. It meant that people who opted to live in electorates such as mine, that is, Peake, where they would normally have been expected to pay $45 to $50 at the very most for a three-bedroom home, could expect to pay at least $100, if they find a two or three-bedroom home. That is with the proviso that, if one makes any complaint at all, one is then asked by the landlord to vacate the premises. That sort of situation has come to my attention on many occasions.

When the legislation was changed, the principal speaker was the former Minister of Health. She stood up and defended the landlords and said that they should have this right. I would hope that she is somewhere listening to my comments. I see that the honourable member is in the Chamber but not in her seat. Her stand on that occasion may have had something to do with the voting in her electorate at the last election.

I would like to commend the new Minister of Housing for the return of the administration of the Housing Improvement Act to the Housing Trust. I believe the efficient administration of this Act is essential to ensure that the standard of South Australian housing is improved and the rents charged are fair for the quality of house being rented. I understand that, since the Act was returned to the Housing Trust, a large number of people have been able to have their housing improved. Since coming into Government, 66 new actions have been taken for houses to be brought up to a reasonable standard. When these figures are studied, it is clear that over the past 18 months about 350 families would have benefited from having their houses upgraded. The Housing Improvement Act also protects home buyers, because they must be advised if the house they are thinking of buying has been declared substandard.

I believe that the Act is a good one and I am pleased that it has been given teeth by the new Government. I am also concerned about the 24 000 families on the Housing Trust waiting list. It is a great shame that so many people in our State need housing. I understand that the 24 000 figure is a real figure because every six months the Housing Trust goes through the list and asks people if they still need housing. In other words, it is a real indication of the need in our community.

Most of the 24 000 families are low income families: 60 per cent are unemployed and 90 per cent are on some form of Government income support. It concerns me that so many families have housing needs and it is obvious that they cannot afford to buy their own home as they simply have not got the money.

Added to the large number of people who need rent relief, (now running at over 2 600 in the past six months) is a large number of people who seek help from emergency housing offices—2 187 people contacted the Emergency Housing Section in February, which was a record number of some—

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

Mr MATHWIN (Glenelg): I draw the attention of the House to the problem of parking in North Terrace adjacent

to the House of Parliament. Tonight, I was affected by this situation when I returned from a very important appointment in Glenelg—I was at a dinner meeting. I left that dinner at what appeared to me to be in good time to get back to this House. However, I did not realise that the traffic was going to be as heavy as it was. It was very heavy and it appeared that all the traffic lights were against me also.

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: Being a law-abiding person and wishing to get back to do one's duty in Parliament House, I did obey the law and I did obey the traffic lights—

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: When I eventually got here it was a little late, the bells had been rung and the House had been called back. After the bells had been rung for a period of six minutes, the first Bill to be introduced was the Local Government Act Amendment Bill, on which I took the adjournment last night and, therefore, was first to speak on it. It was imperative that I be here on time. Having got here a little late, I had no opportunity to drive my car into the car park, so I parked my car out the front of Parliament House which, I understand, is—

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: Just wait for it, do not get excited. The Minister for Sport and Recreation might be a good sport but if he holds his breath for 10 minutes he will get the good news. The situation was that I parked outside Parliament House as, I understand, one is allowed to do in the case of an emergency. I had to get here to do my duty to speak in this House.

When I was not here on time to speak on that Bill, the Minister of Local Government had the opportunity of chastising me, which he did. He never misses a chance, although those chances are very rare. He scolded me for not being here when the House resumed. It is interesting to note that over the years I have been in this place the previous Leader of the Opposition and his staff, and in particular his P.R. man and his scriptwriter, always defied the regulations and parked outside Parliament House all day and every day. As far as I know they never received a sticker for doing that even though they parked outside every day and all day.

Members interjecting:

The SPEAKER: Order! I want the honourable member for Glenelg to be given a fair hearing.

Mr MATHWIN: Thank you for your protection, Mr Speaker. After being in this Chamber for a few minutes, I was requested by the police, who sent in three different messages into this Chamber, to leave this Chamber. The police wanted to see me outside the House. I was here to do my duty and to speak on behalf of my constituents. After the third request by the police for me to leave the Chamber, I withdrew from the House and went into the corridor outside. To be quite honest, by this time I really thought that it was a joke. I thought it was one of my friends who is in surf lifesaving and who is about 6ft. 4in. I thought that he was having a joke with me that I was going to be in trouble about this situation.

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: I never thought that I could be in trouble over this situation as I thought it was a joke. When I got outside I was faced by two young constables. I had never seen those police officers before, but they seemed to be on duty here, as extras I suppose, to protect me.

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: As their duty—

An honourable member: Protected from whom?

Mr MATHWIN: From people like members opposite.

Members interjecting:

The SPEAKER: Order!

Mr MATHWIN: I went out to see these police officers and it was then that they told me that I should go outside and talk to them. I understand that one of these police officers stated that I was always causing trouble.

Members interjecting:

The SPEAKER: Order! The honourable member will resume his seat. I am ruling that the honourable member has every right to complain about parking in North Terrace. I am also ruling that I will not accept complaints against officers or agents of the House of Assembly who are simply carrying out their duties and who have no right of defence or reply. If the honourable member has a complaint he can come to me!

Mr MATHWIN: I am not complaining Mr Speaker, thank you very much, but just stating the facts. I am not complaining about the way the police treated me; I am not complaining about what they called me in front of my colleagues. I give full marks for the determination of these young people.

Members interjecting:

The SPEAKER: Order!

An honourable member: What is your complaint?

The SPEAKER: Order!

Mr MATHWIN: The complaint is that members opposite are butting in all the time and not allowing me to get on with my speech, as I have only four minutes left. I was told to remove my car and I was told that I had a parking space supplied in the car park and that I was to remove my car. I understand that under certain circumstances one is allowed to park outside. I know, as all members know, that an M.P. must be allowed to attend his or her duties. Even the law has to bow to that fact in this place. It is important for a person to be in his chair to debate an issue in this House. One cannot do it outside in the passage, down in the car park or outside Parliament House. If one is speaking in a debate, then one has to do so in this place. It is very hard to break the rules by crossing the red line which we all know has not been done for many, many years.

Finally, because I was so concerned about the situation, one of my colleagues actually volunteered to leave this House in an effort to comfort me and drive my vehicle down to the car park because I was here in this House taking part in a debate and representing my constituents. My colleague took the chance and he moved my car for me.

An honourable member: Who was the hero?

Mr MATHWIN: He is very close to me and he is not indeed the member for Hanson. I have always had high regard for the police and I believe that they should be allowed to do their duty.

I know that rules are made to be obeyed, but they must contain some flexibility. I think that, at times like this, flexibility should rule. The rules laid down in relation to this matter state:

> The only members of the State Parliament authorised to park in the designated area are the two Whips and the couriers from the offices of the Liberal Party and the Australian Labor Party. The authorisation extends to short visits only. No member of the Commonwealth Parliament is authorised to park in the designated area.

We know that Mr Hurford snuck in there time and time again for a long time. The rules continue:

> The police officer stationed at Parliament House is empowered—

that is a strong word (and can be used strongly as it has been tonight)—

as is any other member of the Police Force, to issue an on-the-spot fine to any person, including a member of Parliament, who parks in the area without approval.

These rules were laid down by a previous Minister of Works, Des Corcoran. In the 13 years that I have been in this Parliament, members have never been given stickers for parking in front of this building, particularly if they have explained that they are parking there because of a genuine emergency. This matter has been dealt with flexibly by people carrying out their duties in the past.

The SPEAKER: Order! The honourable member's time has expired. I will look into the honourable member's invidious situation of this evening.

Motion carried.

MEDICAL PRACTITIONERS BILL

Received from the Legislative Council and read a first time.

ABORIGINAL LANDS TRUST: COOBER PEDY

The Legislative Council intimated its agreement to the resolution contained in message No. 25 from the House of Assembly without amendment.

RIVER MURRAY WATERS BILL

Returned from the Legislative Council without amendment.

At 10.4 p.m. the House adjourned until Tuesday 19 April at 2 p.m.